HOUSE OF ASSEMBLY

Thursday 8 July 1999

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

EDUCATION, MATERIALS AND SERVICE CHARGES

Ms WHITE (Taylor): I move:

That the regulations made under the Education Act 1972 relating to materials and service charges, gazetted on 25 March 1999 and laid on the table of this House on 25 March 1999, be disallowed.

This is the third time this Government has gazetted regulations governing school fees and on each of the last two occasions this Parliament has voted to disallow the regulations. The regulations this year are almost identical to those rejected by the Parliament last year. The Government has flouted the South Australian Parliament by timing the gazettal of the regulations to delay debate, armed with some Crown Law advice that sanctions a course of action that, irrespective of what the Parliament of this State has decided and has confirmed again the following year, the fact that it takes the Parliament some months to disallow these regulations, allows the Government its agenda in practice. It is not proper to manoeuvre the parliamentary process in such a way, but that is typical of the way in which this Government operates.

Fundamental changes to a South Australian law such as this are not being accomplished with a proper parliamentary process in making changes to the relevant principal Act where the Parliament has the opportunity to amend the legislation and come forward with an outcome better than that to which the Government first aspires. Our laws are being changed by the constrained mechanism of regulation. By using subordinate legislation to get its way, the Government denies elected members of this Parliament the opportunity to really have an influence in the way our laws are changed, confining them instead to the option only of either accepting *in toto* the Minister's change or wholly rejecting it.

There is another reason why the Government has used this mechanism to gazette compulsory school fees in 1997 (only to be revoked by Parliament later that year), and again on 28 May 1998, the regulations in that case being disallowed by Parliament on 26 August 1998; and now, in 1999, it has happened for the third year in a row. Because this Liberal Government is cutting funding to schools in real terms and those schools face mounting costs to meet their growing technology and other needs, with the majority having little capacity to make up that shortfall through fundraising activity, the only other source from which our schools can garner that funding is school fees.

The Government is using this back door method of legislating so that it can accomplish its real goal of transferring funding responsibility for our public education system directly onto parents. It has created a new tax, for that is what a compulsory fee is, a tax. Again, by avoiding proper parliamentary scrutiny of its enforcement of compulsory school fees, it is attempting to avoid the really important issue of which school costs should be met by Government and what costs it is reasonable to ask parents to pay.

Ms Thompson interjecting:

Ms WHITE: A tax on children, as my colleague comments. This Liberal Government is turning a blind eye to the expenses that are finding their way onto parents' school fees bills. In fact, the department does not even know or keep a record of what parents are being charged. Whenever asked, the Minister just runs for cover and cites the regulations definition of 'materials and services', but schools are charging for equipment, building maintenance and upgrades, facility upgrades and the like—all matters that most South Australians assume to be a Government responsibility. The Government is doing that because to confront this issue front-on would mean that it would have to fund public education better than it is now. This Government went to the last State election in 1997 promising to increase funding to education without the sale of ETSA. That is what it did. Since that time, now that it is once again in power, it has cut education drastically over three years.

We are at a critical point in the history of education in this State. We are about to embark on a fundamental change to the way schools are funded and managed through Partnership 21—that is local school management. The big danger for the public education system is that, despite the Minister's rhetoric, schools will not be adequately funded and that the Government, having arranged a mechanism for devolving some of its responsibility for funding directly onto schools (and thereby onto parents), will mean that potentially school fees could rise substantially.

This is the very time that we should be sorting out once and for all which costs in a public education system are public responsibility and which are parental responsibility. Last year in this place I moved a motion to set up a parliamentary inquiry to do just that: to look at, once and for all, which costs belong with the Government and which costs are private costs to a parent. Sadly, that motion was defeated by every non-Labor member of this House voting to squash it. South Australia is now the only State or Territory in the country for which public school fees are compulsory.

It is a new tax for South Australia in the sense that, although voluntary fees have been with us for quite some time, compulsory fees can now be recouped through the courts. I will read into *Hansard* a media statement from the principal parent organisation which represents parents of South Australian school children. The media statement is headed 'South Australian Association of School Parents' Clubs', and lists as its Patron, Lady Neal. It states:

Parents Oppose Compulsory School Fees

The South Australian Association of School Parents' Clubs (SAASPC), the State parent organisation representing the interests of all parents and students in public schools and preschools believes that the Government should be paying for the educational requirements of all students in public schools and preschools.

SAASPC does not support compulsory school fees in public schools. Compulsory fees cause divisiveness and alienate communities. They create ill feeling within schools through their attempts to recover fees through the legal process. The pressure to find funds may cause many parents to feel alienated from their children's schools. The very partnerships that our association strive to promote between parents and schools are threatened. There is also a concern that compulsory school fees have the potential to increase the gap between the advantaged and disadvantaged.

SAASPAC appreciates that schools need to make up their shortfall in funding by charging parents fees, but will not accept that such fees should be compulsory. Schools should be reaching out to members of their community to find out why fees are not being paid, and using constructive strategies to assist parents with appropriate plans to provide such payments, not bully tactics which are demeaning, humiliating and emotionally scarring for the parents and children concerned.

SAASPAC believes that it is the fundamental right of all Australian children to have access to a free, diverse and equitable education of the highest quality, and that resources should be

provided to enable all students to enter educational programs, according to their needs, in public schools that are fully funded by the Government.

It is signed Mrs Jane Hodge, SAASPAC President.

Even Liberals elsewhere in the country are opposed to the course of action that this Government is undertaking. For example, the Victorian Liberal Minister last year, when this issue arose in Victoria, was asked about school fees in that State. Members will recall that in Victoria a number of schools had been closed and a significant amount of the education budget had been cut. The Minister still told schools and the public of Victoria that 'any levies in Victoria will remain voluntary and that this must be made clear to parents'. That is something reiterated by Liberals nationally.

The Federal Liberal Party in its election campaign last year released documents, along with its GST package, which clearly stated that public education should be provided freely. The Howard Government's GST tax package, under chapter 2 subheading 'Education', states:

Public primary and secondary education is provided free of charge.

The Liberals in this State are out of line with the thinking all over the country in terms of this debate. One of the issues that I want to raise about these regulations, which are virtually identical to last year's regulations, is their inequity. These regulations enumerate each school and provide a different compulsory fee for each school. I do not know whether members appreciate that, but the amount that can be recouped through the courts under these regulations for each school differs. We should think about the fact that we provide the same basic quality of education in all our public schools, yet charge, apparently, under these regulations, different compulsory taxes. We should think about how many public schools in this State are zoned. Zones are a necessary mechanism for controlling enrolments at individual schools in the public education system, but we should think about the implications of this list of different fees for different public schools.

We now have the situation of every child being compelled to attend school—which we support—but perhaps being denied access to a particular school because they do not live in the required zone. Further, by law, parents must pay the fee of the school to which they are granted access. Let me spell out the real scenario under these regulations that the Government has gazetted. As an example, I pose the case of two neighbouring families living either side of the street which is the boundary for a school zone. Family 1 is within school A's boundaries. They are happy to send their children to that school because it has a good reputation, it is close and the compulsory school fees are $50 cheaper than all surrounding schools. Family 2 would also like to send their children to that school, but they live across the road and, therefore, are outside the zone.

The choice for family two is to pay the additional $50 or $60, or whatever it is, to send their child to another school, or they can fork out for the bus fare for each of their, say, four children, to travel across to the other side of town to attend a cheaper school whose compulsory fees they can afford. But family two does not believe it is fair that family one can avoid all that expense because they are able to send their children where they want and avoid being taken to court because they cannot find the extra money they need to send their children to the more expensive school with the higher compulsory fee. They find it especially hard to understand.

With this regulation, the Government is imposing a user pays system without user choice. We have a zone system in South Australia—we do not have user choice. Under our zone system it means that compulsory fees for some users are more than fees for other users, but parents do not have the option of sending their children to schools that they can better afford. This Government is applying a tax, but it is applying an inequitable tax of different amounts on different parents, depending on where they live. It is applying a tax blindly without knowing what those schools are charging the tax for.

Therefore, I appeal to members opposite not to exacerbate the funding problems for our public schools by becoming part of the problem. I ask them not to shut their eyes to the confused mess in our public system. I urge them to become part of the solution and reject these regulations, particularly in the light of the fact that the Minister has a legislative review of the Education Act under way at this stage.

The Hon. G.M. GUNN secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ENVIRONMENT PROTECTION

Adjourned debate on motion of Mrs Maywald:

That the Environment, Resources and Development Committee investigate and report on the functioning and operation of the Environment Protection Authority and the Environment Protection Agency, with particular reference to—

(a) the adequacy of the current legislation to enable the agency to achieve its aim;

(b) the adequacy of the resources provided to the agency;

(c) the adequacy of the monitoring and policing functions of the agency;

(d) alternative interstate and overseas models for the administration of environmental protection legislation; and

(e) any other relevant matters.

(Continued from 3 June. Page 1603.)

Mr MEIER (Goyder): I have mixed feelings about this motion and my support depends on how it is to be interpreted. As it reads, we see that the Environment, Resources and Development Committee is to investigate and report on the functioning and operations of the Environment Protection Authority and the Environment Protection Agency, with particular reference to some five items. The first three deal with the adequacy of aspects and the last two deal with alternative interstate and overseas models and any other relevant matters.

If this motion seeks to increase the power of the Environment Protection Authority and the Environment Protection Agency, I do not know that I can support it because I am getting sick and tired of some of the regulations that we have in this State relating to development. I know that many developers are absolutely sick and tired of the regulations we have in South Australia, and we wonder why Queensland has rocketed ahead in past years and is continuing to do so.

One reason is that its Environment Protection Agency has not put forward the stringent conditions that our agency or authority seems to do from time to time. An electorate such as mine, namely, the whole of Yorke Peninsula and extending eastwards to Hamley Bridge, needs development. I believe that a development in an electorate such as mine should not have the same stringent conditions applied to it as developments here in Adelaide where a lot of the area has already been ruined by polluting the waters and building on areas that

should never have been built on. The township of Elizabeth is a classic case: it was excellent farming land and could well have been left as such. Along the coastline—and, Mr Speaker, your electorate would be an excellent example of this—all the sand dunes have been built on, yet in an electorate such as mine there are vast stretches of land that are open and accessible to everyone. When we do consider a development that occupies a tiny fraction of 1 per cent of the area, a massive number of conditions have to be dealt with and considered.

I cite the example of one development that is going ahead—the Wallaroo marina, known as the Copper Cove Marina: the things the developers have had to go through to get where they are! An EIS was given to them about six years ago. The company changed hands about 18 months ago. When the company wanted to modify the original plans slightly it was told at that stage, 'Yes, that should be all right. Show us your modifications and you can proceed.' The company did that and was told, 'We want a bit more detail', but at that stage it had already started work. So the company provided more detail and, in turn, was told, 'Maybe you had better review the EIS.' The question was, 'What does a review involve?' to which the answer was, 'Another half a dozen or so pages.' So, the company provided more information and, after several months, it was told, 'No, you will have to do an amendment to the EIS.'

The Hon. G.M. Gunn: Bureaucracy gone mad.

Mr MEIER: Exactly; and I am sick and tired of it. So, the amendment to the EIS was at least another 75 pages; tens of thousands of dollars of extra money was spent; and there were massive delays. I remember chairing a meeting in July last year where I was told that the whole process should be completed in about eight to 11 weeks. On 23 December, just before Christmas, I was in an office in the Premier's Department arguing that we must get things through, that those eight weeks had spread out to many months. Whilst an interim approval for a tiny little part of the project was granted on 24 December, most of the approval was granted only in March this year. So, after it was said that it would be only a matter of weeks, it was actually months and months. I acknowledge that all this was not just the EPA's responsibility. I also acknowledge that the Minister responsible for planning is doing a lot to tackle the planning bureaucracy. The Minister has instituted some inquiries, and I hope that we will see real, positive results.

I cite the latest example where, as part of the marina at Wallaroo, groynes were built out to sea to construct the channel into the marina, but the groynes have been closed off. In fact, they were closed just after midnight on a day about two or three weeks ago. Why midnight? It was because that was when the lowest tide occurred. It was a very calm evening; in fact, very little water remained in the marina. Apparently, the clay liner was not perfect, so the sea level has increased marginally in the inner area. The clay liner has been put in and I heard only this week that, once they have completed the clay liner, they will need EPA authority to pump the sea water out of that area into the sea. It is absolutely incredible.

An honourable member: Fair enough.

Mr MEIER: I wish you would come to my electorate to see what development we need. I beg anyone who knows any company anywhere that wants to invest to come to my electorate, but I would also beg you to do what you can to stop the stupid regulations that are applied month after month, year after year, in areas which are crying out for development and which basically have very few people in them—developments which in so many cases would not affect one single person living in the area. As well as Wallaroo I could cite the example of the Port Vincent marina, which has been in the planning stages for over five years. We are getting very close, I hope, to getting through the obstacles that have been put in its place.

The Hon. G.M. Gunn: That is fast tracking it!

Mr MEIER: Yes. In fact I was told last year by the Yorke Peninsula Council that it had received major development status and it would be fast tracked. I tell you what: the fast tracking rate is very slow. If this motion is seeking to give further powers to the EPA, then I could not support it. If, however, it is seeking to free up the area and if it will help allow development, I would be the first to support it. I guess the question to some extent is: how will the Environment Resources and Development Committee go about its work? I hope that the committee will be objective from the point of view of looking to this State's future development.

We want to make sure that developers are encouraged in every way. It might be necessary for a person or persons to be allocated to a project and not to have one person dealing with three or four projects at once. Perhaps that is part of the reason for the delays and for the obstacles that have been put in front of developers. From that point of view, if the ERD Committee investigates, it may achieve something.

I would be interested to hear from the honourable member, if she takes the opportunity to respond to other members' comments, exactly what she hopes will be the outcome of this motion. I believe that South Australia has an enormous amount to offer the rest of Australia in so many ways. My electorate has an enormous amount of development potential, but I know that developers are getting very upset and frustrated with the bureaucratic obstacles put in their way. The Environment Protection Agency is one of those that I believe has put forward conditions which are sometimes extremely difficult to be complied with and which probably create conditions that are not needed, compared to developments that are already existing and operating quite satisfactorily in this State and certainly in other States.

Mr KOUTSANTONIS (Peake): I have listened to the member for Goyder's speech, and it concerns me when I hear people suggesting that development should not be delayed by bureaucrats who want to investigate new environmental impacts of certain developments. My electorate, which basically has the River Torrens running down the middle of it, has a number of industries that from the early part of this century have developed along the river. Many of those industries are very responsible. The West End Brewery is a very responsible environmental operator: it does a lot of work in beautifying its factories. It is trying to do its best to keep noise emissions down and ensure that any noise emissions from its stacks are acceptable and to standards set by legislation.

But sometimes companies do not follow EPA standards. Sometimes companies do not follow environmental rules. If we start to relax environmental rules, we put at risk the lives not only of the workers who work at those factories and foundries but also of the residents around the factories. I am sure that in country areas you can put foundries, factories and development at a distance from residents, but in inner suburban areas you often have factories that have been there for a long time and residents who have moved in around the factories. The problem that both Parties face is that into the

next century one of the largest issues affecting all of us in this House will be the way we live with industry.

People are becoming more aware of their rights—and rightly so—and of health hazards. I have a foundry within my electorate called Mason and Cox. I am sure that the Minister has heard from residents a lot about the Mason and Cox foundry in my electorate, and he has received letters from me. This company is basically attempting to do the right thing by local residents. It is having all the right consultation and meeting with residents regularly. However, over a period, residents have become frustrated. Certain things are going on there that we just cannot get investigated, and that is because, under this Government, the EPA has been gutted. The EPA is a toothless tiger. The member was worried about bureaucracy gone mad but, if the EPA wanted to go after a firm in any Government member's electorate, it could not do so, because it does not have the resources. The EPA is basically non-existent.

Why was the EPA not onto the recent oil spill? It is simply because it does not have the resources to do it. It is the same with foundries in my electorate. For example, a resident telephoned me and said that a yellow film of dust was settling on his house and the park opposite a foundry in his area. I drove there immediately and stood there with about 30 residents, and it was as though it was snowing. A yellow film was falling on us, the cars and the grasses; it was covering the entire area of Flinders Park. I telephoned the EPA immediately and asked, 'Can I take a sample for you to evaluate?' A representative said, 'No, you can't take a sample. We need to take one of our officers take a sample so that it can be properly tested.' The EPA came out 48 hours later—after rains. It becomes frustrating when this sort of thing happens, because these events happen once or twice every three months.

In the case of Flinders Park residents, there is a higher level of cancer than occurs in other western suburbs. There is no medical or scientific link between the incidence of cancer and things going on in connection with the River Torrens. However, it makes you wonder whether there has been any real investigation into why one group of people living in a suburb have a higher incidence of cancer than everyone else. But the EPA does not have the resources and the Government does not have the political will to investigate these matters. Some residents in that area claim that their cars are rusting faster than anyone else's because of these chemicals falling on their cars. They are not drinking their rainwater because of the pollutants that fall on their roofs. That is just one example.

I am prepared to look at any motion seeking that a committee investigate the adequacy of the current legislation and to ascertain the adequacy of the resources provided to the agency. It is not requesting the EPA to kick in the door of every firm and company in the State, asking them to breathe into jars and take emission samples every five minutes. The motion seeks to ensure that the EPA can do its job, because I do not believe that any member on either side of the House would want a company intentionally to break environmental laws and pollute the environment just to make money. I am sure that not one company functioning in South Australia would say that the only way that it could operate its business was by breaking environmental laws.

I do not see any problem whatsoever with any Government allowing an investigation into the adequacy of the legislation or of the resources provided. What is so wrong about that? I could not see the honourable member's point. He talked about development in his electorate not going ahead because of the EPA. I hope that, when development goes ahead in my electorate, the EPA checks it out and examines it properly, for the good of the workers employed there, the local residents and the company that wants to invest its money. I am sure that no good corporate citizen, anywhere in the world, would want to pollute their environment. I cannot believe that any executives intentionally set out to pollute an area deliberately, and I am sure that they want the EPA to assist and work with them to make sure that they can do their jobs properly.

I have to say to the Government that the EPA is not being funded adequately and does not have enough staff or the expertise. I am not quite sure what is wrong within the EPA but it is not doing its job properly. I do not mean to single out the EPA or its officers, but the fact remains that, every time I ask the EPA to do something, there is always a massive delay and I find it unfortunate. I am sure there is some problem with staffing. I hope that this inquiry will look at the adequacy of the EPA and what needs to be done to make it work better, because I believe that both Parties want it to work better—or at least I hope they do.

The Hon. G.M. GUNN (Stuart): I will make up my mind about this motion after the mover has responded and has indicated to the House exactly what she expects from this motion because I (like the member for Goyder) am sick and tired of my constituents being fooled around by bureaucracy, red tape and nonsense. It is holding back the welfare of the people of South Australia with little Sir Humphrey Applebys racing around making a thorough nuisance of themselves without any productive gain for the people of South Australia. Let me say to this House—and I make no apology for saying it and, if members do not like it they can lump it as far as I am concerned—that, at the end of the day, this State will only prosper and create opportunities for its citizens if there are still people out in the real world, getting out in the rain, in the dirt and in the dust and doing some constructive things.

We cannot all sit behind computers, because South Australia and the world will not operate. There must be miners, farmers and construction workers doing things. If we are not very careful we will put in place so many rules, regulations, red tape and nonsense that we will not be able to do anything. We will not be able to get out of bed in the morning. I think every member of Parliament received a letter from a lady and a gentleman at Goolwa, Mr and Mrs Scott. One of the interesting things about that letter is the comments coming from members of Parliament.

Everyone knows that the greatest thing in this world is commonsense and, when that goes out the window, we have a problem. When these bureaucracies are established, enthusiasts become involved. They might be well intentioned but, in many cases, they are misguided and have never been in the real world. They then impose their rather unique view of the world onto the community. Unfortunately, when we have Ministers who do not understand what they are doing, sometimes they foolishly sign these things and we are then lumbered with them. Then when members of Parliament—

Ms White: Who are you talking about?

The Hon. G.M. GUNN: Well, you would be a typical example; you and your colleagues. You put all your friends in lots of these things and we are still wearing the result of it—academic trendies who are more interested in equal opportunity and that sort of red tape than the real world. That is what we are—

Mr Hanna interjecting:

The Hon. G.M. GUNN: You are not, that is one thing for sure. You may be an agitator, but you are not a practical person. I would say you are extremely successful at being a malcontent and an agitator, but you have done nothing else constructive in your life; nothing at all. You have never done anything for the community, you have never produced anything—

The SPEAKER: Order! The honourable member will address the Chair.

The Hon. G.M. GUNN: Certainly, Mr Speaker. The honourable member has never done anything to promote the welfare of South Australia. He wants to hold it back. He wants to stop people getting jobs and exporting. If this resolution is not very carefully handled, it has the capacity to be a vehicle for malcontents and misfits to hijack industry, commerce and development in South Australia. Therefore, I have grave reservations about it and I say to the honourable member: be very careful when you get led down the track to moving these sorts of motions because they can backfire and come back to bite you and haunt you. The honourable member's constituents are hardworking, salt of the earth people who have helped make this State, out in the real world in the heat and the dust. These people could be the victims. One needs to be very careful. We know that members opposite are agents for Vera Hughes and that group. This is their sort of stuff, these anti-developers and other odd groups that the Labor Party seems to promote around the State. I say to the House—

An honourable member interjecting:

The Hon. G.M. GUNN: I do not remember any occasion in the past few years when members opposite have supported any major development. Can members opposite tell me when that has happened? They have gone on and whinged and squealed about every development. They are opposed to anyone who wants to do anything.

Mr Hanna: Roxby Downs.

The Hon. G.M. GUNN: Here we go: we have heard everything now.

An honourable member interjecting:

The Hon. G.M. GUNN: That is right. I well recall those demonstrators at Roxby Downs, at the fence out there, being egged on—

An honourable member: The mirage in the desert.

The Hon. G.M. GUNN: I well recall the mirage in the desert, and all that sort of nonsense. Talk about Roxby Downs! The honourable member is in cuckoo land. That is the sort of comment that adequately demonstrates why we need to be very careful in passing these sorts of resolutions, because they have the capacity to come back and bite the people of South Australia. I believe that commonsense is the greatest thing in the world. Unfortunately, there is not a lot of it about at the present time. Bureaucracy is an absolutely unique instrument. People can find all sorts of reasons why we cannot do things, but it is very difficult to bring them along to support constructive development.

An honourable member interjecting:

The Hon. G.M. GUNN: I can give members a list of what has happened in my constituency. I can give them a list of how brilliant bureaucracy is—how, some years ago, a bright bureaucrat sent a team of people to insulate a school that had been closed for three years. And on another occasion, some years ago, a well-intentioned Minister, with great enthusiasm and gusto, decided that we would put fans in every school. That was a good idea, it was absolutely excellent; everyone thought that it was good. So, a team of people was sent to Cook by train. The fans had to be placed three feet from the ceiling. The trouble was that the Cook school was two storeys high, and the distance from the floor of the second storey to the ground was only five feet.

An honourable member interjecting:

The Hon. G.M. GUNN: That is right. The principal became very annoyed and argued with these people, and they said, 'We have a piece of paper that says that fans must be installed.' That is what happened, unfortunately—and it would be really funny if it was not so serious. I could go on at length, but perhaps I will do so on another occasion. I will save it for one day in the future, when I might write a book about bureaucracy and the foolishness of Ministers. However, I have reservations about the motion.

Ms HURLEY (Deputy Leader of the Opposition): I am very disappointed in the member for Stuart and also the member for Goyder. It just proves that they do not get it, in spite of the conversion of their own constituents. The farming communities in this State are getting behind Landcare and environmental measures to improve environmental problems that have been caused by bad development and bad farming practices in the past. Salinity and the water situation throughout our State are causing immense problems for our farming community.

The member for Stuart had the gall to talk about the member for Chaffey not protecting her constituents, who have worked in the heat and dust. It is precisely her constituents that the member for Chaffey is protecting by legislation such as this, because the environment around the Murray River, where many of her constituents live and work, is crucial to this State's welfare and crucial to her constituents' welfare. It is essential that we have an independent watchdog, such as the Environmental Protection Authority, that can educate farmers and developers and other people in this State to ensure that the environment is protected so that developers, farmers and people living in this State can be protected and can be assured that their children will also have something to work with.

If the member for Stuart had his way, farming and development would go on destroying the environment in our State. According to the honourable member, as long as we have development, regardless of what happens to the environment, that is okay, and we should forget about what we will leave for our children—whether that be farming land that has been destroyed by excess salinity or a State that has even fewer water resources because they have all been used up willy-nilly and perhaps also polluted.

The member for Goyder referred to the EPA regulations being applicable in Adelaide, where the environment has already been destroyed, but he does not believe that they should apply to the electorate of Goyder. Presumably he wants to wait until the environment in Goyder is destroyed as much as the Adelaide environment has been before he will want to see any regulations.

That is not what this motion is about. Rather, it is about making sure that the Environment Protection Authority has the ability and resources to educate people and work with developers and farmers to ensure that we have a proper system of environmental protection which will guarantee not only the longstanding ability of developers to operate within this State and of farmers to continue farming but also that this State will be preserved for our children and grandchildren.

That is what this motion is about: to have a look at this agency.

If the member for Goyder is correct and the EPA has been obstructive and bureaucratic, presumably he can make submissions to the Environment, Resources and Development Committee to correct that position. It may well be that some of the provisions of the EPA are overly bureaucratic with regard to development, but the fact is that, time after time, the EPA either has not had the resources or there has not been the political will behind it to ensure that our environment is protected properly and that any breaches of the current legislation are prosecuted fully.

In my own electorate, there was the instance of the Waterloo Corner dump where the EPA finally prosecuted the dump operators for gross breaches of their licensing requirement. That case took many years, and the resultant fine was paltry. Although, presumably, the EPA spent a great deal of money on that prosecution, it resulted in virtually a slap on the wrist for that company.

Dumps (including one for my electorate) are being proposed at sites all around the outer Adelaide metropolitan area, and I would be very disappointed if any dump operators took consolation from the previous instance where, even if the EPA found there had been gross breaches and after many years proceeded to prosecute, such a paltry fine was imposed.

I strongly support this motion. I hope it will strengthen our EPA and bring about good regulations and resources for that body so that development can proceed in this State in a proper manner with the public being aware that through that process the environment will be protected. The environment should be protected not just so that we can have a pretty environment with nice green trees but so that industry and farming can continue to prosper in South Australia and not be destroyed by bad planning and bad environmental practices.

The Hon. W.A. MATTHEW (Minister for Year 2000 Compliance): I rise to speak briefly to this motion. I support the general principles behind and the intent of the motion, which was moved by the member for Chaffey. From my discussions with her, I know that she moved this motion because of general frustration with perceived shortcomings of the EPA. When we consider the contributions that have been made by members to this debate this morning, it is clear that there are problems with the functioning of the EPA.

The member for Chaffey and the member for Stuart have indicated their frustration with the functioning of the EPA and departmental officers because of over vigilance. The member for Peake and the Deputy Leader indicated frustration over lack of resource. My contribution to this debate concerns frustration over lack of action within the EPA about the Boral asphalt plant in my electorate in the suburb of Marino, and I have already placed this issue on the public record. That plant continues under existing use provisions. It is right up against the boundary of a residential 2 zoned area of Marino. The plant has recently increased its level of operation to manufacture product for some very worthwhile South Australian projects, not least of which are the Crafers freeway tunnel and the Southern Expressway, and I believe that I am right in saying that the company has also contributed product to the extension of the airport runway. They are all very important State developments and asphalt is needed for all of them.

The residents and I acknowledge that the asphalt plant has to be located somewhere but the dilemma is that residents have been complaining about noise, dust and smell from the plant above that which has been experienced before. Boral as a company has been an excellent corporate citizen in endeavouring to work through the problems. Boral has met with representatives of concerned residents, it has worked through the issues with them and it has spent a lot of money in a bid to overcome the problems. It has constructed earth mounds to try to provide a sound buffer, it has constructed fencing, it has changed the way in which the plant operates and, to this day, the company continues to work with residents to determine ways to resolve the problem.

The issue came to a head recently when a public meeting was organised by the Marino Residents Association. The meeting was attended not only by more than 100 residents, local councillors and me but also by representatives of the EPA. Those EPA representatives were unable to satisfy the residents both on their level of activity in addressing this issue and on which activities they would pursue after the meeting. Measuring equipment has now been brought over from Melbourne, in my view more than six months later than it should have been, but at least it is here now. We in South Australia do not necessarily need to own such specialist equipment, but it is certainly necessary for the EPA to have it at its disposal to undertake this task. That monitoring is now occurring and residents and I look forward to the results.

The concern of residents is that, if there is dust and smell, that indicates that something is in the air and they are naturally concerned to ensure that there is no risk to their health. I am not for one minute suggesting that there is a risk to their health, but they wish to be reassured that there is not. I see that as a prime function of the EPA—to be able to provide the community with that certainty. If after scientific assessment it is found that there is a risk to health, the EPA should be in a position to act. However, I do not consider that Parliament has a role in usurping the right or the function of a Minister to undertake review that the Minister might deem necessary.

Not one piece of legislation that has been passed by this Parliament has been implemented flawlessly and perfectly at the first, second, third or more attempts. It is always the role of a Minister and Government to review in any way deemed appropriate the operations of part of Government and the way in which the legislation of this Parliament is implemented. It may be that the legislation which was passed by the collective wisdom of this Parliament and which was put forth in the first instance by a Labor Government contains flaws which need to be addressed. While I am sympathetic to the thrust of the motion, I put to the Parliament that, in the first instance, the Minister always has the right to indicate to the House reviews that are necessary to ensure that the legislation is being effected as efficiently as it should be and, if it is not, to determine what modifications may need to be made to that legislation by Parliament.

Mr HILL (Kaurna): I will speak only briefly on this issue. I congratulate the member for Chaffey on raising this matter. It is an important matter that needs to be addressed, and the Environment, Resources and Development Committee is the appropriate committee to do the investigation. It is a fairly moderate proposal. It does not suggest the outcomes the committee should come up with: it merely suggests the process that the committee should go through, so the vehement and outrageous behaviour of the member for Stuart was over the top in relation to this motion, which is a very sensible proposal. The member for Stuart is still trying to win

votes from a constituency which, as the Deputy Leader of the Opposition has said, is well and truly on the way out. People take a more modern approach to farming and rural issues these days, and they understand environmental issues and the need for environmental protection.

This week in particular it is especially important that we consider this motion, because of the after-effect of the oil spill. Members would be aware of the concerns expressed by the Chairman of the EPA, Stephen Walsh, about the confusion of the role of the EPA in relation to oil spill management. He said:

> It is a little frustrating to us that there is a difference in terms of jurisdiction between the Department of Transport on the one hand and the authority [the EPA] on the other hand, because the public see us as the environmental watchdog in this State.

So, there is clearly a call for an inquiry such as this, even from the Chairman of the EPA itself. In relation to the oil spill, I might say that I attended a public meeting at Aldinga Beach on Saturday last week, and an officer was there from the EPA who had been working on the oil spill issue with Mobil and Transport SA. I must say that the officer accounted for himself very well indeed at the public meeting, gave very good information and I believe was very clear, thorough and objective in the way he presented it. So, I place on the record my appreciation for his efforts in that case.

A number of issues about the EPA are worthy of consideration. I do not really have a fixed view as to what the outcomes should be, but there are three main areas. The first is the investigative role of the EPA. A year and a half ago the EPA had the resources only of one retired police officer at its disposal to go out and investigate any environmental accidents or environmental issues. Clearly, that was not enough, and the Minister advised me during Estimates the other day that that had been boosted; I think three officers are now available to investigate. I am not sure that even three officers are sufficient to properly investigate a major incident such as the oil spill that happened at Port Stanvac or any of the other potential environmental accidents that might occur from time to time. So, there is very much an issue of resources and how they are applied to investigation.

We all know that very few prosecutions have been achieved by the authority. In fact, I think there have been only two successful prosecutions and both of those occurred only in the past 12 months or so. There are a number of issues, and the Minister for Year 2000 Compliance mentioned one of them, which is the Boral issue in his electorate, but there are a number of such local issues which I do not believe the EPA has the resources to tackle properly. In my own electorate, for example, there is an issue over gas guns, and a debate continues between the local council and the EPA over who has authority. The local council says that some concerns must be sorted out with the EPA but it is very difficult to get a clear response from the EPA, so there are those kinds of issues.

Another matter is the standard of proof. Currently there is a high standard of proof; it is the same standard of proof as is required in a criminal trial, that is, beyond reasonable doubt. I understand that the authority itself believes that that should be changed and that there may be a need for a civil standard of proof, that is, on the balance of probabilities, and in some circumstances a strict liability test may need to be applied. In some ways that sounds as though it would make it easier to get prosecutions—which it probably would—and it might mean that companies would feel that the balance was tilted against them. But, in the case where Mobil was subject to an oil spill investigation in 1996 which had to wait a couple of years before crown law finally decided there was no case to answer, Mobil may have been happy with a strict liability test and to pay a fine some two years earlier so that the issue was taken off the drawing board. Mobil got a considerable amount of bad press over those couple of years, because the issue of whether or not it was to be prosecuted kept coming up. It may well be that if there is an easier standard of proof to gain a conviction or prosecution, it may well suit business as well because at least it gets it out of the way, and that is worth looking at. There may well be different standards of proof that need to apply for different degrees of damage to the environment.

The other issue to which I refer involves the nature of the authority and the agency. At the moment there is a separate statutory authority, which is really a committee of people chaired by Stephen Walsh, QC. It sits outside the department, is not responsible to the Minister of the day and puts in its own annual report, and so on. It then has certain powers, which sit within the Environment Department, whereby it can direct officers of the agency and comply with its charter. It may well be that that relationship is not a good one, and that the agency itself should come from within the department and be put outside the department so that the authority and the agency are the one body and make the agency itself a much stronger body, separate from Government and seen to be more independent. There is some merit in looking at that matter, although I do not know whether there are examples of that around the country or elsewhere.

The last issue I would mention is that raised by the Deputy Leader in relation to the role of dumps. In my view it would be sensible if the EPA had a stronger role in some of these issues. Currently the EPA comes in at the end and has to assist in the licensing process when a company wishes to establish a dump. It would have been better in my view if the EPA, bearing in mind all of the environmental factors, had chosen the ideal location for a dump and then invited tenders from various bodies. There may be other areas in environmental management where the EPA should have a more proactive role than that of applying its reasoning and thinking at the end of the process.

The last point, which another member raised, was that all of this requires political will. Do we in South Australia want an EPA that works and keeps our society honest in relation to environmental management, or do we want a toothless tiger, an agency that looks like it is tough but when it really comes to the crunch is unable to do very much? That is something for the Government to answer. Does the Government want a strong environmental watchdog or want something that looks good on paper but does not really achieve very much?

The Hon. D.C. KOTZ (Minister for Environment and Heritage): In speaking to this motion, I acknowledge the concern, certainly from members on this side of the House, for our environment. I appreciate some of the contributions from members opposite. The contributions by the member for Peake and the Deputy Leader presented quite a balanced view. I do share the concern expressed and assure all members that I am ever vigilant to ensure that our environment is offered the full protection of this Government. However, in speaking to the points of the motion and the first term of reference that the ERD Committee would address relating to the adequacy of current legislation, it should be stated quite categorically and understood that a review of the

Environment Protection Act 1993 is already well under way. The Department for Environment, Heritage and Aboriginal Affairs is working on the review incorporation with other relevant Government agencies, industry and conservation groups, and the community certainly will be consulted in the course of this review. I also intend to include, as would be normal practice, the Environment, Resources and Development Committee in that review, and input from it will be sought. There are a number of important reasons why the Environment Protection Act should be reviewed, not the least of which is a requirement that, under the national competition principles agreement 1995, the legislation be reviewed at the end of this year.

First, South Australia needs legislation that better deals with site contamination. Following the review, a Bill will be drafted that will include consideration of matters such as liability for site contamination, the identification and auditing of site contamination, and clean-up. Amendments will complement the National Environment Protection measures for the assessment of site contamination, and these are currently being developed.

The enforcement provisions within the Act also do need to be revisited to ensure that offences and penalties are certainly consistent with current community standards. A draft discussion paper is almost completed which will be released for public consultation. This discussion paper covers issues such as the concept of environmental harm and administrative penalties and relates to the definitions and interpretations that we see now, as opposed to what we may be able to restructure in terms of liability. I am happy to provide a copy of this discussion paper to the committee as soon as it has been completed.

The Environment Protection (Fees and Levy) Regulations of 1994 also require review. This follows an agreement with the South Australian Employers' Chamber of Commerce and Industry to try to achieve greater application of the 'polluter pays' principle. A discussion paper covering the current fee structure, fee levels and monitoring and integration with the National Pollutant Inventory is being prepared and will be released for consultation. Again, a copy of this paper will be forwarded to the ERD Committee upon its release. The department continues to work diligently on the review. It will, in summary, go forward on three fronts at the same time: the site contamination provisions; the National Competition Policy review; and the general review, which includes a review of enforcement provisions.

The second point in the terms of reference sought by the ERD Committee relates to the adequacy of resources available to the agency. I am sure that members of this Parliament are aware that the EPA was restructured in June 1998, which saw the agency increase its operating budget from $9.5 million to $25.7 million and its permanent staff increase to more than 200. The new agency includes the former Water Resources Group, the Coastal Management Branch and the Office of Environment Protection. An Environment Policy Division within the Department for Environment, Heritage and Aboriginal Affairs complements the work of the Environment Protection Authority.

