LEGISLATIVE COUNCIL

Thursday 26 February 1998

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

STATE HERITAGE AUTHORITY

A petition, signed by one resident of South Australia, concerning the conduct of State Heritage Authority members in relation to the process of an application made by Alan Russell Griffiths, and praying that the Council would request the Governor of South Australia, Sir Eric Neal, to undertake an investigation into the State Heritage Authority members as to their conduct in the failure to process an application accepted and acknowledged as received by the State Heritage Branch and assessed under the criteria of the Heritage Act 1993, was presented by the Hon. Caroline Schaefer.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 37 and 40.

GOVERNMENT CONTRACTS

37. **The Hon. T.G. CAMERON:**

1. Will the Government announce that Government contracts will only be awarded to suppliers who have enrolled their managers in appropriate industrial relations programmes as recommended in the Office of the Employee Ombudsman 1995-96 Annual Report.

2. If not, why not?

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

Government contracts are currently awarded according to a detailed and balanced system of pre-qualification which requires various proven abilities in areas such as raising industry standards, meeting best practice and making sure the Government receives value for money. This does not necessarily mean the cheapest contractor will be chosen, rather, we will choose the contractor who can provide what the Government needs at the best standard and price. The Government also has buy Australian, environmental and quality assurance policies.

The Government does not intend awarding Government contracts only to suppliers who have enrolled their managers in industrial relations programmes, on the basis that the current criteria for awarding contracts is appropriately detailed and balanced.

GOVERNMENT EMPLOYMENT

40. **The Hon. T.G. CAMERON:**

1. Will the Minister for Industry, Trade and Tourism introduce the necessary amendment to the Industrial and Employee Relations Act to allow the Employee Ombudsman's Office and other Inspectors to investigate employers without complaint?

2. Will the Minister require that all employment agencies performing work for the Government must warn potential applicants for positions offered by employers of their industrial rights and the various options open to them should these rights be infringed?

3. Will the Minister consider introducing into school curriculum classes on employment conditions, entitlements etc. during the final year of schooling?

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

1. In relation to allowing the Employee Ombudsman and other inspectors under the Industrial and Employee Relations Act 1994 to inspect an employer's premises without complaint, the Employee Ombudsman, as an inspector, already has this right.

The Employee Ombudsman is an inspector under section 64 of the Act. Section 65(a) of the Act allows complaints to be received from employees and allows an inspector to investigate the complaint/claim of non-compliance. Section 65(b) goes on to say that the general functions of an inspector includes;

(b) to encourage compliance and, if appropriate, take action to enforce compliance

If the Employee Ombudsman, and other inspectors, suspected a business was not complying with the relevant industrial legislation or award or enterprise agreement, they could enter the business premises as part of their inspectorate role to "encourage compliance and, if appropriate, take action to enforce compliance.

It would appear that an inspector has sufficient powers to carry out his/her duties if they were to suspect a business was not complying with the industrial legislation or award or enterprise agreement. On that basis, the amendment is considered unnecessary.

2. In relation to the proposal that employment agencies performing work for the Government warn potential applicants of their industrial rights, the Minister believes that this would merely duplicate what is already prescribed in legislation for employment agents and employers.

Section 20(4) of the *Employment Agents Registration Act 1993* requires that;

Where an employment agent procures employment for a person, the employment agent must ensure that the person is given (for retention by the person) a statement in the prescribed form containing the following information:

(c) whether the *Workers Rehabilitation and Compensation Act 1986* will apply in relation to the person and details of any other insurance arrangements that will apply in respect of the employment (including who will be responsible for the payment of any premium); and

(e) the name of any award that applies in relation to the employment; and

(f) details of any occupational superannuation to which the person will be entitled; and

(g) details of any entitlements to paid leave that will accrue during the employment; and

(h) details of any expenses (or kinds of expenses) which will be reimbursed or otherwise paid for by the employer.

Furthermore, the Industrial and Employee Relations Act 1994 requires that employers advise employees of their rights under sections 102 and 103 (records to be kept by employers).

3. The issue of introducing employment issues into the school curriculum has already been addressed. In 1996, the then Minister for Industrial Affairs and the Minister for Education and Children's Services released a package of resource materials called 'Schools, Education and the World of Work'. This package provides secondary school students with information on occupational health and safety, workers' rehabilitation and compensation and industrial relations.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R. I. Lucas)—

Office of Multicultural and International Affairs—Report, 1996-97

Corporation By-laws—

Unley—

No. 1.—Renumbering of By-laws
No. 3—Bees
No. 4—Garbage Bins
No. 5—Inflammable Undergrowth
No. 6—Streets and Footways
No. 7—Recreation Areas
No. 8—Dogs
No. 9—Poultry
No. 10—Caravans
No. 11—Removal of Garbage
No. 12—Street Trader's Licence
No. 13—Lodging Houses

Department for Employment, Training and Further Education—Review of the Construction Industry Training Fund Act 1993—November 1997

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

Reports, 1996-97—

Department for Industrial Affairs
SABOR

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

Controlled Substances Advisory Council—Report, 1996-97.

GOVERNANCE REVIEW ADVISORY GROUP

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement made today in another place by the Minister for Local Government on the subject of the Adelaide City Council report of the Governance Review Advisory Group. I also seek leave to table a copy of the final report of the City of Adelaide Governance Review.