In addition to this more comprehensive approach and improved focus, the EPA is currently recruiting further staff to its water licensing and water resources assessment functions in order to strengthen these areas. The EPA is part of this improved focus. Also recently established is an Investigations Unit, which has enabled greater success in prosecutions. The Investigations Unit is responsible for investigating serious breaches of the Environment Protection Act 1993, the Water Resources Act 1997 and the Coast Protection Act 1972 for auditing and compliance with the Environment Protection (Milking Shed Effluent Management) Policy 1997, the Environment Protection (Marine) Policy 1994 and for providing regular updates to the Environment Protection Authority.

Local government also has a significant responsibility with regard to environment protection, under not only the Public and Environmental Health Act but also the Environment Protection Act. For example, environmental health officers employed by councils can issue orders regarding odour under the PEHA, and all metropolitan councils now administer backyard burning provisions under the Environment Protection Act. Councils employ 170 environment health officers throughout South Australia. The Local Government Association and the EPA have agreed that environment protection responsibilities should be rationalised and shared. A pilot program has been developed to run with four councils to determine how responsibility should be shared and to identify the resource gaps. This pilot will be completed in early 2000. The ultimate objective is to provide the community of South Australia with a better environment protection service.

The third point in the terms of reference relates to the adequacy of the monitoring and policing functions of the agency. The EPA takes its monitoring and policing functions very seriously. It is my belief that the resources of the agency are quite adequate in this regard. Of course, we would like to see more resources applied to each of our agencies but, in terms of the resources presently used, they are indeed adequate.

The EPA established an Investigations Unit on 1 July 1998 to investigate serious breaches of the Environment Protection Act 1993, the Water Resources Act 1997 and the Coast Protection Act 1997. This Investigations Unit is staffed by a seconded Government investigations officer from the Government Investigations Unit, Deputy Crown Solicitor's office, two environment protection officers and an administrative officer. The training of the environment protection officers attached to the unit and other authorised officers has been given a very high priority to ensure a good enforcement capacity.

There are approximately 40 authorised EPA officers in the field who are licensed coordinators and, where necessary, these officers initiate civil proceedings such as clean-up orders and environment protection orders. They also deal with stormwater pollution incidents and work with councils to deal with the smaller incidents. The EPA also provides significant environmental monitoring services for South Australia, not least of which is air quality.

The agency, with support from other agencies in the State, also undertakes ambient water quality monitoring of our water bodies in South Australia, at a cost of approximately $600 000 per annum to the EPA. Monitoring covers such areas as Lake Alexandrina, Lake Albert, the Murray River, a number of more significant rivers and streams, the Blue Lake, ground water supplies in the South-East, as well as the North Adelaide and Willunga aquifers and marine waters such as the Port River, metropolitan bathing waters and Boston Bay at Port Lincoln.

The reports assessing the results of the monitoring programs of the Port River and the metropolitan bathing waters have been released, and reports assessing the condition of other water bodies are being developed, and they will be

released soon. Data from the ambient water quality monitoring program is held in the environmental data management system, and it is proposed that this data, together with reports assessing the data, will be provided to the general public via the worldwide web, thus giving what we would hope is a better understanding of the work that the EPA does.

In relation to the fourth and fifth points of the terms of reference, which look at alternate and overseas models for the administration of environmental legislation and any other relevant matters, all these matters are aspects which will be considered in the current review of the Act. It is important that we do know what best practice is in other jurisdictions, and that is part of the information that will be forthcoming during this period when the review is under way. It is worth noting, however, South Australia's environmental record compared with other States and jurisdictions, and I certainly have every confidence in the ability and resources of the EPA to fulfil its function as the State's environmental watchdog.

I cannot support the motion only on the grounds that to do so would mean duplication of resources throughout the State at a time when these resources are being offered to the Government review that is being conducted into this Act. I agree that there are many areas of the Act which we all want discussed, talked about and possibly altered, and definitions within the Act regarding the liability of those who offend against the environment certainly need to be strengthened.

However, to support this motion would only mean a duplication of the exact resources that are being used at the time and, if the ERD Committee were to conduct this review at this time, it would run in parallel with the very extensive review that the Government is undertaking. We talk about resources. If members are concerned about resources, then I believe it would be a duplication; it would mean more resources going into an area that, at this stage, does not need to pre-empt the outcomes. I believe that the ERD Committee has a big role to play, but not at this time.

Mr McEWEN (Gordon): I compliment the Minister, who has been one of the few who has addressed the motion before the Chair. It is amazing how often members in this place get up and debate their view on a matter rather than the motion before us. The motion is whether or not there is merit in going ahead with this investigation, and none of the debate should have gone beyond that; that will be addressed at another time should this motion be successful.

The Minister's argument is that, in supporting this motion, there is an element of duplication. The alternative view is that, in supporting this motion, we can step further back and so there would be a greater degree of objectivity, we would hope, in the investigation. After listening carefully to what the Minister said—and, I might add, at times with a great deal of difficulty—on balance, I think, there is merit in the motion. I am also mindful of the fact that this motion has come before us with the unanimous support of members of the committee which has brought it to us. That is an important matter on which to reflect. It has come this far with unanimous support, so it is now difficult to argue against it. Obviously, to come this far, it has had bipartisan support so, in the unlikely event that the House divides on this motion, it will be interesting to see how the Chairman of the committee deals with the matter.

Notwithstanding that, I believe that on balance there is merit in proceeding with this motion, simply because I believe that it gives a degree of objectivity that the reviews to which the Minister alluded would not necessarily provide.

Mrs MAYWALD (Chaffey): In concluding the debate, I thank all members for their contributions, from which it is evident that this investigation is timely indeed. Members from both sides of the House have indicated that there is considerable frustration in the community with the operation of the EPA, and the Minister has also indicated that a review is currently being undertaken by the Government. If the Environment, Resources and Development Committee is to participate in the review, as I believe it should, it will be able to contribute more effectively if it is able to undertake an investigation at the same time.

What is needed, in my view, after listening to the debate here, is a return to commonsense, as indicated by the member for Stuart. We need a balance for development and the environment and a way forward for the future. Development with no concern for the environment is not sustainable, but this State is certainly not sustainable without development. We need to be smarter than taking the side of either a watchdog or a partnership approach. We really need to be looking at the emphasis of where the EPA fits into the scheme of things and move forward into the future.

The member for Kuarna spoke about the EPA's being a watchdog. In my view I would say that we really need to look at where the EPA fits in as a partnership and a bridge between development and environment for the sake and the future of this State. I trust that this review will focus on that balance and I that the ERD Committee has the political balance objectively to carry out this investigation and, therefore, proactively contribute to the Government's review of the Act.

Motion carried.

RACING (SATRA—CONSTITUTION AND OPERATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 1605.)

Ms WHITE (Taylor): I support the Bill, which is the initiative of my colleague the shadow Minister for Racing because it is a good Bill and a positive step forward for racing in this State.

Mr Hanna: He is the real Minister for Racing.

Ms WHITE: What can I say? Racing is an undervalued industry in this State.

Mr Conlon: I've been contributing my wages.

Ms WHITE: I must qualify my own position by saying that I, too, contribute a bit to the racing industry, as do a few of my colleagues, usually on a Saturday afternoon. Its betting turnover in this State is several hundred million dollars, and I believe that a couple of years ago it was about $723 million, of which the Government gets about $30 million. So, it is a significant contributor to the State coffers as well as to the broader economy of South Australia.

The Bill overhauls the administration of racing. Things are not working properly in racing at the moment. As a former shadow Minister for Racing, I know that things could be done a lot better than they are being done under the present Liberal Government. This Bill overhauls racing administration by broadening industry representation to the South Australian Thoroughbred Racing Authority (SATRA), which currently is predominated by appointments from the SAJC, the principal jockey club in Adelaide.

The Bill is also the first step to getting rid of the Racing Industry Development Authority (RIDA) which, in my view, has not contributed in the way that former Minister Ingerson

said it would when he set up what is clearly a very cumbersome structure for racing administration in South Australia. It is also a very timely Bill because SATRA appointments expire in October this year and, should this Bill be promulgated, those appointments would be made under the new regime, which has greater representation from the industry itself.

The South Australian Racing Council to a large extent is representative of country racing, and that is an important point. It is certainly the view of many of the country racing fraternity that they do not have the representation they need to further their contributions to racing in South Australia. The history of racing in South Australia is such that many of the horses, trainers and owners that do well nationally and come from this State had their origins in country racing. So, it is a very important part of the industry, but it tends to be largely ignored in this State. The mechanism by which my colleague has chosen to set about giving broader representation to the industry is a new council called the Thoroughbred Racing Advisory Council (TRAC). All the key stakeholders would provide input to the representation on that body and, thereby, TRAC would have representation on SATRA. That would include the owners, trainers, breeders, jockeys, punters, bookies, employees and stablehands—the whole industry.

Mr Conlon: The strappers.

Ms WHITE: Everybody. In order for the industry to operate in a way we in South Australia need it to operate, we do need better representation from the people on the ground who know how the industry operates. What we in South Australia need least is a bureaucratic nightmare—and that is what it has turned into. There are too many committees in racing in South Australia. This week I read in a local Messenger newspaper the comments of Jim O'Connor who, as members would know, is involved in the racing industry being a former bookmaker (I am not sure whether he still is a bookmaker). Mr O'Connor made some very pertinent points which really do reflect the attitudes I hear commonly from those in the industry at the grassroots level. I shall quote a little of that Messenger article of 7 July 1999 in which Mr O'Connor describes his life as a bookmaker, a trainer, etc. in the industry, as follows:

> At many meetings we used to have three enclosures as well as rails bookmakers, and you could have up to 120 bookies at a meeting. These days you are down to about 17 bookmakers, and it has also coincided with us losing probably two generations of possible punters by not encouraging them to the racecourse. Further down the line that is going to cause horse ownership problems. After all, if you do not have the people at the track how are they going to sample the feeling of what it is like to own a race horse.
>
> How do we fix it? I believe there have been errors made over the years, not the least of which was the amalgamation of the three clubs—the Adelaide Racing Club, the Port Adelaide Club and the South Australian Jockey Club—into the SAJC. That decision took away competition. Then we have the Racing Industry Development Association (RIDA) and the South Australian Thoroughbred Racing Authority (SATRA)—there's too many committees. We need to put racing back in the hands of the racing people. It succeeded for long enough without all these paid committees making decisions. They are an expense we cannot afford. . .
>
> I believe we can restore the South Australian racing industry to its former status if we put it into the hands of the people who understand it. All sections involved in racing and breeding must contribute without fear or favour. And all political Parties should realise how much a vibrant racing industry means to our State.

They are the words of a former bookmaker, a current breeder, somebody prominent in the industry who I believe does reflect what a lot of people in the industry say to me on those very rare occasions when I punt—or maybe not so rare occasions when I punt.

In summary, this is the first step toward restructuring the industry in the way that is needed. It is the first step to dismantling RIDA, which I think is a very good thing. I note that the Minister has said that a review is under way and this is all unnecessary, etc. Of course, it is the usual Government stalling technique. This Government appears set on going down the path of a racing commission, whereby the Government appoints people to administer the industry rather than having the required input from the industry itself to control its progress. It has been said before that racing is at a critical point in South Australia. It seems that we have had many critical points.

We have only to look at how our industry is doing in comparison to a State such as Western Australia. I was talking to a friend of mine the other day, a bookie who is leaving South Australia to go and set up in Perth because he can hold three times as much money in Perth. Western Australia has approximately the same population as South Australia, but he can do much better there than here. The reasons for that are many, but one of them is the way in which racing is administered in this State.

I appeal to members to support this Bill. It is a very important Bill and will bring changes to the industry that will benefit it by broadening its representation and expertise. The Bill is a very good one and deserves our support. It is the first step toward restructuring the industry and I urge all members to give it careful consideration.

Mr MEIER secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION ACT REGULATIONS

Adjourned debate on motion of Mr Condous:

That the principal regulations under the Technical and Further Education Act 1975, made on 10 September 1998 and laid on the table of this House on 27 October 1998, be disallowed.

(Continued from 10 December. Page 567.)

Ms WHITE (Taylor): These TAFE regulations are almost identical to those which were disallowed by this Parliament on 2 September 1998. Most of the arguments that I am about to put to this House are the same arguments that I put in debate on a disallowance motion the first time around. Those initial regulations were gazetted on 28 August 1997, debated in this House on 28 May 1998 and again on 27 August 1998, on which occasion my motion for disallowance was lost. What happened during that full year period that it took to deal with my disallowance motion was most indicative of a problem that seems inherent in the making and operation of subordinate legislation in this Parliament.

Initially, I gave notice of my motion to disallow those regulations with undertakings from the Minister that he would review them in response to concerns that had been raised with him not only by me but also by the Australian Education Union and by this Parliament's Legislative Review Committee, a body that is not to be ignored by Ministers. The Minister had undertaken to amend his regulations; that is what he undertook. He recognised that there were problems with his regulations, and he undertook to amend them, thus justifying the Opposition's move to disallow them in the first place. Indeed, the Minister signalled to this House his intention in that regard on 28 May 1998.

However, negotiations did not go well with the Minister after that and, despite the Minister's suggestion that there

really was no need for me to proceed with my disallowance motion since he would negotiate new regulations, the Minister then amended only regulation 66. That regulation was revoked on 16 July 1998. I do not know whether all members of this House fully appreciate that Ministers can amend regulations by sheer gazettal of the amendment, whereas this House cannot amend regulations: it can only move to disallow all the regulations that a Minister puts forward. This Government has used this mechanism to force decisions on an entire package of regulations, in the midst of which they slipped something controversial through. It is a problem, and it is flouting the authority of this Parliament. Then on 27 August 1998 the Minister again debated my motion. I am not sure how he got a second speech in there, because that was the second time he spoke to the motion, although I do not begrudge him that on this occasion, and the Minister threw in—

Mr Meier: Do you think that's a good precedent?

Ms WHITE: No, it is not a good precedent at all. He threw in some furphy of an argument about the disallowance of the regulations preventing lecturers from appealing to the Teachers Appeal Board. Of course, what he did not explain was that under his administration the Teachers Appeal Board had not been meeting, anyway. The regulations were subsequently disallowed in the Legislative Council on 2 September 1998, after a year had passed since their initial gazettal. Then straight away on 10 September, only eight days later, the Government went ahead and regazetted the regulations with the minor amendment of regulation 66 having been removed but in all other respects the exact same regulations. That was this Minister's very poor commitment to negotiation—something that he had undertaken to do on the very important industrial matters that were the subject of concern with his regulation.

The Legislative Review Committee moved again to disallow these regulations on 10 December 1998. I have been awaiting the outcome of negotiations between the Minister, that committee and the Australian Education Union since that time. It seems that negotiations have come to a halt, despite the Minister having had Parliamentary Counsel draft amendments to the regulations before us today also in March this year. I think this should indicate to members of this House an acknowledgment by the Minister that the regulations which are the subject of this second disallowance motion (almost identical to the first regulations) are less than perfect. The Minister has been willing to draft amendments himself. I think that should tell members of this House that these regulations should be disallowed.

In the minutes remaining, I briefly turn once again to the substance of the unresolved concerns that I have with the regulations. The concerns are principally with regulations 8, 12 and 14. These regulations deal respectively with lecturer classifications, recreation leave and non-attendance days and they give the Minister the power to alter employment conditions in conflict with the relevant award. The Minister could very easily regazette these regulations without those three matters, which he argues are superfluous anyway. If they are superfluous, then why has this Minister insisted for two years that they stay and brought this debate back into the Parliament yet again? It is simply because these give the Minister the discretion to override the awards, and that is of concern.

Currently in schedules 1 and 2 of the DETAFE award there exists an elaborate criteria for reclassification of lecturers. For two years now the Minister has failed to explain the need for the power to override this. Regulations 12 and 14 give the Minister the power to change entitlements to recreation leave and non-attendance days in relation to 'officers of a specific class'. That is a new concept and that does not appear in the award. Why has the Minister extended his powers in this way, when he already has recourse to other legislation in relation to enterprise agreements that provides a capacity to address these issues if there are special circumstances?

We are almost two years down the track now from the time the Minister first gazetted the TAFE regulations. Having previously been a member of a TAFE Institute Council, I know that even then they were a long time coming. No doubt, if these are disallowed, the Minister will simply regazette within days: that is what he did the last time. I ask members to consider this fact and to send a message to this Minister that he should not treat our Parliament in this way. No doubt, the Minister will contrive some fallacious argument that disallowing these regulations will cause some impending doom—he usually does. He has had two years to negotiate and ample opportunity to isolate only the contentious regulations, but instead, he, once again, plays with us, hiding behind the convenience that we do not have the option of disallowing only a portion of the regulations, while he has the power simply to gazette the non-controversial regulations immediately—he could do it the day after the disallowance.

Members, do not be fooled by the trickery that we junk good regulations along with the bad by supporting this motion for disallowance, when the Minister can, with the simple stroke of the pen, regazette them the day after. I ask members to support this motion for disallowance. This behaviour and practice in this Parliament has gone on for too long. This is the second set of reintroduced regulations about which I have spoken today in relation to the education portfolio. This is the second time that they have come before Parliament after being rejected, and the third time for the previous regulations about which I have spoken. They concern matters that should be in the principal Act, not in regulations to begin with. There is a real problem with these particular regulations because the Minister is trying to attain powers greater than the award conditions and to set conditions in conflict with the award conditions.

There is a real problem. Two years ago the Minister said that he would negotiate, but he is using tactics to avoid the wish of Parliament, which has already rejected these regulations. I urge members to say that enough is enough, that this Minister has to deal with this Parliament and his negotiation processes properly, and to support this motion.

The ACTING SPEAKER (Hon. R.B. Such): Order! The honourable member's time has expired.

Mr MEIER secured the adjournment of the debate.

PORT STANVAC OIL SPILL

Mr HILL (Kaurna): I move:

That this House calls on the Government to establish an open and independent inquiry into the circumstances surrounding the discharge of crude oil into the marine environment at Port Stanvac in June 1999 and establish terms of reference for the inquiry to report publicly on—

(a) the actions of the Minister for the Environment and Heritage and the Minister for Transport and the agencies for which they have responsibility;

(b) the actions of Mobil and any other companies involved in the incident;

(c) the monitoring systems of both the Government and the companies involved in the movement and storage of petroleum products at Port Stanvac;
(d) recommendations regarding changes to legislation and/or procedures to prevent future oil discharges; and
(e) the equipment and procedures used in transferring and storing petroleum products from ship to shore at Port Stanvac.

It falls upon the Opposition today to move this motion because the Government, despite widespread public concern, refuses to have an independent and open inquiry into all the circumstances surrounding the oil spill at Port Stanvac on Monday 28 June 1999. This inquiry ideally should be conducted by a judge or a QC. The Government has announced instead an in-house Government inquiry. That is not good enough, because the role of Government itself needs to be investigated and, without a public and independent inquiry, the public will not be confident that there has not been a cover-up.

I know from attending a public meeting at Aldinga last Saturday—a meeting where the Minister was conspicuous by her absence—that there is very great community concern about this oil spill and about ongoing environmental protection measures at the refinery. In fact, the meeting passed a very strong resolution demanding very tough controls on operations at the refinery. In addition, my office has received many calls from locals, especially, but also from other concerned citizens, encouraging me to push for an independent inquiry into this issue. The reason for this concern, Sir, as I am sure you would realise, is that the beaches along the south coast are of exceptional beauty and charm and are of great concern to the residents of the southern suburbs, who would be very worried, indeed, if these beaches had been affected to a greater level than they were by the oil spill last week.

The five terms of reference will allow examination of the following key issues, which must be properly scrutinised. The first issue is the role of the EPA and Transport SA. It was clear from the very first that there was confusion about which agency had what role in relation to the matter. The Chairman of the EPA, Mr Stephen Walsh QC, said so himself, as follows:

> It is a little frustrating to us that there is a difference between the Department of Transport on the one hand and the authority [meaning the EPA] on the other hand, because the public see us as the environmental watchdog in this State.

It is as a result of this confusion that the Minister for Environment was able to avoid a proper leadership role in what was clearly an environmental disaster. In particular, an inquiry should examine how quick and thorough the EPA was in beginning its investigations into the spill. Given the very high standard of proof required to gain a prosecution under the EPA Act, very good evidence is required. When did EPA officers arrive at the site, what level of expertise did they have and what measures did they employ to gather evidence?

The second issue to which I refer is the quantum of the oil spilt. The change in the estimated number of litres of oil spilt from 25 000 litres to 270 000 litres—an eleven-fold increase between Monday and Friday—staggers the imagination and is one reason why many in the community, especially those at Silver Sands, whose beach was affected, are suspicious about a cover-up.

In her ministerial statement on Tuesday 6 July, the Minister revealed that a Government officer, Captain Walter Stuart, the State Oil Spill Commander, was advised that a spill of up to 250 000 litres had occurred. He was also told that the spill at the lower end could be 30 000 litres—still well above the 25 000 litre estimate that was allowed to be before the public for five days. Members of the public must be told about why they were kept in the dark for all this time. Why were we not told about the full range of possibilities? A public inquiry must establish who was told about the true nature of the spill, when they were told and what they did with the information.

Residents of Silver Sands are very angry about this and view it as contemptible that they were told on radio by a Transport spokesperson that the spill was equivalent to the sheen from a can of sardines spilt on concrete. As one journalist whom I met on the beach on Thursday said to me, 'That was one can of sardines that had well and truly passed its use-by date.' If one of the two Ministers responsible had bothered to visit the affected beach they would have realised the same thing. One constituent has done some calculations based on the size of the pipe, the time elapsed, and so on, and believes that the spill could have been closer to 1 million litres. I do not know if this is true, but without an independent inquiry no-one will know what the facts really are.

The next issue I turn to involves the coupling. Questions about this device have also been raised: is there a design fault and did the Submarine Corporation give advice about this? These are serious questions which a public inquiry should investigate.

The next matter I refer to is the safety valve. Once the *Chanda*, the tanker that was involved, had finished pumping oil through the pipeline to the on-land tank, why was not the valve at the tank end of the pipeline engaged? Why was the safety valve which failed the only device protecting the gulf from the entire contents of the tank? Are we just lucky that the Mobil pilot on the tanker happened to smell the leaking oil and ordered the tank valves closed? How much fuel would have escaped if he had had a cold, for example?

The next issue is that of regulation. There needs to be a review of the way in which the oil industry is regulated. Is self-regulation good enough or do we need to go down the path of stronger regulation, as occurs in Western Australia?

I now refer to Mobil's track record. As has been reported, there have been a number of oil spills at Mobil before this one. The biggest previous spill occurred in 1996, when 10 000 litres of oil were lost. In that case, I think the original estimate was 100 litres. Is there a consistent pattern of behaviour that needs to be looked at? Are the environmental checks that are in place sufficient?

These are questions that are worrying members of my electorate and, I imagine, other electorates in the southern suburbs, as well as the public generally. People need public assurances that every possible measure has been put in place. In particular, the reports into the 1996 spill must be made public. There are still many unanswered questions about the very slow process undertaken by Government in relation to that spill. Why did Crown Law take so long—two years I believe—to decide that there was no case to answer, and how does this fit in with Minister Kotz's statement, this week, that:

> There are areas within the Transport Act, which does in effect, enable a mandatory amount of penalty to the discharge of oil regardless of whether it is negligent or not and there is a $200 000 fine that is attached to it in that particular aspect.

If the Minister's statement is correct, why has the refinery not been fined on each of the occasions when there has been an oil spill—especially in the case of the 1996 spill?

Public statements have been made linking the incident to rumours that the refinery might close and that too much

pressure on the environment front might cause that to happen. This is an absolutely outrageous proposition. We must be assured that safety and environmental standards are not being compromised to help the bottom line. Only an independent inquiry can do this.

I make it very clear that I do not want the Mobil Oil Refinery to close: it is an important employer in the south, it is a wealth creator for this State, and it is important strategically for the State to have its own refinery. In addition, I congratulate Mobil for the way that it, as opposed to the Government, has handled this matter. It has accepted responsibility, apologised publicly, agreed to pay for the clean-up, and met face to face with the community. It has also agreed to further meetings and will take interested members of the community through the refinery and answer any questions. Compared with Esso in Victoria and the recent Longford gas plant accident, Mobil's behaviour has been exemplary.

In addition, Mobil kept me and the member for Reynell, in whose electorate the refinery sits, very well briefed indeed on the course of the spill and the clean-up. I assume that similar briefings and information were offered to other local members of Parliament.

I also congratulate all the persons involved in the clean-up: they did a first class job in what were difficult circumstances. Only a long-term study will show how much damage was done to the local environment, but I know that those who managed and executed the clean-up did everything within their powers over the five or six days of the oil spill.

I say to all members of the House that it is proper and important that a public and open investigation into this spill be conducted for all the reasons mentioned, but especially to give the community confidence in the future operations of this refinery.

Mr MEIER secured the adjournment of the debate.

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

A quorum having been formed:

RURAL ASSISTANCE

Adjourned debate on motion of Ms Hurley:

That this House notes the considerable hardship suffered by farmers in the north-east of this State due to the exceptional circumstances, including drought and insect plague, and the refusal by the Federal Government to grant assistance to these farmers while it has assisted farmers suffering similar hardship in the adjoining areas of New South Wales and calls on the State Government to more actively lobby its Federal colleagues to support the north-east farmers in their applications for financial assistance.

(Continued from 3 June. Page 1616.)

The Hon. G.M. GUNN (Stuart): I move to amend the motion as follows:

Leave out the words after 'New South Wales and' and insert:
supports the State Government in its current efforts working with the local community to support the north-east farmers in their applications for exceptional circumstances.

As I indicated when I last spoke on this matter, members of the State and Federal Governments are totally supportive of the efforts being made by these communities to be recognised as an area of exceptional circumstance. There is no doubt that these people have suffered greatly through no fault of their own and that they are suffering severe hardship. The recognition that they seek, unfortunately even if they are successful, is not—

Members interjecting:

The ACTING SPEAKER (Mr Venning) : Order! There is too much noise in the Chamber.

The Hon. G.M. GUNN: —as great as it ought to be. Many of these people have gone about their business in a professional and productive manner, and it is through no fault of their own that they are suffering these unfortunate hardships. I have to say that the insensitivity of those who have been evaluating their applications is quite amazing, and it is very annoying that the bureaucracy in Canberra in its usual isolated and insensitive manner does not seem to understand commonsense. I have to say that at the meeting I attended at Orroroo I was appalled at the bureaucratic nonsense and the cost to the taxpayer of having these people troop around the community with no particular use coming from their presence. I sincerely hope that at the end of the day commonsense prevails and that these people put forward some sensible recommendations to the Minister; otherwise they might as well take all their red tape, regalia and nonsense and jump in Lake Burley Griffin and stay there. The whole process has been cumbersome and time consuming. At the end of the day, all these people want is a little help to allow them to continue in their operations. It is not their fault that they have been plagued with grasshoppers and locusts, that the price of wool has dropped to an all-time low and that they have had bad seasons.

Mr Conlon interjecting:

The ACTING SPEAKER: Order! Interjections are out of order.

The Hon. G.M. GUNN: There are many things the honourable member knows little about, and this is one of them.

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

Mr LEWIS (Hammond): I commend the Deputy Leader for bringing the matter to the attention of the House, and I further commend the local member for Stuart for the work he has been doing on these matters. I guess I am in the fortunate position of belonging to the same organisation—the Liberal Party—as the member for Stuart and also have some considerable connections with that part of the world owing to my interest in mining, my relatives in the pastoral industry and those other people for whom I shore sheep. I am therefore aware that they recognise the work the member for Stuart is doing on their behalf and also the work that is being done by the member for Grey, Barry Wakelin. The proposition as we see it clearly delineates the exceptional circumstances which have befallen those folk who live there, who manage the environment in those surroundings and who provide assistance and safe passage to many members of the general public who may not visit there more than once in a lifetime. But, in consequence of doing so, almost in a blasé way, they find they can move through that area virtually without risk to themselves and their property, because local folk will look after them if they come to some misadventure or suffer some grief.

Those local folk have suffered a great deal of grief in their own right, in consequence of factors way beyond their control, factors that have their roots in the climate and also in the economic policies of Labor Governments both State and Federal. As I am sure the member for Stuart knows, they understand the impact those silly policies have had on their

own prosperity. It has not reduced their responsibilities, costs of living or costs of production, but it has reduced their incomes—and that is the bottom line. They have been eaten out, and their wool prices are so low that we would have to go further back in history than the records would allow to find a relative price for wool as low as it is and has been in recent times. At present the cattle market is depressed, because the world market for beef is depressed.

Both of those things are affected by decisions made not only by Australian Governments, whether national or State, but also by Governments overseas. This morning we had the very bad news coming out of the United States of America where it is going to impose restrictions on the quantities of our sheep and cattle meat that we can export there and put a tariff barrier on any that go there now anyway.

Mr Hanna: They make rules to please themselves.

Mr LEWIS: They do, indeed, because as part of their political process they want certain votes from certain senators from certain States for certain measures and they cave in or go belly up on the very principles they seek to advance to the rest of the world about free trade.

Mr Hanna: Hypocrisy.

Mr LEWIS: It is called 'hypocrisy', spelt with a capital 'H' and ending with a capital 'Y'. Why on earth they would do that to us is beyond me. We are their allies, yet they are so parochial, so short sighted and so insensitive that they really do not care. It is not in their best interests in the general case to relieve the world of tension brought about by trade barriers and relieve the world of their adverse consequences and thereby reduce the commitment they have to make to defence. It is not in their interests, not in our interests and not in the interests of these people who are suffering in particular because they lost much of the feed they had for their livestock in consequence of the weather conditions that made it favourable for the build-up of plague locusts and the Australian plague grasshopper.

I drove through a few of those plagues last year, and in spite of the enormous amount of money and effort involved and the cost in life—one of the pilots, through no fault of his own, having lost his life in his efforts to control those insects—we nonetheless find ourselves having to address that matter within a framework that does not acknowledge that it could happen in this way, because it is said to be, according to some fool bureaucrat in Canberra, subregional, so he will not proclaim it. Those bureaucrats need to get a strong, stiff message, and this is one of the ways of doing it.

The Hon. G.M. Gunn: They thought Lake Torrens was full of water.

Mr LEWIS: You get some weird and wonderful ideas about what the world is comprised of outside Canberra when you talk to the people who have never left the place but who have enormous power over our lives, disproportionate to their standing as individuals. Lake Torrens full of water indeed! I have heard some people say, 'Whereabouts is that on the river?' When I ask, 'Which river?' they say, 'The Torrens'! Well, it is not. I ask them, 'Don't you realise that Flinders is not only an electorate of the Federal Parliament, outside South Australia but also an electorate within South Australia's Parliament named the same, because of the enormous efforts of that man and the contribution that he has made to our civilised occupation of this continent?'

For that occupation to be able to continue we have to get the bureaucrats in Canberra to change the mindset by which they determine policy and make recommendations, so that it can take account of the suffering to which these farmers, graziers and their families have been subjected. I commend the Deputy Leader and the member for Stuart for the manner in which they have now made a much better proposition of the motion and trust that the Government in South Australia will take heed of it and send it off to the ivory towers of Canberra and ensure that they understand the seriousness of the situation, so that those people can continue to work, albeit in poverty, and continue to contribute an enormous amount to our welfare as a nation through their product, which is exported to earn us the balance of payments we desperately need to maintain.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their contributions to this motion, which have heightened the understanding of the House of the difficult situation being endured by the very decent people in the north-east of this State. I particularly thank the member for Stuart not only for the enormous contribution he has made to the people of that region but also for his assistance in respect of this issue of exceptional circumstances. I support the amendment that the honourable member has put forward. It certainly does not take anything away from the motion and it does acknowledge the amount of work that has been done at all levels to try to give us the best opportunity to overturn the Federal Government's decision on exceptional circumstances.

There is absolutely no doubt that people in this area are undergoing some extremely difficult situations. The difficulties vary from area to area and therein lies part of the problem of initially getting the application through RASAC. Some areas had suffered from flooding, others from drought, and many areas have suffered from both. Fire was a factor and, of course, grasshoppers and locusts in previous years have caused enormous damage to pasture and crops in the more southern areas.

RASAC, as we now know, rejected the eligibility of this area for exceptional circumstances, and we have heard its reasons for that. We have taken up that issue with the Federal Government at several levels, whether it be Minister to Minister, certainly department to department, as well as the community perspective at political and departmental levels. The member for Stuart, the Federal member for Grey (Barry Wakelin) and myself took part in a one day workshop at Orroroo. As the member for Stuart pointed out, we asked some people from Canberra to attend to try to get them to explain to us why we had missed out on this application.

The meeting was more of an opportunity to tell them about their misunderstandings. They said, 'Well, you have had your average rainfall in most of this area.' We wanted to explain to them that rain that falls at the wrong time of the year and just evaporates or that falls late in the season and brings up a flush of green growth for the grasshoppers is certainly of no economic advantage to the farmers. That backed up the decision reiterated at a recent ARMCANZ meeting that we should be focusing on the outcomes and not so much the climatic circumstances when we look at some of these applications.

I believe that we were able to increase their understanding. We also have a greater understanding about what we should do as far as size of areas and separating the various sets of circumstances that have been affecting each area. I think we have been able to get through to Canberra that the value of rainfall at different times of the year varies quite markedly. The new applications are currently being put together and we are certainly hoping for better outcomes. We need to be clear,

as you, Mr Acting Speaker, would understand, that if the exceptional circumstances application is accepted it certainly will not solve all the problems in the area. It certainly will not solve the major problem which only climatic factors can solve. Climatic factors and commodity prices are the two big issues for the area.

However, there is no doubt that if the submission were successful it would provide some much needed assistance to many of those in greatest need and, in that area, that is a significant and growing number. I, together with the member for Stuart, the Federal member for Grey and the Deputy Leader who moved the initial motion, commend the motion to the House. We will certainly continue to pursue the issue and work with the community of the north-east to try to get a better outcome for them from this application.

Ms HURLEY (Deputy Leader of the Opposition): In moving this motion, I did not intend to detract at all from what the member for Stuart has done for the farmers in the area in lobbying for the Bill. I sought only to encourage his colleagues in State Cabinet to lobby more actively and publicly for the success of the lobbying that had been done up until now, and I pointed out the differential between what has happened in New South Wales and what has happened in South Australia. I suggested that some of the Federal South Australian Liberal members might also be asked to do a bit of active lobbying, not only the local Federal member.

However, I am pleased to hear that the new application is proceeding. I certainly hope that it is successful and that some assistance will be provided to the farmers in this area who are enduring a very difficult set of circumstances in difficult market conditions. Many of those farmers have been there for a long time, others not so long, but I am sure any injection of financial assistance that can be offered through the Exceptional Circumstances Funding would be of great assistance to these farmers to enable them, perhaps, to keep their businesses viable. I thank members on the other side for their support for this motion and certainly, I believe, that the whole House would be hopeful that the new application is successful.

Amendment carried; motion as amended carried.

[Sitting suspended from 12.41 to 2 p.m.]

ASSENT TO BILLS

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

Barley Marketing (Miscellaneous) Amendment,

Explosives (Broad Creek) Amendment,

Financial Sector Reform (South Australia),

Financial Sector (Transfer of Business),

Mutual Recognition (South Australia) (Continuation) Amendment,

Road Traffic (Driving Hours) Amendment,

NEW TAX SYSTEM PRICE EXPLOITATION CODE (SOUTH AUSTRALIA) BILL

His Excellency the Governor's Deputy, by message, recommended to the House the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

CRIME, PENALTIES

A petition signed by 30 residents of South Australia requesting that the House urge the Government to increase prison sentences for persons convicted of robbery with violence of residential property was presented by the Hon. M.R. Buckby.

Petition received.

HEALTH REFORM

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: The issue of health reform has long been the subject of protracted and complicated debate at all levels of government. For far too long Governments of all persuasions have talked about the need for national health reform to each other and to the Commonwealth. There is an immediate need for additional funding from the Commonwealth, but that is not forthcoming. The health system needs more than just the Commonwealth throwing money at it. The challenge for Governments is to ensure that the delivery of health services occurs in a timely, efficient, effective and caring manner. We must ensure that health is a priority, not merely rhetoric, but also in reality.

As such, the reform of Australia's health system is something that should be important to all Australians. Hospitals have been perceived to be in crisis since at least the mid 1990s, if not earlier. Whether or not a crisis actually exists, there is no doubt that hospital systems are under pressure from a combination of factors, and it is time to act to achieve a system for the future.

Today marks the beginning of a coordinated and sustained campaign for health reform. My State and Territory colleagues have identified *ad nauseam* the escalation of health costs, Australia's ageing population, growing waiting lists, a public health system at the breaking point, and a lack of adequate and necessary reforms at the national level, as we have done in South Australia.

Throughout the 1990s, our nation's Premiers and Chief Ministers have sought to engage successive Commonwealth Governments in progressive debate on health issues with the intention of initiating fundamental reform in the health arena, and for some reason the Commonwealth has been reticent about engaging in this debate.

Community support for State and Territory Governments in this instance is necessary if we are to be successful in achieving a health system fit for the next century and indeed the new millennium. It is the fundamental heart of our health system that needs to be addressed. The issue of health reform that I refer to today is about reforming the entire health system to achieve fairness and equity for all Australians. There are now serious questions about how well Medicare will be able to meet Australia's health needs for the next two decades and beyond. Without any change we are in danger of leaving future generations with a health system that cannot cope and a health bill they cannot pay.

When Medicare was first introduced, its inception was based upon the principles of equality, equity and access. It was not meant to advantage one section of the community and alienate another. The changing age profile of the population and the pressures it would place on the health system were not apparent in the early days of Medicare. Health costs for older Australians are disproportionately

higher with health expenditure for people aged 65 years and over being about four times greater than for those under 65 years. The other significant change in the Australian health landscape has been the dramatic shift in the size and role of the private health insurance sector. These issues can no longer be deferred for consideration. The exodus of Australians from the private health insurance system has been significant, and attempts by the Commonwealth to reverse this trend have not been adequate.

The irony is that the Medicare system needs a viable and energetic private health system to sustain its own viability—the two are not mutually exclusive. Medicare in a sense has brought about the demise of the private health system, and the demise of the private health system has contributed to the crisis facing our public hospitals. It is a vicious circle and one which must be broken. To achieve the initial intentions of the Medicare system we need to rejuvenate, adjust and reform our current system. The growing numbers of people on public waiting hospital lists display the increasing inability of hospital Medicare to fulfil its obligations of access to basic health care for all Australians. The reality is that they are no longer assured of timely access to a public hospital, yet there are empty beds in private hospitals. Clearly, for Medicare to deliver on its primate objective of universal access to basic care, the system needs some tuning.

Failure to act now is to abdicate our responsibility to the people of Australia and, in our instance, the people of South Australia. We need to examine some of the issues that have been raised to date to reduce the burden on the public system; reducing the length of stays in our public hospitals; increasing the use of lower cost alternatives to in-hospital care; shifting those who can afford it from public to private hospitals; creating a sense of responsibility in the community whereby those who can afford it are encouraged to provide for their own health care; and possibly the introduction of means-tested charging for privately insured patients. It has also been suggested that the cost principle behind Medicare should be revised to reflect the actual costs involved in providing what the community generally assumes is 'universal-free' health care.

The reality is that the Medicare levy covers only approximately 8 per cent of the nation's health bill. Hence this supposed 'universal-free' health care comes at a huge cost to the community in general. Someone has to pay for it and the States do not have a bottomless pit. It has also been suggested that modest, out-of-pocket patient contributions could be introduced for basic services, but such a measure should not disadvantage those in the community in genuine need of financial assistance, or those who are already disadvantaged in our community. Another area that needs urgent attention is that of the exodus from the private health system. Perhaps even the Medicare levy needs to be addressed further. By no means am I advocating that the measures I have outlined are the appropriate mechanisms to reform the health system. They are merely options that need to be considered, amongst many other options.

The principle on which Medicare is based remains valid. A simple system with access to basic health care at a reasonable cost for every Australian resident will see us well into the next century. These options will be discussed at the forthcoming Leaders' Forum in Sydney on Friday 23 July. My State and Territory colleagues are united in our pursuit of a reformed health system, as this debate is equally as important to the nation as the tax reform debate, and nothing short of fundamental reform will suffice.

The era of seeking more funding for short-term political gain must cease and we must foster community support, for without community support our campaign for a more equitable and efficient health system will undoubtedly fall on deaf ears. The case for change is not only compelling but essential. We have a choice to act now so that we can enter the new millennium on the road to a more user friendly health system or not to act now and find ourselves continually bickering with the Commonwealth over funding for health services.

This issue is beyond politics: it is about the health of the nation, and the issue needs to be addressed as a matter of priority. This issue affects the entire community and, therefore, fundamental reform of the health system should have the support of this Parliament, all the Parliaments, the Legislatures across the nation, and the community in general. In response to the interjections of members opposite, the Queensland Labor Party has prepared the paper with the support of the New South Wales Labor Government and the Victorian Liberal Government. The thrust of the Leaders at the Friday 23 July meeting is bipartisan amongst State Governments across this nation. What is demonstrated by the interjections of members opposite is that they are totally out of step with their colleagues in government in other States of Australia who recognise the need—

Members interjecting:

The SPEAKER: Order! The Leader will come to order.

Members interjecting:

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

The Hon. J.W. OLSEN: We have a further demonstration that, when you have no policy, no vision, no direction, no plan and no idea, you resort to interjections and snide remarks across the Chamber.

Members interjecting:

The SPEAKER: Order! I warn the Leader for the second time.

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.M. GUNN (Stuart): I bring up the twenty-eighth report of the committee, on the Ngarkat Conservation Park Fire, 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.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the one hundred and first report of the committee, on the Noarlunga Health Services Emergency Services Redevelopment, 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.

QUESTION TIME

GOODS AND SERVICES TAX

Mr FOLEY (Hart): Will the Premier confirm that the Government has appointed a panel of consultants to advise on the implementation and impact upon Government of the Commonwealth's GST and that the Government has estimated that the cost to taxpayers of these consultancies could be up to $20 million? The Opposition has been informed by senior sources within the Department of Treasury and Finance that the Government has appointed consultants, including Arthur Andersen, KPMG, Deloittes and Price Waterhouse, have been contracted to advise Government departments on the GST up until 31 July next year. Sources have stated that up to $20 million has been allocated by the Government to pay these consultants.

The Hon. J.W. OLSEN: I will refer the member for Hart's question to the Treasurer.

SOUTH AUSTRALIA, FUTURE DIRECTIONS

Mr CONDOUS (Colton): Will the Premier inform the House of the Government's latest initiative in engaging the community in the future directions of South Australia as we head into the next millennium?

The Hon. J.W. OLSEN: The community certainly wants to see a Government that has policy and a vision—and it is something to which the member for Peake and his Opposition Party have not contributed. We have demonstrated this in economic and social areas of government. Now we have laid out our statement of direction for South Australia, the foundations on which we have come this far and the direction that we wish to take South Australia in all portfolio areas. It is a measuring stick, if you like, or a report card by which South Australians can measure us, that is, the foundations for policy for the next term of Government.

The Government's statement of directions for South Australia outlines the Government's plans to maximise the State's economic performance, provide support for regional communities, education, cultural activities, the environment, justice and community safety, and the performance of the public sector—a benchmark, if you like.

And clearly, the foundations that are being laid are working. More South Australians have jobs, and we had just today the largest drop in unemployment in mainland Australia, 2½ times the national decrease of .3 per cent. South Australia's unemployment rate now is lower than that of Queensland. We have now had 12 consecutive months: a growth in trend employment of 26 700 South Australians over the same time last year who now have a job. Clearly, the foundations we have laid in Government policy are working and now have clearly laid out to the public the Government's directions.

This is in contrast to the Opposition's record, where we have nothing to look back on but a cracked foundation and no policy direction at all. That is the difference in the benchmarks. Maybe tonight's State Council meeting of the ALP might address some things—as distinct from branch stacking—such as policy for South Australia, and some of the important issues and focuses. What you are demonstrating is that you are not listening to the community; you have no policy direction—

Members interjecting:

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

The Hon. J.W. OLSEN: —and the reason that you have no policy direction is that you are too busy signing up members who do not want to be members or joining dead persons as members of the Australian Labor Party. The phantom members are coming out of the woodwork everywhere.

Members interjecting:

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

The Hon. J.W. OLSEN: I can understand the Labor Party's sensitivity about signing up dead people for membership and being caught out for the fact. It demonstrates how desperate you are. I assume that this will roll into their preselections for the seats in October/November which is of some focus. Although the ALP State Secretary has not taken any notice, I see that a number of members have. The member for Ross Smith, for example, and the Opposition Whip no less have joined forces to put on this meeting in the Prospect RSL Hall next week. As I mentioned yesterday, I am sure that this is one meeting that will not be cancelled by the member for Ross Smith.

Mr CONLON: Sir, I rise on a point of order. The Premier is required to answer the substance of the question. I do not now recall what the question was about, but I am sure that it was not about this.

The SPEAKER: Order! It was a very broad ranging question. However, I think that it is stretching a long bow to get into the area where we are at the moment, and I ask the Premier to come back to the question.

The Hon. J.W. OLSEN: Every time the member for Elder rises with a point of order he identifies how sensitive members opposite are with respect to this subject. By getting up each time, the member for Elder is wanting to cut the thrust of the response. While members opposite play their games with phantom members, we are getting on with the job of governing South Australia. We see car sales increasing; wine exports are at record levels; business confidence is increasing; more tourists are coming to South Australia; and fewer people are leaving the State. It all adds up to a more prosperous future for South Australia, which has been for too many years in the doldrums. Last week, for example, we saw recruitment company Drake release figures indicating that there would be 5 000 new jobs for South Australians up for grabs between now and September. So, the last year speaks for itself, and the signposts for economic recovery in South Australia are well and truly there. And it is underpinned by the directions and intent statement, Achievements to Date, Directions for the Future.

SHIP BREAKING INDUSTRY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Environment and Heritage. Given that the Premier personally supports the Australian Steel Corporation's proposed ship breaking operation and has offered an option on a site at Pelican Point, and given that the company now claims that it has funds for a feasibility study, has the Minister met with the EPA Chairman, Stephen Walsh, to discuss the impact of this facility on the environment, and what was his advice? I can see the Premier's sensitivity—

The SPEAKER: Order! The Leader will get on with the question.

The Hon. M.D. RANN: —if not the Minister for Health, who has been saying that there is a crisis in our hospitals and—

The SPEAKER: Order! The Leader will not be around to ask the question shortly.

The Hon. M.D. RANN: In the Premier's 30 July 1997 letter to the Australian Steel Corporation, the Premier said that the Environment Protection Authority did not see 'any problems which cannot be readily managed'. A Cabinet submission, written on 15 June 1997 by the former Environment Minister, warned that the project would result in 'the possibility of significant degradation of the marine environment of the Port River and the adjacent Barker inlet'.

The Hon. D.C. KOTZ: Thank you—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has asked his question. He will remain silent.

The Hon. D.C. KOTZ: Thank you, Mr Speaker.

Mr Lewis interjecting:

The SPEAKER: The member for Hammond also will remain silent.

The Hon. D.C. KOTZ: I thank the Leader of the Opposition for his attempt at a question, considering that, as this honourable member has been told in this House, until there is a feasibility study there will be no absolute outcomes. And until the outcome of that comes through none of the matters that the member has just put to this House will be addressed.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: The member for Hart is—

Mr Foley interjecting:

The SPEAKER: I warn the member for Hart.

GOVERNMENT POLICIES

The Hon. G.M. GUNN (Stuart): Can the Premier please tell the House how recent economic indicators are endorsing the Government's policy directions?

The Hon. J.W. OLSEN: I am certainly pleased to impart to the House further economic indicators that really do underscore the point that we are heading in the right direction in South Australia. The successful passage of the Government's electricity legislation, which the member for Peake attempted to stall unsuccessfully, despite his constant rhetoric and interjections—

Mr Koutsantonis interjecting:

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

The Hon. J.W. OLSEN: —in breach of Standing Orders, across the Chamber. Since the Government's electricity legislation has put an end to some 16 months of uncertainty, less than 24 hours after the first indicative vote on the Bill, international ratings agency Standard & Poor's issued a statement saying that South Australia's credit rating could be in line for an upgrade. That was the importance and the significance of that decision of the Parliament.

There can be no clearer demonstration of the interest that businesses across Australia and around the world have in our new opportunities and new investment in South Australia. Even the Opposition is aware of that because I know that some of the proponents, some of the potential purchasers, are talking to the Opposition so they know the range, the extent, of the interest in our power utilities internationally.

Local business is already well placed to take advantage in this new interest in our State. The ABS Business Expectations Survey for the June quarter showed South Australian businesses expecting strong sales growth and profit trends. Our sales growth figures for the year to June 2000 are 5.5 per cent, the highest of all the States in Australia. Profits in all industries are expected to rise by 46 per cent over the same period—again, the highest of all the States of Australia. Our vital manufacturing industry expects sales to rise 5.4 per cent over the year. This will further be helped along now that the Commonwealth tax package has been passed and we can look forward to the abolition of wholesale sales tax.

The ABS says that the employment outlook will continue to rise. This employment growth is backed up by last week's survey by Drake Personnel, and I mentioned a moment ago that Drake indicates that up to 5 000 jobs will be available between July and September, with almost one-fifth of the firms in South Australia planning to take on additional staff. Monday's ANZ Job Advertisement Survey showed continuing growth in trend terms, with the number of advertised positions vacant almost 9 per cent higher than at the same time last year.

Despite the constant Opposition threats to set the heavies on any company prepared to invest in this State, the Government's industry investment policy is continuing to pay dividends. In the first 10 months of the 1998-99 financial year, we created more direct jobs than in all of the previous financial year. This 10 month period has also seen the value of the State's exports rise to $4.4 billion—which is 6 per cent higher than a year earlier—at a time when national export figures are falling. The success of Food for the Future has been demonstrated by the strong increase in wine and seafood exports over this time. This growth and increased confidence is showing up in the building figures. Analysts BIS Shrapnel have forecast that South Australia will be the only State to see growth in non-residential building over the 1998-99 and 1999-2000 financial years. At the same time, last week's building approval figures showed private new home approvals in South Australia up to the end of May had risen 5.6 per cent over the first five months of the year.

In South Australia's growth industry of tourism, there are also signs of better things to come. In the last 12 months, the number of room nights occupied in South Australia rose by 1.4 per cent. Average takings per room per night increased by 1.9 per cent and, overall, that meant that takings from accommodation in South Australia increased by 3.4 per cent. That growth was worth nearly $1.5 million to the State's economy. In the last 12 months, employment in South Australian accommodation grew by 3.5 per cent, which is in stark contrast to the national fall of .4 per cent. Better still, the strongest tourism accommodation employment growth was recorded in regional South Australia. The South-East and Eyre Peninsula recorded growth in excess of 6 per cent. The Riverland recorded growth of over 11 per cent.

The lifting of the uncertainty surrounding the future of the electricity industry should spark a new wave of investment and demand. South Australia is looking to the new millennium with some renewed sense of vigour, determination and confidence, and with that comes pride.

SHIP BREAKING INDUSTRY

The Hon. M.D. RANN (Leader of the Opposition): Has the Premier or his department sought advice from the Crown Solicitor's Office about the legal implications of a letter

written by the Premier to the Australian Steel Corporation on 30 July 1997 and whether or not that letter created a binding obligation by the Government to offer land on Pelican Point for the company's proposed ship breaking industry? Did you seek legal advice on your letter?

The Hon. J.W. OLSEN: I normally get advice from the Crown on a number of initiatives that we take. If the Leader is trying to import or indicate that there is a binding commitment on the Government, there is not. The fact is that Cabinet will be giving consideration to this matter in due course.

PORT STANVAC OIL SPILL

The Hon. R.B. SUCH (Fisher): Will the Minister for Environment and Heritage outline the preliminary outcome of the investigation into the causes of the Mobil oil spill?

The Hon. D.C. KOTZ: The Chairman of the Environment Protection Authority, Mr Stephen Walsh QC, provided me with a copy of his statement to the press which was made at 1.30 p.m. today and which provided an update on the oil spill on which I am pleased to be able to report to the House. Mr Walsh's statement is as follows:

> The oil spill at Port Stanvac was first noticed on the morning of Monday 28 June 1999. Transport SA was immediately notified and the South Australian Marine Spill Contingency Plan was instantly enacted by Transport SA. Environment Protection Agency staff were involved in the implementation of the Marine Spill Contingency Action Plan and the Environment Protection Authority advised that the spill was contained and a thorough clean-up process was completed.
>
> Transport SA report that there are no oil traces in the ocean and say that the affected beaches will be returned to their previously healthy condition. The EPA and Transport SA have jointly put together a five member investigation team to investigate the spill and Mobil are, at this stage, cooperating with this investigation.
>
> The investigation team is being led by a Government investigation officer from Crown Law and is taking direction regarding the investigations from the Environment Protection Authority. The investigations are continuing and at this time it would be inappropriate to discuss the details of those investigations as this could compromise the legal process. The EPA commissioned an independent assessment of the oil spill on the marine environment by Flinders and Adelaide Universities.
>
> Preliminary advice to the Authority from Adelaide University, assessing the impact of the spill and dispersants used during the spill on the sand areas underneath the spill site, will be available in the next couple of weeks.
>
> Preliminary advice to the authority from the Flinders University assessment team on a survey of the Aldinga Reef area conducted on Thursday 1 July indicates that the biological effects of oil spilled on the Aldinga Reef system in the days immediately prior to 1 July will be weak. Mr Walsh said advice from Flinders University also points out that, in order to quantify the statistical likelihood that the oil spill has caused environmental harm, a more complex sampling design would have to be implemented. He said the Authority would be seeking advice on this from the Environment Protection Agency.
>
> I am satisfied that the Environment Protection Agency has acted appropriately and effectively. The next stage is to ensure that systems are in place to prevent a repetition of this incident. I expect to be able to provide a further report to the public by 13 August and also detail what further action the Authority considers appropriate.

That concludes the statement.

HEALTH BUDGET

Ms STEVENS (Elizabeth): My question is directed to the Premier, who said that the sale of ETSA would fix all our hospitals and provide all the funds that we needed for our health system.

The SPEAKER: Order! The honourable member will ask her question.

Ms STEVENS: Given the increase in the budget for the Premier's office of $4.4 million (an increase of 8.9 per cent), why has the funding for South Australia's public hospitals been cut when other States and Territories have increased their hospital budgets? The Minister for Human Services told the Estimates Committee that, by comparison to the $36 million cut for hospitals in South Australia, New South Wales increased its health budget this year by 4.6 per cent and the Victorian budget for human services increased by 3 per cent on top of an historic increased budget boost last year of $147 million, including $82.7 million extra for hospitals. Further, Western Australia put in an extra $153 million this year, an increase of 9.3 per cent, whilst Tasmania put in an extra $44 million, an increase of 7.3 per cent, and the Northern Territory increased spending by $18 million or 4.3 per cent. Where is our increase?

The Hon. J.W. OLSEN: The increase for health and education services and other essential services was whittled away by a Labor Government through 11 years of incompetence. That is where it went. The flexibility and the opportunity to increase funding in essential services was destroyed—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —by the Bannon Labor Government. That is where it went. If the member was really fair dinkum about providing further essential services and financial support, a year ago she would have backed us in for the sale or lease of our power utilities. What would that have done? That would have saved a couple of hundred million dollars in the last year alone in interest saved. That is what would have happened.

Instead of the Labor Party doing a double backflip when the Hon. Mr Cameron and the Hon. Mr Crothers left the Labor Party on principle to vote for this measure for the benefit of South Australia in the future, as soon as you knew you were done, you capitulated. Members will recall that they voted for the 97 year lease in this Chamber. That is what the Labor Party did, in contradiction to the leaflets being put out by the Leader of the Opposition. They voted for a 97 year lease. I would only say to the member: had you voted for the 97 year lease a year ago, we would have had about $200 million available for health services in South Australia.

EMPLOYMENT COUNCIL

Mr VENNING (Schubert): Can the Minister for Employment advise the House of the value the Employment Council will add to the Government's long-term directions for the State?

The Hon. M.K. BRINDAL: I thank the member for Schubert for his question and comment on the Opposition's total lack of interest in the employment figures today. When the Premier was answering a question, the Opposition was characterised by its complete disinterest. I put that on the record of the House because, in the Estimates Committee, the Leader of the Opposition said there was no more important issue for this State than unemployment but, Sir, Janus certainly lives and resides in the first chair on your left-hand side.

Mr Conlon: Take off the 'J' and we've got you.

The SPEAKER: Order! I warn the member for Elder for the third and last time.

The Hon. M.K. BRINDAL: I ask the member for Elder to withdraw that offensive remark.

The SPEAKER: The Chair was not familiar with the actual form of words used. If the remark was offensive, I ask him to withdraw it. If it was unparliamentary, I ask him to withdraw it. Otherwise, I cannot take it any further.

Mr CONLON: I am not quite sure which remark the Minister means. Perhaps he could spell it out for me and, if it was unparliamentary, I would be with happy to withdraw—and spelling is the key.

The SPEAKER: Order! Minister.

The Hon. M.K. BRINDAL: When the honourable Leader of the Opposition was Minister for Employment, in May-June 1992 the unemployment rate in this State stood at 12.3 per cent. Today it stands at 8.1 per cent. One year ago, the Leader of the Opposition berated the then Minister for Employment, the Hon. Mrs Hall, saying that it was atrocious that our levels of unemployment exceeded the national average by about 2 per cent. Today, it is less than .8 per cent.

A couple of weeks ago the Leader of the Opposition berated me because we were the worst performing mainland State. I said to him, 'I look forward to the day when I could come into this Chamber and say our performance is exceeding Queensland.' Today is that day. But what does the Leader of the Opposition do? He concentrates on childish politics and the jobs of those opposite rather than the jobs of South Australians.

Last year the Premier set some expectations of this Government, and the Leader of the Opposition made light of them. Well, those expectations have not only been achieved: they have been exceeded. We got out there and listened to the people of South Australia, up and down the State, not with some stunt 'Labor Listens' campaign but with a genuine effort to listen about unemployment. We gave this Parliament a chance and we acted on that, and the Employment Council is the result.

So, the Employment Council, which will meet in a few weeks, is off to an excellent start because of the work that this Government, these Ministers and our community have put in together. The Employment Council will look at targeting priority sector work force programs, will look at focusing, refocusing and sharpening the Government's commitment so that we can deliver State Government education, training and employment initiatives in the most coordinated and best way possible, something that Labor never tried.

This Government is not looking to our own jobs—and from some of the remarks opposite it seems that today, for some reason or other, the Opposition is obsessed with whether they will be here after the next election—but is concentrating on the jobs of South Australians, our neighbours' and our kids'jobs. When—and it will not be long—those in the media realise that what is opposite is a hollow facade for self-seeking tribalism, a judgment will be made. That judgment will be favourable on a Government that gets on with its job, unlike the self-seeking, self-opinionated hollow people opposite.

HEALTH BUDGET

Ms STEVENS (Elizabeth): My question is directed to the Premier. Given that the Minister for Human Services—

The Hon. R.L. Brokenshire interjecting:

The SPEAKER: Order! The Minister for Police, Correctional Services and Emergency Services will come to order.

Ms STEVENS: Given that the Human Services Minister has been advocating that the Howard Liberal Government increase our State's health funding by between $55 million and $70 million extra per year, is the Premier's statement today an admission that the Premier failed to secure adequate health funding for our State when he met with the Prime Minister in Canberra last year and secured only an extra $17.4 million? While the Minister for Human Services has been advocating greater health funds for our State's public hospitals, the Premier is now advocating fewer health patients.

The Hon. J.W. OLSEN: The throw-away line in the explanation at the end shows the ignorance of the Opposition, the absolute ignorance and how, when you do not have a policy or a plan, you divert to try to reconstruct my ministerial statement put down in the House. The Minister for Human Services and I prior to the signing of the Medicare agreement last year—principally led by the Minister for Human Services—took up the argument with the Commonwealth Government with other Health Ministers to get a better deal. A better deal was negotiated out of that; there was a better deal achieved.

Ms Stevens interjecting:

The Hon. J.W. OLSEN: Was it enough? No, it is never enough. There would not be a policy area along this front bench where we would not want more money from Canberra if we could get it.

Ms Stevens interjecting:

The Hon. J.W. OLSEN: The member for Elizabeth should just take a Valium, sit back and listen to the answer. She asked the question—does she want the answer? In Government, unlike in Opposition when you can be all things to all people with no responsibility, you have to look at reality. We are looking at reality in the longer term. Yes, we have asked for more funds from Canberra and important they are. But the reality of the circumstances is that those funds are not forthcoming. We have tried and we have not had the increase. Therefore, where are we going in the next 20 years? The honourable member might like to go interstate to Queensland, New South Wales or Tasmania, which have Labor Governments, and she might like to talk to her ministerial counterparts there who, as Ministers, understand the responsibility, the policy issues and are trying to do something about it.

I know the member for Elizabeth got named in the *Advertiser* as not being very good in her shadow portfolio, but I can tell her that these sorts of questions are going to further undermine her standing. All I would suggest to the member is that she go interstate and talk to Ministers of Health of the Labor persuasion and she would understand that the arguments being put forward by both conservative or Liberal Governments and Labor Governments, socialist governments, around this country in this respect are the same. Health across Australia is an important issue. There are fundamental flaws in the system that can only be addressed by a review of the health system in this country.

Governments of all political persuasions at a Federal level have ignored fundamental restructuring of the health system. What I am attempting to do—and what my ministerial statement alluded to today, prior to the meeting in a fortnight's time—is simply indicate to this House that we think that this is an important issue and that it equates with fundamental taxation reform as an important social issue in Australia as we go into the next millennium. We can all sit back, as does the member for Elizabeth, in short-term political gain without having any focus on a vision, any focus

on a plan or any idea about how to redress the fundamental flaws in the health system of this country.

I will give one small piece of advice to the honourable member: if she really wants to demonstrate her credentials in terms of understanding the health debate in Australia, she should get some information from her colleagues interstate.

Ms Stevens: I will indeed.

The Hon. J.W. OLSEN: I am delighted that the member for Elizabeth is now going to make a phone call, at least, to her interstate colleagues to get a bit of basic information, because then we might get some decent questions from the honourable member. I can understand why the Leader passed his question to the member for Elizabeth to ask, but as we go into the next century we might actually get some questions from the Opposition on health that are actually relevant to service delivery for South Australia.

If there is one focus that the Minister for Human Services and this Government have had it is this: how do we more efficiently, in a caring way, meet the needs of South Australians with a finite resource of dollars to provide it? That is what we are attempting to do and will continue to do, and we will also join the other State leaders in a debate at national level to get a health system in the next century that actually works and does things such as provide service delivery for ordinary people in Australia.

INFORMATION ECONOMY

Mrs PENFOLD (Flinders): Will the Minister for Information Economy inform the House why the information economy is strategically important to the economic development of South Australia?

The Hon. M.H. ARMITAGE: I acknowledge the honourable member's interest in the information economy arena and the opportunities that it has for bringing her electorate, in particular, into even more of the mainstream of economic development than it is in already. Every time I go up there she shows me that it is very much a contributor to South Australia's economic welfare.

The importance of the issue of the information economy needs to be set against the background of the very simple fact that a revolution is going on at the moment of a similar magnitude and similar effect to that of the industrial revolution. Just as in the industrial revolution there were winners and losers, in the information revolution equally, if the right steps are not taken, there are likely to be winners and losers.

However, I would like to talk about the results and the good things that are happening. As I stated almost 18 months ago when the information economy portfolio was first established, the Premier and I agreed that one of the things we ought to do for South Australia as we entered the information economy revolution was create or attract a very significant world-class event to South Australia. Certainly now, with the support of the Australian Information Industry Association, EDS, the keen support of the local IT industry, and so on, we have delivered. The World Congress on Information Technology is to be held in Adelaide in 2002.

The Hon. Dean Brown interjecting:

The Hon. M.H. ARMITAGE: This congress, as the Minister for Human Services says, is a great achievement. It is the pre-eminent international forum for leadership in the information economy and information technology industries. It is held every second year and attracts the world's most prominent leaders, not only in the IT industry but also those in business and political circles. For argument's sake, at the one recently held in Fairfax County in America the keynote speakers were Margaret Thatcher and Mikhail Gorbachev. I know that Bill Gates has already said that he would like to be a keynote speaker at the Congress to be held in 2000 in Taiwan. Certainly, the Government and the AIIA is intent on having that calibre of speaker in South Australia.

Of course, that means that it is an unparalleled opportunity to sell our economy and our information economy in particular to the world. Obviously, companies and Governments throughout the world are relying more and more on the information economy to achieve their corporate goals in relation to business and their economic goals in relation to Government. It is difficult to imagine any single event which would attract a more influential group of people to address the specific issue of changing business models to accommodate the information revolution. It will clearly be extraordinarily important, as it will be held at a time when the world is coming to grips with massive economic change being driven largely by innovations in technology, and South Australia in particular, because of this conference and the success of the Government in bringing the conference to South Australia, will have a major platform for helping to shape the impact of the change of the future on the world's communities and on our own community.

Just as an example, literally this morning I was approached by a senior member of the European Community Diplomatic Corps seeking a meeting with me, because he wants to know, as far ahead as this is already—two years and more ahead—how he may be able to bring trade delegates to the WITSA conference so that the European community, from the country that he represents in particular, will be able to attend all the trade events during that period. That is the sort of significance that this conference brings. It can be regarded as the measuring stick or the litmus test for where we are at present, because there is absolutely no way we would have been awarded this congress if he had not been performing. Indeed, the members of the AIIA said quite clearly the reason South Australia was attractive was that we 'get it' in information technology and information economy.

The IT2000 vision, which was extraordinarily well conceived in its day, has provided the plan and the results are now following. I look forward to the update of that plan, and I am confident that that will consolidate our position, as well as putting on the table for us to address the challenges that lie ahead. The Government has the insight to conceive and to deliver—most importantly—results in relation to the information economy. The runs are on the board. Clearly, with WITSA now being delivered to South Australia, that indicates that we are able to seize the future as well. One area I am confident WITSA will be addressing is an area very close to my heart, that is, how the information economy can support what we are loosely calling in my office the digital democracy: the opportunity for the people—in particular of South Australia—to be involved with their Government through information technology.

The information placed on the Web late last year in relation to the ALP factions was a very stark reminder that the information economy is with us today. I am not sure how many people would have bothered to go to the page; nevertheless it was there for everyone to see who was aligned with which faction and why.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: It was on a Web page. It was actually put up by the well known SA First Party.

Members interjecting:

The Hon. M.H. ARMITAGE: I was going to say that it was down to the 't', 100 per cent correct, because what is clear to me is that members of the SA First Party know more about what is going on in the Labor Party than half the members opposite, because it doesn't seem—

Members interjecting:

The Hon. M.H. ARMITAGE: Absolutely! He's too busy going out and getting dead members to sign up. The information economy is with us. The ALP factional document clearly identified that, and it is time for members opposite to realise that the days of the printing press are in the past. What this Government wants to do with the information economy with events such as WITSA are the future.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Why did the Government fail to consult the community with respect to the development of recommendations about the future of obstetric facilities at the Queen Elizabeth Hospital after his commitment in this House on 18 February 1999 to public discussion; why is the Government ignoring the advice of the Royal College of Obstetricians that downgrading services to level one would compromise safety; and why did the Minister describe a public meeting attended by several hundred people last Sunday as 'a waste of time'?

The Hon. DEAN BROWN: I have before me, in fact, Planning Maternity Care, the report on low risk birth services for the Queen Elizabeth Hospital. It is an excellent report, which was prepared by Professor Lesley Barclay and Ms Patricia Broady of the National Health and Medical Research Centre of Excellence in Midwifery Practices and Research, University Of Technology, Sydney.

Let me once again lay out the facts here. We had an obstetrics review with a large number of specialists in the area of gynaecology and obstetrics. That review came up with a recommendation that there should be only three specialist obstetric centres across the Adelaide metropolitan area. So, how the honourable member can say that I am ignoring the views of the specialists in this area is beyond my belief. The specialists themselves have said that there should be only—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —three areas of specialisation as we go into the long-term or the medium-term future, and that they should be at the Flinders Medical Centre, the Women's and Children's Hospital and at the Lyell McEwen Hospital.

There was a very good reason, in fact, why they came down with that recommendation: there is an anticipated significant fall in the number of births taking place in the Adelaide metropolitan area. If there is a fall of, say, 20 000 down to about 13 000 births over a number of years, we cannot expect to maintain the same number of specialist centres as we had in the past. So, the obstetrics review came down with the specific objective of three areas of specialisation.

There was an outcry from people in the western suburbs that they wanted to maintain midwifery services in the western suburbs. And I responded to that. I immediately asked the Department of Human Services to look at the feasibility of maintaining what they would call low risk births using midwifery services in the western suburbs. We went to probably the best people in Australia who could prepare this report. This group of people has consulted widely—including the local Charles Sturt Council. How the honourable member can say that there has been no consultation, when the report itself talks about the consultation that has taken place, is beyond my belief.

The fact is that there has been consultation, and this report recommends that it is a very good model, indeed, to have a low risk maternity birth unit at the Queen Elizabeth Hospital; to have prenatal and postnatal services; to maintain postnatal services in the home; to maintain the mental health midwifery service, specifically for women who suffer from depression after birth; and to maintain the multicultural service that we have been providing at the Queen Elizabeth Hospital. So, the model that is now being looked at has, in fact, been endorsed by this report, and that now will be given further consideration.

The third point that was raised was why did I say that the meeting was not necessary. That statement was made because the brochure that was put out advertising the rally last Sunday afternoon stated that this Government was about to, first, close the birthing unit; secondly, close down the postnatal midwifery service; thirdly, close the mental health midwifery service; and, fourthly, stop the multi language service that had been provided on births. I pointed out that all those services would continue to be delivered at the Queen Elizabeth Hospital: therefore, there was no need to have the rally. If we were providing the services, why bother to have a rally? That is why I said that the rally was a waste of time: because we were going to deliver those very services.

What amuses me is that nowhere in any of the publicity that I have seen from that rally did they acknowledge the service that we were going to continue to provide. They highlighted the fact that the Queen Elizabeth Hospital had the first of these services in any of the hospitals in Adelaide and in some cases in Australia. I acknowledge that and we want to keep that level of expertise, particularly in terms of mental health midwifery or postnatal services and midwifery services in the home. We want to make sure that we maintain those services, and that is exactly the model which is supported by this latest report and which we are looking at implementing in the western suburbs.

YEAR 2000 COMPLIANCE

Mr LEWIS (Hammond): My question is directed to the Minister for Year 2000 Compliance. How will the high level of uptake of investment in software and hardware in Y2K bug preparedness in South Australia benefit the State in the future? What guarantee is there that year 2000 bug software and hardware solutions which have been bought and relied upon by our firms, particularly self-employed and small businesses, will work?

The Hon. W.A. MATTHEW: I thank the member for Hammond for his question.

Mr Koutsantonis interjecting:

The Hon. W.A. MATTHEW: I am pleased that the member for Peake takes such an interest in how much of Question Time is left, so I look forward to his asking a question in this place for a change.

Members interjecting:

The Hon. W.A. MATTHEW: That may well be impossible. He is too busy with the numbers in his branch.

The SPEAKER: Order! The Minister will come back to the question.

The Hon. W.A. MATTHEW: The simple answer to the member for Hammond's question is that, by ensuring that South Australia is business ready and year 2000 compliant, we will give ourselves a business competitive edge over not only the rest of Australia but also many other parts of the world. That will be an important issue as we enter the next century. While it is fair to say that there is some concern within company sectors and in the Government sector over the amount of expenditure that has been necessary to ensure compliance, the fact is that that compliance guarantees service continuity and it guarantees that Government and business will be ready for whatever challenges are thrown before them, in addition to those that they have faced during this decade.

The spectre of the things that could have gone wrong if we had done nothing was sufficient motivation to get the job done: for example, the thought of automatic teller machines not working, traffic signals going out of sequence, manufacturing processes grinding to a halt, interest on loans being incorrectly calculated, accounts being automatically closed and stock being wrongly flagged as out of date and destroyed. The spectre of those things has motivated the Government and private sectors to undertake this work. As the Government and private sectors are working through those eventualities to ensure that they do not happen, by default we are ensuring an uninterrupted flow of our business processes so that we are prepared to take on new challenges.

It is interesting to examine how Australia's efforts are being seen by internationally recognised experts, and one company that is often quoted within this Parliament is the Gartner Group, a worldwide respected business and IT advisory company which provides research material on a wide variety of issues, including year 2000 related issues. It has categorised countries of the world into four risk groups, and it has then further divided those four risk groups into 10 levels of risk.

It is encouraging that Gartner's latest data show that Australia is up at the top. We are in the category 1, risk 1 group, and this demonstrates that Australia is regarded by these international experts as being well prepared. Those countries that join us in that group include the United Kingdom, the United States, Canada, Belgium, Bermuda, Holland, Denmark, Ireland, Israel, Switzerland and Sweden.

If we go to the other end of the scale, to the bottom two groups, and look at the countries that are predicted to experience difficulties, some interesting countries are listed. Countries listed in group three that are expected to encounter moderate distribution of severe Government service disruption to power, telephones and air transportation and isolated disruption to imports and exports include South Africa, India, Bulgaria, Austria, Malaysia, the United Arab Emirates and Kuwait, to name a few. If we go to the bottom group of countries that are expected to experience widespread, or at least moderate, interruptions to air transport, imports and exports, telephone operations, gas services and other essential infrastructure, the list includes Bahrain, China, Indonesia, Pakistan, Russia and Vietnam and, indeed, most Third World countries.

While it is certainly not good news for those countries, the good news is that Australia and particularly South Australia are indicating, through their level of preparedness to date, continuing vigilance and the work that is to be undertaken over the next six months, that we are business ready and able to not only provide a continuing level of service within our own country but able to take on other tasks. As companies look in the year 2000 for places in which to invest, there is no doubt that they will be interested, particularly early in the year, in countries that are year 2000 ready and able to undertake the business and service delivery that they expect for their investment.

On a level much closer to home, businesses to which I have spoken are now recognising that this has also been a chance for them to upgrade technology, equipment and machinery within their enterprises and, in many instances, totally change the business management practices they employ to organise their particular business. In doing that, they are finding new systems to ensure that they will save time and effort, as well as providing more efficient procedures, enabling them to better concentrate on the expansion of their businesses. Those businesses will be ready to seize new opportunities next year and investors throughout the world will be seeking those companies as we demonstrate our preparedness.

Within Government we have also seen some significant gains not only through new systems and procedures but, like the private sector, we have had to introduce contingency plans to ensure that appropriate risk management processes are in place. Risk management for critical operations, of course, should be standard procedure for any business well beyond the year 2000. This process of ensuring compliance has guaranteed that our companies are applying themselves to appropriate risk management procedures which, again, can only give potential investors and their companies confidence that they are investing with a company which is prepared for any eventuality and which can deliver against their investment.

The year 2000 date problem has presented as a challenge. The Government will continue to work hard to convert it into a bonus to ensure that the work that has been undertaken by Government and the private sector is not lost time that costs money, but rather is work that will benefit the State as we move forward into the future.