Leave granted.

POLICE COMPLAINTS AUTHORITY

The Hon. K.T. GRIFFIN (Minister for Justice): I seek leave to make a ministerial statement on the subject of the Police Complaints Authority.

Leave granted.

The Hon. K.T. GRIFFIN: The Police Complaints Authority (PCA), established pursuant to the Police Complaints and Disciplinary Proceedings Act, has been the subject of some recent media attention as well as criticism by individual police officers and the Police Association. In particular, concerns have been expressed by the Police Association about processes and that assessments made by the PCA are the subject of comment by media before, it asserts, the individual police officer has been informed of the assessment or the Police Commissioner has responded to the initial assessment.

The PCA performs a vital role in investigating complaints about the conduct of members of the Police Force. By statute, the PCA acts independently but must rely upon assistance from the Internal Investigations Branch of SA Police in conducting investigations of complaints.

With such publicity and comment having the potential to undermine the authority of the PCA and its processes, as well as reflect on the inextricably linked procedures followed by, in particular, the Internal Investigations Branch of SA Police, it has been decided that there will be an independent review of the processes followed in investigating complaints by the PCA and the South Australian police.

Mrs Iris Stevens, a retired judge of the District Court, has agreed to undertake this review. The review will focus upon the general operations, systems and processes of the PCA office and will not focus upon any particular or individual decision of the PCA. The terms of reference are:

1. Examine and review generally the operations and processes of the Police Complaints Authority (the Authority), the Commissioner of Police and the Internal Investigations Branch in relation to their statutory functions in investigating and reporting on complaints against police officers under the Police (Complaints and Disciplinary Proceedings) Act (the Act) and report upon the effectiveness and appropriateness of those operations and processes.

2. Without limiting the generality of paragraph 1 above, examine, review and report upon the following practices and procedures of the PCA:

- responses by the Authority to inquiries by complainants (section 30 of the Act);
- the provision of reports of investigations, assessments or other materials to complainants, police officers the subject of complaints and the Commissioner of Police;
- the relevance of the principles of natural justice to the exercise of statutory functions by the Authority; and
- complaint handling mechanisms within the PCA office.

I now seek leave to table a copy of the Crown Solicitor's letter to Mrs Stevens.

Leave granted.

The Hon. K.T. GRIFFIN: I can indicate that both the PCA and the Commissioner of Police welcome the review. I make it clear that by establishing the review there is no implied criticism of the PCA, the Commissioner of Police or the Internal Investigations Branch in their respective areas of responsibility in dealing with complaints against police officers. The review is established to review, to identify the facts and to make recommendations in relation to processes. Hopefully, Mrs Stevens' independent review will resolve the issues once and for all. While no formal reporting date has been set, it is hoped the review could be completed within two months.

QUESTION TIME

POLICE FORCE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Justice, in his capacity as Minister for Police, a question on the subject of the report on equity and diversity in the SA Police.

Leave granted.

The Hon. CAROLYN PICKLES: In August last year, Ms Kate Spargo commenced work with the South Australian Police on achieving some changes in equity and diversity in employment. As the Minister would be aware, there has been some concern for a long time about discrimination and sexual harassment in the South Australian Police. A report was tabled at the SAPOL Second Annual Women's Employees Conference in April 1996 which, I am sure, would cause the Minister a great deal of concern, as it did the former Minister for Police, the Hon. Stephen Baker.

This report dealt with very serious allegations of sexual harassment in the South Australian Police, so serious that some women police officers had left the force, unable to cope with the culture. I was fortunate to be invited by the Police Commissioner to discuss Ms Spargo's consultancy brief with her and we had a very productive meeting on this issue. I am aware that her report has now been finalised. I understand it has now been handed to the Police Commissioner. My questions to the Minister for Justice are:

1. Will he request a copy of this report from the Police Commissioner?

2. Is he prepared to table the report in Parliament and, if not, why not?

3. What steps will he take to ensure that the recommendations made by Ms Spargo are implemented?

The Hon. K.T. GRIFFIN: I should just clarify for the Leader of the Opposition that I am not the Minister for Police, Correctional Services and Emergency Services. I represent the Minister for Police, Correctional Services and Emergency Services. As Minister for Justice, police fall within the broad portfolio of justice and I just want to correct that. Both I and the Minister, Hon. Mr Evans, are strongly committed to equality of opportunity in all parts of our portfolio—just as the Government is across the whole of government. The Hon. Mr Evans and I have made clear that within our portfolio that will be a particular focus, and I do not think anyone can doubt at least the way I have dealt with those issues in the areas of my responsibility. I know that the

Commissioner, equally, is committed to equality of opportunity. I will, though, need to refer the questions for appropriate reply. I will do that and bring it back in due course.

AUDITOR-GENERAL'S REPORT

The Hon. P. HOLLOWAY: Did the Treasurer seek or was he provided with a brief or otherwise provided with advice concerning the contents of the latest Auditor-General's Report prior to the tabling of that report in Parliament on 2 December 1997 and, if so, when?