MODBURY HOSPITAL

Mrs GERAGHTY (Torrens): Will the Minister for Human Services guarantee the safety of staff, visitors and patients at Modbury Hospital, and is he satisfied with the security arrangements as provided by Healthscope? Last Monday, one of my constituents witnessed a member of the public viciously abusing staff at Modbury Hospital at approximately 7 p.m. Staff told him the abusive man had a history of abusing and attacking staff and that he had been criminally charged for such violent behaviour in the past. No security personnel were called during the incident and staff indicated that if the man returned they would just have to call the police.

The Hon. DEAN BROWN: I will certainly investigate the particular incident that occurred, but I indicate that incidents like that are fairly frequent in hospitals. That is why in fact we have security staff through the major hospitals, particularly in the accident and emergency section. I receive a number of reports of cases like that, of people who come in and who may be affected by drugs, alcohol or who have some severe clinical disorder, so it is not unusual for incidents to occur. That is why the security people are there, but we try to deal with it in an effective way. I hope that is what occurred on Monday night, but I will certainly investigate the matter.

EDUCATION DEPARTMENT

Mr HAMILTON-SMITH (Waite): Can the Minister for Education, Children's Services and Training inform the House how he intends to monitor the performance of his department as South Australia heads into the next century?

The Hon. M.R. BUCKBY: I thank the member for Waite for his question. He is certainly one member who is critically interested in education, not only in his electorate but in South Australia and particularly in that child care area. It is extremely important that one thing we ensure in South Australia for the future is that the education, the training and the care provision of this State is of the highest quality. I am committed, and so is my department, to ensuring that learning outcomes of our students place them extremely well within the global community to ensure that they are able to attract jobs, or that they are well educated and well situated to be competitive, both here in Australia and also overseas.

My department is in the process of establishing an Office of Review. This office, which is central to the Government's capability of being able to provide information on the quality of our service provision, will operate on looking at pre-schools, schools, institutes of TAFE as well as within the State office. It is important that we review what is happening within our schools in terms of the quality of service, the quality of education that is being provided by the teachers in our schools, and the quality of outcome from the students of our schools.

The role of the office is to develop and implement an accountability framework for all aspects of the department's operations. It is to manage a cyclical system of reviews of all department sites and services, including the State office. It will manage the department's internal audit program. It will manage the system of reports from all sites and services on their performance against predetermined performance criteria. It will report to the Chief Executive and to me on the overall performance of the organisation, and it will ensure that the information obtained through reviews and audits is acted upon in a timely and effective manner.

We will still be using the basic skills test to monitor literacy and numeracy standards within our State. That has been one program instigated by this Government which is now right across Australia in terms of year 3 and year 5 testing. All Education Ministers throughout Australia are in the process of looking at year 7 and year 9 testing for students, not only within the Government system but also within the independent school system. We are also currently developing a curriculum standards and accountability framework that will have defined standards against which teachers will report on the performance of each student in the eight key learning areas. This builds on the curriculum statements which have been used in the past couple of years and provides a more workable tool for teachers to assess and report on students' performance.

Under Partnerships 21, we will support education communities in being provided with key data on how their performance compares with the State aggregated performance data, so that they have information with which they can plan. This is a particularly important part of the ongoing role of this department. Like any business or department, it is particularly important that we constantly review our processes to ensure that we are delivering the best education that we can to our students in this State.

PARTNERSHIPS 21

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.R. BUCKBY: Last year I established a ministerial working party to examine the way schools functioned and, in particular, how they were managed. I did this in the belief that schools, if given appropriate resources and autonomy, could manage their affairs more effectively than at present for the benefit of our students. I recognise that local decision making in its own right does not necessarily lead to better learning but it does create the conditions to do so. Evidence is now emerging from interstate and overseas that local management produces not only efficiencies but also real educational benefits. Local management is a long-term direction that we need to start without delay.

Therefore, I am pleased to announce to the House the next phase in what is a quantum leap for South Australian public education. Our schools and preschools and their communities are about to receive an invitation to take up the authority and responsibility to make decisions about what is best for the students and children in their local communities. Partnerships 21, South Australia's unique model of local management, will add the value of more community participation and enhance the contribution of the local community to the operation of preschools and schools.

Today I announce the release of the Partnerships 21 Take-up Package which offers a range of benefits and safeguards to support preschools and schools taking up local management. In the first week of next term, all preschools and schools will receive a Partnerships 21 Take-up Package containing comprehensive information about local management. They will also be invited to participate in new arrangements which take effect from the beginning of next year. I take this opportunity to inform the House of the significant benefits that will be available to preschools and schools who embrace Partnerships 21.

Partnerships 21 sites will receive a clear and concise global budget for next year with indicative budgets for a further two years. This will give them greater control than ever before over funding and how it is spent, from minor capital works and equipment purchases to the flexibility of offering specialised subjects tailored to the needs of their students. This will be provided with increased funding for maintenance and emergency breakdowns, and they will be able to retain savings and carry unused resources into the following financial year.

Partnerships 21 is about improving the delivery of equity. Local management will increase local decision making and decrease State office structures for granting approvals. The efficiencies gained by doing this will create additional resources for equity. Partnerships 21 sites will participate in developing a new index of educational disadvantaged. This index will improve the support for disadvantaged groups of students. As I have stated previously, additional resources will be provided to disadvantaged schools. Schools in conjunction with their communities can plan how they will improve their learning outcomes for disadvantaged students and their plans will attract targeted resources. Schools will then report back to their community about their achievements.

In addition, disadvantaged schools in Partnerships 21 will have more flexibility than others. A number of strategies have

been specifically designed to support disadvantaged schools, such as the ability to directly select more of their site leaders and teachers. Partnerships 21 sites will receive any unaquitted back-to-school grant funds from previous years as a lump sum. This is possible because acquittals for Partnerships 21 sites will be part of their own accountability process.

A range of safeguards have been put in place. These will include a risk fund of $28.5 million to provide a financial safety net for sites for unseen or random events, such as a fire. A no-claim bonus system will also be available to Partnerships 21 sites once a fund has been built up to an appropriate level. Partnerships 21 will improve staffing in locally managed schools through greater flexibility in how they deploy their staff.

There will be more choice, improved selection procedures, more flexibility in tenure of appointments, more opportunities for leadership and better contract arrangements, within—and I repeat within—the prevailing industrial, legal and policy environment. Staff in Partnerships 21 schools will be able to exercise more choice over their work locations, with more variety available, and will retain their current conditions of employment as specified in applicable industrial agreements and awards. The Partnerships 21 Take Up package also includes $3.2 million for training and development of school councils, management committees, principals, directors and relevant staff.

A quality improvement and accountability framework has been designed to help all preschools and schools to be more effective and efficient through quality planning processes. As I said in the House just previously, the Office of Review will be able to assure the South Australian public that locally managed schools are performing. Priority will be given to Partnerships 21 sites in relation to information and communications technologies. This will provide better access to information, necessary for good decision making at the local level.

The components of Partnerships 21 are substantial, but I again make it very clear that no school will be compelled to take up the new arrangements. Participation is voluntary. Preschools and schools, together with their communities, are about to experience new opportunities to position themselves for a new century. Some will grasp these opportunities immediately, while others may take more time and may need more support. This is why the department has created opportunities to communities to opt in every six months, supported by training and development options.

I can assure the House that either way schools will continue as they have done to act in the best interests of their students and, with Partnerships 21, they will do so in full partnership with their communities.

GRIEVANCE DEBATE

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

Ms BEDFORD (Florey): This week is NAIDOC Week and, as I begin this grievance, I would like to acknowledge the traditional custodians of the land on which this House stands, the Kaurna people. All around Australia this week thousands of people from all walks of life will gather together to celebrate indigenous culture. It took approximately 50 years to form the NAIDOC Week that we know today. It began in the 1920s when a group of Aboriginal people in Sydney were stopped by police from holding an annual conference of their people. Ten years later William Cooper, the Australian Aboriginal Advancement League and the Aborigines Progressive Association launched the National Day of Mourning on 26 January 1938—Australia Day.

From 1940 to 1955 Aborigines' Sundays were held in the week before Australia Day in various Christian churches. In 1957 the National Aborigines Day Observance Committee was formed, becoming an all indigenous committee in 1974. A name change to include Islander peoples took place, hence the name 'NAIDOC'. From 1975 NAIDOC developed a full week of celebrations from the first Sunday in July.

NAIDOC 1999 has the theme of respect. Respect is something that is integral to reconciliation, for true reconciliation requires a respect of diversity, an acceptance of difference and the ability to respect different practices, customs and beliefs. Just as in this House we are able to respect each other's politics, although we may not agree with each other, there is an expectation by the protocol of parliamentary behaviour that we will respect one another as human beings.

Society demands the same type of respect. A community cannot function to its fullest potential when its peoples are not united together, for in unity there is strength. And unity is what I witnessed when I attended the NAIDOC Eucharist Service at the Otherway Centre last Sunday, the first event I have attended to mark the commencement of NAIDOC Week.

This week many events have been held around the State organised by the NAIDOC Committee, chaired by Ms Christine Abdulla. Christine and her energetic and enthusiastic committee have done a remarkable job coordinating the many local activities organised by reconciliation circles and local councils, as well as the bigger functions, including the NAIDOC Premier's reception held last Tuesday at which there was a wonderful presentation of dancing by Aboriginal and Torrens Strait Islanders. The Premier was presented with a wonderfully decorated walking stick, a unique gift which, I am sure, he will always treasure.

The NAIDOC march will be held tomorrow, Friday, at 10.30 a.m. from Victoria Square to Parliament House, where participants will be called to rally at 11 a.m. All involved will then be invited to a picnic in Elder Park. Later that evening the NAIDOC ball will formally acknowledge the week's celebrations. Over the weekend NAIDOC in the North will hold a family fun day ably led by Vince Buckskin in his role for the City of Salisbury, which continues its excellent commitment to reconciliation.

In my own electorate the Florey Reconciliation Task Force has been busily working away and today organised a gathering on Kaurna land to acknowledge the site of a scar tree and to launch a fund to protect and suitably recognise this site in conjunction with the City of Tea Tree Gully. Our initial small local activities have put us in contact with Aboriginal people, who have now shared with us some of their heritage. The tree is in a spot that many hundreds of people have passed each day in their cars and yet have never noticed. It is by no mistake a special place in which this tree is located, in the heart of the historic area of Tea Tree Gully. Everyone in the Florey Reconciliation Task Force is very excited as we embark on this journey together to learn about the tree and its place in our local history.

We believe that, by recognising and protecting special Kaurna heritage sites, it will further the reconciliation process in our local area. In the wake of the release of the National Draft Document of Reconciliation that seeks to express a commitment to reconciliation and towards working for a greater understanding and appreciation of each other, our task force will be preparing a contribution for that national document. We are working towards a united Australia which respects the land, values the Aboriginal and Torrens Strait Islander heritage, and provides justice and equity for all.

ATSIC's Deputy Chair, Mr Ray Robinson, has promoted the thought of a national holiday, when we can all share together indigenous culture. I encourage all members to get involved with the remaining activities in their local areas and those held by the NAIDOC committee. Participation in these activities is the best way to show our respect for the continuing customary laws, beliefs and traditions of indigenous peoples, and recognises the unique status of the first Australians whilst celebrating the diversity of peoples who make up Australia today. Australians may find that by practising respect for each other we may work towards a better world and, in the best interests of Australian traditions, why don't we all give it a go?

The Hon. D.C. WOTTON (Heysen): I would have liked the opportunity today to ask a question of the Minister for Local Government but, as that opportunity was not forthcoming, I will place a Question on Notice and just make mention of the concerns I have and the issues that I wish to raise in this grievance.

I want to determine from the Minister what safeguards are currently in place and what plans the Minister has to ensure that legitimate burial sites in South Australia are preserved. This is an important issue. It has certainly come to my notice that it is becoming more and more a matter of concern in the community, and I say that judging by the electorate response I have received and also on the number of media reports that we have seen in recent months.

Most of those media reports refer to what people see as vandalism occurring following the so-called remodelling of cemeteries and the upgrading of leases which, in the opinion of many people and certainly in my opinion also, are resulting in valuable records and historical icons being destroyed, not to mention the significant emotional concerns which are felt by family and friends of the deceased.

I am aware that the Minister for Local Government has had this matter brought to his attention previously, and I know it is something on which he is currently working. I hope that, when the Minister is able to provide me with a response, he will indicate clearly what action is being taken now. I do not believe, and many other people in the community obviously do not believe, that enough has been done or is being done in this area.

There is no doubt that the preservation of legitimate burial sites is an important issue for all Australians. I am aware, as I am sure are all members, of the issues that have been raised by indigenous Australians concerning their burial grounds and sacred sites. On almost a daily basis we read and hear about the importance of Aboriginal burial sites and sacred sites, and that is appropriate. But with the greatest respect, I believe that as Australians we should all have the same respect for our burial sites, and it is vitally important that there be safeguards in place to ensure that legitimate burial sites in South Australia are preserved.

I noted earlier that these sites are valuable; they are important historical records and they are important for future generations. Of course, emotional concerns are involved. I could refer to a number of media reports but I want to refer to only one, which was in the *Advertiser* last month under the heading 'Cemetery bones end up in the dump.' That article refers to human remains including several skulls and a bag of bones that had been dug up at the Payneham cemetery and discarded at Wingfield Dump. The article states that it is understood that the bones were uncovered during earthworks as part of a 100 year lease upgrade and remodelling at the cemetery.

It just so happens that my grandparents are buried in that cemetery, and I am aware that their graves have been protected. However, there is concern in the community that with cemeteries right across the State this might occur; not only this but the loss of headstones, not to mention the vandalism that we have seen increasingly in our cemeteries. The question will be placed on notice regarding this issue, but I hope that the Minister for Local Government recognises it as an important issue.

Ms KEY (Hanson): My grievance is with regard to the extension of junior wage rates. The State Government has called for youth wages to be introduced into all the State industrial awards and agreements on the basis that this will help slash South Australia's high unemployment rate, which is consistently above 30 per cent. At present, half the State awards provide for junior pay rates. The retail industry is often heralded as being important in the youth employment area, as it should be with something like 23 700 young people aged 15 to 19, or 53 per cent of the total teenage work force, actually in that industry. Typically, a 17 year old in this industry earns $6.82 an hour, or 60 per cent of the adult rate for undertaking the same work. It is clear that young people's wages are already significantly below those of adult rates.

In fact, young people's wages have been falling compared to adult rates over the past two decades. Youth employment has risen in South Australia from 16.7 per cent in June 1989 to 31.1 per cent in May 1999. There is no evidence that reducing wages has led to new jobs, which is a point that the Opposition has made consistently, not only in the debate with regard to employment but also with regard to the proposed industrial relations laws the Government hopes to introduce, which mirror the laws that the Howard-Reith agenda is bringing to us on industrial relations. So, there is no evidence that new jobs will be created as a result of reducing wages.

In fact it is the reverse, with a 14.4 per cent increase in youth unemployment. Even organisations such as the Reserve Bank of Australia, not known to be in line with ALP policy very often, in 1992 said:

> The recent deterioration of the youth labour market does not seem to be due to any change in relative wage levels, which have been declining steadily since the mid 1970s.

Australian National University economist Bob Gregory, in a recent study of employment patterns, states that between 1976 and 1997 the earnings of full-time employees in the 15 to 19 and 20 to 24 age groups fell 17 per cent compared with men in the 35 to 44 year age group. One of the concerns that has been raised with regard to youth wages is in the area of the Australian Industrial Relations Commission's recent inquiry into junior rates. Although that inquiry did not rule out junior rates completely, and I could not argue that for a minute, it does actually say in its conclusion that junior rates did not lead to secure full-time employment, and suggested

that the existing application of junior rates in different industries was inconsistent and sometimes unfair and needed revision.

The finding goes against the belief that young people who do accept junior rates initially will eventually be rewarded with a stable career and full adult wages. The Australian Industrial Relations Commission's independent inquiry also argued that junior rates make young people more vulnerable to exploitation. I presume that everyone in Parliament would be concerned that workers, whatever their age, would be exploited in their work. During the 1998 election campaign the Australian Retailers Association released results from a survey of its members, which claimed to show that some 250 000 youth jobs were in jeopardy if youth jobs were abolished.

The ARA figure is acknowledged as a guesstimate and is based on the wrong assumption that an alternative to junior rates will result in young people receiving a full adult wage and every 15, 16, 17 and 18 year old worker getting the sack as a result. Typically, a 17 year old earns $6.82 an hour, or 60 per cent of the adult rate, for undertaking the same work. The Federal Government claims that an alternative to a junior wage system would be very complex and hard to administer.

Mr SCALZI (Hartley): Today I would like to bring to the attention of the House another letter that has been sent out by members of the Opposition to the community, creating havoc and fear.

An honourable member interjecting:

Mr SCALZI: It is from the member for Mitchell. The letter reads:

> The Liberal Party has proposed a law in State Parliament that would disqualify most people born in the Middle Eastern countries—

I would like to know which Middle Eastern countries and which people—

> and their children from standing for election to Parliament.

Is it Federal Parliament or State Parliament—because the Federal law is clear that you cannot stand? The letter continues:

> Not many people will want to stand for Parliament—

and no wonder, with these sorts of letters—

> but the principle of this proposed law is disgraceful. If you are a citizen of another country because you or your parents were born in the Middle East, the Liberal Party says that, even though you are an Australian citizen, you are not allowed to be elected to Parliament.

Is it State or is it Federal? The letter states further:

> Even if you were born and raised in Australia, the Liberals' proposed law will disqualify you unless you have taken steps to renounce your connection with the country of your ancestors.

That sort of emotion is disgraceful—

Mr Koutsantonis interjecting:

Mr SCALZI: I have not generated it. Nowhere in this letter does it say that Federal law requires you to have only one citizenship; nowhere. It does not distinguish between State and Federal. It is purely mischievous. But unlike the member for Spence, the member for Mitchell did not have the translations in a foreign language. Obviously, with the Middle East, he did not know which one to put at the back.

Mr Koutsantonis: I did.

Mr SCALZI: I am glad that the member for Peake knew. I am very much aware that there is a letter to the British and Australians from Polish background, and I dealt with that fear campaign on the radio. An 80 year old lady contacted my office because she was frightened her grandchildren would be called in for service in the Polish Army because of these laws. What sort of fear are members of the Opposition generating just for their own political purposes, to protect their Leader?

An honourable member interjecting:

Mr SCALZI: We were fine; the Federal Labor Party supported that. Fear is being felt by Australians from Polish, Croatian, Vietnamese and Greek backgrounds, and so on.

Members interjecting:

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

Mr SCALZI: The member for Norwood and the Hon. Carmel Zollo in another place had to go to the extent of writing to Italian associations to rebut comments of the President of the Campania Federation. I am still waiting for the letters, but no-one has written to me to complain about my Bill—not one. They will vote for people who will best represent them.

Members interjecting:

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

Mr SCALZI: This is not about worrying about the grandchildren of people born in the Middle East, Poland or Greece but about protecting the Leader of the Opposition, who has three citizenships, and other members opposite. That is what it is about—

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the member's time, but I warn the member for Peake for the second time.

Mr SCALZI: —and it is graceful. Multiculturalism and citizenship are two different things. The Australian community deserves better than this gutter politics, which puts fear into the community for the sake of political gain in votes.

Ms Breuer: You pointed out the differences with your Bill.

Mr SCALZI: There should be differences.

An honourable member interjecting:

Mr SCALZI: My goodness! The honourable member is frightened of knowledge. There is nothing wrong with knowledge; it is the misuse of it.

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

Ms BREUER (Giles): Last weekend, I spent the weekend in Coober Pedy, a very multicultural town, where people are very proud of their heritage and have become part of Australia and Australian citizens. I want to congratulate the organisers of the Glendi Festival in Coober Pedy last weekend; it was a most successful weekend, with many visitors coming to the town, many from Adelaide and other parts of South Australia and, as usual, from overseas. Coober Pedy is spoken of with affection by people in Australia and in South Australia. It is certainly still seen as a frontier town in the Australian Outback. It has many unique features. I know that it is recognised by the Minister for Tourism and by this Government for its tourism potential. They have put a considerable of amount of money into that area and certainly a lot of effort into that area to encourage tourists to go to Coober Pedy, which I am very pleased to see.

Of course, Coober Pedy is featured in many movies, and I am not sure that people are aware of how many movies have been made around the Coober Pedy area and in Coober Pedy itself. Most of would remember the Mad Max movies that were made there, and certainly there are still props from those movies around the town, and people remember with affection

some of these wonderful scenes filmed in the Breakaways and in the Moon Plains, just out of Coober Pedy. There are other movies such as *Fire and the Stone*. When I saw that movie, it brought back a lot of memories of Coober Pedy. Apparently, the town is booked out for most of August, because another feature movie will be made there at that time.

Coober Pedy has undergone many changes in recent years, particularly with its water system that the council was able to bring in. It now means that water is available for people. It is still extremely expensive at $5 a kilolitre, but at least there is water there. When you go for a shower at Coober Pedy you think about water being $5 a kilolitre, given that we pay under $1 a kilolitre in our part of the State. When I go there, I warn my children, 'Don't stand under the shower for 20 minutes.' It has done a lot to the beautify the town. There are certainly now trees in the town. There are a couple of large lawn areas, and people are having a lot of success with their gardens in Coober Pedy. At the weekend, I was interested to see olive trees in the backyards. There are plantations that the council is encouraging, and they are looking at the possibility of growing some sort of crops in that area.

Many attempts have been made by the council to beautify the town. At present, road work is going on. It has tidied up the town to a large extent, but they have not taken away the uniqueness of Coober Pedy. It will still continue to attract people. Coober Pedy is a mining town and, essentially, its existence depends on the miners. Many millions of dollars have been taken out of Coober Pedy since opal was discovered there. But like most towns in regional South Australia it now has a problem of survival. At present, there are no new minefields. Lambina, which was seen as the gem in the desert, has not worked out to be as successful as they thought, and it is very isolated from Coober Pedy.

I am pleased to see the Deputy Premier and Minister, because I will be writing to him in the next few weeks and asking him to join me in looking at a bipartisan approach to look at some way in which we can access money for Coober Pedy to set up an experimental drilling program there. The Coober Pedy miners are concerned about this, as they cannot afford to do it themselves. They are looking for money to open up new minefields in the town. They are looking not at millions of dollars but at $100 000 or $200 000 which would make a great difference to their community and give them the opportunity to survive and for the uniqueness of the town to continue, because without the miners we might as well not have Coober Pedy. So I will be talking to the Deputy Premier about that. He can certainly expect my call in the next couple of weeks.

That brings me to other towns in my electorate. In relation to Woomera, for example, a lot of money has come from this region of the State. With the withdrawal of the American troops shortly and some delays involving the Kistler project, Woomera is now looking at the radioactive dump as perhaps giving it a future. This is sad when other communities in the State are saying 'No, we're not interested in it.' Woomera is at a stage where it has to consider something like to this ensure its future. I was interested to see the reports in the paper today with Senator Minchin talking about the establishment of the dump.

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

Mr WILLIAMS (MacKillop): Today I rise to express my outrage at the US Clinton Administration's announcements overnight on a tariff wall against our lamb exports into that country. I would like to detail those announcements and the effect that they will have on our industry. Before doing that, I would like to point out the significance of the lamb industry not only to South Australia but more particularly to my electorate and, even more particularly to me, being in another life a dedicated prime lamb producer, and very proud of it, too. It is an industry in which my family has been involved for over 70 years. I am fairly well qualified to speak on this industry, and I would be backed up by all those in the industry who would acknowledge and stand behind me in my expression of outrage at what has happened.

Of the $100 million export industry from Australia into the US, in the calendar year 1998 South Australia's contribution was about $28.7 million, which is well over 25 per cent of that export industry. That is mainly because the largest export lamb kill works is the Tatiara Meat Company, which is in my electorate, based at Bordertown. This is a very significant lamb exporter. Indeed, it is the single largest exporting works from Australia into the US market and, indeed, the US market is the Tatiara Meat Company's largest export market.

This morning I rang the operator of the TMC (as we affectionately call it in the South-East), Eckhart Hubyl, who told me that, for each of the past four years, the US market was certainly its largest market and it was growing at a rate of between 20 per cent and 30 per cent per year. So, it is a significant market. The Tatiara Meat Corporation employs in excess of 450 people at Bordertown, so it is a very significant employer in that town.

The tariff barrier that has been put up against the Australian industry consists of, first, setting the calendar year 1998 as the base. In that year, the US imported 31 851 metric tonnes of lamb. Some 17 700 metric tonnes of that came from the Australian producers. A tariff barrier of 9 per cent in the next 12 months, starting on 22 July, will be put against those imports up to that quota limit. That tariff barrier will reduce to 6 per cent in the following year and down to 3 per cent the year after that. Any imports into the US above that quota limit will attract, in the first year, a tariff wall of 40 per cent, and that will reduce to 32 per cent and 24 per cent in the ensuing two years. I contend that that is an outrageous tariff barrier, particularly from the US Administration, which announced itself as being the world leader and leading the charge to free world trade.

An honourable member: Absolute hypocrites.

Mr WILLIAMS: Absolute hypocrites. When I was talking to Eckhart Hubble, he expressed his confidence in and his congratulations to outgoing Trade Minister Tim Fischer for the efforts that he has made over recent times in trying to ameliorate this situation. I pass on those congratulations to Tim Fischer not only from Eckhart Hubble but also from myself and from the lamb industry in general. I urge our Prime Minister, who I believe is meeting President Clinton next Monday, to express the outrage of all Australians and the Australian industry.

Mr Lewis: Touch him up a bit.

Mr WILLIAMS: To touch him up a lot, in fact. The US Administration also announced a $100 million assistance package for its local domestic industry, which can only be described as a cottage industry, where 75 per cent of producers have flocks of fewer than 100 sheep. Indeed, in the past 50 years, the US sheep flock has declined from some 50 million animals to today's level of about 9 million, and is still in decline. One must ask the question: why have they

picked on Australia and New Zealand, in particular, at this time? The obvious answer is that it is nothing to do with trade: it is all to do with domestic US politics.

CYPRUS

The Hon. J.W. OLSEN (Premier): I move:

That this House—
(a) reaffirms its support to the Cypriot community of South Australia, and indeed the world, in its resolve to seek and obtain the reunification of Cyprus as the twenty-fifth anniversary of the occupation of Cyprus nears;
(b) reaffirms its commitment to a peaceful solution to the division of Cyprus; and
(c) supports calls by the United Nations for fundamental new ways of developing a single Federal Constitution and recognises the Government of the Republic of Cyprus as the legitimate authority on the island.

I move this motion because 20 July marks the twenty-fifth anniversary of the occupation of Cyprus by armed Turkish forces. Since that time, despite widespread international condemnation, the so-called Turkish Republic of Northern Cyprus has denied the basic freedoms of movement, residence and property ownership to Greek Cypriots. These three freedoms are fundamental rights to members of any civilised society, yet Greek Cypriots are denied them.

This motion gives me and the House an opportunity to restate the South Australian Government's firm support for the sovereignty and territorial integrity of the Republic of Cyprus. No Government in any part of the world, except the Turkish Government, recognises the Turkish Republic of Northern Cyprus. The South Australian Government recognises the Republic of Cyprus as the only legitimate authority on the land.

It is a very sad fact that, 25 years after occupation, this situation still remains unresolved. I commend South Australian Greek Cypriots and Greek Cypriots throughout the world for their commitment to raising awareness of this injustice and for their efforts to bring the continuing plight of Cyprus to the attention of the world.

In an effort to further explore South Australia's role in heightening international awareness with respect to this issue, I recently wrote to the President of Cyprus to pursue discussions on the future of Cyprus. In addition to this, South Australia's involvement in ensuring that this situation is not forgotten is continuing. Next Saturday night I will have the privilege to attend the Justice for Cyprus Coordinating Committee's official dinner to commemorate the twenty-fifth anniversary. Among other distinguished guest speakers, a guest speaker from the University of Indiana will be in attendance to give an international and a renewed focus on the issue. The attendance of the guest speaker at the dinner on Saturday week will serve to give an important focus to the twenty-fifth anniversary.

I am proud that, as a State and as a community, South Australia has been able to welcome people from Cyprus. However, it is unfortunate that they have had to leave behind difficult memories as well as the uncertain plight of loved ones. Those of us who have not experienced such anguish could not begin to understand their grief, and I am pleased that we have been able to provide a stable environment for our South Australians of Cypriot background to call home.

I do not know that many people understand the realities of what this occupation means for Greek Cypriots. I suppose to many it is just simply the other side of the world. These people face restrictions on travelling, on owning property, on access to health and education services and on exercising their own religion. Some people in enclaved areas have no telephones; they are forbidden to come into contact with visitors, unless policemen are present; their mail is checked; and violence is an unfortunate reality.

Another issue that must continue to be brought to light is the fact that over 1 000 Greek Cypriots have gone missing since the occupation. Their fate is unknown, and official responses from the Turkish Government on their whereabouts have been unsatisfactory.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes. I move this motion because it is a fair motion and because it is based upon justice and fundamental human rights. The Cyprus issue must be resolved peacefully, as defined by the United Nations resolutions. Single sovereignty, single international integrity and single citizenship are the acceptable solution to the reunification of the island.

I encourage the Turkish Government to come to the table to develop a peaceful resolution for a problem that is 25 years too old. The people of Cyprus deserve their fundamental human rights. I therefore commend the motion to the House.

Mr KOUTSANTONIS (Peake): I rise in support of the Premier's motion and thank him for moving the motion on behalf of the Parliament. It is very important that we remember that, somewhere in the world right now, there is a group of people who have had their island divided—much like East Germany and West Germany was during the Cold War. But even more sinister is the fact that, as the Premier stated, people are having their human rights and civil rights abused by a regime of Turkish occupation.

The Denktash regime, which occupies Cyprus, has set about to ethnically cleanse the island of its Greek Cyprian presence. Before the occupation or invasion, ordinary Greek and Turkish Cyprians lived in harmony. Of course, there were some events when both sides overreacted and clashed over their ethnic differences, but overall the people of that tiny island lived in harmony. It was only when the Turkish regime invaded that those ethnic differences were brought to bear with guns.

None of us can be truly free if we live in a democracy where human rights are demanded and expected and are not a privilege, whether or not we are of Greek Cyprian origin, when our brothers and sisters in Cyprus are being oppressed simply because of their faith and origin. Cyprus is not the only place where ethnic minorities are persecuted, and similar situations can be found in Kurdistan and Serbia—indeed, all over the world. It was unfortunate to see NATO act so swiftly and so decisively in Serbia because, when it comes to the island of Cyprus, it seems all too difficult.

The Denktash regime in Cyprus talks about peace and reunification, but does so behind the barrel of a gun. Thirty thousand Turkish troops occupy Cyprus as we speak, and their main objective is not to defend the minority Turkish Cyprians who live there but to invade free Cyprus when the order is given. We all know that. It is common knowledge in the region that the Denktash regime is an aggressive regime hell-bent on ethnically cleansing the divided island of Cyprus and removing any last semblance of Greek Cyprian presence. The Premier said that over 1 000 people have gone missing since the occupation, and I suggest it is probably more. Unfortunately, I suspect that there are mass graves somewhere in occupied Cyprus containing the blood of the martyrs

who fought to defend their homeland from an invading conqueror.

We in the Labor Party support this motion and we have a long history of supporting the issue of Cyprus. Apart from the ongoing endeavours of the Leader of the Opposition, Mike Rann, who has been probably the greatest champion of Cyprus in Australia and who is recognised for his efforts to free Cyprus by leaders all over the world, former Premier Don Dunstan was probably the first political leader in the world to take a real interest in Cyprus. In 1957, Mr Dunstan flew to Cyprus to negotiate the safe release of Archbishop Makarios. The scary thing is that the Clinton Administration, which promised that it would make Cyprus one of its top issues in both its first term and its second term, has not done so.

I am not sure what fate awaits the people of Cyprus. I do not think that a strong NATO force will be sent there to stop the ethnic cleansing that is happening in Cyprus. I do not think that NATO has the will or interest to do that. Greek Cyprians living in Australia can be assured that no-one will remain silent on this issue. As long as there is breath in our bodies, members on this side of the House, and I hope on the other side, will continue to fight for justice in Cyprus.

Mr CONDOUS (Colton): I support the Premier's motion in seeking to secure the reunification of Cyprus as we approach the twenty-fifth anniversary of the occupation of the island. The people of Cyprus have suffered similarly to the Albanians in Kosovo. One-third of the island now occupied by Turkey was invaded and 200 000 Greek Cypriots were forced to leave their homes. Even today over 1 600 people have gone missing and cannot be accounted for. During the invasion, young Cypriot women were raped and killed, while thousands of men and women were killed fighting for freedom. The Turkish Republic of Northern Cyprus, which was proclaimed in 1983, is not recognised by the international community as a State under international law. It is recognised only by Turkey. The Republic of Cyprus remains the sole legitimate Government of Cyprus. Unlike Kosovo, the Cypriot people did not have the support of a body such as NATO to help protect them.

Australia has had a longstanding active concern for the peaceful resolution of the Cyprus issue. That was first demonstrated 35 years ago, long before Don Dunstan, by the commitment of 40 Australian police officers to the United Nations' peacekeeping force responsible for the supervision of the 180 kilometre buffer zone between the Turkish army and the Greek Cypriot forces. Today's motion reflects the South Australian Government's continuing desire to see the peaceful resolution of the Cyprus issue. The Government supports the United Nations in its endeavours to cover the future initiatives to achieve the development of a single federal constitution. We recognise the Government of the Republic of Cyprus as the legitimate authority on the island.

The South Australian Government is very clear that the island of Cyprus is Greek. The people of Cyprus have suffered long enough. The time has come when Turkey must sit around the negotiating table to achieve a reunified Cyprus, not only for the people of Cyprus but for the many millions of people who visit Cyprus each year because it is one of the most beautiful islands in that part of the Mediterranean. I hope that we can bring this resolution about very quickly and that people in that part of the world can get on with their lives again.

The Hon. M.D. RANN (Leader of the Opposition): I am pleased to support this motion in a bipartisan way, which I think is very important on the twenty-fifth anniversary of both a human tragedy and, in terms of international law, a complete travesty of virtually every tenet of international law and human rights. I was educated about Cyprus by former Premier Don Dunstan who, as the member for Peake mentioned, visited Cyprus in 1957 to act as a negotiator. For the benefit of the member for Colton, I point out that that was some years before the deployment of UN peacekeeping forces. He had talks with the then British Government about independence for Cyprus.

I had the privilege of visiting Cyprus for the first time in 1995 and met with the Acting President Mr Galanos, with former President George Vasiliou, with the Minister for Finance, Chris Christadoulou, with the Minister for the Interior at the time, Mr Michaelides, and also shortly afterwards in Thessaloniki with the President of Cyprus, both then and now, Mr Clerides. I also met with the Archbishop and visited the green line and saw the extraordinary situation where, in this day and age, after the end of apartheid and after the fall of the Berlin Wall, a European capital city is divided in two, with barbed wire, armed guards and towers reminiscent of the division of Europe following the erection of the Berlin Wall.

Since that time, I have tried to act both as patron of the justice for Cyprus cause in South Australia and as someone who is interested to try to raise the issue of Cyprus whenever I have an opportunity, both overseas and within Australia. I am pleased that again in this Parliament we are moving a motion to mark the anniversary of the anniversary—this time 25 years. All members would acknowledge that motions are fine, but really we need to be doing much more to lobby internationally and also for Australia to take a stronger position on the human rights issues that are involved with the Cyprus problem.

I have suggested that this year's Commonwealth Heads of Government Meeting in Cape Town in November should make the Cyprus problem the keynote issue for the Prime Ministers and Presidents who attend. I have written to the Australian Prime Minister, Tony Blair, the former President of South Africa, Nelson Mandela, and, in the last day or so, South Africa's new President, Thabo Mbeki, seeking their assistance and strong moral support to ensure that the Cyprus problem is made a keynote issue at this year's CHOGM meeting in South Africa. I am very pleased that I have already received strong backing from members of the British House of Commons and from the House of Lords for CHOGM to establish an eminent persons commission, comprised of former Commonwealth Prime Ministers, to work to achieve progress on the Cyprus issue.

In my letter, I reminded Mr Mbeki that a CHOGM initiative, followed by an eminent persons group and headed by former Prime Minister Malcolm Fraser, played a critical role in helping to end apartheid in South Africa and to free his predecessor, Nelson Mandela, and now a free South Africa can show moral leadership by helping to achieve a Commonwealth-backed breakthrough on Cyprus. I must say that there have been some frustrations in this process.

In January I met in London with British members of Parliament and Ministers and, most particularly on the issue of Cyprus, with Sir David Hannay, who is the Blair Government's (and the former Major Government's) special envoy on Cyprus. Sir David Hannay, of course, achieved world respect by being Britain's Ambassador to the United Nations

and Britain's Ambassador to the European Union. I discussed the current proposed round of talks on Cyprus with him. I also met with Tom Miller, President Clinton's chief adviser on Cyprus in the State Department. I was then able to report back to the Cyprus Government in Nicosia, where I had meetings with former President and now President of the House of Representatives, Mr Kyprianou, and with the Minister for Foreign Affairs, my very good friend, Mr Kasolides, and to also seek their support for a stronger role by the Commonwealth in attempting to resolve the Cyprus problem.

Too many people forget that Cyprus is a Commonwealth nation that deserves much greater Commonwealth support, as well as Australian support, after 25 years of illegal occupation and human rights violations by a Turkish Government which has broken a series of international laws and which has been censured by UN General Assembly resolutions, UN Security Council resolutions, European Parliament resolutions, European Union resolutions and European Court on Human Rights resolutions. I am disappointed that federally we are not seeing strong backing for this proposal for a Commonwealth Heads of Government initiative followed by an eminent persons group. I am certainly receiving a much stronger response from British members of Parliament.

I wanted today, in a spirit of bipartisanship, to say that there is no need for Canberra to fear Turkey. I hope that the Australian Federal Government does not fall for the line being pushed in some quarters in Washington (and I hope it is not supported by Stephen Spender, Australia's envoy on Cyprus) that somehow continuous rounds of talks on the Cyprus problem, without any hope of outcomes, are in themselves sufficient to keep the peace but not achieve real progress. It had been put to me in both Washington and London, 'Oh, we don't see perhaps an outcome for a breakthrough on Cyprus, but if we keep them talking at least they will not be fighting each other.'

We have seen the western nations act with resolve in terms of Bosnia, Iraq and Kosovo. It is interesting that once again we do not see the same resolve over Cyprus, despite the huge human rights issues that are involved. That is, of course, quite simply because Washington has made a decision that it is in its strategic interests to not be too tough on Turkey. Washington has made a decision that, in dealing with countries such as Iraq, it needs Turkey not only as a NATO ally and a base for its missiles and air attacks but also, most importantly I believe, for Turkey to be a buffer against Islamic fundamentalism.

Whilst there have been secular regimes in Turkey, the United States believes that perhaps it is worth paying lip service to the Cyprus issue, rather than going in tough on Turkey. What concerns me, however, is that in each round of US talks, basically they talk with the Turkish President or with Mr Denktash when really, of course, the major centre for power in Turkey is the Turkish military. This is where the United States can show some leadership in concert with NATO and in concert with the European Union in reminding Turkey of its obligations under international law.

We are certainly pleased in the Labor Party that we were able to quite substantially toughen up our policy on Cyprus at the last national conference—a motion that I moved with the support of our shadow foreign Minister, Laurie Brereton. I hope that in this twenty-fifth anniversary of Turkish tyranny in Cyprus that the Commonwealth of Nations can once again, as it did over South Africa, show that it is morally willing to make a difference on world affairs on behalf of a fellow Commonwealth nation. I know there is frustration that Mr Spender seems to be simply supporting the American line, and I hope that he will come round to viewing the Commonwealth initiative with some favour.

A number of other issues I believe need to be addressed. I would like to see some support and perhaps even some assistance from the Federal Government for Cypriot refugees living in Australia to enable them to take legal action against the Turkish Government for violating their human rights following the illegal occupation of part of Cyprus by the Turkish Government since 1974. Members would be aware that in December 1996 the European Court of Human Rights at Strasbourg reached an historic decision when Turkey was found to have violated a Greek Cypriot woman's right to use and enjoy her property in a Turkish occupied part of Cyprus.

The refugee concerned, Ms Titina Loizidou, had previously lived in her family home in the coastal town of Kyrenia. The European Court found that Turkey had been involved in a continuous violation of her rights since 1974 when her property illegally came under the control of the Turkish army. She began her court action against Turkey about nine years ago and was successful in late 1996. The European Court of Human Rights found that actions by the Turkish Government violated her rights to peacefully enjoy her property. Under Article One and Protocol One of the European Convention of Human Rights, 'every natural or legal person is entitled to the peaceful enjoyment of his or her possessions'.

The European Court found that Turkey had violated Ms Loizidou's property rights by denying her access to her home in Kyrenia and the court's majority decision against Turkey was passed 11 votes to six. This was a landmark decision for all Greek Cypriots who had been prevented from returning home to their properties since 1974.

I hope that the Australian Government could help sponsor test cases in the European Court for Australian citizens of Greek Cypriot background, and again put pressure on Turkey over its illegal occupation of Cyprus. I hope also, given events in recent days, that the Australian Government would join the Council of Europe in pressuring Turkey diplomatically to comply with the European Court decision to pay compensation to Ms Loizidou, and certainly I hope that Alexander Downer, as Foreign Minister, will inform the Turkish Ambassador in Canberra that Turkey should comply with judgments of international courts. After all, Turkey desperately wants to become part of Europe. It wants to join the European Union. It pretends that it is part of the Council of Europe, but when a European Court on Human Rights ruled that Turkey had to pay more than $800 000 in compensation to Ms Loizidou, it refused to accept the decision and recognise its authority.

Turkey cannot be half pregnant. It cannot pretend sometimes to be part of the European Human Rights Court and part of the Council of Europe and want to be part of the European Union, but then change its mind later when decisions go against it and it tries to refuse the authority of the umpire.

Certainly when I was in Canberra with Kim Beazley and Simon Crean and others last week, I met with the Cypriot High Commissioner to Australia who provided me with information about the new UN Security Council resolutions on Cyprus which have endorsed the G8 countries recent statement—the G8 countries being the seven most industrialised countries in the world plus Russia.

The Security Council of the United Nations has reiterated that a settlement in Cyprus must provide for the establishment of a bizonal, bicommunal federation, as stipulated in its resolutions. The council adopted two resolutions: one on Secretary-General Kofi Annan's good offices mission, and another on the extension for a further six month period of the mandate of the UN peace-keeping force in Cyprus. The resolution on the UN chief's good offices mission calls on Cyprus President Clerides and Turkish Cypriot leader, Ralph Denktash, to give full support to a comprehensive negotiation under Kofi Annan's auspices committing themselves to four principles, which were outlined. Certainly Mr Denktash has at every stage tried to torpedo negotiations in terms of settlement of Cyprus. He is quite clearly acting in concert with the Ankara regime of the time.

A few years ago, when the United Nations and the US began to become serious on Cyprus, we saw a successful attempt to torpedo negotiations by Turkey's bogus claims on the Imia Rocks. Each year something like this has happened; whether it has been the atrocities in the buffer zone leading to the killing of Greek Cypriot citizens or something else, each of them have occurred at critical stages in negotiations, always at a time designed to set back any negotiations, because Turkey knows full well in terms of international law that it is an illegal invasion, and its claims of sovereignty over Northern Cyprus are totally bogus.

I had a visit a few years ago from the Turkish Ambassador, who came into my office and carried on about statements I had made in Cyprus. He presented me with a letter from the illegal Government of the Turkish Northern Republic of Cyprus condemning me for my statements on Cyprus, and said that this was an independent country that should be recognised. I asked him why, if it was so independent, was the Turkish Ambassador to Australia acting as its postman. We need to point out to the Turkish Embassy in Canberra that Australia believes in human rights, and it also believes in the sovereignty of the Republic of Cyprus, in a fellow Commonwealth nation. I have pleasure in supporting the motion.

Mr SCALZI (Hartley): I also rise to support the Premier's motion. I believe it is important to recognise human rights violations, involving a big part of Western history, with respect to the island of Cyprus. As a member of Amnesty International, I see this not just as a Turkish versus Greek problem: this is fundamentally a human rights problem that, rightly so, has been brought to our attention not only by Australia's political leaders but also and especially by Australians from Cypriot background who have every right to bring to the attention of the South Australian community, and indeed the Australian community, the human rights violations which took place in 1974 and which have continued to take place since.

This is not a matter of politics. Any individual who believes in fundamental human rights should have concerns about what is happening in Northern Cyprus. We know that hostilities take place all over the world, but there is a danger that at times some places in the world do not get the same attention as others, as the member for Peake has pointed out. We know that since 1974 we have had an independent South Africa; we have had settlement in Cambodia; and there are still some human rights issues of major concern in Vietnam. The most recent violation of human rights involves the atrocities that we have seen take place in Kosovo.

Unfortunately, Cyprus does not always get the attention that it deserves. I attend many of the Justice for Cyprus meetings, not because Greek Cypriots make up a big section of my electorate, and not because those functions happen to be held in my electorate, but because I fundamentally believe that Australians from a Cypriot background who rightly draw our attention to the problems being experienced in Cyprus deserve support in a bipartisan way. That is why I attend, and I will continue to attend.

I am very much aware of the work of the Federal Government in this area. I am very much aware, too, of the work of the Federal member for Adelaide, as she continually brings the problems of Cyprus to the attention of the Federal Government. Equally, I am aware of the work that the Leader of the Opposition does in this area. It is important that all politicians, regardless of political persuasion, make the international community aware of our concerns for the human rights violations in Cyprus.

I will not go into the detail of the atrocities that have occurred. The Premier has highlighted that over 1 000 persons have been unaccounted for and that 200 000 Greek Cypriots were forced from their homes. We all know of the atrocities that have taken place. I know there are people better than I who can account for history and the atrocities that have occurred. The fundamental principle is that we must not allow this travesty of human rights to continue. We must look for a long-term solution and that can only take place if the international community sees it as an important thing to do. Unfortunately, that is not always the case. It is not always seen as important as other areas in the world which might have a greater impact on trade, commodities and so on. In supporting the Premier's motion today we are acknowledging the importance of trying to find a solution and I will certainly continue to give my support to the Australian Cypriot community in South Australia in their aim to try to find a solution for their homeland.

As I said earlier, it is not a matter of a Greek versus a Turk, as some people suggest—it is more than that. To bring the dispute down to that level would not give it justice because it involves Cypriots, regardless of their background, in Cyprus who deserve to live in a harmonious community with the fundamental human rights that we enjoy in Australia. At present we know that the Government in Northern Cyprus is far from that and we should not rest and be silent until there is genuine movement to try to achieve some fundamental democratic rights to maintain the standard of human coexistence that is expected of a civilised world in the twenty-first century.

Mr HANNA (Mitchell): I support the motion of the Premier of South Australia which aims to support the Cypriot community of South Australia and the Cypriot community around the world in its attempt to seek re-unification of Cyprus. On this occasion as we near the twenty-fifth anniversary of the Turkish occupation of half of Cyprus I am pleased also to support a commitment which is echoed around the world to a peaceful solution to the continuing problems of Cyprus. Indeed, I support calls by the United Nations for new ways of developing a single federal constitution for the island.

My first point is a historical one because it is important to bear in mind in relation to the Cyprus problem that for over 2 000 years it has been an Hellenic culture and civilisation on that island. Way back to the time of Alexander the Great and even before there were Greek colonists who made Cyprus their home and, since the time of Christ, it has essentially been a Greek Orthodox community with many other peoples

coming and going. Despite Roman, Frankish, Phoenician, Ottoman-Turkish and British occupation it has remained essentially a Greek island throughout that whole period. It continues to be a Greek island, despite the efforts of the Turkish Government to alter the ethnic and demographic composition of the population.

As a Greek island, in 1960 it was made a republic but it was a republic with a constitution in a sense imposed upon it as a part of a British legacy and that constitution collapsed. Unfortunately, although the Turkish population at the time was less than 20 per cent of the island population, that group was determined to have perhaps more than its fair share of the community and the wealth of the island and the Turkish population at the time would not cooperate with the majority in running the island peacefully. All that politics on the island was overshadowed by the longstanding rivalry and tension between the Turkish and Greek Governments, which had a sound historical basis.

The invasion took place on 20 July 1974 and the murder, rape and bashing of civilians, completely unconnected with any military occupation, is not just in anyone's imagination: they were the findings of the European Commission of Human Rights which investigated the issues promptly and reported on them. It was clearly tragic and unjust and there was certainly no military or legal justification for that Turkish invasion. At the time the United Nations Security Council and in a number of resolutions since then has condemned the Turkish occupation and declared it over and over again to be illegal. It sought to get back to a unified island with a democratic constitution.

Since the Turkish army invaded, a policy of ethnic cleansing took place and about 40 per cent of the Greek population on the north-eastern side of the island were forced to flee. I speak of those who were not actually killed and left behind in the process. Of course, many of those who fled did so with nothing but a suitcase and sometimes not even that. A number of those people now live with us in our South Australian community and today the Parliament is showing its compassion and concern for those people and the people still on Cyprus.

I make it very clear that I do not condemn the Turkish people. As is the case with most wars and most illegal occupations, it is not so much the Turkish people who are the problem—it is the Turkish Government, and I make that clear. I do not blame the Protestant settlers who took free lands in Ireland after the Great Irish Massacre of 1641. You cannot blame ordinary people for taking up an opportunity to grab some free property and start a new life escaping poverty. I do not blame the Javanese who were transported to East Timor after the awful invasion of East Timor by the Indonesian military in 1975. I do not blame the early settlers in Australia who thought they were simply delineating farmland when, in fact, they were dispossessing the local population of their land and livelihood.

In each of these cases it has been Government policy—and usually military policy—that has led to the subjugation of ordinary people's lives and interests. Today there are still about 30 000 Turkish soldiers on the island and they have been there now for nearly 25 years. There remains absolutely no international recognition of the Turkish Government's position, and absolutely no justification was ever offered of that illegal occupation in 1974. My Leader, Mike Rann, who has proved himself over and over as an ardent supporter of the Greek Cypriot cause, has referred to the European Court of Human Rights case of Loizidou, which established very clearly that Mrs Loizidou had property in Cyprus which was occupied illegally by the Turkish army and that property is still hers in law.

She has a right to it and, if she cannot live in it because of the Turkish occupation, she has a right to compensation. This is recognised as a matter of international law. So we in Australia—and particularly at the highest diplomatic levels—should not shy away from pushing very hard to see justice achieved for the Greek Cypriot community. How is this problem to be solved? The fact is that it cannot be solved without reunification and the re-establishment of a constitutional democracy on the island of Cyprus. It cannot be resolved without the re-establishment of the rule of law on that island. There needs to be a democratic Government that accords people their property rights; it is as simple as that. If there is to be force on the island in terms of police or military force, such force should be entirely dedicated to enforcing people's civil rights. There can be no final solution and justification in relation to the Cyprus issue without restitution for those who have had their property rights taken away from them. That of course includes, as Mike Rann said, people who are now Cypriot South Australians and Australians.

The only way forward is through international pressure. Mike Rann is absolutely right to say that this must be an issue of priority at the Commonwealth Heads of Government Meeting in Cape Town later this year. More than that, through our diplomatic efforts nationally and as individual State and Federal MPs, we must continue to pressure European members of Government into pressuring Turkey to withdraw from Cyprus. In the same way, we must use every available means to pressure the US to pressure Turkey to withdraw from Cyprus. The US position is particularly disappointing: it could be described as cynical and hypocritical. On the one hand, the US is happy to intervene in the Kosovo situation—and I am not getting into that debate right now—but the drastic action that the US took in relation to Kosovo stands in sharp contrast to its position in relation to Turkey and Cyprus, where the US air bases in eastern Turkey become an undue factor in the equation.

In conclusion, I draw a couple of parallels. It was just short of 25 years ago that the Turkish army invaded Cyprus. December of next year will be the twenty-fifth anniversary of the Indonesian army's invasion of East Timor, and I suggest that there are many parallels closer to home in the East Timorese situation. The local newspaper has been sadly neglectful of the injustices and atrocities that have taken place in East Timor. For too long Labor and Liberal have dusted that particular tragedy and injustice under the carpet, and I am glad to see that now it is beginning to be discussed publicly. Of course, there was another island some time ago where settlers came with force and dispossessed the native people of their land, permanently relegating them to second class citizens in terms of economy and health care. I refer of course to Australia itself, where we are desperately in need of reconciliation.

It is a process that we have only just begun in Australia. We have only just begun to talk about the true history of Australia, a history that has never been taught in our schools. It is particularly potent and appropriate for Australians to bear in mind that there is that process of reconciliation to take place in our land, and perhaps with a greater understanding of our own peculiar Australian problems of reconciliation we can appreciate the terrible injustices that have taken place in Cyprus over the past 25 years and can appreciate what a difficult road it is to achieve justice and peace in Cyprus.

Nonetheless, we have a moral duty to do everything we can to see that justice is achieved there. Finally, I reaffirm my support and that of the Labor Party for this motion of the Premier.

Mr HAMILTON-SMITH (Waite): I will speak briefly on this motion, and congratulate all members who have contributed to it today, particularly the member for Mitchell. Much of what he had to say regarding Cyprus was quite valuable and quite interesting. I was actually there in 1974 as a serving soldier in the Australian Army. I arrived there in December and, as the member for Mitchell pointed out, the invasion occurred in July. I was briefly at the British air base at Akrotiri and returned to Cyprus in 1979 while serving with British special forces on exchange. In that period I got to know quite a lot of people living in the Greek sector and visited Nicosia, stood on the line, and met up with some of the Australian Federal Policemen who were working with the United Nations at that time. I congratulate that group of Australian policemen who made such a valuable contribution to maintaining a police presence and to the peacekeeping process in Cyprus.

I later had some involvement with Cyprus while commanding our peacekeeping force in Egypt. Cyprus has been a bit of a base and centrepoint for many of the negotiations involved in maintaining peace in the Middle East and, because of its location and the nature of the place, it is quite a central point to the political and economic development of that whole part of the south-eastern Mediterranean. I note that in the case of Cyprus, with such an ancient history (which quite captured me), it is really a mixed blessing of racial, religious, economic, ethnic and historical flavour. But members should recall the atmosphere in the world and the environment in which we lived in 1974 before making hasty judgments about what occurred there and the solutions to the problem. I am speaking specifically of the cold war, of the relationship at the time between the US and Russia and of the political and military arrangements within NATO, both Turkey and Greece being members of that body.

I would ask members to recall the basing of nuclear weapons in Turkey and their focus on the Warsaw Pact, and the very strained relationship between Greece and Turkey which, as a consequence of the problems in Cyprus, very nearly came to all-out conflict. I would ask members to consider what the consequences may have been had Greece and Turkey elevated that conflict to one of full-scale national warfare, which might have had implications far and beyond what happened on Cyprus itself, in terms of their significance. I suppose you could describe the outcome as a bit of a stalemate and you could fairly say that events leading up to July 1974 partly contributed to the events of July and after. You could probably argue, as I am sure the Turks would, that the Greek community on Cyprus and the Greek Government helped to contribute to the events of July and beyond, and the Turks would no doubt put the view that they were acting to protect and support their community in Cyprus, albeit a minority community.

I do not necessarily agree with that view, nor with the view that is put forward by the Greek Cypriots. I would simply say that, as with all such events, there are two sides to the story. If there is a way forward, it is through conciliation and negotiation, through both Parties coming together and agreeing on outcomes, on mutual understanding and on an acceptance between the predominantly Muslim community of Turkey and the predominantly Christian community of Greece, that they need to live together on Cyprus, and somehow find a way ahead as a nation, working as one. The longer the partition remains, the more difficult that will be. Therefore, the phrasing of this motion is quite appropriate, in that it points to reunification, mutual understanding and agreement, and to a future in Cyprus which is one of cooperation and nationhood. I therefore find it very easy to support.

In closing, I fully support the motion. I congratulate members on both sides of the House for their contributions. I agree with almost all the sentiments expressed, and I hope that at some point in the future we are able to stand up in this Chamber and proclaim a reunified, united and happy Cyprus, where Cypriots of all nationalities can live in peace and harmony with the full support of the Governments of Greece and Turkey.

Motion carried.

FISHERIES (GULF ST VINCENT PRAWN FISHERY RATIONALIZATION) (CHARGES ON LICENCES) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to amend the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987. Read a first time.

The Hon. R.G. KERIN: 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 makes a number of amendments to the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987*.

The Act enacted in 1987 provided for six of the 16 boat fleet to be removed from the Gulf St. Vincent Prawn Fishery through a licence surrender and buy-back scheme. Money was borrowed from the South Australian Government Financing Authority (SAFA) to pay compensation to those licence holders leaving the Fishery. The mechanism for repayment is by way of a surcharge on licence holders remaining in the Fishery.

The initial repayment of debt by licence holders was minimal, then suspended due to dissent about their capacity to pay. Repayments resumed during 1994-1995 when the Fishery reopened after being closed for almost three years. In 1994 the debt was taken over by Treasury and restructured at a more favourable interest rate.

In 1995 a review of the Fishery was undertaken by Dr. Gary Morgan. The recommendations of the review addressed a number of issues including licence transfer/amalgamation which could lead to less licence holders operating on a more efficient basis and proposed fishing strategies aimed at ensuring long-term sustainable development of the Fishery.

Subsequently the Act was amended to enable the transfer of licences. Under the amended provisions the Director of Fisheries can approve an application for transfer of a licence if the accrued and prospective liabilities attributable to the licence have been paid.

However, the Act contemplates equal surcharges applying to licence holders and therefore there is no scope to impose a surcharge on the remaining licences when one licence is transferred. That is, all licences including the one that has paid its debt are liable to the surcharge.

The amendments proposed by this Bill are aimed at providing a mechanism to enable an incoming licence holder to assume the debt that has accrued to that licence. With these changes in place negotiations surrounding the outstanding debt of individual fishers can be pursued.

Recent discussions between the Government and licence holders in the Fishery have identified a number of proposals that would resolve the issue of debt and provide the climate for further improvement in the commercial viability of the Fishery.

Giving due consideration to the improvements that have occurred in the long-term sustainable future of the Fishery and the willingness

of industry to resolve outstanding issues of debt, it is proposed to amend the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987* to remove the requirement for a transferor to pay any prospective surcharge liability and allow the incoming licence holder to assume the debt.

In providing the above explanation of the proposed amendments, I advise that detailed consultation has taken place with the Gulf St. Vincent Prawn Fishery Management Committee and the Fishery association.

I commend the measures to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Amendment of preamble

This clause amends clause 5 of the preamble to the principal Act by striking out the word 'equally'.

Clause 4: Repeal of s. 4

This clause repeals section 4 of the principal Act which deals with the transfer of licences. Section 4 prohibited transfers of licences until 1 April 1990 and since that time a transfer of a licence has required the approval of the Director of Fisheries. The Director is required to consent to a transfer if the criteria prescribed by the regulations are satisfied and an amount is paid to the Director representing the aggregate of the licensee's accrued and prospective liabilities by way of surcharge under the Act, less any component of that prospective liability referrable to future interest and charges in respect of borrowing. The section also provides that where the registration of a boat is endorsed on a licence to be transferred, that registration may also be transferred.

The effect of repealing section 4 is that a licence in respect of the Fishery will be transferable in accordance with the scheme of management for the Fishery prescribed under the *Fisheries Act 1982*. The criteria prescribed by the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Regulations 1990* are identical to, and thus duplicate, those prescribed by the *Scheme of Management (Prawn Fisheries) Regulations 1991* under the *Fisheries Act*.

The new section 8 substituted by clause 5 of this measure will provide that the licensee's liability under the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987* will, on transfer of the licence, pass to the transferee (the new licensee). Section 38(4) of the *Fisheries Act* already provides that where a licence is transferable, the registration of a boat effected by endorsement of the licence may be transferred.

Clause 5: Substitution of s. 8—Charges on licences

This clause repeals section 8 of the principal Act and substitutes a new provision.

Proposed subsection (1) requires the Minister, by notice in the *Gazette*, to quantify the net liabilities of the Fund under the Act as at the day fixed by the Minister in the notice ('the appointed day').

Proposed subsection (2) provides that, as from the appointed day, each licence is charged with a debt calculated by dividing the amount determined under subsection (1) by the number of licences in force on the appointed day.

Proposed subsection (3) provides that the debt charged against a licence will bear interest at a rate (which may vary or be varied from time to time) fixed by the Minister for that licence and the liability to interest is a charge on the licence.

Proposed subsection (4) requires a licensee to pay the debt, together with interest, in quarterly instalments (which may be varied from time to time) fixed by the Minister by notice in the *Gazette* and payable on a date fixed by the Minister in the notice and thereafter at intervals of three months, or if there is an agreement between the Minister and the licensee as to payment, in accordance with the agreement.

Proposed subsection (5) provides that where a licence is transferred, the liability of the licensee passes to the transferee.

Proposed subsection (6) provides that any amount payable by a licensee under the Act may be recovered as a debt due to the Crown.

Proposed subsection (7) provides that if a licensee is in arrears for more than 60 days in the payment of an instalment, the Minister may, by notice in writing to the licensee, cancel the licence.

Proposed subsection (8) provides that where a licence is surrendered on or after the appointed day or is cancelled under subsection (7), no compensation is payable for loss of the licence and the total amount of the debt charged against the licence becomes due and payable by the person holding the licence at the time of the surrender or cancellation.

Proposed subsection (9) defines 'appointed day' and 'net liabilities of the Fund under this Act' for the purposes of the section.

Ms HURLEY secured the adjournment of the debate.

MINING (PRIVATE MINES) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to amend the Mining Act 1971 and to make related amendments to the Development Act 1993. Read a first time.

The Hon. R.G. KERIN: 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 seeks to include in the *Mining Act 1971* new provisions dealing with private mines in substitution for section 19 of that Act.

The Bill establishes a new legislative regime in the *Mining Act 1971* for the proper management and control of mining operations at private mines.

This objective is consistent with the fundamental purpose of the *Mining Act 1971*, which is '*to regulate and control mining operations*'. In establishing this new legislative regime, the Bill will introduce wider environmental controls than those afforded by the *Environment Protection Act 1993* but will not limit or derogate from the powers of that Act.

When the *Mining Act 1971* came into operation on 3 July 1972, it resumed to the Crown ownership in all minerals. As an alternative to have to pay compensation to private landowners that lost ownership of the minerals in their land, the Government, at that time, introduced the concept of a Private Mine into section 19 of the Act.

A significant feature of section 19 is that it excludes, except if expressly provided for by another section in the Act, operations at Private Mines from the operation of other provisions of the Act. The only section in the Act which expressly relates to Private Mines other than section 19, is section 76(3a) which deals with the requirement for the operator of a Private Mine to submit production returns to the Director of Mines every six months and pay royalties.

Administrative difficulties arise as operations at Private Mines are not regulated or controlled by other provisions in the Mining Act and there are no requirements in section 19 for the proper control of operations at a Private Mine.

These amendments rectify this by requiring that any operation at a Private Mine must operate according to Mine Operations Plan. Such a plan will include a requirement for rehabilitating the site after completion of mining.

In conjunction with the introduction of Mine Operations Plans, these amendments will place an obligation on the operator to exercise a duty of care to avoid undue damage to the environment. This general duty is then linked to the mine operations plan.

Another issue that is to be addressed relates to the fact that currently Inspectors of Mines and officers authorised under the *Mining Act 1971* cannot legally enter upon a Private Mine for the purpose of undertaking investigations or surveys. These amendments ensure that Inspectors of Mines and authorised officers can legally enter upon a Private Mine for appropriate purposes.

As there are many Private Mines that are not being operated and cannot be operated in the future because they either do not contain minerals of value, or because environmental or planning constraints prevent them from being mined, this Bill provides for an efficient process for the revocation of these Private Mines.

To provide the community with a level of assurance that operations at Private Mines will meet appropriate community expectations, these amendments provide for community participation in the development of the objectives and criteria of new mine operations plans. Further, they provide for compliance orders, rectification orders and rectification authorisations.

The transitional provisions allow for developmental plans authorised under the *Mines and Works Inspection Act 1920* to be deemed mine operations plans over a phasing-in period. This ensures that existing operations at Private Mines will be required to operate under the new system but are not disadvantaged by it.

The passage of this Bill will fulfil the Government's desire to assure the community that mining operations at Private Mines will be undertaken in a manner that is consistent with best environmental practice. It will also fulfil the Government's desire to assure industry that the regulation and control of mining operations at Private Mines will be addressed through a comprehensive legislative approach while delivering environmental outcomes consistent with the Government's environmental objectives.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s.6—Interpretation

This amendment recasts the definition of "proprietor" of a private mine to reflect the fact that the relevant divesting of property occurred on the commencement of the principal Act.

Clause 4: Amendment of s. 17—Royalty

The amendments effected by this clause will allow an assessment of the value of minerals recovered from a private mine that are subject to the payment of royalty to be served on the person carrying out mining operations at the mine, rather than the proprietor, if a notice has been given to the Minister under proposed new section 73E(3) of the Act.

Clause 5: Repeal of s. 19

Section 19 of the principal Act is to be repealed and replaced with a new Part relating to private mines.

Clause 6: Insertion of Part 11B

It is intended to enact a new Part relating to private mines. New section 73C provides various definitions for the purposes of the new Part. It will also be made clear that all related and ancillary operations carried out within the boundaries of a private mine will be taken to be within the concept of "mining operations" for the purposes of this Part. New section 73D continues the position under the *Mining Act 1971* that the other parts of the Act will not apply to private mines unless explicit provision is made to that effect. Section 73E will relate to royalty. As is presently the case, royalty will only be payable on extractive minerals recovered from a private mine. It will now be possible for the proprietor of a private mine to nominate another person (being a person carrying out mining operations at the private mine) as the person who will be primarily liable for the payment of royalty. The Minister will be able to make an order suspending mining operations at a private mine if royalty has remained unpaid for more than three months after the day on which it fell due. A monetary penalty will also apply in such a case (although the Minister will have the ability to remit any penalty amount). Section 73F is similar to current section 19(12), (13) and (14) (except that the relevant jurisdiction is now to be vested in the Warden's Court, which has greater experience in dealing with private mines under the Act). Section 73G relates to the requirement to have in place a mine operations plan that relates to mining operations at a private mine. A mine operations plan will have a set of objectives and a set of criteria for measuring those objectives. The objectives must include specific objectives to achieve compliance with the general duty under proposed new section 73H. Section 73H will require a person, in carrying out mining operations at a private mine, to take all reasonable and practicable measures to avoid undue damage to the environment (as defined under new section 73C(1)). A person will comply with the duty if the person is meeting the objectives contained in a mine operations plan (when measured against the approved criteria). Sections 73I, 73J, 73K and 73L establish a scheme for compliance with the requirement to have a mine operations plan, to meet the relevant objectives and to comply with the general duty. Sections 73M and 73N provide a scheme for the variation or revocation of a declaration of an area as a private mine. Section 73O sets out the powers of an inspector or other authorised person to inspect a private mine and to carry out investigations in connection with the administration or operation of the new Part. Section 73P relates to the service of documents. Section 73Q will require registration of a mine operations plan. Section 73R will empower the Governor to correct any error that may have occurred in the declaration of an area as a private mine.

Clause 7: Revision of penalties

The penalties under the *Mining Act 1971* have been reviewed and new amounts proposed.

Clause 8: Amendment of Development Act 1993

This is a consequential amendment of the *Development Act 1993* on the basis that mining operations at private mines will now be controlled through the mechanism of mine operations plans.

SCHEDULE 1

Revision of Penalties

The penalties under the *Mining Act 1971* are to be revised.

SCHEDULE 2

Transitional Provisions

This schedule enacts various transitional provisions associated with the measures contained in this Bill. The requirement to have a mine operations plan will arise six months after the commencement of the new scheme. A development program under the *Mines and Works Inspection Act 1920* will be taken to be a mine operations plan for the purposes of the new Part enacted by this Act.

Ms HURLEY secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (JUSTICE PORTFOLIO) BILL

Received from the Legislative Council and read a first time.

The Hon. R.G. KERIN (Deputy Premier): 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 will make a number of minor uncontroversial amendments to a number of Acts within the Justice Portfolio as well as consequential amendments to the *Children's Protection Act.*

Administration and Probate Act

A minor drafting amendment will be made to section 121A of the *Administration and Probate Act*. The amendment will insert a reference to section 9 of the *Public Trustee Act* which was enacted in place of section 79 of the *Administration and Probate Act*.

Bail Act

The Government has been advised that the courts are experiencing difficulty because of the failure of defendants, who are on bail, to attend directions hearings. By virtue of section 6(1)*(a)* of the *Bail Act*, failure to attend a directions hearing is not a breach of the bail agreement. That section provides that a bail agreement is 'an agreement by a person accused, or convicted of an offence, to be present throughout all proceedings (not being of an interlocutory nature)'.

However, in practice, the accused is generally required at the directions hearings. At the arraignment, an accused person on bail is informed that he or she must attend the directions hearings unless expressly excused, and the standard bail agreement states that the person must 'appear when required'.

The Bill will amend section 6(1)*(a)* to reflect current practice and will provide that a person on bail must, subject to any directions in the agreement to the contrary, attend all hearings.

Children's Protection Act, Young Offenders Act and the Youth Court Act

The Bill will repeal section 25 of the *Youth Court Act* (which currently restricts publication of certain information) and insert new provisions into the *Children's Protection Act* and the *Young Offenders Act*, respectively, to restrict publication of reports containing specified information.

Section 25 of the *Youth Court Act* provides that a person must not publish a report of proceedings in which a child or youth is alleged to have committed an offence, or is allegedly in need of care or protection, in certain circumstances. These circumstances include the following:

- the court prohibits publication of any report of the proceedings; or
- the report—
  - identifies the child or youth; or
  - contains information tending to identify the child or youth; or
  - reveals the name, address or school, or includes any particulars, picture or film that may lead to the identification, of any child or youth who is concerned in those proceedings either as a party or witness.

The Government has been informed that, in practice, it is accepted that the restriction on publication contained in section 25 of the *Youth Court Act* applies to proceedings dealing with young offenders that are heard in the superior courts as well as the Youth Court. However, while a problem has not arisen in practice, there is an argument that only the Youth Court can exercise the power. The matter has never been tested.

The *Children's Protection and Young Offenders Act 1979*, repealed in 1993 to favour the separation of children's protection provisions from provisions dealing with young offenders, contained a provision which covered proceedings in adult courts. It appears that Parliament did not intend to alter this position when the new *Youth Court Act* was enacted.

The current restriction on publication of reports contained in section 25 of the *Youth Court Act* will be replaced by new section 59A of the *Children's Protection Act* and new section 63C of the *Young Offenders Act*. New section 63C of the *Young Offenders Act* will also make it clear that the protection from publication applies to proceedings involving young offenders, regardless of which court is hearing the matter. However, consistent with current provisions, a court will continue to have the power to release the identity of a young offender if it considers it appropriate to do so.

Other clauses in Part 4 of the Bill will replace divisional penalties in the *Children's Protection Act* with maximum penalties expressed as monetary amounts, reflecting current policy on this issue.

Amendments relating to community corrections officers

The *Bail Act*, *Children's Protection Act*, *Correctional Services Act*, *Criminal Law (Sentencing) Act* and *Young Offenders Act* make various references to people who are given responsibility for the care and management of various types of offenders or young offenders. For example, under the *Correctional Services Act*, reference is simply to officers of the Department of Correctional Services holding, or acting in, the position of parole officer. Under the *Bail Act*, there is simply reference to officers of the Department of Correctional Services or, in the case of a child, to officers of the Department of Community Welfare.

The Department for Correctional Services is multi skilling officers traditionally referred to as parole officers, probation officers, community service officers and home detention officers. Such officers will now be called 'community corrections officers'. The Department suggested that the relevant legislation should be amended to reflect the change in designation of these officers.

This is an opportunity to rationalise the references to all people who are responsible for the care and management of offenders and young offenders in the community. Consequently, in the interests of consistency and commonsense, this Bill will replace relevant references with the term 'community corrections officer'.

Crimes at Sea Act

The *Crimes at Sea Act* was enacted in 1998 with the purpose of giving effect to a cooperative scheme for dealing with crimes at sea. The Schedule to the Act encompasses the provisions of the Cooperative Scheme. Clause 12(1) of the Schedule provides that the Governor may make regulations for carrying out, or giving effect to, this Scheme. However, clause 12(1) should provide that it is the Governor General who may make such regulations. Part 6 of the Bill corrects clause 12(1) of that Schedule.

District Court Act

The Bill will make several amendments to the *District Court Act.* Currently, under section 13(3) of the *District Court Act*, a District Court Master's remuneration is the same as a Magistrate in Charge. There does not appear to be any reason for linking a Master's remuneration to the Magistrate in Charge because it would appear that there is no apparent relationship between the work of a Master of the District Court and the work of a Magistrate in Charge. Therefore, the Bill will amend section 13 of the *District Court Act* to provide that District Court Masters are entitled to the remuneration determined by the Remuneration Tribunal in relation to that office.

Section 42(1) of the District Court Act gives the Court a general discretion to order costs in any civil proceedings. Subsection (2) of that section provides that no orders of costs will be made in certain circumstances, and subsections (3) to (5) provide that the Court may order costs against an incompetent legal practitioner or a delinquent witness, neither of whom are parties to the action.

In the case of *Vestris—v- Cashman*, the Full Court of the Supreme Court held that Parliament did not intend to empower the District Court to generally award costs against a non party to an action. The Court determined that, because subsections (3) to (5), specifically, of section 42 provide for cost orders against certain non-parties, subsection (1) did not provide for cost orders to be made against non-parties generally. Also, the Court pointed to the fact that section 43 of the *District Court Act* only gave a right of appeal against a court judgment to 'a party to an action' and a legal practitioner or witness against whom a cost order is made.

There are, however, occasions when the court may determine that an order for costs should be made against a non-party to an action. For example, the directors of a company may be ordered to pay the costs of an unsuccessful civil action instituted by that company because the company is, and at all material times was, insolvent.

There appears to be no reason why the District Court, which has the same civil jurisdiction as the Supreme Court, should not also have the same jurisdiction to order costs against a non-party. Section 40 of the *Supreme Court Act* empowers the Supreme Court to order costs, yet the provision does not contain provisions similar to sections 42(3) to (5) of the *District Court Act*. Consequently, the Supreme Court's power to order costs has not been held to be similarly constrained.

The Bill will amend section 42 of the *District Court Act* to make it clear that the District Court has a discretion to award costs against any person, whether or not the person is a party to, or witness in, the proceedings. The Bill will also amend section 43 of the *District Court Act* to ensure that a non-party to proceedings, who is neither a legal practitioner nor a witness but who has been ordered to pay costs, will have a right to appeal against that decision.

Part 9 of the Bill will make mirror amendments to sections 37 and 40 of the *Magistrates Court Act* which are substantially the same as sections 42 and 43 of the *District Court Act*. It is considered appropriate that the same costs procedures be adopted in both the District Court and the Magistrates Court.