The Hon. R.I. LUCAS: To my recollection I had no contact, social, formal or otherwise with the Auditor-General between the election period and the tabling of the Auditor-General's Report. I can certainly check my record of meetings and otherwise but, to my recollection, I had not formal or informal meeting with the Auditor-General or officers representing him on issues relating to the national electricity market or related issues.

The Hon. P. HOLLOWAY: Mr President, I have a supplementary question. My question was whether the Treasurer was provided with a brief or otherwise provided with advice, if not directly from the Auditor-General, then from any other person concerning the report.

The Hon. R.I. LUCAS: To my recollection I cannot recall seeing a copy, draft or otherwise, of the draft report in audit section 1 or 2—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That is what he is referring to—on the national electricity market and related issues. I am certainly prepared to check my records, but certainly my recollection is that I did not see it before the report was brought down in December.

The Hon. P. HOLLOWAY: Did the Attorney-General seek or was he provided with a brief or otherwise provided with advice concerning the content of the latest Auditor-General's Report prior to the tabling of that report in Parliament on 2 December 1997 and, if so, when?

The Hon. K.T. GRIFFIN: Obviously, this is a question of some interest to the Opposition. I did not request a briefing on the Auditor-General's Report. The honourable member may recall that during the election campaign there was a great deal of contention about the Auditor-General's Report. There were challenges by the Opposition and others about the presentation of that report publicly. I know that the advice from the Crown Solicitor was that, under the Public Finance and Audit Act, it was not possible for the President and Speaker, if they had the report, to publish it unless it was under the privilege of the Parliament, that is, tabled in both Houses of Parliament when, under the Act, it then attracts privilege. I did not see the report.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: No. I was not briefed on the contents of it and certainly I have no recollection of any briefings at all, let alone from the Auditor-General, in relation to the national electricity market.

HOUSING TRUST HEATERS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about gas heaters in Housing Trust properties.

Leave granted.

The Hon. SANDRA KANCK: It has been brought to my attention that the Housing Trust has a policy of ripping out gas heaters from trust properties whenever there is a change of tenants, irrespective of whether they are in working condition. The reason for this policy is apparently that the Government has deemed it too costly to continue supplying and maintaining gas heaters in Housing Trust properties.

The Hon. M.J. Elliott interjecting:

The Hon. SANDRA KANCK: Exactly; none of this 'deserving poor' stuff. Many of the gas heaters are now very old, because they have not been updated, and are taken out as a matter of course so that, first, the trust is not bound to maintain them should they break down in the future and, secondly, so they can be used for parts for those gas heaters still in trust properties. The only new tenants to have gas heaters supplied by the trust are those tenants who must have a warm house for medical reasons and who are aware of any rights they might have for gas heating to be supplied by the trust. All other trust tenants are required either to have a gas heater re-installed at their own expense or to purchase their own electric heaters. For most people it is quicker and easier to buy an electric radiator than to purchase a gas heater and pay for its installation. This is despite the fact that gas heaters are far more efficient to run than electric heaters and therefore more environmentally benign. One hundred per cent of the gas used in gas heaters produces almost 100 per cent heat but, when we use the gas at Torrens Island power station to boil the water to make the steam to drive the turbines to make electricity and then transmit it to our houses, we get roughly only 25 per cent of the energy value of that gas. My questions to the Minister are:

1. Will the Minister advise what costs are involved for trust tenants should they wish to install their own gas heaters?

2. Will the Minister also advise the capital cost of an electric heater which produces the same level of warmth as the current gas heaters being ripped out of trust properties?

3. Will the Minister provide a comparison of the running costs of heating to the tenant between a gas heater and an electric heater producing the same level of warmth?

4. Following yesterday's housing policy announcement that all new applicants for Housing Trust properties must be in 'extreme poverty' (so, living well below the poverty line), does the Minister seriously believe that such alternative heating arrangements will be affordable to the new tenants?

5. Given increasing greenhouse gas emission problems, does the Minister believe it would be desirable for houses to turn to gas rather than electricity? If so, through its public housing policy, should not the Government be a Leader in this regard?

The Hon. DIANA LAIDLAW: I will refer that question to the Minister in another place and bring back a reply.

AUSTRALIAN RAIL TRACK CORPORATION

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

Leave granted.

The Hon. J.S.L. DAWKINS: I have noted the formation of the Australian Rail Track Corporation (ARTC) by the Commonwealth Government which was announced yesterday. This body, which will have its headquarters in Adelaide, will manage access to the whole of Australia's interstate network from Perth through to Brisbane. I understand that the

ARTC will also manage and control all aspects of the interstate track between Kalgoorlie and Albury, as well as Adelaide to Broken Hill. Will the Minister indicate what benefits will arise from the establishment of the ARTC? Will the Minister comment on the benefits of the corporation's location to Adelaide and regional and rural areas of South Australia?

The Hon. DIANA LAIDLAW: I thank the honourable member for taking up this issue. The benefits are extraordinarily important for rail nationally and also for the State because any person who has taken any interest in freight issues at any time would realise that we have quite an issue in terms of road and rail freight business and the growing proportion of business on road compared with rail. Rail has certainly been losing share over time, one reason being that it has been so hard, complicated and inefficient in many ways because of the separate State systems that have operated for long-haul container and other bulky goods transport.