Section 42(3) of the *District Court Act* will also be amended by the Bill. As previously indicated, section 42(3) of the *District Court Act* makes specific provision for cost orders against negligent or incompetent legal practitioners. It also provides that the court cannot make an order for such costs until the 'conclusion of those proceedings'.

The Government is advised that a problem with the words 'at the conclusion of those proceedings' was identified in a recent District Court case. A trial had to be adjourned, and arrangements made for a new trial some months later, because the plaintiff's solicitor failed to disclose material in the case. The defendant sought costs from the plaintiff's solicitor.

Subject to any submissions by the plaintiff's solicitor, the judge had all material needed to consider the application for costs. However, the Trial Judge determined that he could not order costs under section 42(3) until the final judgment because the proceedings had not yet reached their conclusion. As a result, the issue of costs may be overlooked, particularly if no trial takes place. Deletion of the words 'at the conclusion of the proceedings' will allow the Court to order costs under this provision when the Court sees fit, which is consistent with the Court's power to order costs generally.

Again a mirror amendment will be made to section 37(3) of the *Magistrates Court Act* by Part 9 of the Bill. Section 37(3) contains the same terms as section 42(3) of the *District Court Act*.

Magistrates Court Act

Apart from the amendments to the *Magistrates Court Act* previously outlined, the Bill will insert a new section 10AB into the Act to allow the Magistrates Court to deal with matters brought in the Court's Civil (General Claims) Division or the Civil (Consumer and Business) Division as minor claims, if appropriate.

Currently, the *Magistrates Court Act* provides that monetary claims for amounts less than $5 000 may be heard as a Minor Civil Action in the Magistrates Court. However, it has been the practice for some years in the civil jurisdiction of the Magistrates Court to allow parties to agree to waive the jurisdictional limit in minor civil actions and to allow a claim in excess of $5 000 to be heard as if it were a small claim. However, the practice has been disapproved of in two recent superior court judgments.

The Government has been advised that there is a continual demand by litigants to have cases in excess of $5 000 dealt with as if they were small claims where both parties agree. If both parties consent to their matter being heard as if it were a small claim then, in principle, there appears to be no reason why they should not be permitted to have their matter heard as a minor civil matter. The amendment will allow for that to occur.

Statutes Amendment (Fine Enforcement) Act 1998

The *Statutes Amendment (Fine Enforcement) Act 1998* (the 'Fine Enforcement Act') will, amongst other things, amend the *Criminal Law (Sentencing) Act*. A number of amendments have been identified through a comprehensive implementation program.

Firstly, the fine enforcement legislation works by giving powers to 'authorised officers'. The definition of 'authorised officer' includes a number of nominated officers, plus 'a person appointed by the Administrator under Part 9 as an authorised officer'. The reference to Part 9 is a reference to section 56A of the *Criminal Law (Sentencing) Act* (section 22 of the *Statutes Amendment (Fine Enforcement) Act*) which provides that 'the Administrator may

appoint members of the staff of the State Courts Administration Council as authorised officers'.

Staff of the State Courts Administration Council include the Sheriff and any deputies, and the other non-judicial officers and staff of the participating courts. Sheriff's officers are appointed under the *Sheriff's Act* and the *Law Courts (Maintenance of Order) Act*. Officers appointed under the latter Act are clearly members of the staff of the Council. Officers appointed under the *Sheriff's Act* may be appointed under section 6(1) or (3). Those appointed under section 6(1) are appointed as staff of the Council. However, those appointed under section 6(3) are not necessarily staff of the Council because of the operation of section 6(4) which states that a person is not a public service employee merely because of that appointment. Therefore, currently, such officers cannot be appointed as authorised officers.

There is the potential that officers appointed as sheriff's officers pursuant to section 6(3) will, particularly in country areas, be necessary to carry out enforcement tasks which, under the scheme, can only be carried out by authorised officers. Therefore it is appropriate that officers appointed under section 6(3) be eligible for appointment as 'authorised officers' in relation to the fine enforcement legislation. The Bill will ensure that such officers can be so appointed.

Secondly, section 70E(1) and (2) of the *Criminal Law (Sentencing) Act* will be replace by a new section 70E(1). The Fine Enforcement Act inserts new section 70E of the *Criminal Law (Sentencing) Act* which will allow an authorised officer to suspend a debtor's driving licence for up to 60 days if there has not been payment of a fine after a reminder notice has been issued. Subsection (2) provides that, where there is less than 60 days left to run on the disqualification, the authorised officer may make an order suspending the debtor's driver's licence for the balance of the period of 60 days. This will require an authorised officer to calculate the period left to run on the existing disqualification, and then calculate the period for which the disqualification under this order should be in force.

In practice, the same result could be achieved by simply allowing the authorised officer to issue a suspension for 60 days. While for some of those 60 days, the debtor would be disqualified from driving under two orders, after the initial disqualification order ceases, the debtor will continue to be suspended from driving until the 60 days has expired. Consequently, in practice, subsection (2) is unnecessary. New section 70E(1) will make it clear that an authorised officer may suspend a person's licence for a period of 60 days, notwithstanding the fact that the debtor is currently disqualified from holding or obtaining a licence.

Thirdly, under new section 70E(3) of the *Criminal Law (Sentencing) Act*, the authorised officer must cause a copy of the order to be served on the debtor personally or by post. Under subsection (4) the order will take effect 14 days from the day on which the notice is served on the debtor. However, where the suspension order is posted, it is difficult to know when the order has been served. The system employed by the court to issue orders cannot record the date the order is sent, and cannot know when the debtor has received the order.

To overcome this difficulty, the Bill will amend subsection (4) to provide that the order will come into effect 21 days from (and including) the day on which the order was made. Mirror amendments have been made to new sections 70E(3)*(b)* and 70F(2)*(b)* and (3)*(a)*.

Finally, under the new provisions, an authorised officer will be able to exercise specified powers. For example, new section 66 will allow the authorised officer to investigate the financial position of a debtor to determine his or her ability to pay the fine. New section 72A(1) makes it an offence to hinder an authorised officer, or a person assisting the authorised officer, exercising powers under the Act. The authorised officer may arrest a person who commits such an offence and, according to new section 72A(3), the person arrested must be brought before a justice or other proper authority to be dealt with according to law.

A single justice does not constitute a court or a bail authority. Therefore, a justice would be unable to grant bail or order detention of the arrested person. The Bill deletes the reference to 'justice and proper authority' and will require the offender to be brought before the nearest police station at which facilities are continuously available for the care and custody of the arrested person.

Summary Offences Act

The Government has been advised that the commencement date of a general search warrant is not clear on the face of the warrant. The form of the general search warrant is prescribed in the Schedule to the *Summary Offences Act*.

The Bill will amend the schedule to the *Summary Offences Act* to make it clear on the face of the document that the warrant is effective for a specified number of months from the date of the warrant.

Summary Procedure Act

Currently, section 104(1) of the *Summary Procedure Act* provides that the prosecution must file and serve copies of any documents on which the prosecution relies as tending to establish guilt, irrespective of the relative evidentiary weight or merit of the document. The provision adopts a very wide test of relevance and does not provide for any discretion as to which documents must be filed and served.

While there is no difficulty in most cases, complex fraud investigations commonly involve the collection of vast quantities of documents and many of those documents are only of peripheral relevance to the prosecution. However, there is an onerous burden on the police to find and copy all documents tending to establish guilt. As a result, the expense of the prosecution is greatly increased with little benefit to either party.

To overcome this problem, the police have adopted the practice of filing and serving copies of all documents of primary importance or the relevant portions of such documents. In addition, the police file and serve a list of all other documents of lesser importance on which the prosecution may potentially rely, together with a description of their significance. To complement this practice, the Director of Public Prosecutions allows the defence to inspect any original documents on the list prior to trial and will provide the defence with a copy of any documents required after such inspection.

This practice does not disadvantage the defendant, because the defendant is put on notice of all relevant evidence regardless of whether the evidence supports or is adverse to the prosecution case. It also avoids unnecessary waste of police time, labour and resources, and consequently, reduces the expense of the prosecution.

The Bill will amend section 104(1) to accord with the current fair and practical approach of the police. The prosecution will be required to file and serve on the defence documents of primary importance and a list of all documents of lesser importance with a description of the document's potential relevance to the prosecution case.

Repeal of the Appeal Costs Fund Act

The *Appeal Cost Funds Act 1979* establishes a fund to indemnify parties to an appeal or proceedings in a nature of an appeal, who have suffered loss by reason of an error of law on the part of a court or tribunal. Under the Act, the fund is also established to indemnify parties to civil or criminal proceedings where the proceedings have been aborted due to the death, illness or retirement of the trial judge, where the Crown (in criminal proceedings) has caused the proceedings to be aborted due to default, or other reasons where the parties to the proceedings are not in fault. The Act has remained unproclaimed for around 19 years. In that time, the financial climate has not allowed the Act to be funded. With it becoming more difficult to obtain funding, it is anticipated that the Act will never be adequately funded to allow proclamation.

It can also be argued that the Act is fundamentally flawed in today's climate. Under the provisions of the Act, the available funds can as easily be provided to a successful wealthy appellant as to a person who would more appropriately benefit from the Fund. In a time when legal aid funding is a major issue for Governments, it is difficult to justify providing funds to all comers in relation to appeals.

Additionally, there is no consideration of the merits of the appeal. For example, a person may avoid conviction due to an obscure technical point of law on appeal. It is doubtful that the public will support funding the appeal if they believe the person should have been convicted. The other point to be made is that the Fund operates on the basis that a person will have sufficient funds to initiate and contest the appeal and thus be reimbursed at the end of the appeal. The reality is that the people who require most assistance are those who cannot obtain justice because they cannot fund the appeal in the first place. The Bill will repeal the *Appeal Costs Fund Act*.

I commend the Bill to Honourable Members.

Explanation of Clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

A reference in the Bill to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2: AMENDMENT OF THE ADMINISTRATION AND PROBATE ACT 1919

Clause 4: Amendment of s. 121A—Statement of assets and liabilities to be provided with application for probate or administration

This clause replaces an obsolete cross-reference with the correct cross-reference.

PART 3: AMENDMENT OF THE BAIL ACT 1985

Clause 5: Amendment of s. 3—Interpretation

The amendment inserts a definition of community corrections officer. This is consequential on the policy to discontinue use of the terms parole officer, probation officer and community service officer and to use, instead, the generic title community corrections officer. (*See the amendments proposed in Part 5 of the Bill to the Correctional Services Act 1982 and in Part 7 of the Bill to the Criminal Law (Sentencing) Act 1988*).

Clause 6: Amendment of s. 6—Nature of bail agreement

The effect of this amendment will be that persons on bail will be required to attend hearings for directions unless specifically excused by the court.

Clause 7: Amendment of s. 11—Conditions of bail

These amendments are consequential on the proposed insertion into the principal Act of the new definition of community corrections officer.

Clause 8: Amendment of s. 17—Non-compliance with bail agreement constitutes offence

The penalty for an offence against subsection (1) is to be amended to reflect the current drafting style with the fine increasing from $8 000 to $10 000 but the term of imprisonment remaining at 2 years.

Clause 9: Amendment of s. 17A—Guarantor must inform member of police force if person fails to comply with bail agreement

Clause 10: Amendment of s. 22—False information on bail applications

The penalty for an offence against each of these sections is to be expressed in the current style, with the fine increasing from $1 000 to $1 250.

PART 4: AMENDMENT OF CHILDREN'S PROTECTION ACT 1993

Clause 11: Amendment of s. 11—Notification of abuse or neglect

The Department for Correctional Services now refer to various officers (including probation officers) as community corrections officers. The reference in the principal Act to a probation officer is to be changed to a reference to a community corrections officer.

The penalty clause is amended to reflect the current drafting style.

Clause 12: Amendment of s. 13—Confidentiality of notification of abuse or neglect

The penalty clause is amended to reflect the current drafting style.

Clause 13: Power to remove children from dangerous situations

These amendments replace obsolete references to certain ranks of police officers with the modern references.

Clause 14: Amendment of s. 19—Investigations

Clause 15: Amendment of s. 21—Orders Court may make

Clause 16: Amendment of s. 23—Power of adjournment

Clause 17: Amendment of s. 24—Obligation to answer questions or furnish reports

Clause 18: Amendment of s. 44—Non-compliance with orders

Clause 19: Amendment of s. 58—Duty to maintain confidentiality

Clause 20: Amendment of s. 59—Reports of family care meetings not to be published

In each of these amendments, the penalty provision (expressed as a divisional penalty) is struck out and a provision expressing the penalty as a maximum monetary amount is substituted.

Clause 21: Insertion of s. 59A

New section 59A is substantially the same as what is currently provided for in section 25 of the *Youth Court Act 1993*. It is more appropriate for the contents of that provision to be separately provided for in the *Children's Protection Act* and the *Young Offenders Act* (*see clause*). Section 25 of the *Youth Court Act* is to be repealed (*see clause*).

59A. Restrictions on reports of proceedings

New section 59A provides that a person must not publish a report of proceedings in which a child is alleged to be at risk or in need of care or protection, if—

- the court before which the proceedings are heard prohibits publication of any report of the proceedings; or
- the report identifies the child or contains information tending to identify the child or reveals the name, address or school, or includes any particulars, picture or film that may lead to the identification, of any child who is concerned in the proceedings, either as a party or a witness.

The court may, on such conditions as it thinks fit, permit the publication of particulars, pictures or films that would otherwise be suppressed from publication.

A person who contravenes this section, or a condition imposed under new subsection (2), is guilty of an offence (maximum penalty: $10 000).

Clause 22: Amendment of s. 60—Officers must produce evidence of authority

Clause 23: Amendment of s. 61—Hindering a person in execution of duty

Clause 24: Amendment of s. 63—Regulations

These amendments substitute the penalty provisions to reflect current drafting styles.

PART 5: AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

Clause 25: Amendment of s. 4—Interpretation

A definition of community corrections officer is inserted to mean an officer or employee of the Department for Correctional Services whose duties include the supervision of offenders in the community. As a consequence of that amendment, the definition of parole officer is to be deleted.

Clause 26: Amendment of s. 39A—Delivery of property and money to prisoner on release

Clause 27: Amendment of s. 68—Conditions of release on parole

Clause 28: Amendment of s. 71—Variation or revocation of parole conditions

Clause 29: Amendment of s. 72—Discharge from parole of prisoners other than life prisoners

Clause 30: Amendment of s. 74—Cancellation of release on parole by Board for breach of conditions other than designated conditions

Clause 31: Amendment of s. 74AA—Board may impose community service for breach of non-designated conditions

Clause 32: Amendment of s. 89—Regulations

These amendments are consequential on the Department's new policy of referring to various officers of the Department by the new title of community corrections officers.

PART 6: AMENDMENT OF CRIMES AT SEA ACT 1998

Clause 33: Amendment of Sched.—The Cooperative Scheme

The amendment corrects a drafting error. The incorrect reference to the Governor is struck out and the correct reference to the Governor-General is substituted.

PART 7: AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 34: Amendment of s. 3—Interpretation

A definition of community corrections officer is inserted to mean an officer or employee of the Department for Correctional Services whose duties include the supervision of offenders in the community. Consequently, the definition of community service officer is struck out.

Clause 35: Amendment of s. 3A—Application of Act to youths

Clause 36: Amendment of s. 23—Offenders incapable of controlling sexual instincts

Clause 37: Amendment of s. 38—Suspension of imprisonment on defendant entering into bond

Clause 38: Amendment of s. 42—Conditions of bond

Clause 39: Amendment of s. 46—Ancillary orders for supervision

Clause 40: Amendment of s. 47—Special provisions relating to community service

Clause 41: Amendment of s. 48—Special provisions relating to supervision

Clause 42: Amendment of s. 49—CEO must assign community corrections officer

Clause 43: Amendment of s. 50—Community corrections officer may give reasonable directions

Clause 44: Amendment of s. 50AA—Powers of community corrections officer in the case of home detention

Clause 45: Amendment of s. 51—Power of Minister in relation to default in performance of community service

References to probation officers and community service officers are substituted by references to community corrections officers.

PART 8: AMENDMENT OF THE DISTRICT COURT ACT 1991

Clause 46: Amendment of s. 13—Judicial remuneration

Currently, section 13(3) provides that a Master is entitled to the same remuneration as a Magistrate in Charge. This subsection is to be struck out and subsection (1) amended so that all of the judicial

officers of the District Court (including the Masters) will be entitled to the various remunerations determined by the Remuneration Tribunal.

Clause 47: Amendment of s. 42—Costs

The amendment to section 42(1) is to make it clear that it is the intention of the Parliament, through this provision, to allow the District Court full and complete discretion in awarding costs in civil proceedings against any person (whether or not a party to or a witness in the proceedings) and that subsections (3) to (5) (inclusive) do not fetter this complete discretion of the Court.

The amendment to section 42(3) enables the Court to make an order for costs against a legal practitioner at any time that is appropriate during the course of civil proceedings and not just at the conclusion of the proceedings.

Clause 48: Amendment of s. 43—Right of appeal

This amendment matches that made to section 42(1) and reinforces the fact that the Court has a complete discretion in awarding costs in civil proceedings. It also makes it clear that a person may appeal against any order made under section 42.

PART 9: AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 49: Insertion of s. 10AB

10AB. Certain civil actions may be taken to be minor civil actions

New section 10AB provides that if proceedings involving a monetary claim have been duly commenced in the Civil (General Claims) Division or the Civil (Consumer and Business) Division—

- the Court may, if it thinks it appropriate to do so, on application by or with the consent of the parties, hear and determine the action as a minor civil action; and
- if that occurs, the proceedings will, for the purposes of the principal Act, be taken to be a minor civil action.

Clause 50: Amendment of s. 37—Costs

Clause 51: Amendment of s. 40—Right of appeal

The amendments to these two sections of the principal Act mirror the amendments to the *District Court Act 1991* provided for in Part 8.

PART 10: AMENDMENT OF STATUTES AMENDMENT (FINE ENFORCEMENT) ACT 1998

Clause 52: Amendment of s. 22

This amendment amends new section 56A of the *Criminal Law (Sentencing) Act 1988* (which was inserted into that Act by section 22 of the principal Act). Subsection (1) of new section 56A is to be struck out and a new subsection substituted which provides that the Administrator may appoint—

- members of the staff of the State Courts Administration Authority; or
- persons appointed by the Sheriff to be deputy sheriffs or sheriff's officers,

as authorised officers.

It is thus provided so that officers appointed under the *Sheriff's Act* (who may or may not be Public Service employees) may be appointed as authorised officers for the purposes of fine enforcement legislation.

Clause 53: Amendment of s. 25

Section 25 of the principal Act inserted certain new sections relating to fine enforcement into the *Criminal Law (Sentencing) Act 1988*. The amendments contained in this clause—

- enable a penalty enforcement order suspending a driver's licence for 60 days to be made despite the fact that the debtor is currently disqualified from holding or obtaining a licence. (If the debtor's licence is already suspended, the suspensions will operate concurrently.);
- provide that such an order will take effect 21 days from the day on which the order is made (rather than 14 days from when the debtor is served with notice of the order);
- provide that a penalty enforcement order restricting a debtor from transacting any business with the Registrar of Motor Vehicles takes effect when the Registrar is notified of the order (rather than when the debtor is served with notice of the order);
- clarify how a person arrested for hindering an authorised officer is to be dealt with—the person is to be taken forthwith to the nearest police station with appropriate facilities to be dealt with according to law.

PART 11: AMENDMENT OF SUMMARY OFFENCES ACT 1953

Clause 54: Amendment of Schedule

The schedule sets out the form of a general search warrant. The proposed change is minor making it clear that the date to be completed on the warrant is the date of the warrant (*ie* the date the warrant is issued and signed by the Commissioner of Police).

PART 12: AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 55: Amendment of s. 104—Preliminary examination of charges of indictable offences

Section 104 currently provides that the prosecution must file in court copies of any documents on which the prosecution relies as tending to establish the guilt of the defendant. The amendment excludes the prosecution from having to file in court copies of documents that are only of peripheral relevance to the subject matter of the charge.

Clause 56: Transitional provision

The amended section 104 will apply in relation to proceedings commenced before or after the commencement of the amendment.

PART 13: AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 57: Amendment of s. 36—Detention of youth sentenced as adult

Clause 58: Amendment of s. 63B—Application of Correctional Services Act 1982 to youth with non-parole period

These amendments are consequential on the use of the new title community corrections officer.

Clause 59: Insertion of s. 63C

63C. Restrictions on reports of proceedings

New section 63C provides that a person must not publish a report of proceedings in which a youth is alleged to have committed an offence if—

- the court before which the proceedings are heard prohibits publication of any report of the proceedings; or
- the report identifies the youth or contains information tending to identify the youth or reveals the name, address or school, or includes any particulars, picture or film that may lead to the identification, of any youth who is concerned in the proceedings, either as a party or a witness.

The court may, on such conditions as it thinks fit, permit the publication of particulars, pictures or films that would otherwise be suppressed from publication.

A person who contravenes this section, or a condition imposed under new subsection (2), is guilty of an offence (maximum penalty: $10 000).

New section 63C mirrors new section 59B inserted in the *Children's Protection Act 1993* (*see clause*).

PART 14: AMENDMENT OF YOUTH COURT ACT 1993

Clause 60: Repeal of s. 25

This section is repealed as a consequence of the insertion of new section 63C into the *Young Offenders Act 1993* (*see clause*) and new section 59B into the *Children's Protection Act 1993* (*see clause*).

PART 15: REPEAL OF THE APPEAL COSTS FUND ACT 1979

Clause 61: Repeal

The principal Act is repealed.

Ms HURLEY secured the adjournment of the debate.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. R.G. KERIN (Deputy Premier): 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. The *Residential Tenancies Act 1995* ('the Act') regulates the relationship of landlord and tenant under residential tenancy agreements. Among other things, it sets out the mutual rights and obligations of landlords and tenants; a regime for the termination of residential tenancy agreements; and the constitution, jurisdiction and powers of the Residential Tenancies Tribunal ('the Tribunal').

The Act has operated without complication since its introduction in stages during late 1995 and early 1996. Both the Tribunal and the Tenancies Branch (of the Office of Consumer and Business Affairs) handle very large volumes of work, and the provisions of the Act generally appear to be working well.

However, the need to make several minor amendments has arisen.

Amounts paid into Tribunal

The Act presently provides that the Tribunal may order the payment of monies into the Tribunal until conditions stipulated by it have been complied with (eg, that repairs be carried out).

However, the Tribunal holds no bank accounts and considers it has no legislative mandate to order the deposit of money into the Residential Tenancies Fund which is administered by the Com-

missioner for Consumer Affairs and which is the most logical place for monies to be held.

This Bill amends section 110 of the Act to make provision for amounts now paid into the Tribunal to be paid into the Residential Tenancies Fund.

Exclusion of jurisdiction

The Supreme Court of New South Wales recently held that damages for compensation awarded under the *Residential Tenancies Act 1987* (NSW) could include damages for disappointment and distress proceeding from physical inconvenience caused by a breach of a tenancy agreement.

The Residential Tenancies Act in this State includes a power in the Tribunal to award compensation for the breach of an agreement. The provision in South Australia has never been interpreted to allow for the payment of damages for personal injury. However, out of an abundance of caution the provision is amended by this Bill. It is not considered that the Tribunal is a suitable forum for the adjudication of questions relating to the liability for, and quantum of, damages for personal injury.

Landlords' costs in relation to abandoned goods

Under the provisions of the Act at present, if a tenant abandons their goods which are subsequently sold at public auction, the landlord may retain the reasonable costs of removing, storing and selling the goods, and the reasonable costs of giving notice that the goods are being held.

However, if the tenant reclaims the goods prior to sale, the Act specifies that they only need to pay the landlord the reasonable costs of removal and storage. They are not liable to pay the amount of the newspaper advertisement, which can be considerable.

The Tribunal has been reluctant to hold that the giving of notice falls within the definition of 'removal'. To make this issue clear, the Act is amended to provide that a person with a lawful right to the goods may recover the goods at any time before they are sold, by paying to the landlord the reasonable costs of removing and storing, giving the required public notice and any other reasonable costs incurred.

As the provisions in the Residential Tenancies Act relating to the sale of abandoned goods are identical to those in other Acts, the opportunity has been taken to amend those Acts in the same way so that these provisions remain consistent.

Residential tenancy agreements involving corporations as tenants

It has been decided to deal with the situation where a corporation is granted the right under a tenancy agreement to occupy premises as a place of residence for a natural person.

South Australian Aboriginal Housing Authority

The South Australian Aboriginal Housing Authority has been established and will be taking over some of the housing stock of the South Australian Housing Trust in due course. In the circumstances, it is appropriate that the new housing authority be given the same status under the Act as the South Australian Housing Trust.

I commend this Bill to Honourable Members

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 3—Interpretation

This amendment will provide that a residential tenancy agreement under the Act will include an agreement granting a corporation the right to occupy premises to be used as a place of residence by a natural person.

Clause 4: Amendment of s. 5—Application of Act

This amendment will place the South Australian Aboriginal Housing Authority in a position similar to the South Australian Housing Trust under the Act.

Clause 5: Amendment of s. 97—Abandoned goods

Under the current provisions of section 97, if goods are left on premises at the end of a tenancy agreement they can only be reclaimed after paying to the landlord the reasonable costs of their removal and storage. The proposed clause provides that the landlord must also be paid the reasonable costs of giving notice of the storage of the goods in a newspaper circulating generally throughout the State, and any other reasonable costs incurred by the landlord as a result of the goods being left on the premises.

Clause 6: Amendment of s. 110—Powers of the Tribunal

Clause 6 provides for rent to be paid into the Residential Tenancies Fund rather than the Tribunal, and inserts a new subsection to provide that the Tribunal does not have jurisdiction to award compensation for damages arising from personal injury.

Clause 7: Amendment of Landlord and Tenant Act 1936

Clause 7 amends the *Landlord and Tenant Act* to provide that the abandoned goods provision of that Act is consistent with the proposed amended provision of the *Residential Tenancies Act*.

Clause 8: Amendment of Retail and Commercial Leases Act 1995

Clause 8 amends the *Retail and Commercial Leases Act* to provide that the abandoned goods provision of that Act is consistent with the proposed amended provision of the *Residential Tenancies Act*.

Ms HURLEY secured the adjournment of the debate.

ROAD TRAFFIC (ROAD RULES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. DEAN BROWN (Minister for Human Services): 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.

The purpose of this Bill is to make necessary amendments to the *Road Traffic Act 1961* to allow the Australian Road Rules (ARR) to be made as South Australian subordinate legislation in place of conflicting sections of the *Road Traffic Act 1961* and Regulations and the *Local Government Act 1934* and Regulations.

The ARR provide for more consistent laws around Australia, eliminating the great majority of current differences, making driving easier and safer. This is a major advance and a great start for traffic law for the next century. This will be of great benefit to Australian motorists on holidays, interstate transport drivers and people moving interstate.

Draft Rules were widely circulated for public comment in 1995. Comments from the public, industry and all levels of governments were generally all supportive. The Rules will affect every road user in Australia: drivers, pedestrians, cyclists, motorcyclists, riders of animals and people on skateboards, when they are on the roads, footpaths, nature strips and parking areas. Introduction of the Rules will provide an opportunity for all road users to become more familiar with their rights and responsibilities.

Many traffic rules around Australia are already the same, but a number of differences exist. These can present difficulties for everyone; for example, would South Australian motorists travelling interstate know how far they can park from an intersection, whether they can cross barrier lines, do U-turns at traffic lights, carry passengers without seatbelts? In all these areas and many more, differences currently exist.

Most of South Australia's traffic rules will remain unchanged and where changes are necessary these have been minimised, with all States and Territories making compromises in order to achieve consistency and minimise the effect in individual jurisdictions. There are some Rules which can be tailored for local circumstances which vary from State to State, for example, provide on which roads roller blades can not be ridden, such as the Southern Expressway.

Although the ARR contain a number of new offences these are more specific about good driving and are therefore much easier for road users to obey, for police to enforce and for the community to understand. These include a prohibition on tailgating, details on how traffic must merge and a requirement to dip your headlights when following another vehicle.

The ARR have been drafted in a modern style, in contrast to the older Road Traffic Act. As a consequence the structure and provisions of the ARR are clearer and easier to understand. For example, rule 72 (ARR) and section 63 (RTA) both provide that a driver turning left at an intersection from a slip lane must give way to an oncoming vehicle turning right at the intersection. However, while the ARR explicitly provides for a slip lane including use of a diagram which shows both vehicles, the RTA only implicitly refers to slip lanes in section 63(1)(c) which may not be recognised by a lay reader. This is an example of the many minor differences that generally clarify the law rather than change the law in South Australia.

The Rules contain many provisions currently contained in Local Government legislation affecting traffic management and parking control. As provided in the Local Government Act Review, it is proposed that these powers be moved to the Road Rules. The amendments resolve a number of minor inconsistencies which

currently exist but do not significantly affect Local Government's powers to control traffic on roads under their care and control. Currently similar traffic provisions are located in different Acts and Regulations and persons accessing the law may only locate part of the answer. The Road Rules will be a significant improvement for accessing the law as all minor traffic provisions will be located in the Road Rules including parking matters contained in various other legislation such as the Rundle Street Mall Act, 1975. Where necessary, the Rules contain cross references to other Rules and Regulations.

The Bill also contains a provision dealing with temporary road closures which will require Local Government to consult with affected road authorities in the event that a road closure is proposed. The provision mirrors amended provisions contained in section 31 of the City of Adelaide Act 1998. The Bill contains further amendments to the Road Traffic Act that relate to administration of the law. An approval process is provided that will allow the temporary use of traffic control devices by persons other than a Road Authority. Currently, temporary approval can only be given to certain persons to use hand-held stop signs such as for pedestrian crossings and the Tour Down Under. Many persons now work on roads performing work that was formerly reserved for Government authorities and require the use of a wide range of traffic control devices. Entities such as Optus, a plumber or a cementing contractor undertake work on roads each day but, because such work is not undertaken on behalf of an Authority, cannot currently use traffic control devices. The proposed amendment will allow the Minister to give approval for the temporary use of devices and thereby increase safety for such workers. The amended section will also apply to persons currently approved under section 23. As currently provided under section 23, approval may be subject to conditions imposed by the Minister.

To ensure that only authorised persons use or install traffic control devices, the Bill creates an offence for any person who, without authority, installs a device or intentionally interferes with a device.

The Australian Road Rules prohibit the use of any device that detects or interferes with a speed measuring device. In contrast, section 53B of the Road Traffic Act only applies to radar detectors and jammers and does not apply to other technologies. With advances in technologies and to ensure consistency with the Australian Road Rules, it is proposed that the provisions of section 53B (including provisions allowing forfeiture and seizure of radar detectors) be amended to apply to any device that detects or interferes with a speed measuring device.

Parking controls around Parliament House will continue to be located in the Road Traffic Act. A minor amendment to section 85 reflects that there is no longer a Minister of Public Works and provides that permission for parking in the prohibited area adjacent to Parliament House be granted by the Presiding Member of the Joint Parliamentary Services Committee.

Attempts to introduce uniform Road Rules for Australia have been made since 1948. In the 1990s, State Governments began working together to develop uniform rules with the assistance of the National Road Transport Commission in order that Australia as one country, can have one set of basic road rules. Implementation of the Road Rules is also required for South Australia to continue to receive competition payments from the Commonwealth Government.

It is proposed that the new Road Rules will come into effect in South Australia from 1 December 1999—and by this time will be effective across Australia.

I highlight again that this Bill does not introduce the 351 proposed Australian Road Rules. The Bill provides that the Road Rules be made as South Australian subordinate legislation. However, all Honourable Members will be provided with a copy of the Rules and any additional information they may seek to assist in understanding this important initiative.

Overall, the Australian Road Rules will be of significant benefit to all South Australians. They also will be a significant part of national infrastructure reforms that will make Australian exports more competitive, with benefits delivered to interstate transport operators who will no longer have to cope with a variety of different road laws in every State. The adoption of nationally uniform road rules, developed through cooperation of all States and Territories and the Commonwealth, is a major achievement as we move towards the next millennium and the Centenary of Federation.

I commend this Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 2

This proposed new section replaces section 8 of the principal Act (to be repealed by clause 7 of the Bill). The provision makes it clear that the principal Act binds the Crown in all its capacities but does not give rise to any criminal liability on the part of the Crown itself as distinct from its agents, instrumentalities, officers and employees.

Clause 4: Amendment of s. 5—Interpretation

This clause substantially revises definitions of terms used in the principal Act to bring the definitions into line with those adopted in the draft Australian Road Rules. In some cases, existing definitions are omitted because the terms defined are no longer used at all or their use is confined to the draft Australian Road Rules.

Clause 5: Substitution of s. 6

Existing section 6 of the principal Act is an interpretation provision providing in effect that driving, riding, etc., is to be taken to be driving, riding, etc., on a road. The new section 5A conveys the same message but in the form adopted in the draft Australian Road Rules. The new section 6 goes on to provide that references to drivers or driving are to include references to riders or riding unless otherwise expressly stated.

Clause 6: Drivers of trailers

This amendment is consequential on the change from the term 'pedal cycle' to the term 'bicycle'.

Clause 7: Repeal of s. 8

The matter dealt with by section 8 of the principal Act is now to be dealt with by the proposed new section 2.

Clause 8: Repeal of s. 9

Section 9 of the principal Act is not required under the proposed new scheme and is repealed.

Clause 9: Repeal of s. 10

Section 10 (which provides for the principal Act to be committed to a particular Minister) is repealed as this process is carried out under the *Administrative Arrangements Act 1994*.

Clause 10: Amendment of s. 11—Delegation by Minister

Section 11 provides for delegation by the Minister. The clause amends the section to make it clear that delegations may be made to councils and that there may be subdelegations subject to conditions fixed by the delegator.

Clause 11: Amendment of s. 17—Installation, etc., of traffic control devices

Section 17(1) of the principal Act authorises an Authority, with the approval of the Minister, to install, maintain, alter or operate traffic control devices on or near roads in accordance with Part 2 of the Act. The requirement that the process be in accordance with Part 2 is removed. Controls on the process will, in future, be imposed through the Ministerial approvals which, under section 12, may be conditional. The reference to installation, etc., 'on or near a road' is amended to 'on, above or near a road' to conform to the draft Australian Road Rules provisions.

A new subsection (3) is added to section 17 to provide for temporary installation or display of traffic control devices by any authority, body or person with the approval of the Minister. This would allow and govern the display of hand held stop signs at road works or pedestrian crossings, or the temporary placement of speed limit signs at road works or the installation or display of barriers or signs in aid of temporary road closures.

Clause 12: Amendment of s. 18—Direction as to installation, etc., of traffic control devices

Section 18(1) of the principal Act empowers the Minister to give directions relating to the installation, etc., of traffic control devices on or near a road to the Authority responsible for the care, control or management of the road. The clause would allow directions relating to devices on, above or near a road and directions to an Authority in connection with a road whether or not the Authority has the care, control or management of the road.

Clause 13: Amendment of s. 19—Cost of traffic control devices and duty to maintain

A new section 19(2) is proposed allowing regulations (or another Act) to require that costs associated with specified traffic control devices be borne by an authority, body or person other than the Authority responsible for the road in question. The clause also provides that the authority, body or person liable for the costs associated with a traffic control device is responsible for maintaining it in good order. This provision is to the same effect as existing section 25(4) and (5) which are to be repealed (*see clause 15*).

Clause 14: Amendment of s. 20—Duty to place speed limit signs in relation to work areas or work sites

This clause makes a drafting clarification to subsection (2) and removes subsection (4) of section 20. Subsection (4) requires compliance with speed limit signs erected at work sites or areas—a matter that will, in future, be dealt with by Part 3 of the Australian Road Rules which creates an offence of disobeying speed limits specified in speed limit signs.

Clause 15: Substitution of ss. 23 and 25

Sections 23 and 25 of the principal Act are to be replaced. Section 23 deals with the exhibition of stop signs at pedestrian crossings or work sites or in connection with temporary road closures. This matter is now to be dealt with by the proposed new section 17(3) (*see clause 11*). Section 25 regulates traffic control device design and placement—matters now to be dealt with by the Ministerial approval process under section 17 and by Part 20 of the Australian Road Rules. The section also creates conclusive evidentiary presumptions as to the lawful installation of traffic control devices and deals with the maintenance of traffic control devices (for the latter, *see clause 13*).

Proposed new s. 21—Offences relating to traffic control devices

Proposed new section 21 makes it an offence (with a maximum penalty of $5 000 or imprisonment for one year) if a person, without proper authority, installs or displays a sign, signal, etc., on, above or near a road intending that it will be taken to be a traffic control device, or intentionally alters, damages, destroys or removes a lawfully installed or displayed traffic control device.

Proposed new s. 22.—Proof of lawful installation, etc., of traffic control devices

Proposed new section 22 provides for there to be a conclusive presumption in officially instituted proceedings for a traffic offence that a traffic control device proved to have been on, above or near a road was lawfully installed or displayed there.

Clause 16: Amendment of s. 31—Action to deal with false devices or hazards to traffic

This clause amends section 31 of the principal Act to clarify the powers of road authorities and the Minister to deal with false traffic control devices and other traffic hazards.

Clause 17: Substitution of ss. 32 and 32A and headings

Sections 32 and 32A of the principal Act deal with the establishment of speed zones and shared zones—matters now to be dealt with by the installation of speed limit signs and shared zone signs under section 17 of the Act and by Part 3 of the Australian Road Rules.