The formation of the Australian Rail Track Corporation is huge news. It was first mooted by the Hon. Laurie Brereton many years ago at the Federal level and it has taken some time to get the other State Governments to cooperate in this regard. Victoria has agreed to do so. New South Wales is still standing out in terms of the ownership of its interstate track and Western Australia is holding out in terms of track owned west of Kalgoorlie. The track through Kalgoorlie through Adelaide and Melbourne to Albany, and up to Tarcoola and Broken Hill, will all be managed by the Australian Rail Track Corporation, as will the business on this line from Perth through to Brisbane, Broken Hill and Tarcoola.

The headquarters for this new corporation, which many would argue was 100 years in coming in terms of the efficiency of rail freight travel in this State, is particularly good news. Members may recall that when the Hon. John Sharp announced the sale of AN he promised that the headquarters would be in Adelaide. However, it has been quite an issue to keep it in Adelaide. Because it is seen as a source and hub of influence on how rail business will be conducted in future, both the Victorian and New South Wales Governments have used this headquarters issue and staffing arrangements as a bargaining point for participation in the Australian Rail Track Corporation.

I have to acknowledge the support of many people—not necessarily Federal bureaucrats—in making sure that the coalition Government maintained its commitment to this State and the corporation headquarters. That has meant that the total number of jobs, up to about 100, will be maintained in this State. Had we lost the headquarters we would have lost many of those jobs. It is good in the jobs sense and in terms of the influence we will have over rail construction, maintenance and rail business, both national passenger and freight, in future.

It is particularly important to note that Mr Ken Baxter, the new Chair of the three member corporation board, has stated strongly that in terms of issuing contracts for track maintenance and construction in future the new corporation will be seeking to ensure that contractors have a significant presence in South Australia. He has gone on to predict that, in terms of that presence, we will see a new construction industry established with a rail and engineering focus. That will also be good news for the State.

I wanted to acknowledge the honourable member's interest in the freight business. This builds on the other reform initiatives undertaken by the Federal Government, in which the State Government has fully participated and which has already seen the headquarters of the Great Southern Railway and the Australian Southern Railroad Company (formerly Genosee Wyoming) established in Adelaide. I believe that all businesses will continue to be successful with their plans to build their businesses based from Adelaide and to create jobs.

BEVERLEY URANIUM PROJECT

The Hon. T.G. ROBERTS: I seek leave to give a very brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, Natural Resources and Regional Development, a question about the Beverley uranium project.

Leave granted.

The Hon. T.G. ROBERTS: A media release of 24 February from the Hon. Rob Kerin indicates that there must have been some sort of internal squabbling between the ACF and the Minister's office or the department in trying to find out information about the Beverley project. It put the ACF in good company, because everybody else was trying to find out what the documentation relating to the environmental factors were as well. It is one of the most hairy chested press releases I have seen for some time. I think the Hon. Rob Kerin's press adviser must have gone to the Ron Roberts school of writing press releases—

An honourable member: Hyperbole!

The Hon. T.G. ROBERTS: The hyperbole is almost the same, Mr President. I will not be able to get the mannerisms right, but I will try. The press release states:

> I've had a gutful of these knockers. We are releasing all the documents to the media, enabling journalists to see for themselves the thorough investigation which preceded the trial at Beverley.

I may not have got the—

The Hon. L.H. Davis: It just underlines the bitter divisions on your side.

The Hon. T.G. ROBERTS: I thought it was the Minister copying the style of the Hon. Ron Roberts, because he sees it as a successful tactic and strategy in getting answers to very difficult questions in Parliament. It continues:

> . . . the Beverley project has been the subject of the most exhaustive DEF in the State's history. The documents released show Government agencies have critically examined every aspect of the proposal. They show that concerns have been raised and dealt with, as part of the rigorous process of determining if the trial plant should proceed.
>
> The correspondence has been requested by the Conservation Foundation through the Freedom of Information Act. That's not necessary, because we are releasing it to the general public anyway.

It is interesting to note the time frames between the applications being made and the releases being made. This is in response to the Hon. Mr Kerin's hairy chested press release and the Hon. Ron Roberts-style response. The ACF notes that on 10 April 1997 it wrote to the Department of Mines and Energy requesting the release of details of the approvals granted to, and any conditions placed upon, the operations of Heathgate Resources at Beverley. The department agreed to release the DEFs for Beverley. Three DEFs are required for these operations: first, for the exploration stage; secondly, for the drilling stage; and thirdly, for the *in situ* leach uranium mining trials—which is the concern that most people have, including the Aboriginal communities of those northern regions.

On 21 April 1997 the Department's Executive Officer declined to make any of these documents public, citing as a reason that they are 'not in the public domain'. They would

not be in the public domain if they were not released; perhaps he meant 'not in the public interest to be in the public domain'. On 8 May the ACF requested an explanation of the refusal to release the documents and the policy basis for this refusal, if any. No written reply was received. Then there was a denial of access for commercial confidentiality reasons. Then on 4 July the ACF put in a FOI request, and I suspect that it was the FOI request that prompted the Government to release the documentation. There is another uranium mine proposal in the Flinders Ranges region about which people have concerns regarding environmental factors. My questions regarding the Beverly uranium project are:

1. Have all documents relating to the environmental protection programs for the underground aquifers in the areas adjacent to the Beverly Uranium project been released? Have they been released only to the media or to the media and the ACF, and have they been tabled in Parliament?