Proposed new s. 32.—Road closing by councils for traffic management purposes

Proposed new section 32 is grouped together with existing sections 33 and 34 which deal with road closures for road events and emergency use by aircraft. The proposed new section reproduces (with minor drafting variations) section 31 of the *City of Adelaide Act 1998* (which is repealed by the Schedule of the Bill). The provision imposes a special consultation and approval process on the closure of roads by councils for traffic management purposes. The minor drafting variations are limited to—

- adjustments to (1) to reflect the fact that closures will now be effected by the installation or alteration of traffic control devices
- adjustments to (1) to require that the installation or alteration of the devices must be in pursuance of a council resolution
- widening of (8) so that a 'prescribed road' will include a road that runs up to another road running along or containing the boundary of another council area.

Clause 18: Amendment of s. 33—Road closing and exemptions for road events

Section 33 of the principal Act empowers the Minister to introduce temporary road closures and exemptions for road events. The clause widens the definition of 'event' so that the road closure powers are not limited to sporting, recreational or similar events but extend to political, artistic, cultural or other activities, including street parties (powers currently contained in the *Local Government Act* which are to be repealed).

Clause 19: Repeal of heading

The heading above section 34 is repealed in view of the more general heading to be inserted by clause 17 above new section 32.

Clause 20: Amendment of s. 34—Road closing for emergency use by aircraft

Section 34 of the principal Act (relating to road closing for emergency use by aircraft) is amended so that it is clear that signs or barriers erected by the police at the closed section of road are traffic control devices.

Clause 21: Amendment of s. 35—Inspectors

Section 35 of the principal Act provides for the appointment of inspectors by the Commissioner for Highways. The clause amends the section—

- to make the Minister the appointing authority
- to provide that authorised persons under the *Local Government Act* will be inspectors for the purposes of enforcing prescribed provisions (intended to be Part 12 of the draft Australian Road Rules—Restrictions on stopping and parking)
- to enable the Minister to impose conditions on the exercise of the powers of an inspector.

Clause 22: Substitution of heading

This clause substitutes a wider heading for the heading presently above section 37.

Clause 23: Insertion of s. 38A

Proposed new s.38A.—Marking of tyres for parking purposes

Proposed new section 38A brings over from the *Local Government (Parking) Regulations* the power for inspectors to place erasable marks on tyres in the course of official duties relating to the parking of vehicles.

Clause 24: Amendment of heading to Part 3

This clause widens the heading to Part 3 so that it refers to the duties of passengers as well as drivers and pedestrians.

Clause 25: Repeal of ss. 39 and 40 and heading

Sections 39 and 40 of the principal Act (which deal with the application of the Act to animals, animal-drawn vehicles and trams and exemptions for police, emergency workers, etc.) are repealed. These matters are now provided for by—

- the new definitions of 'vehicle' (which includes animals that are being ridden, animal-drawn vehicles and trams) and 'rider'; and
- Part 19 of the draft Australian Road Rules—Exemptions.

Clause 26: Amendment of s. 41—Directions or for clearing road or investigation purposes

Section 41 of the principal Act provides, amongst other things, power for a member of the police force to give directions for the safe and efficient regulation of traffic. This power is removed from the section as a similar power is provided in Rule 304 of the draft Australian Road Rules.

Clause 27: Substitution of s. 43 and heading

Proposed new s. 43.—Duty to stop and give assistance where person killed or injured

Section 43 of the principal Act deals with duties of drivers involved in vehicle accidents. The proposed new section is limited to the duty of a driver involved in a vehicle accident to stop and give assistance where a person is killed or injured. Rule 287 of the draft Australian Road Rules deals with the duty of a driver to exchange details with another driver involved in a vehicle accident and to report the accident to the police.

Clause 28: Repeal of s. 45A

Section 45A of the principal Act (Entering a blocked intersection) is repealed. This matter is dealt with in Rule 128 of the draft Australian Road Rules.

Clause 29: Amendment of s. 47E—Police may require alcotest or breath analysis

Section 47E(1)*(a)* and *(b)* of the principal Act deal with the power of police to require an alcotest or breath analysis where there are reasonable grounds to believe that a person has committed a driving offence against Part 3 of the Act or an offence against section 20 (Speed limit at work areas or sites), section 111 (Duty to comply with requirements as to lamps and reflectors) or section 122 (Duty to dip headlamps). Paragraph *(b)* will not be required as the offences (against section 20, 111 or 122) will become offences against the Australian Road Rules. Paragraph *(a)* is redrafted and limited to offences against 'this Part' where driving is an element, that is, offences against Part 3 of the principal Act and (through the operation of section 14BA(2) of the *Acts Interpretation Act 1915*) offences against the Australian Road Rules where driving is an element. Parking offences will be excluded from this by regulations specifying the Part of the Australian Road Rules dealing with parking.

Clause 30: Repeal of ss. 48 to 53 and heading

Sections 48 to 53 of the principal Act are repealed. These relate to speed restrictions which are dealt with in Part 3 of the draft Australian Road Rules.

Clause 31: Amendment of heading

The heading above section 53A of the principal Act is widened so that it refers to 'Radar Detectors and Jammers' as well as 'Traffic Speed Analysers'.

Clause 32: Amendment of s. 53B—Sale and seizure of radar detectors, jammers and similar devices

The offence contained in section 53B of the principal Act is narrowed so that it applies only to sale, or storing or offering for sale, of a radar detector or jammer. The Australian Road Rules at rule 225 will provide an offence of driving a vehicle that contains such a device. 'Radar detector or jammer' is defined to include any device for detecting the use, or preventing the effective use, of a speed measuring device (whether or not the speed measuring device employs radar in its operation).

Clause 33: Repeal of ss. 54 to 79 and headings

Sections 54 to 79 of the principal Act are repealed. These relate to—

- driving on the left and passing (dealt with in Part 11 of the draft Australian Road Rules)
- driving on footpaths or bikeways (dealt with in Rule 288 of the draft Australian Road Rules)
- giving way (dealt with in Part 7 and various other Parts of the draft Australian Road Rules)
- turning to the right (dealt with in Part 4 of the draft Australian Road Rules)
- driving signals (dealt with in Part 5 of the draft Australian Road Rules)
- traffic lights, signals and signs (dealt with in Part 6 and various other Parts of the draft Australian Road Rules).

Clause 34: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices

Section 79B of the principal Act deals with the use of photographic detection devices to detect various listed offences against the Act. These offences will now be found in the Australian Road Rules and the new list will, as a result, be contained in regulations that are proposed to be made in conjunction with the Australian Road Rules.

Clause 35: Substitution of ss. 80, 81 and 82A and headings

Sections 80 (Restrictions on entering road crossings), 81 (Certain vehicles to stop at railway level crossings) and 82A (Council not to authorise angle parking on a road without Minister's approval) are repealed. The matters to which sections 80 and 81 relate are dealt with in Part 10 of the draft Australian Road Rules. Controls on the introduction of angle parking can be applied through the process for Ministerial approval of traffic control devices.

Proposed new s. 80.—Australian Road Rules and ancillary or miscellaneous regulations

Proposed new section 80 is the empowering provision for the making of the rules that will replicate the draft Australian Road Rules. The power is expressed in general terms—rules to regulate traffic movement, flows and conditions, vehicle parking, the use of roads and any aspect of driver, passenger or pedestrian conduct. Power is also conferred for regulations to be made that are ancillary to the Australian Road Rules or Part 3 of the principal Act or deal with miscellaneous traffic matters not contained in the Australian Road Rules.

Proposed new s. 81.—Requirement for speed limiting modifications to certain vehicles exceeding 115 kilometres per hour

Proposed new s. 82.—Speed limit while passing a school bus

Proposed new sections 81 and 82 provide for speed limiting of heavy vehicles detected speeding and a speed limit while passing a school bus. These provisions match existing provisions (sections 144 and 49(1)*(b)*) and are relocated to improve the order and structure of the Act. The draft Australian Road Rules contain no provisions on these topics.

Clause 36: Amendment of s. 85—Control of parking near Parliament House

This clause corrects several outdated references in section 85 of the principal Act (Control of parking near Parliament House).

Clause 37: Amendment of s. 86—Removal of vehicles causing obstruction or danger

This clause is consequential to a change in terminology resulting from the draft Australian Road Rules—references to 'expressways' become references to 'freeways'.

Clause 38: Repeal of heading

A heading is repealed in view of a more general heading inserted by an earlier clause.

Clause 39: Repeal of ss. 88 to 90A and heading

Sections 88 to 90A of the principal Act are repealed. These provisions relate to pedestrian duties—matters dealt with in Part 14 of the draft Australian Road Rules.

Clause 40: Repeal of ss. 92 to 94A and heading

Sections 92 to 94A of the principal Act are repealed. The sections relate to miscellaneous matters—stopping at ferries, opening vehicle doors and driving with a person on the roof or bonnet or with a portion of the driver's body protruding from the vehicle. These matters are dealt with in Parts 7 and 16 of the draft Australian Road Rules.

Clause 41: Repeal of ss. 96 to 99

Sections 96 to 99 of the principal Act are repealed. These provisions relate to cyclists—matters dealt with in Part 15 of the draft Australian Road Rules.

Clause 42: Amendment of s.99A—Cyclists on footpaths, etc., to give warning

This clause makes amendments of a drafting nature consequential on new terminology adopted in the draft Australian Road Rules.

Clause 43: Substitution of ss. 99B to 105 and heading

Sections 99B to 105 of the principal Act are repealed and replaced with a new section 99B relating to wheeled recreational devices and wheeled toys. This new section continues various provisions in the current section 99B that are not adopted in the draft Australian Road Rules and do not conflict with the Australian Road Rules.

Matters dealt with in sections 100 to 104 are now dealt with in Rules 224, 291, 297, 245, 269 and 303 of the Australian Road Rules. Section 105 deals with leading animals in towns or townships—a matter now to be dealt with by local government by-laws.

Clause 44: Amendment of s. 106—Damage to roads and works

This clause makes a drafting change consequential on the wider definition of 'traffic control device'.

Clause 45: Repeal of s. 109

Section 109 of the principal Act (relating to tyre pressures) is repealed. This is a matter for vehicle standards.

Clause 46: Repeal of s. 116 and heading

Section 116 of the principal Act is repealed. This section (inserted by an earlier amending Bill) deals with the towing of vehicles—a matter now to be dealt with in the new regulations imposing mass and loading requirements and in Part 18 of the draft Australian Road Rules.

Clause 47: Repeal of ss. 161 and 162

Sections 161 and 162 of the principal Act are repealed. Section 161 gives the Commissioner of Police power to suspend the registration of unsafe vehicles. This power is not exercised—the Registrar of Motor Vehicles suspends the registration of unsafe vehicles under the *Motor Vehicles Act*. Section 162 of the principal Act deals with a matter now to be dealt with in the new regulations imposing mass and loading requirements.

Clause 48: Substitution of s. 162AB

Section 162AB is repealed. The section deals with the wearing of seat belts—a matter dealt with in Part 16 of the draft Australian Road Rules. This section is replaced with a new provision for regulations dealing with the design and construction of motor bike and bicycle helmets—matters previously dealt with in section 162C.

Clause 49: Amendment of s. 162C—Safety helmets and riders of wheeled recreational devices and wheeled toys

Section 162C of the principal Act deals with the wearing and the design and construction of helmets for the riders of motor bikes, bicycles and small-wheeled vehicles. The section is narrowed so that it deals only with the wearing and design and construction of helmets for riders of wheeled recreational devices and wheeled toys. The Australian Road Rules (Parts 15 and 16) will require the wearing of helmets by cyclists and motor bike riders.

Clause 50: Repeal of s. 163B

Section 163B is repealed. The section provides for the appointment of inspectors for the purposes of Part 4A. This will now be dealt with under the provision for the appointment of inspectors contained in Part 2 of the principal Act.

Clause 51: Amendment of s. 164A—Offences and penalties

The general penalty for offences against the Act is increased from $1 000 to $1 250 which conforms to the currently approved scale of penalties.

Clause 52: Repeal of s. 169

Section 169 requires courts to disqualify drivers for repeated driving offences. This provision is obsolete in view of the introduction of expiation notices and the demerit point system.

Clause 53: Insertion of ss. 174A to 174E

This clause inserts a series of new sections to deal with various matters relating to parking.

Proposed new s. 174A.—Liability of vehicle owners and expiation of certain offences

Proposed new section 174A relates to offences against prescribed provisions of the Act and provides for the owner of a vehicle to also be guilty of an offence if the vehicle is involved in such an offence. The section corresponds to sections 789b, 789c and 798d of the *Local Government Act 1934* which will be repealed at a later stage. The provisions to be prescribed will be

Part 12 of the Australian Road Rules (Restrictions on stopping and parking).

Proposed new s. 174B.—Further offence for continued parking contravention

Proposed new section 174B corresponds to regulation 30 of the *Local Government (Parking) Regulations 1991*. The provision creates an offence for each hour that a parking offence continues.

Proposed new s. 174C.—Council may grant exemptions from certain provisions

Proposed new section 174C would allow councils to grant exemptions from the parking provisions. This section corresponds to section 475 of the *Local Government Act 1934* which is repealed by the schedule to this Bill.

Proposed new s. 174D.—Proceedings for certain offences may only be taken by certain officers or with certain approvals

Proposed new s. 174E.—Presumption as to commencement of proceedings

Proposed new sections 174D and E continue the restriction on prosecuting parking offences to be found in section 794b of the *Local Government Act 1934* and section 176(6) of the principal Act (to be repealed by clause 55). Under new section 174D, parking offences may only be prosecuted by the police or council officers, or with the approval of the Commissioner of Police or the chief executive officer of a council. New section 174E is an evidentiary provision about authority to commence parking prosecutions.

Clause 54: Amendment of s. 175—Evidence

This clause revises the evidentiary provisions of the principal Act in view of other amendments and the Australian Road Rules.

Clause 55: Amendment of s. 176—Regulations and rules

This clause revises the general regulation making provision of the principal Act in view of other amendments and the Australian Road Rules.

Clause 56: Amendment of s. 177—Inconsistency of by-laws

This amendment is consequential on the proposal to make rules as well as regulations under the principal Act.

Clause 57: Transitional provision

This is a transitional provision to retain the effect of existing council exemptions from parking controls.

Clause 58: Report on operation of amended Act and Australian Road Rules

This clause provides that the Minister must, after the first anniversary of the commencement of the amending measure, table before Parliament a report on the operation of the amended Act and the Australian Road Rules.

SCHEDULE

Related Amendments

The schedule makes consequential amendments to the *City of Adelaide Act 1998*, the *Local Government Act 1934* and the *Motor Vehicles Act 1959*.

Ms HURLEY secured the adjournment of the debate.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. DEAN BROWN (Minister for Human Services): 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 1959* and the *Road Traffic Act 1961* to make South Australian law governing the registration of motor vehicles, the licensing of drivers and the issue of defect notices for defective motor vehicles consistent with nationally developed and agreed practices.

Premiers at Special Premiers Meetings approved the Heavy and Light Vehicle Agreements in 1991 and 1992 respectively. These reforms, subsequently developed by the National Road Transport Commission and approved by the Australian Transport Council, are aimed at bringing about national consistency in the regulatory and operating environment for road transport. The reforms are detailed in national laws or policy on heavy vehicle registration and driver licensing. It was agreed that the heavy vehicle registration reforms would be applied to light vehicles where applicable, to ensure that all road users benefit from the changes.

The reforms will reduce costs for complying with different rules from State to State (which is particularly important for heavy vehicles and interstate fleet operators). They will also help reduce fraud and vehicle theft through stricter identification requirements and streamline the registration process. The Commonwealth Government calculated that the national regulatory framework for heavy vehicle registration would have a recurring benefit to vehicle operators of $14 million and would reduce frustration, delay, inefficiencies and costs associated with differences across the jurisdictions.

The Bill incorporates in the Motor Vehicles Act those aspects of the National Driver Licensing Scheme and the National Heavy Vehicle Registration legislation that have not already been dealt with by amendments to the Act or regulations over the last two to three years. Licence classes and conditions, heavy vehicle registration charges and quarterly registration have already been implemented by recent amendments to the Act and regulations. The majority of the amendments do not alter the law substantially and are designed to make administrative requirements and procedures the same across Australia.

This Bill concludes the legislative changes that are an essential precursor to the system changes required to deliver the full benefits to the public. Examples of the areas where system changes are necessary include Transport SA's Registration and Licensing computer, forms and procedure manuals.

Changes to the Acts include:

- introducing a right to internal review of decisions of the Registrar, by requiring the Registrar to review the decisions and making the consultative committee an internal review committee for certain decisions of the Registrar;
- making the District Court the forum for external appeals from internal reviews by the Registrar or review committee;
- ensuring that all motor vehicles that are exempt from the requirement to be registered are either covered by compulsory third party insurance or have public liability insurance to an acceptable level;
- introducing probationary licences (subject to conditions requiring zero blood alcohol and carriage of licence, and allowing the incurring of not more than two demerit points) for persons applying for a licence after a period of licence cancellation by virtue of section 81B of the Act or a court order;
- amending the definition of road to separate it into road and road related area, and empowering the Minister to declare that the Act or parts of it do not apply to particular roads or road related areas;
- empowering the Registrar to delegate powers and functions, rather than to authorise agents to exercise specific powers and function, and making it an offence to contravene a condition of a delegation;
- implementing the national concept of 'use of a vehicle' by regulating driving or standing a motor vehicle where appropriate, and extending penalties for standing an unregistered vehicle on a road, to allow more effective enforcement against unregistered vehicle owners and operators;
- introducing the concept of the registered operator, requiring this person to be recorded in the register of motor vehicles, requiring notification of change of the registered operator or their address, and extending to the registered operator many of the obligations placed by the Act on the registered owner;
- providing for the issue of major vehicle defect notices and minor vehicle defect notices, depending on the level of safety risk perceived by the member of the police force or inspector issuing the notice, requiring the Registrar to record defect notices on the register of motor vehicles, and empowering members of the police force and inspectors to issue formal written warnings instead of defect notices where vehicles do not comply with the vehicle standards but do not pose a safety risk;
- altering definitions to ensure consistency with national definitions;
- adding to the information requirements for applications for registration of motor vehicles and for driver licences, to ensure national standards for data integrity can be met thus increasing protection against fraud in relation to multiple licence holders and the re-identification of stolen vehicles;

- empowering the Registrar to require information and evidence from holders of licences and registered owners and operators of vehicles where the Registrar believes information on the register of motor vehicles or register of licences is inaccurate, incomplete or misleading;
- clarifying the term and expiry of vehicle registration and driver licences;
- requiring an application for transfer to include the same information as an application for registration, and empowering the Registrar to refuse to transfer registration on the same grounds as refusing to register;
- removing the requirement that a licensed driver training for a higher licence class obtain a learner's permit provided that an appropriately licensed driver accompanies the learner driver;
- requiring medical tests for assessing medical fitness and competence to drive to be conducted in accordance with national guidelines;
- clarifying the conditions under which and the period for which a visiting motorist with a foreign licence and an International Driver's Permit is permitted to drive in South Australia (to bring South Australia into line with the international convention on road traffic);
- making it an offence to possess a licence acquired on the basis of false information;
- removing the provisions that prevent a member of the police force from requiring a provisional licence driver to submit to an alcotest or breath analysis under section 47E of the Road Traffic Act;
- allowing applications under the Act to be made by a person's agent;
- allowing for the Minister to suspend parts of the Act in all or parts of the State by application of emergency orders.

DEMERIT POINTS

The Bill incorporates a number of matters related to demerit points, including—

- moving the schedule of offences that attract demerit points from the Act to the regulations (made necessary as a result of the introduction of the Australian Road Rules as subordinate legislation);
- requiring the Registrar to notify interstate registration authorities of demerit points incurred in South Australia by interstate-resident drivers.

The Bill also introduces a 'good behaviour bond' option for drivers who accumulate 12 or more demerit points and face disqualification from holding or obtaining a licence. In these circumstances the driver can either accept disqualification or undertake a 12 months 'good behaviour bond', conditional upon not incurring more than one demerit point. If the condition is breached, it is proposed the driver would be disqualified for twice the period they would have been had they not taken the 'good behaviour' option.

The National Scheme supports a sliding scale of periods for disqualification ranging from three months for 12 to 15 demerit points, 4 months for 16 to 19 points and 5 months for 20 or more points. Thus a driver who had 20 demerit points accumulated at the time of being disqualified and who accepted the 'good behaviour bond' but then breached it, would be disqualified for 10 months.

The reform provides for a formal mechanism of internal review and external appeal to the District Court.

The 'good behaviour bond' proposal replaces the current practice where a driver can appeal to the Magistrates Court, on the grounds of undue hardship, to have the number of demerit points reduced from 12 to 10. In 1998, over 6000 appeals were heard of which 87.6 per cent were upheld. Incidentally, since 1996 the Magistrates Court has recommended that current practice be changed to an administrative process. The National Driving License Scheme accommodates this recommendation, and already in terms of interstate practice Victoria, NSW, Queensland, Tasmania and the ACT have introduced the driver 'good behaviour bond' option.

Mr Speaker, at this time the Bill does not include the application of demerit points to speeding offences detected by speed cameras and red light cameras. Currently the penalty for offences detected by such means is an expiation fee, whereas the penalty for speed offences detected by laser and radar devices is an expiation fee plus demerit points, e.g. 1 demerit point for a speed 15 km over the maximum set speed.

Across Australia only South Australia and the Northern Territory continue to apply a different penalty system for speeding offences depending on the means of detection. However, in Government there remains some enduring and fundamental concerns about the application of demerit points to offences that can be expiated and therefore do not attract a conviction.

There are further practical concerns with the use of signs to notify drivers that speed cameras are in operation, the issue of notices and photographs and the identification of the driver. Until these concerns have been resolved the Government will not act to apply demerit points to speeding offences irrespective of the means of detection.

Mr Speaker, overall the practical implications of the measures in this Bill are minimal. Where relevant, however, the Government will ensure information on the changes will be provided to vehicle owners, operators and licence holders at the time of a vehicle registration or driver licence transaction.

The national driver licensing and vehicle registration schemes were developed by the National Road Transport Commission in close consultation with the road transport industry, registration and licensing authorities, law enforcement and third party insurance agencies in all States and Territories.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure by proclamation.

Clause 3: Insertion of s. 2

2. Crown is bound

This section provides for the Act to bind the Crown in all its capacities (so far as the legislative power of the State extends).

Clause 4: Amendment of s. 5—Interpretation

This clause amends the interpretation provisions. The changes include replacing the terms farm implement and farm machine with agricultural implement and agricultural machine (for national consistency), removing the definition of authorised agent (see the amendments to section 7 of the principal Act), removing the definition of business name (consequential on the removal of the provision enabling registration of a motor vehicle in a business name), and substituting nationally consistent definitions of gross combination mass, gross vehicle mass, motor bike, motor vehicle, prime mover, road, road related area and trailer.

Clause 5: Insertion of s. 6

6. Power of Minister to include or exclude areas from application of Act

This section gives the Minister the power to declare areas to be road-related areas and to declare that the Act or specified provisions of the Act do not apply to a specified road or portion of road (either indefinitely or for a specified period).

Clause 6: Amendment of s. 7—Registrar and officers

This clause provides that the Registrar is to be taken to be an inspector under the Act, and empowers the Registrar to delegate any of the Registrar's powers or functions under any Act to a person or body that, in the Registrar's opinion, has appropriate qualifications or experience to exercise the relevant powers or functions. A delegation may be subject to conditions, and contravention of, or failure to comply with, conditions by the delegatee is an offence with a maximum penalty of $10 000 or imprisonment for two years.

Clause 7: Substitution of s. 9

9. Duty to register

This section makes it an offence for a person to drive an unregistered motor vehicle on a road, or cause an unregistered motor vehicle to stand on a road. The maximum penalty is an amount equal to double the registration fee that would have been payable for registration of the fee or $750, whichever is the greater amount.

Where the registration of a vehicle was not in force by reason of suspension, and the defendant was not the registered owner or the registered operator of the vehicle, it is a defence for the defendant to prove that a registration label was affixed to the vehicle and the defendant did not know, and could not reasonably be expected to know that the vehicle's registration was suspended.

The section also provides that the owner of an unregistered vehicle commits an offence if the vehicle is found standing on a road. The maximum penalty is the same as for the offence of driving or causing an unregistered vehicle to stand.

However, it is a defence to either offence to prove that the vehicle was driven or left standing on a road in circumstances in which the Act or regulations permit a vehicle without registration to be driven on a road. Where the defendant is the last registered

owner or last registered operator of the vehicle, it is a defence for the defendant to prove that he or she was not the owner or operator at the time of the alleged offence. It is also a defence to prove that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the registered owner or registered operator at the time it was left standing on the road.

Clause 8: Repeal of s. 11

This clause repeals section 11 of the principal Act. The exemption from registration for fire-fighting vehicles is to be relocated to proposed new section 12B.

Clause 9: Amendment of s. 12—Exemption for certain trailers, agricultural implements and agricultural machines

This clause removes all references to farm implement and farm machine and replaces them with agricultural implement and agricultural machine. It also inserts a provision requiring a person who drives a prescribed agricultural machine on a road without registration or insurance under Part 4 of the Act as authorised by the section to produce evidence of the person's public liability insurance on request by a member of the police force, either forthwith or within 48 hours. The maximum penalty for failure to comply is $250.

Clause 10: Substitution of s. 12A

12A. Exemption of self-propelled wheelchairs from requirements of registration and insurance

This section permits self-propelled wheelchairs and motor vehicles of a prescribed class to be driven on roads without registration or insurance by a person who, because of some physical infirmity, reasonably requires the use of a wheelchair or such motor vehicle. These vehicles are taken to be subject to a policy of insurance under Part 4 of the Act.

12B. Exemption of certain vehicles from requirements of registration and insurance

This section permits the following motor vehicles to be driven on roads without registration or insurance: a motor vehicle driven for the purpose of fire-fighting, a motor vehicle driven on a wharf for the purpose of loading or unloading cargo, and a self-propelled lawn mower driven for the purpose of mowing lawn or grass or to or from a place where it is or has been so used.

However the section requires a vehicle exempted under this section to be subject to a policy of public liability insurance indemnifying the owner and any authorised driver for at least $5 million for death or bodily injury caused by or arising out the use of the vehicle on roads. A person who drives a motor vehicle on a road without registration or insurance under Part 4 of the Act as authorised by section 12 to produce evidence of the person's public liability insurance on request by a member of the police force, either forthwith or within 48 hours. The maximum penalty for failure to comply is $250.

Clause 11: Substitution of s.19A

19A. Vehicles registered, etc., interstate or overseas

This section permits a motor vehicle with a garage address outside the State to be driven in this State without registration under the Act for the purpose of temporary use if the vehicle is registered interstate or in a foreign country or allowed to be driven in another State or a Territory under a permit or other authority, and there is in force a policy of insurance that complies with Part 4 of the Act or the law of the other State or Territory where it is permitted to be driven, and under which the owner and driver of the vehicle are insured against liability in respect of death or bodily injury to any person caused by or arising out of the use of the vehicle in this State.

The section also permits a motor vehicle to be driven in this State for the purpose of temporary use without registration under the Act until the end of the prescribed period if while so driven the garage address of the vehicle ceases to be outside the State or the vehicle is brought into this State for use from a garage address in this State and the requirements specified in the previous paragraph are satisfied in relation to the vehicle. The prescribed period is the period of 90 days from the day on which the garage address of the vehicle ceases to be outside the State or the vehicle is brought into the State to be used from a garage address in the State, or the period ending on the day on which the registration, permit or other authority by which the vehicle is permitted to be driven interstate or in a foreign country expires, whichever is the lesser period.

Clause 12: Amendment of s. 20—Application for registration

This clause specifies the particulars that must be stated in an application for registration of a motor vehicle, and prohibits the making or granting of an application if the vehicle's garage address is outside the State. It also prohibits a person under 18 years from being registered as the owner or operator or a heavy vehicle, and a person under 16 years from being registered as the owner or operator of a vehicle other than a heavy vehicle.

Clause 13: Amendment of s. 21—Power of Registrar to return application

This clause makes a minor consequential amendment.

Clause 14: Amendment of s. 24—Duty to grant registration

This clause amends section 24 to allow for periods of registration nominated by an applicant, to allow renewals of registration to be made within 12 months after expiry, and to empower the Registrar to refuse registration if the registration of the vehicle in another State or Territory has been cancelled or suspended for reasons that still exist, or if there are unpaid fines or pecuniary penalties arising out of the use of the vehicle in another State or Territory.

Clause 15: Amendment of s. 25—Conditional registration

This clause amends section 25 to enable the Registrar to vary conditions of the registration of a motor vehicle under that section, and to impose further conditions.

Clause 16: Substitution of s. 26

26. Duration of registration

This section specifies the duration of registration.

Clause 17: Repeal of s. 32

This clause repeals section 32 which is made obsolete by new section 2.

Clause 18: Amendment of s. 40—Balance of registration fee

Clause 19: Amendment of s. 43—Short payment, etc.

Clause 20: Amendment of s. 43A—Temporary configuration certificate for heavy vehicle

These clauses add references to registered operator.

Clause 21: Amendment of s. 44—Duty to notify alterations or additions to vehicles

This clause provides for the kinds of alterations and additions to a motor vehicle required to be notified to the Registrar to be prescribed, and makes both the registered owner and the registered operator guilty of an offence and liable to a fine of $750 if the section is not complied with.

Clause 22: Amendment of s. 45—Refund where vehicle altered

This clause adds a reference to registered operator.

Clause 23: Amendment of s. 47—Duty to carry number plates

This clause adds a new offence of causing to stand on a road a motor vehicle that does not carry number plates, and makes both the registered owner and the registered operator guilty of an offence if a motor vehicle is driven on a road or caused to stand on a road in contravention of the section. However, it is a defence to prove that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the registered owner or registered operator at the time it was driven or left standing on the road.

Clause 24: Amendment of s. 47A—Classes of number plates and agreements for the allotment of numbers

This clause makes minor consequential amendments.

Clause 25: Amendment of s. 47B—Issue of number plates

Clause 26: Amendment of s. 47C—Return or recovery of number plates

These clauses add references to registered operator.

Clause 27: Insertion of s. 47D

47D. Offences in connection with number plates

This section makes it an offence for a person to drive on a road, or cause to stand on a road a motor vehicle that carries a number plate with a number other than that allotted to the vehicle, a number plate that has been altered, defaced, mutilated or added to, or a colourable imitation of a number plate.

It also makes it an offence for a person to have unlawful possession of a number plate or an article resembling a number plate that is liable to be mistaken for a number plate, and makes both the registered owner and the registered operator of a motor vehicle guilty of an offence if the section is contravened.

However, it is a defence to prove that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the registered owner or registered operator at the time it was driven or left standing on the road. The maximum penalty for all offences against the section is a fine of $250.

Clause 28: Amendment of s. 48—Certificate of registration and registration label

This clause adds references to registered operator, and makes both the registered owner and the registered operator of a motor vehicle guilty of an offence if the vehicle is driven or left standing on a road

without carrying the vehicle's registration label. However, it is a defence to prove that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the registered owner or registered operator at the time it was driven or left standing on the road. The maximum penalty is a fine of $250.

Clause 29: Substitution of ss. 50 and 51

50. Permit to drive pending receipt of registration label

This section enables a registered motor vehicle for which the registration label has not been received by the registered owner or registered operator to be driven without carrying a registration label under a permit issued by the Registrar or a police officer stationed more than 40 kilometres from the Adelaide GPO.

Clause 30: Amendment of s. 52—Return or destruction of registration label

This clause adds references to registered operator.

Clause 31: Amendment of s. 53—Offences in connection with registration labels and permits

This clause makes it an offence for a person not only to drive, but also to a cause to stand on a road a motor vehicle, on which is affixed or which carries an expired registration label, a registration label issued in respect of another motor vehicle, a registration label or permit that has been altered, defaced, mutilated or added to, a colourable imitation of a registration label or permit. It also makes the registered owner and registered operator of a motor vehicle guilty of an offence if those other offences are committed. However, it is a defence to prove that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the registered owner or registered operator at the time it was driven or left standing on the road in contravention of the section. The maximum penalty is $250.

Clause 32: Substitution of heading

Clause 33: Amendment of s. 54—Cancellation of registration and refund on application

This clause adds a reference to registered operator.

Clause 34: Substitution of s. 55A

55A. Suspension and cancellation of registration by Registrar

This section expands the powers of the Registrar to suspend or cancel the registration of a motor vehicle, and introduces a requirement for the Registrar to notify the registered owner or registered operator of the decision, the reasons for it, and the action required to avoid suspension or have the suspension or cancellation removed.

Clause 35: Amendment of s. 56—Duty of transferor on transfer of vehicle

This clause amends the penalty provision of the section to convert the divisional fine to the equivalent monetary amount.

Clause 36: Amendment of s. 57—Duty of transferee on transfer of vehicle

This clause sets out the particulars that must be stated in an application for transfer of registration of a motor vehicle, and prohibits a transfer where the vehicle has a garage address outside the state or the person to be registered as the new owner or operator of the vehicle is under the minimum age required by the Act for an application for registration to be granted.

Clause 37: Amendment of s. 58—Transfer of registration

This clause expands the powers of the Registrar to refuse to transfer the registration of a motor vehicle by including the same grounds as for refusal to register a vehicle.

Clause 38: Substitution of s. 71A and heading

Property in and Replacement of Plates, Certificates or Labels

71A. Property in plates, certificates or labels

This section provides that number plates, trade plates, registration certificates and registration labels issued under the Act remain the property of the Crown.

71B. Replacement of plates, certificates or labels

This section empowers the Registrar to issue a replacement number plate or trade plate or duplicate registration certificate or label if satisfied that the original has been lost, stolen, damaged or destroyed. It also requires the person to whom the replacement plate or duplicate certificate or label is issued to return the original to the Registrar if it is found or recovered. The maximum penalty for a failure to comply is $250.

Clause 39: Amendment of s. 72—Classification of licences

This clause relocates to section 72 the provisions of the current section 85(1), namely, the power of the Registrar to endorse on a driver's licence additional classifications at the request of the holder.

Clause 40: Substitution of s. 74

74. Duty to hold licence or learner's permit

This section makes it an offence for a person to drive a motor vehicle on a road without holding a learner's permit, a licence under the Act authorising the holder to drive a motor vehicle of the class to which it belongs, or a licence under the Act and the minimum driving experience required by the regulations for the grant of a licence that would authorise the driving of a motor vehicle of the class to which the vehicle belongs.

Clause 41: Amendment of s. 75—Issue and renewal of licences

This clause relocates to section 75 the provisions of current section 78(2), namely the minimum age requirement for the issue or renewal of a licence, and introduces a requirement of South Australian residency.

Clause 42: Insertion of s. 75AAA

This clause relocates to the new section the provisions of the current section 84 dealing with the term of driver's licences and surrender of licences.

75AAA. Term of licence and surrender

The section introduces a provision enabling driver's licences to be renewed up to five years after expiry.

Clause 43: Amendment of s. 75AA—Only one licence to be held at any time

This clause introduces a requirement that an applicant for a licence under the Act to surrender a foreign licence unless the Registrar is satisfied that it would be unreasonable in the circumstances to require the surrender of the licence and exempts the person from that requirement.

Clause 44: Amendment of s. 75A—Learner's permits

This clause relocates to section 75A the provisions of current section 78(1), namely the minimum age requirement for the issue or renewal of a learner's permit, and introduces a requirement of South Australian residency.

Clause 45: Repeal of s. 77

Clause 46: Repeal of s. 78

Clause 47: Repeal of ss. 79B, 79BA and 79C

These clauses repeal these sections for the purpose of relocating them.

Clause 48: Amendment of s. 80—Testing and ability or fitness to be granted or hold licence or permit

This clause provides that medical tests required by the Registrar under the section must be conducted in accordance with guidelines published or adopted by the Minister by notice in the *Gazette* and the results of the tests must be applied by the Registrar, in accordance with any policies published or adopted by the Minister by notice in the *Gazette*, in assessing the person's competence to drive motor vehicles or motor vehicles of a particular class. This clause also relocates to section 80 the power of the Registrar (currently in section 85(2)) to remove classifications from a person's licence.

Clause 49: Amendment of s. 81—Restricted licences and learner's permits

This clause makes minor drafting changes.

Clause 50: Amendment of s. 81A—Provisional licences

This clause is consequential on the insertion of new section 81AB.

Clause 51: Insertion of s. 81AB

81AB. Probationary licences

This section provides for the issue of a probationary licence instead of a provisional licence following a period of disqualification that results in the cancellation of a licence (other than where a provisional licence is required to be issued). A probationary licence will be subject to conditions requiring carriage of the licence while driving, zero concentration of alcohol in the holders's blood while driving or attempting to put a motor vehicle into motion, and a condition that the holder must not incur two or more demerit points.

As in the case of a provisional licence, the conditions will be effective for a period of one year or such longer period as the court may order, and if the applicant is not willing to accept a probationary licence the Registrar must refuse to issue a licence to the applicant. Breach of conditions is an offence, and in the case of the zero concentration of alcohol condition, sections 47b(2), 47C, 47D, 47E, 47G and 47GA of the Road Traffic Act will apply to the offence as they apply to the same condition on provisional licences and learner's permits.

Clause 52: Amendment of s. 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions, etc.

This clause amends section 81B to make breach of conditions of a probationary licence subject to the same consequences as breach of conditions of a provisional licence or learner's permit, namely,

cancellation of the licence and disqualification from holding or obtaining a licence for a period of six months.

Clause 53: Substitution of ss. 82, 84, 85, 88, 89 and 90

82. Vehicle offences and unsuitability to be granted or hold licence or permit

The proposed section gives the Registrar power to refuse to issue or renew a licence or learner's permit, to suspend or cancel a licence or learner's permit or to cancel an unconditional licence and issue a provisional licence or probationary licence if a person has been convicted or expiated an offence or series of offences involving the use of a motor vehicle (whether in South Australia or elsewhere) such that it appears that the person should not hold a licence or permit, or should hold a licence subject to conditions, in order to prevent accident or injury or a repetition of the offence or offences by the person.