2. Will the documents relating to the environmental protection of the Honeymoon project which has been mooted be released and tabled before FOI applications must be made?

The Hon. K.T. GRIFFIN: I have no regrets that I did not go to the Ron Roberts school of oratory. I prefer to keep my distance and my own counsel. I doubt very much whether the Hon. Robert Kerin attended the same school. I think the Hon. Ron Roberts is in a school of his own and that that is the way it will probably remain, particularly on the Opposition sides. I cannot believe that members of the Opposition would want to go to the same school as the Hon. Ron Roberts. Be that as it may, I will—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Well, I'm being very open and relaxed about it. I will refer the questions to the Minister and bring back a reply.

MOTOR VEHICLES, UNLICENSED

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister for Justice a question about unlicensed motor vehicles.

Leave granted.

The Hon. L.H. DAVIS: Before I proceed, Mr President, I crave your indulgence and that of the Council to make the following historical observation. As members know, the Hon. Anne Levy retired in 1997. Following that, the Attorney-General became the father of the Council. Perhaps what is not so well known is that on 7 March the Attorney will celebrate his twentieth anniversary in the Legislative Council. Arguably he is regarded as the finest Attorney-General in the land today. I raise this matter not only so that members can acknowledge this achievement but, most importantly, because at some time in the not too distant future all members might receive an invitation from the Attorney for drinks to celebrate this significant anniversary!

I turn now to my brief explanation. There has recently been some publicity about unlicensed backyard motor vehicle dealers who have been convicted for this offence under the Second-hand Vehicle Dealers Act 1995 as a result of prosecutions by the Office of Consumer and Business Affairs. The Motor Trade Association has given public warnings about the dangers of buying vehicles from such dealers. My questions are:

1. How is the Office of Consumer and Business Affairs tackling this problem of unlicensed motor vehicle dealers?

2. What are the consequences of buying a second-hand vehicle from an unlicensed person?

The Hon. K.T. GRIFFIN: I do not thank the honourable member for his introductory remarks. I modestly believed that I should keep this to myself, as I did not think that others would check the records. I am not sure that I can thank the honourable member for gratuitously offering members entertainment and refreshments, but when that day arrives we will see.

An honourable member: BYO?

The Hon. K.T. GRIFFIN: Never plan too far into the future is my policy in politics.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: I am sorry to disappoint the Hon. Terry Roberts, but I am not announcing my retirement.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: The Hon. Legh Davis? I doubt whether he will, either. He still has to get to his 20 year mark.

The Hon. R.R.Roberts: It seems like he's been here longer.

The Hon. K.T. GRIFFIN: Well, I feel younger than most of the members in this Council, anyway.

Since the Office of Consumer and Business Affairs began a crackdown on unlicensed motor vehicle dealers 12 months ago through the establishment of a special Compliance Unit, there has been an encouraging increase of about 35 per cent in the number of applications for licences. The task force that was formed to deal with issues of compliance has achieved those sorts of results partly through publicity and partly through a methodical approach of checking advertisements in newspapers. Vendors who advertise multiple vehicles are investigated.

During that 12 month period, the task force has closed 135 cases, including two prosecutions. It has 16 priority one cases (that is, highest priority cases) and 21 priority two cases, and it has issued 43 written cautions and received 10 written assurances. The Compliance Unit of the Office of Consumer Affairs is being expanded, particularly in relation to compliance issues across other areas of the occupational licensing system.

It is encouraging that because of the work that has been done in relation to second-hand motor vehicles during the past 12 months there have been some positive results. There was one case in December where those who had been carrying on the business of an unlicensed vehicle dealer were fined $6 000, which was close to the maximum of $8 000 at that time. There have been other equally successful prosecutions which send a message to those who seek to trade whilst unlicensed.

There are a number of consequences of dealing with unlicensed dealers. People will take a number of risks, including the possibility that he or she may have unwittingly bought a stolen car. First, there will not be a warranty from a backyard dealer and, secondly, there will be no legal recourse if the vendor has not told the truth about the history of the vehicle.

Some of the tell-tale signs which investigators look for and which consumers also ought to look for that might indicate that someone might be an unlicensed dealer rather than a genuine private individual selling his or her own car would be the presence of numerous vehicles and/or parts on the premises or if the person has advertised more than one vehicle for sale. Members of the public are entitled to ask a dealer to produce their licensed motor vehicle dealer number which they can check with the Office of Consumer and Business Affairs.

Prospective buyers can also check with their local Motor Registration Office to determine whether the car they are considering buying has been stolen. By supplying the registration and engine numbers of the vehicle to the Motor Registration Office, they will be able to check whether there are any outstanding loans on the vehicle. So, there are a number of steps which prospective purchasers can take.

In addition, there are a number of other initiatives which have been taken in Government but about which I will not go into detail. One of those initiatives is reflected in two Bills which the Minister for Transport and Urban Planning has on the Notice Paper: the Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Bill and the Road Traffic (Vehicle Identifiers) Amendment Bill. This is all part of the national thrust towards catching those who are dealing in stolen vehicles. As I say, the progress which is being made by the Office of Consumer and Business Affairs in detecting those who are unlicensed is quite encouraging.

STATE FLORA

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Treasurer, as Leader of the Government in the Council, a question about the validity of election promises.

Leave granted.

The Hon. IAN GILFILLAN: I was contacted earlier this year by Mr Ted Allender of the Allender Native Nursery. He expressed to me quite strongly his disappointment with, as he said, the present Government's failure to keep previous election promises. The Treasurer may not know, but certainly previous Ministers would know, that Mr Allender has been a consistent supporter of the development of native hardwood plantations since before 1993, when the notion of commercial production of native species was far from popular. As he pointed out, since that time this area of our primary industries has grown significantly, especially since the decision in 1990 to develop a eucalypt globulus resource in the South-East of the State. The establishment of this resource caused him and others in the native hardwood industry some concern as the contract for propagation and supply of the seedlings was given to State Flora.

However, Mr Allender, amongst others, attended the Nursery and Landscape Industry Association of SA awards dinner at the Ramada Grand Hotel prior to the 1993 election when the former Premier, Mr Dean Brown, announced that the incoming Liberal Government would abolish the commercial activities of State Flora. Ted Allender had an early morning meeting fairly soon after that with Mr Dale Baker, who also assured him that the commercial activities of State Flora would be stopped under a Liberal Government. Without casting any aspersions for or against that, this was an indication of the policy of the incoming Liberal Government.

The Hon. L.H. Davis interjecting:

The Hon. IAN GILFILLAN: No, this is a question of any reliability either by State Flora or the private sector as to what the hell the Government intends to do. Because having said that and having come into power, prior to the 1997 election the then Liberal Government boasted about the Government's achievements in Primary Industries from 1993 to 1997 as:

> One million blue gums being produced by State Flora each year for commercial production on farming land.

In fact, having previously threatened State Flora with virtual extinction and assured private enterprise that it would be able to move substantially into this market, they have totally ignored that aspect of what was an election promise and achieved the reverse. The questions which Mr Allender and others want to ask—and to which State Flora must want to know the answers, are:

1. What is the Government's intention as far as the commercial production of native plants by State Flora?

2. Will the Government make a clear statement as to its policy and intention in relation to State Flora's continuing to produce large numbers of native plants to compete on the commercial market?

3. Does it have the intention as expressed earlier by the previous Premier, Dean Brown, and the previous Minister, Dale Baker, that State Flora is in for the chop? As members know, the lights of both Dean Brown and Dale Baker have faded, but the industry needs to know, with clarity, the Government's intention.

The Hon. R.I. LUCAS: I will need to re-read that question at my leisure. I detected a sense of the honourable member's supporting privatisation and private development in this industry.

Members interjecting:

The Hon. R.I. LUCAS: No, I am not being critical of the honourable member. If I have understood the question—and maybe I have not, and that is why I want to re-read the question—I will be enormously encouraged by the attitude of the honourable member.

In relation to what promises or commitments were made by Ministers four years ago in this area, I would need to check the records of Government and take advice from Ministers and bring back a detailed reply. It will not surprise the honourable member to know that, as I was then Minister for Education and Children's Services, what was going on in hardwood plantings was not top of mind for me four years ago, and I do not know what commitments were given at various dinners and private meetings Mr Allender might have had with the former Minister for Primary Industries. I am happy to take the questions on notice and to bring back a reply. I will re-read the honourable member's question to see whether or not I should be encouraged about his attitude to these lofty policy issues.

WEST BEACH TRUST

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question concerning the use of treated effluent water by the West Beach Trust.

Leave granted.

The Hon. T.G. CAMERON: Many councils use treated effluent to water parks and reserves as a cheap alternative to mains water. Late last year, the State Health Commission in conjunction with the Environment Protection Authority changed regulations regarding the use of treated effluent. Under the changes, treated effluent can only be used for watering between midnight and 6 a.m., no irrigation can be done if windy conditions are forecast and public contact with the recycled water must be avoided.

It has been brought to my attention that the West Beach Trust, through its Patawalonga Golf Course and nearby West Beach Caravan Park and West Beach Village, is using treated effluent to water its golf course and reserves during daylight hours. I am informed that there have been numerous complaints from both golfers using the course and residents staying at the nearby caravan park and village who have been

sprayed by the treated effluent water as they go about their activities.

I am also informed that the Chief Executive Officer of the West Beach Trust has been contacted by the EPA and asked to desist from using the treated water during daylight hours. However, I have been informed that the practice is still continuing and threatening the health and enjoyment of golfers and caravan and village residents. My question is: considering the EPA directive that treated effluent water should not come into direct human contact, will you order an immediate investigation into claims that the West Beach Trust continues to use treated effluent water during daylight hours at its golf, caravan and village facilities, even though this may be threatening the health of both workers and the public?

The Hon. DIANA LAIDLAW: Yes.

LABOR PARTY TRUE BELIEVERS FUND

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Treasurer a question about the Labor Party's invitation to join the True Believers Fund.

Leave granted.