83. Action following disqualification or suspension outside State

This section replaces the current section 89. At present the Registrar has a discretion to refuse to issue a licence to an applicant or suspend the licence of a person if he or she is disqualified, prevented or prohibited from driving in another State, a Territory or a foreign country. The proposed section removes that discretion from the Registrar in the case of disqualifications and suspensions imposed in another State or Territory.

84. Cancellation of licence or permit where issued in error

This section empowers the Registrar to cancel a licence or learner's permit if satisfied that it was issued or renewed in error.

85. Procedures for suspension, cancellation or variation of licence or permit

This section requires the Registrar to notify the holder of a licence or learner's permit of the Registrar's decision to suspend, cancel or vary the licence or permit, giving reasons for the decision and the date on which it is to take effect.

Clause 54: Amendment of s. 91—Effect of suspension and disqualification

This clause adds a reference to learner's permit.

Clause 55: Amendment of s. 93—Notice to be given to Registrar

This clause adds a reference to probationary licence.

Clause 56: Amendment of s. 96—Duty to produce licence or permit

Clause 57: Amendment of s. 97—Duty to produce licence or permit at court

These clauses add references to learner's permit.

Clause 58: Amendment of s. 97A—Visiting motorists

This clause authorises a person to drive a motor vehicle on roads in this State without holding a licence under the Act if the person holds an interstate licence or foreign licence and has not resided in the State for a continuous period of three months, or has not held a current permanent visa for more than three months, or holds a valid Driver Identification Document issued by the Department of Defence, and the person has not been disqualified from holding or obtaining an interstate licence in any State or Territory or a foreign licence in any country.

If the Registrar is of the opinion that a person is not suitable to drive a motor vehicle in this State or a person's ability to drive safely is impaired by a permanent or long-term injury or illness, the Registrar may give the person a notice prohibiting them from driving without a licence under this State, stating the reasons for giving the notice and specifying the action (if any) that may be taken by them to regain the benefit of the section.

Clause 59: Amendment of s. 98AAA—Duty to carry licence when driving certain vehicles

Section 98AAA presently requires persons who drive heavy motor vehicles with a GVM exceeding 15 tonnes or a prime mover with an unladen mass exceeding 4 tonnes to carry their licence while driving within Metropolitan Adelaide or outside a radius of 80 kilometres from a farm occupied by the person. This clause changes the definition of heavy vehicle to a motor vehicle with a gross vehicle mass exceeding 8 tonnes.

Clause 60: Amendment of s. 98AA—Duty to carry licence when teaching holder of learner's permit to drive

This clause makes a consequential amendment.

Clause 61: Insertion of ss. 98AAB to 98AAF

98AAB. Duty to carry probationary licence, provisional licence or learner's permit

This section currently requires a person who holds a provisional licence or learner's permit to carry the licence or permit at all times while driving a motor vehicle and to produce it immediately if requested to do so by a member of the police force. The maximum penalty for failure to comply is $250. The new section extends these requirements to holders of probationary licences.

98AAC. Issue of duplicate licence or learner's permit

This section has the same effect as the current section 77.

98AAD. Licence or learner's permit falsely obtained is void

This section has the same effect as the current section 79B, and makes it an offence to have, without lawful excuse, possession of a licence or learner's permit issued or renewed on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant. The maximum penalty is $750.

98AAE. Licence or learner's permit unlawfully altered or damaged is void

This section has the same effect as the current section 79BA.

98AAF. Duty on holder of licence or learner's permit to notify illness, etc.

This section has the same effect as the current section 79C.

Clause 62: Amendment of s. 98A—Instructors' licences

This clause substitutes references to the consultative committee with references to the review committee.

Clause 63: Amendment of s. 98B—Demerit points for offences in this State

This clause removes a provision made obsolete by the substituted section 98BC and provides for offences which attract demerit points and the number of demerit points to be prescribed by the regulations.

Clause 64: Substitution of s. 98BC

98BC. Liability to disqualification

This section introduces a scale of disqualification periods based on the aggregate number of demerit points incurred within a period of three years. The scale is:

- where not less than 12 points but not more than 15 points are incurred—disqualification for 3 months;
- where not less than 16 points but not more than 19 points are incurred-disqualification for 4 months;
- where 20 or more points are incurred—disqualification for 5 months.

Clause 65: Notices to be sent to the Registrar

This amendment makes consequential amendments.

Clause 66: Disqualification and discounting of demerit points

This clause allows the holder of a licence who is liable to be disqualified to elect in lieu of suffering disqualification to accept a condition on the licence requiring the holder to be of good behaviour for a period of 12 months. If the holder incurs two or more demerit points within that period, the Registrar must suspend the person's licence, and disqualify the person from holding a licence, for a period twice the period of suspension and disqualification that would have applied if the person had not accepted the condition.

Clause 67: Repeal of ss. 98BF and BG

This clause repeals the provisions that provide for an appeal to a local court against a disqualification and require compliance with conditions imposed by a court on such an appeal.

Clause 68: Insertion of s. 98BI

98BI. Notification of demerit points to interstate licensing authorities

This section requires the Registrar to notify interstate licensing authorities of demerit points incurred under this Act in respect of offences that are part of the national scheme of demerit points by persons who hold licences or learner's permits issued in that State or Territory or unlicensed persons who reside in that State or Territory, giving such information about the person and the offences as the Registrar considers appropriate.

Clause 69: Amendment of s. 98C—Interpretation

This clause deletes a definition which is to be relocated to section 5 of the Act.

Clause 70: Amendment of s. 98F—Entitlement to be granted towtruck certificates

Clause 71: Amendment of s. 98J—Suspension of towtruck certificate

These clauses remove references to obsolete licence classes.

Clause 72: Repeal of s. 98PB

This clause repeals section 98PB which requires the Registrar to refer to the consultative committee a decision to refuse a towtruck certificate or temporary towtruck certificate, or to impose a condition on a certificate.

Clause 73: Repeal of s. 98PH

Clause 74: Repeal of s. 98W

These clauses repeals review and appeal provisions which become unnecessary as a result of the general rights of review and appeal inserted by this measure.

Clause 75: Insertion of Part 3E

PART 3E
RIGHTS OF REVIEW AND APPEAL

98Y. Review committee

This section requires the Minister to appoint a review committee for the purposes of the Act. The review committee is to have the same membership as the current consultative committee.

98ZA. Review by Registrar or review committee

This section gives a person aggrieved by a decision of the Registrar to exercise a power conferred by Part 2, 3, 3A, 3C or 3D of the Act in a manner adverse to the aggrieved person the right to apply for a review of the decision. The Registrar may refer the application to the review committee if in the Registrar's opinion it is desirable that the review be conducted by the review committee rather than the Registrar. The Registrar must refer to the review committee an application for review of certain specified decisions of the Registrar. On a review the Registrar or review committee may confirm or vary the decision, or set aside the decision and substitute a new decision.

The applicant must if, required by the Registrar or review committee, appear personally before the Registrar or committee, provide any information sought by the Registrar or committee, and verify information provided to the Registrar or committee by statutory declaration. The applicant may be assisted by an agent or representative, but not by a legal practitioner.

98ZA. Appeal to District Court

This section gives persons aggrieved by a decision of the Registrar or review committee on a review the right to appeal to the District Court against the decision, and empowers the Court to confirm or vary the decision under appeal, or set aside the decision and substitute a new decision, and make any further or other orders as to any matter that the case requires. The section also requires the review committee to give written reasons for a decision on request by a person affected by the decision.

98ZB. Operation of decision subject to review or appeal

This section provides that the making of an application for a review or an appeal does not affect the operation of the decision that is the subject of the application or appeal. It empowers the Registrar or Court to stay a decision the subject of an appeal, and the Registrar to stay a decision the subject of an application for review.

Clause 76: Amendment of s. 99—Interpretation

This clause amends section 99 of the principal Act so that for the purposes of Part 4 of the Act and Schedule 4, death or bodily injury will be regarded as being caused by or as arising out of the use of a conditionally registered mobile fork lift or self-propelled lawn care machine only if it is caused by or arises out of the use of the fork lift or machine on a road.

Clause 77: Amendment of s. 102—Duty to insure against third party risks

This clause amends section 102 to make an offence to cause an uninsured motor vehicle to stand on a road, and to make the owner of a uninsured motor vehicle found standing on a road guilty of an offence. However, it is a defence to prove that the vehicle was driven or left standing on a road in circumstances in which the Act or regulations permit a motor vehicle to be driven on a road without insurance or that in consequence of some unlawful act (such as theft or illegal use of the vehicle), the vehicle was not in the possession or control of the owner at the time it was driven or left standing on the road.

Clause 78: Repeal of s. 134A

This clause repeals section 134A which is obsolete as a result of new section 98ZA.

Clause 79: Insertion of ss. 135B and 135C

135B. Applications made by agent

This section empowers the Registrar to require evidence to prove that a person making an application under the Act as the agent of another person is authorised by that person to make the application on their behalf, and empowers the Registrar to refuse to deal with the application if evidence is not produced to the Registrar's satisfaction.

135C. Proof of identity

This section empowers the Registrar to require a person making an application or furnishing information under the Act to provide evidence to the Registrar's satisfaction of the person's identity.

Clause 80: Amendment of s. 136—Duty to notify change of name, address etc.

This clause amends section 136 to include requirements that changes of name and registered operator be notified to the Registrar.

Clause 81: Substitution of s. 138

137A. Obligation to provide evidence of design, etc., of motor vehicle

This section empowers the Registrar or an inspector to require the registered owner or registered operator of a motor vehicle to provide evidence of the design, construction, maintenance, safety or ownership of the vehicle, and fixes a maximum penalty of $250 for failure to comply with the requirements of the Registrar or inspector.

138. Obligation to provide information

This section empowers the Registrar to require registered owners and registered operators of motor vehicles, and holders of licences to provide evidence relevant to the issuing, variation or continuation of registration or a licence if the Registrar believes on reasonable grounds that any information contained in the register of motor vehicles or the register of licences is inaccurate, incomplete or misleading. The section makes it an offence for a person to fail to comply with a requirement of the Registrar under the section. The maximum penalty is a fine of $250.

Clause 82: Amendment of s. 138A—Commissioner of Police to give certain information to Registrar

Clause 83: Amendment of s. 139—Inspection of motor vehicles

Clause 84: Amendment of s. 139AA—Where vehicle suspected of being stolen

These clauses make consequential amendments.

Clause 85: Repeal of s. 139B

This clause repeals the section providing for the appointment of the consultative committee.

Clause 86: Amendment of s. 139C—Service of documents

This clause amends the service provision to provide that it is sufficient for the purposes of the Act for documents or notice required or authorised to be given to or served on a registered owner of a motor vehicle to be given to only one or some of the registered owners if there are more than one.

Clause 87: Amendment of s. 139E—Protection from liability

This clause amends section 139E to protect from any civil or criminal liability a person who in good faith furnishes the Registrar with information disclosing or suggesting that another person is or may be unfit to drive a motor vehicle.

Clause 88: Amendment of s. 139F—Offence to hinder, etc., inspector

This clause makes a consequential amendment.

Clause 89: Amendment of s. 140—Evidence of registers

This clause inserts a new subsection providing that neither the register of motor vehicles nor an extract from or copy of an entry in the register constitutes evidence of actual title to a motor vehicle.

Clause 90: Amendment of s. 141—Evidence by certificate, etc.

This clause provides for certificates from an authority under a corresponding law stating certain matters is, in all legal proceedings and arbitrations, proof of the matters so stated in the absence of contradictory evidence.

Clause 91: Amendment of s. 142—Facilitation of proof

This clause makes consequential amendments to remove provisions made obsolete by this measure.

Clause 92: Amendment of s. 145—Regulations

This clause widens the regulation-making powers of the Governor.

Clause 93: Substitution of s. 146

This section is made obsolete by new section 2 which provides that the Act binds the Crown.

146. Application orders and emergency orders

This section empowers the Minister to suspend or vary specified provisions of the Act, consistently with the provisions relating to application order and emergency orders in the agreements scheduled to the Commonwealth *National Road Transport Commission Act 1991*.

Clause 94: Repeal of Schedule 3

The repeal of Schedule 3 is consequential on the amendment which provides for demerit point offences to be prescribed by the regulations.

Clause 95: Amendment of Expiation of Offences Act 1996

This amendment is consequential on the introduction of probationary licences.

Clause 96: Amendment of Road Traffic Act 1961

This clause amendments that are consequential on the introduction of probationary licences.

It also amends the defect notice provisions of the Road Traffic Act to empower members of the police force and inspectors to issue formal written warnings where a motor vehicle does not comply with the vehicle standards and has defects that do not constitute a safety risk but should be remedied. A safety risk is defined to mean a danger to persons, property or the environment.

The clause introduces two types of defect notices: a major vehicle defect notice which may be given where further use of the vehicle would give rise to an imminent and serious safety risk, and a minor vehicle defect notice which may be given where further use of the vehicle may give rise to a safety risk. If a member of the police force or inspector issues a major vehicle defect notice, they must also issue a defective vehicle label and affix it to the vehicle. The clause also introduces a requirement that the Registrar of Motor Vehicles record details of defect notices on the register of motor vehicles.

Clause 97: Report on operation of amended Act

This clause requires the Minister to cause a report on the operation of the Motor Vehicles Act as amended by this measure to be laid before each House of Parliament within six sitting days after the first anniversary of the date of commencement of this measure.

Ms HURLEY secured the adjournment of the debate.

AUSTRALIA ACTS (REQUEST) BILL

Received from the Legislative Council and read a first time.

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

In November this year, Australians will vote on whether Australia is to become a republic. If the referendum is passed, Australia will become a republic at the national level. The States will then have to consider whether to sever their links with the Crown. The interests of both the States and the Commonwealth will be best served by ensuring that, if the republic referendum is passed, there will be no doubts about the ability of any State to sever its links with the Crown, should it choose to do so.

Several constitutional commentators argue that section 7 of the *Australia Acts* of the Commonwealth and the United Kingdom needs to be amended to ensure that States can exercise their own constitutional processes to sever their links with the Crown. Section 7 deals with the relationship between Her Majesty and State Governors. It states that 'Her Majesty's representative in each State shall be the Governor'.

The States are bound by the *Australia Acts* and cannot legislate in a way that is contrary or repugnant to the *Australia Acts*. If a State were to amend its Constitution to provide that the Governor is not Her Majesty's representative, this may be considered to be repugnant to section 7 of the *Australia Acts*. Accordingly, for the sake of certainty, section 7 of the *Australia Acts* needs to be amended to ensure that any State will be able to sever it links with the Crown should it choose to do so.

Section 15(1) of the *Australia Acts* sets out a procedure for the amendment of the *Australia Acts*. This can be done by Commonwealth legislation passed at the request of all the State Parliaments.

Another possible way of amending the *Australia Acts* is by inserting in the *Commonwealth Referendum Bill* a power for the Commonwealth Parliament to make such an amendment. This is recognised by section 15(3) of the *Australia Acts*, but no actual power is given in the *Australia Acts* to make an amendment in this way. Accordingly, there is legal doubt as to whether this course is effective.

The Commonwealth has inserted in the transitional provisions in its Referendum Bill, the *Constitution Alteration (Establishment of Republic)*, a power for the Commonwealth Parliament to amend section 7 of the *Australia Acts*. The States have been critical of the initial draft of this provision, and would prefer that the amendment be made by the more legally secure and appropriate route set out in section 15(1) of the *Australia Acts*. Accordingly, the Solicitors-General, Parliamentary Counsel and law officers of the States have negotiated uniform request legislation which is proposed to be enacted by each State. The Bill has already been introduced into the Victorian and the New South Wales Parliaments and it is expected to be introduced into other State Parliaments shortly.

The Bill requests the Commonwealth Parliament to enact a Bill in a form set out in the schedule to amend section 7 of the *Australia Acts*. This State Request Bill will not come into force unless the Commonwealth's Referendum Bill, the *Constitutional Alteration (Establishment of Republic) Bill*, is passed by the referendum and receives royal assent. Accordingly, this *State Request Bill* will have no effect if the Commonwealth referendum on the republic fails. If the Commonwealth referendum on the republic is passed, however, and all the States pass this uniform request legislation, then the Commonwealth Parliament may amend section 7 of the *Australia Acts* by adding two subsections. These subsections provide that a State Parliament may make a law providing that section 7 does not apply to the State and that if it makes such a law, then section 7 ceases to apply to the State.

This amendment therefore places the power in the State Parliament to decide at a future date whether it wants to terminate the operation of section 7 in relation to the State. The Bill does not affect the constitutional procedures necessary for a State to sever its ties with the Crown. It does not remove any requirement in a State constitution to hold a referendum. If all States pass this uniform request legislation prior to the *Commonwealth's Referendum Bill* being passed by the Commonwealth Parliament in August this year, then the Commonwealth will be in a position to remove the provision in its Referendum Bill dealing with the amendment of section 7 of the *Australia Acts*, as the Commonwealth will be able to act upon the section 15(1) request.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause sets out the short title of the proposed Act.

Clause 2: Commencement

This clause provides for the commencement of the proposed Act on the day after the day on which the proposed *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent. This will ensure that, if the Republic Bill is defeated at the referendum, the proposed Act will have no operation and no power will be conferred on the Commonwealth Parliament.

Clause 3: Request for amendment of Australia Acts 1986

This clause provides that the Parliament of the State requests the enactment by the Parliament of the Commonwealth of an Act in, or substantially in, the terms set out in the Schedule.

SCHEDULE

This proposed Commonwealth Bill is set out in this Schedule. It contains the following provisions:

Clause 1 of the proposed Commonwealth Bill sets out the citation of the proposed Commonwealth Act.

Clause 2 of the proposed Commonwealth Bill provides for the commencement of the proposed Commonwealth Act on a day to be fixed by Proclamation. That day cannot be before the proposed *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent. Consequently, if the Republic Bill is defeated at the referendum, the proposed Commonwealth Act would never commence.

Clause 3 of the proposed Commonwealth Bill is a formal provision giving effect to the Schedules to the proposed Commonwealth Act.

Schedule 1 to the proposed Commonwealth Bill sets out the amendment to section 7 of the *Australia Act 1986* of the Commonwealth. Two new subsections are added at the end of the existing section 7. Section 7(6) empowers a State Parliament to make a law providing that the preceding subsections do not apply to the State. Section 7(7) provides that, when such a law comes into effect, section 7 ceases to apply to the State.

Schedule 2 to the proposed Commonwealth Bill sets out an identical amendment to section 7 of the *Australia Act 1986* of the Parliament of the United Kingdom.

Ms HURLEY secured the adjournment of the debate.

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

OFFSHORE MINERALS BILL

Adjourned debate on second reading.
(Continued from 26 May. Page 1423.)

Ms HURLEY (Deputy Leader of the Opposition): This Bill intends to provide uniform rules for exploration and mining in both Commonwealth and State waters offshore. The Commonwealth legislation is administered by the Offshore Minerals Act of 1994. As I understand it, we are only considering this legislation now because there needed to be agreements between States so that there was absolute uniformity between States. It is of obvious benefit to companies that are exploring or mining that the same rules operate between States, and this is of obvious importance where exploration or mining straddles two State borders. This legislation therefore sets up the administrative criteria for State waters, which are defined as being within three nautical miles of the shore. This is defined from the baseline determined under the Seas and Submerged Lands Act 1973 of the Commonwealth. The baseline encloses Spencer Gulf, Gulf St Vincent, Investigator Strait and Backstairs Passage by a line from the mainland to the western end of Kangaroo Island, along the south coast of Kangaroo Island, and then from the eastern end of the island to the mainland. Mining in the gulfs and in Investigator Strait and Backstairs Passage will be regulated under the Mining Act 1971.

Also of particular interest, of course, is the environmental framework under which these administrative arrangements are made. In the Minister's second reading explanation he stated that it is expected that the environmental management regimes to apply in State coastal waters will be consistent with the arrangements applying on shore. Indeed, schedule 2 of the Bill links this Act to other important State Acts such as the Aboriginal Heritage Act, the Development Act, the Fisheries Act, the Heritage Act and the National Parks and Wildlife Act. The Bill also details how the States will operate within Commonwealth waters that are adjacent to the State boundaries.

I think it is certainly important that these provisions be supported. They provide for a more efficient administration of activities for explorers and miners, and the Opposition is quite happy to support that, given that the proper environmental and heritage safeguards seem to be contained within the Bill and within the Minister's assurances. The Opposition is happy the see the Bill go ahead on that basis.

The Hon. R.G. KERIN (Deputy Premier): I thank the Deputy Leader for her support. She has summed it up pretty well, so I will not double up. Obviously, there is not a lot of mineral exploration at the moment in coastal areas, but this Bill puts in place a framework whereby if opportunities come along it can be done in a responsible fashion that is consistent with the Commonwealth and pretty much mirrored by the other States. I thank the Opposition for its support. This is a necessary piece of legislation and I wish it a speedy passage through the Upper House.

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

AUSTRALIA ACTS (REQUEST) BILL

The Hon. G.M. GUNN (Stuart): I rise with a point of order. We have just had introduced in the House the Australia Acts (Request) Bill. I understand that the Bill will be printed. However, the course of action that the Bill sets out to deal with has not taken place. My point of order is: how can this House consider a course of action that may or may not take place? There has been no referendum, there has been no amendment to the Constitution, and yet we are asked to vote on this matter. I believe that that is contrary to the Standing Orders and I seek your ruling, Sir.

The SPEAKER: My initial ruling at this stage would be that the matter was before the House, and the House had an opportunity to delay placing it on the Notice Paper or to debate the position at the time. The House, by vote, placed it on the Notice Paper to be considered in the future. The House took a decision, and I am now bound by that decision.

ADJOURNMENT

At 5.8 p.m. the House adjourned until Tuesday 27 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 6 July 1999

QUESTIONS ON NOTICE

RADIO 5AA TRANSCRIPT

28. **Mr ATKINSON:** Has the Attorney-General ordered a transcript of any parts of the John Fleming program on Radio 5AA on 1 November 1998 and, if so, how much did it cost and was a copy of this transcript conveyed to a person outside the Public Service and, if so, for what purpose?

The Hon. M.H. ARMITAGE: The Attorney-General has advised that transcripts or parts of various programs are obtained from time to time but detailed records of the movement of those individual transcripts are not kept because there is no good reason for keeping such records.

29. **Mr ATKINSON:** Has the Attorney-General ordered a transcript of any parts of the Bob Francis Nightline program on Radio 5AA on 2 and 3 November 1998, and if so, how much did it cost and was a copy of this transcript conveyed to a person outside the Public Service and, if so, for what purpose?

The Hon. M.H. ARMITAGE: The Attorney-General has advised that transcripts or parts of various programs are obtained from time to time but detailed records of the movement of those individual transcripts are not kept because there is no good reason for keeping such records.

MOUNT COMPASS

88. **Mr HILL:** Why has the Government failed to adequately fund a water budgeting study of the Mount Compass region to address environmental, tourism and dairy farming concerns before approving numerous new bores and irrigation plans for the area?

The Hon. D.C. KOTZ: The Government is not aware of any 'water budgeting study' referred to in the member's question. Therefore, there can not be a 'failure to fund'.

The Government has provided funds for a number of water studies within the Mount Compass Region. The funding and studies are ongoing to ensure the availability of adequate information for decision making on water issues within the region.

Primary Industries and Resources South Australia (PIRSA) has undertaken a water balance study of the Tookayerta Catchment as part of an investigation of the sustainable groundwater yield for the Mount Lofty Ranges. This study should be completed by the end of March 1999. The study will estimate the safe yield for the catchment, recommend monitoring programs and identify further investigations required for the determination of ongoing management strategies.

In addition, the Government is providing funds to the South Central Regional Network Water Resources Project. This Project is modelling annual runoff to determine where limitations exist for the development of surface and groundwater resources across the region.

The River Murray Catchment Water Management Board will address longer-term water resource management issues in the region through its comprehensive catchment water management plan. The Board is committed to studying the entire Eastern Mount Lofty Ranges to review the impact of competing water uses on the water resources and the environment. The Board has recently submitted a project bid to the Natural Heritage Trust for a study of environmental water needs in ephemeral streams. This study will be essential for the developing future management regimes.

GROPEP PTY LTD

122. **Mr KOUTSANTONIS:**

1. Who are the principals of GroPep and is the Government providing financial or other assistance to this entity and, if so, what are the details?

2. Why was the Dalgleish Street site at Thebarton chosen when there is already an established laboratory at Northfield, why was this site chosen over Technology Park and what justification is there for moving a Government department elsewhere?

3. Is the Government providing any funding for the relocation of GroPep and, if so, what are the details and why must the relocation occur before January 2000?

4. Does the proposed Bio-Medical Precinct at Thebarton have any other investors besides GroPep and, if so, who are they?

5. What will be the cost to the Government for the relocation of the Drilling and Technical Services Group?

6. Will there be an increase in the cost of maintaining the new site?

7. Have local residents been consulted regarding these changes and if so, what are the details?

8. Which consultants are being utilised for this project and what is the cost to the Government for these consultants?

The Hon. I.F. EVANS: I have been advised as follows.

1. The Corporate Structure of GroPep Pty Ltd is as follows:

Board Members

Mr Richard England—Company Director
Dr Richard Head PhD—Head, CSIRO Division of Human Nutrition
Mr Peter Hart B.E.—Managing Director, Luminis Pty Ltd
Dr Paul Donnelly PhD—General Manager, Dairy Research & Development Corporation
Hon. Chris Hurford B.Ec, FCA
Dr John Ballard DSC, PhD—Managing Director, Foundation Board Member
Dr Leanna Read—Director, Child Health Research Institute

Senior Management

Dr John Ballard – Managing Director
Mr Gregory Moss-Smith—Business Development Manager
Dr Chris Goddard—Industrial Products Manager
Mr Geoff Francis—Research Products Manager
Mr Rob Brice—Business Administration Manager
Mr David Belford—Manager, Venous Ulcers Project

The Government is providing a facilitation and financial package to GroPep Pty Ltd under its Industry Development Strategy. The proposal has been to the Parliamentary Industry Development Committee for comment. They supported the package put forward by the Department of Industry and Trade and Cabinet has subsequently approved it. This Government has adopted the same principle as that used by the former Labor Governments in that details of such assistance packages remain confidential for commercial reasons.

2. The Dalgleish Street site was chosen because of it's location to the city and being adjacent to the Adelaide University Thebarton Precinct. A Northfield site is being used by GroPep, but it is one of many sites GroPep has across the metropolitan area. There is insufficient room for GroPep to locate all its facilities on the Northfield site. GroPep also wanted their combined activities held on a freehold site.

Synergies with the University precinct at Thebarton saw this site preferred over Technology Park.

The justification for relocating a Government Department elsewhere is because this site was being under utilised and there is the opportunity for a commercial world class organisation to be located on this site.

3. The Government is providing support for the relocation of GroPep Pty Ltd through an industry facilitation and financial assistance package which as earlier stated is confidential.

This support from Government will have the effect of expanding and combining its current diverse operations. Upward of 100 new jobs could be created over 5 years.

The construction of a new certified manufacturing plant before January 2000 is necessary to meet new contract export orders.

The existing temporary manufacturing facilities do not have the capacity to meet the export orders and additionally are not viable in terms of accreditation as a world class manufacturing plant.

4. GroPep will be taking up about one third of the site. Other organisations have expressed interest in the remaining Thebarton land, however, at this stage there are no other firm investors. For commercial reasons they cannot be named.

5. A budget of $490 000 has been established for this relocation work. Work to date involving competitive tendering suggests this figure is a reasonable estimate. It is hoped that most of this money will be recovered as the remainder of the site is on sold to other enterprises.

6. PIRSA has advised the Department of Industry and Trade that they expect the costs for maintaining the Drilling Function at the new site at Northfield to be very similar to the costs of operating the Thebarton site.

7. Not at this stage. Council planning processes were followed with adjoining owners notified of the development by the council. No objections were received from the persons notified through this process.

8. GroPep Pty Ltd is appointing its own consultants for the construction program. We understand the global fees are at or inside industry average charges for this type of consultancy. For practical reasons one of the consultants, Resource Development Pty Ltd has been retained by the Department of Industry and Trade to project manage the relocation of the Drilling Function. Some construction management is also involved. The total fee is $16 000 or about 3.2 per cent of the project costs.

POLICE VEHICLES

158 **Ms RANKINE:**

1. How many police vehicles are currently allocated to the Holden Hill local service area and how many are allocated to each of the following purposes—patrol duties, CIB, inquiries, administrative duties and commissioned officer allocation?

2. How many vehicles have been withdrawn as part of the Government's $4 million budget cuts and from what areas of service?

The Hon. R.L. BROKENSHIRE:

1. I have been advised by the Commissioner of Police that there are fifty-one (51) vehicles allocated to the Holden Hill LSA which are deployed to the following functions:

· Patrol duties	15
· CIB	14
· Inquiries	not separately identified; included in part under Patrol and in part under CIB
· Administrative	5
· Commissioned personnel	4
· Other	13

2. There were seventy-seven (77) vehicles taken out of the SAPOL fleet as a result of lease rate increases effective from 1 July 1998. These occurred after budget negotiations were finalised.

Each area within SAPOL was requested to identify its least needed vehicles, which enabled each area to absorb a reasonable percentage of the reduction in vehicles. No general patrol vehicles were reduced as a part of the strategy. Areas that vehicles were typically removed from include:

Police Stations	Administration vehicles, utilities, excess cage cars.
Commissioners Service	Administrative vehicles and some vehicles from Strategic Development Branch and promotions vehicles from Public Affairs Branch.
Training and Development	Some administrative and driver training vehicles.
Fleet Services	Some reserve and loan vehicles and some administrative vehicles.

In addition to the above-mentioned vehicles, some utilities and 4 wheel drive vehicles were removed from areas where they were not essentially needed.

The reduction of these vehicles has not heavily impacted on service provision to the public as vehicles were not reduced from patrols or other areas providing key core service functions.

FIREARMS

161. **Mr HILL:**

1. Why are firearm licences sent interstate to be processed?

2. What is the average time taken for processing licence applications and renewals and what protection do gun owners have during this time?

The Hon. DEAN BROWN:

1. In order to reduce costs to licence holders and to implement the changes to the Firearms Act 1977 promptly, the Minister for Police in mid 1996 directed that the photographic firearms licence be processed and produced using exactly the same facilities as those used for the photographic driver's licence. Firearm licences are printed by the same interstate company that prints driver's licences.

2. The average time taken for processing a firearms licence application after it has been paid for is 26 to 28 days. During that time the licence holder is covered by the interim firearm's licence he or she receives on payment of the licence fee.

PATAWALONGA

162. **Mr HILL:** What chemicals are used on the eastern side of the Patawalonga barrier to cause the water to turn bright blue, what are the environmental effects of their use and how are they kept out of the Patawalonga River?

The Hon. D.C. KOTZ: The lockmaster at the Patawalonga outlet makes twice daily visual checks on the water within the Patawalonga Basin; that is, on the eastern side of the Patawalonga barrier. He has made no reports that the colour of the Patawalonga was bright blue.

The EPA, City of Holdfast Bay and the Torrens and Patawalonga Catchment Authority have been consulted and none of these bodies is aware of the water being turned bright blue by the use of chemicals.

MAGILL TRAINING CENTRE

179. **Ms STEVENS:**

1 What is the Department of Family and Community Services policy relating to the classification of movies shown at the Magill Training Centre?

2. What are the educational and recreational programs provided at the centre, the respective staff to student ratios of these programs and what performance feedback is provided to students and parents?

The Hon. DEAN BROWN:

1. The policy in place for the control of video screenings is the same as for the general community; that is adherence to the displayed community rating. For this particular group of young people, over 15 year olds, videos with a G, PG, M or M15+ rating would usually be made available. The group at Magill has specific viewing preferences and staff attempt to satisfy both the requests of the young people and the requirement to ensure the viewing options are appropriate. Staff attempt to ensure that the particular video is appropriate to the maturity of the group as well as considering the nature of offences committed by individuals within the group. Many of the videos shown to the young people at Magill belong to the Training Centre and have therefore been previewed by staff. For the hired videos, it is not feasible to preview all those shown and staff usually rely upon the rating and the description on the video sleeve for the information required to make such a decision.

On the occasions when videos are shown without prior scrutiny and staff believe the content is inappropriate, the viewing is terminated, whatever its rating.

2. Magill Training Centre is responsible for providing young people with specific programs to address their assessed needs. Parents are provided with an information booklet which includes descriptions of the educational and recreational programs provided. Examples of such programs include: victim awareness; anger management; conflict resolution; social education; drug and alcohol education; cultural healing; street legal; Ab-Tafe; gardening; Operation Flinders; P.D. Dog Training; PACE Programs; Kaingani Tumbetin Waal (Frahn's Farm); and the SPY Program.

The staff to client ratio at Magill Training Centre is two staff to 12 residents. During the evenings and weekends the Centre staffing complement is a minimum of 12 staff, which includes a Shift Supervisor, a Youth Worker in reception, two other Youth Workers providing response and backup support and two Youth Workers in each unit. Staffing levels are often increased to provide for high resident levels, escorts into the community and intensive supervision of residents who have shown themselves to be highly at risk to themselves or others.

The Magill Education Centre liaises with the current school of a young person to ensure both effective information exchange and transition planning. Teachers keep the community school up to date with the young person's progress and advocate, where necessary, for re-entry into mainstream schooling.

If young people are remanded in custody for a lengthy amount of time or are given a custodial detention order by the Courts, they will be allocated a Key Worker and a Senior Youth Practitioner. These staff work with the young person, their parents, social worker and other professionals, to develop a care and release plan which will best meet the needs of the young person and assist them to live in the community without offending.

QUEEN'S VISIT

180 **Mr ATKINSON:** Which Governments will meet the cost of the Queen's visit to South Australia next year and in what proportions?

The Hon. J.W. OLSEN: The Commonwealth Government will meet the full cost of the international travel for Her Majesty The Queen and party. Dates, duration of the visit and confirmation of States to be visited is still to be officially confirmed.

Traditionally, the States would bear the cost of any Government hospitality extended, accommodation for the entourage not accommodated at Government House, printing of programs, invitations and other incidentals associated with such a visit. Organisations/associations involved in a royal visit would bear the cost of their events/functions. On ground transport is also provided by the Commonwealth.

HINDMARSH ISLAND BRIDGE

182. **Mr ATKINSON:** What is now preventing the Hindmarsh Island bridge being built?

The Hon. I.F. EVANS: The Attorney-General has advised that construction on the Hindmarsh Island bridge will commence once negotiations between the Government and the other involved parties have been satisfactorily resolved. As with any negotiation it is not possible to estimate when this will be, however, all involved hope that it will be as soon as possible.

ENFIELD COMMUNITY RESIDENTIAL CARE UNIT

185. **Mr CLARKE:** What further plans have been made by the Government with respect to the replacement of the Enfield Community Residential Care Unit situated at Markham Avenue Enfield, since the Minister replied to the member for Ross Smith by letter on 6 February 1998?

The Hon. DEAN BROWN: The Enfield Community Unit was constructed in 1991 and is subject to a preventative maintenance program which has maintained a standard which affords young people appropriate levels of comfort, safety and privacy. Currently there are no plans to replace the facility.

MASON & COX FOUNDRY

203. **Mr KOUTSANTONIS:** How many complaints have been received by the Environment Protection Agency over the past two years regarding the Mason & Cox foundry situated on Hayward Ave, Torrensville and what are the details?

The Hon. D.C. KOTZ: In the past two years 46 complaints from 28 persons have been logged by the EPA. The complaints concern noise, dust, fume, smoke and odour. The EPA has investigated all complaints. At no time has the company been found to breach environmental standards.

This is not to say that residents will not, from time to time, be aware of noise or other emissions from the foundry. Where past poor planning practice has permitted this close proximity of incompatible land uses such reduced amenity is inevitable. The Government at all times seeks to minimise the impact of the incompatibility on both the residents and the industry by finding a workable balance between the competing needs and expectations.

POONDARA ROCKS

205. **Mr HILL:** What action has the Department of Environment and Heritage taken to ensure that rare and endangered plant species are not threatened by the mining of Poondara Rocks?

The Hon. D.C. KOTZ: A Natural Resource Management Officer inspected the site in July 1997. No species of conservation significance were recorded within the proposed quarry site and the adjacent land is cleared for farming.

MARNE RIVER

207 **Mr HILL:** How has the Government addressed the concerns of Mr Elfried Gitton of Angaston, in relation to the Marne River?

The Hon. D.C. KOTZ:

1. The management of water resources in the Marne River catchment has been an issue of concern to the landholders of the catchment for some time. In light of this concern, I directed the River Murray Catchment Water Management Board to undertake investigations into the impact of water resource development on the water resources in the Marne River catchment.

In light of those investigations, the River Murray Catchment Water Management Board recommended that I place a moratorium on the development of the water resources in the catchment.

Consequently, I announced that a Notice of Restriction would apply to the Marne River catchment for a period of two years, effective from 6 May 1999. During this time, further studies will be undertaken to ascertain the resource capacity and appropriate management options will be explored.

GAS SUPPLIES

210. **Mrs MAYWALD:** Does ETSA or any other energy or generation entity owned by the Government hold an inventory of gas and, if so, was this gas purchased directly or indirectly from Santos on a take or pay contract basis, how much gas is currently held in inventory and what is its estimated value?

The Hon. J.W. OLSEN: I refer the honourable member to answers provided in the Legislative Council on 25 May 1999 to the same question asked by the Hon. P. Holloway.