Members interjecting:

The Hon. J.F. STEFANI: I've got one already! The Labor Party has recently distributed a pamphlet which has been delivered to various householders in the North Adelaide and Walkerville areas with the Messenger newspaper—including my house. In the pamphlet, the ALP declared that it was going to be completely frank and stated:

> We need people like you to dig deep once a month so that we can raise money to fight the next election. You probably think that's a little over the top considering we've just had one. But fighting elections is getting more and more expensive these days and we rely on people like you to invest in the Labor Party and a future Labor Government.

The pamphlet invited the recipients to complete and return an application form to join the True Believers Fund and stated:

> . . . for the price of a pizza, you can invest in the future of South Australia.

The pamphlet also stated that the experience of joining the True Believers Fund is, and I quote:

> More fulfilling than a pizza—just $10 a month.

Members interjecting:

The Hon. J.F. STEFANI: Well, it could be a salami pizza. My questions are:

1. How many $10 pizzas would be required to wipe out the State debt left behind by the true believers of the Labor Government?

2. Does the Treasurer have any comment about the ALP's invitation to invest in the Labor Party and a future Labor Government, particularly in view of their past investment record as a Government?

The Hon. R.I. LUCAS: The honourable member did me the courtesy prior to Question Time of giving me a copy of the True Believers Guide—

Members interjecting:

The Hon. R.I. LUCAS: Yes, an old piece of pizza crust on the front—a $10 one; more fulfilling than a pizza is the Labor Party! We know that certainly two people in this Chamber are not true believers of the Labor Party—the Hon. Terry Cameron and Hon. Ron Roberts. They would not be seen as true believers of the Labor Party, given the dastardly things that were done to the two of them and the member for Ross Smith in another place after the most recent State election.

I was intrigued, I must admit, at the notion that joining the Labor Party and supporting Mike Rann was going to be more fulfilling than a pizza for just $10 a month. I have certainly heard descriptions of time being spent with Mike Rann in many ways, but none such than it was more fulfilling than a pizza in terms of a commitment of one's time and effort. I am intrigued, and I will have an opportunity later this afternoon in the Address in Reply to incorporate some information in *Hansard* about some of the claims Mr Rann has been making. Now we see this, it may well be an indication as to why he was making claims that were not true about the extent of Labor Party—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts interjects, 'Has he caught the disease too?' At least he is acknowledging that the Hon. Mr Rann is not telling the truth in relation to a number of issues at the moment. I intend to incorporate some information about claims made by Mr Rann about expenditure by the Labor Party during the recent election campaign *vis-a-vis* the expenditure from the Liberal Party being drastically out of kilter in some way and that indeed the Liberal Party somehow massively outspent the advertising of the Labor Party. As I said, I will incorporate in *Hansard* some facts in relation to those claims.

The Leader of the Opposition has been out there trying to soften up the market on the basis that the Labor Party does not have any money, that it is outspent by its political opponents, who are funded by big business, etc., and then we see this begging letter going out to the community. Obviously one needs to check closely the accuracy of the claims the Leader of the Opposition has been making in this respect. As I said, I intend to place on record in the Address in Reply this afternoon some detail which will highlight the untruths that the Leader of the Opposition has been making or claiming in the public arena since the election.

Just doing some very quick mental gymnastics—although I could get better advice from Treasury for the honourable member—but with a debt of $7 400 million and at $10 a pizza, I think the answer to the question is 740 million pizzas. That would be enough for the Leader of the Opposition to have a pizza a day for the next 200 million years and still not have the equivalent to pay off the State debt that he and his colleagues left to South Australians.

The Hon. A.J. REDFORD: Mr President, I desire to ask a supplementary question. Can the Leader of the Council confirm that this statement in the document is just another Labor lie:

> In South Australia political Parties don't get any taxpayers' money.

Is there any provision for payment by anyone to the True Believers fund other than by way of credit?

The Hon. R.I. LUCAS: I am not sure I can answer the second question. As to the first question, it is true that certainly members of Parliament, who obviously constitute political Parties, are provided with funding to help them run their offices. Obviously, they are not provided with funding directly to pay for advertising other than small amounts of advertising that members are able to use out of their global allowance.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That is where the Leader of the Opposition resides, over there in the House of Assembly. So,

they are able to use portions of their global allowance in a restrictive way. I do not think you are able to Party-political advertise; you are able to advertise your office and the fact that you are open to give assistance. I am happy to look at the honourable member's supplementary question and see whether I can offer any further detail.

PALLIATIVE CARE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Disability Services, representing the Minister for Human Services, a question about palliative care funding.

Leave granted.

The Hon. CARMEL ZOLLO: Many people benefit from the relief and options that palliative care provides. Palliative care eases the pain, suffering and distress of life threatening and terminal illnesses. Palliative care treats the whole person and not just the illness. The delivery of palliative care services is an important and respected component of our health care services. This is of particular importance given South Australia's ageing population. The 1996 Federal budget funding to palliative care was cut by about 10 per cent by the Howard Government with a promise that it would be restored in the May 1997 budget. My questions to the Minister representing the Minister for Human Services are:

1. What component of the health care budget has South Australia allocated in palliative care funding since the introduction of the Consent to Medical Treatment and Palliative Care Act 1995?

2. How much has been allocated to palliative care in rural and regional South Australia in 1997 by the Health Commission?

3. What attempts have been undertaken to secure increased funding for South Australia in this area from the 1998 Federal funding?

The Hon. R.D. LAWSON: I will refer the honourable member's question to the Minister for Human Services for reply.

INTELLECTUALLY DISABLED

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Disability Services a question about intellectual disabilities.

Leave granted.

The Hon. A.J. REDFORD: There has been recent publicity about the availability of Government support for people with intellectual disabilities, especially in rural and remote areas. I understand a community in the South-East has been actively developing a proposal to assist people with disabilities and their families and carers. Can the Minister advise the Council about developments in this regard?

The Hon. R.D. LAWSON: I thank the honourable member for his question and I am well aware, as are other members, of his interest in matters pertaining to the welfare of the South-East of this State. In the South-East there is a most interesting and novel development in relation to the provision of support for those with intellectual disabilities, for their carers and families. The group Kingston Supported Accommodation has been established at Kingston and the manner of its operation and establishment illustrates the way forward in joint ventures between Governments and community services. Some time ago in Kingston the family of a person with intellectual disabilities were unable to care for that person. The only care and support available within the Government sector was at the Strathmont Centre in the metropolitan area.

It was most distressing to the family and the community that someone who had been living at home and who had been supported by his family had to depart that distance. As every member would understand, this was of great concern and the community rallied behind that family. A meeting was called. Promises of support were obtained for the establishment of an accommodation centre in Kingston and, as I say, there was a good deal of community support involving not only the family and friends of the individual concerned but also community organisations. Out of that meeting a proposal was developed for the establishment of an accommodation service. In fact, inquiries were undertaken to ascertain how many people in the area might benefit from a service of this kind and it was ascertained that there were 12 people in the community, many of them unknown to each other, who could use a service of this kind.

So, the supported accommodation group was established. It has been working effectively in conjunction with the Intellectual Disabilities Services Council, local government agencies, such as the employment service in Kingston and the Community Accommodation Support Association in Mount Gambier. A proposal is being developed for the establishment of such a home.

In the meantime, through the additional funding made available for disability services in the last budget, interim funding is being provided to enable options coordination to broker support services for families in the region. As very often happens, it has been found there are quite a number of other people in addition to the other 12 initially identified. With the funds made available in the last budget, options coordination will be able to broker support services for people in the community to provide outings, daytime activities and respite services for family members and carers. It is hoped that an appropriate property will be identified shortly within the town of Kingston and it is hoped, and the proposal presently under consideration envisages, that the accommodation provided will not only provide accommodation for individuals but also be a day centre for those who require day activities or day respite.

As I said at the outset, this is an exciting project; it illustrates the potential for joint ventures and cooperative partnerships between Government and community groups to establish support services of this kind. It is the aim of the Government to keep people with intellectual disability and any other form of disability in their home for as long as possible and to provide appropriate support. That has been found to be the best solution to most problems for people with disabilities. So, I congratulate those behind the Kingston supported accommodation and I can assure them of the continued support of the Government as their project is developed.

SAND DREDGING

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister representing the Minister for Environment and Heritage a question about the impact of sand dredging.

Leave granted.

The Hon. M.J. ELLIOTT: The health of Adelaide's coastline is being monitored by a group of dedicated individuals under a program entitled 'Reefwatcher'. The Reef-

watcher newsletter of November last year states that divers have reported extremely poor visibility along the entire metropolitan coast from Gull's Rock at Maslin Beach through to Port Adelaide. It states that the source of the problem has been the sand dredging operations at Port Stanvac. Observations at the Noarlunga reef by the senior snorkelling instructor of the Port Noarlunga Aquatic Centre published in the newsletter stated that on 19 November fine sand and silt had settled on everything that did not move, including kelp, sponges, corals, algae beds and mussel beds. The instructor stated:

> I have dived from October to June on a daily basis for 10 years and have never seen conditions like this before.

By Wednesday 10 December conditions on the leeward side of the northern reef were clearing, but the following was observed:

> Single and compound ascidians seemed to have disappeared. Most of the devastation appears to be on the top and exposed sides of rocks. . . Short lived sponges, i.e. the bright yellow and pink sponges seem to have disappeared without a trace. Many other sponges are in a state of degradation, beginning to rot and taking on a ghostly white slimy appearance. Most longer living sponges seem still alive, although discoloured. Most are really shocked with silt. . . If these die I believe it will have a long term effect on the appearance of the reef and will take many years to restore it. . . . Some hard corals have died and in doing so they appear to have a slimy outer covering as if they had just released their larvae into the water. Their appearance suggested they had died within the previous 48 hours. There is one large plate coral about 1m x 1.5m in size. I believe they are very old—about 80-100 years for one of this size. I have observed this particular plate coral for 10 years. At this stage this specimen is hanging in there, but I am dusting it about three times a week.

The instructor went on to say:

> Will anything be done? Will I have to watch sections of my beloved reef partially die; will I hopefully watch it regenerate over the next 12-18 months? Will the authorities put this in the too hard basket? Or will they rethink the impact of the dredging operation on this heritage area? After all, it is a marine reserve!

My questions are:

1. What monitoring of the environmental impacts of the sediment has the Government undertaken?

2. What is planned in the way of ongoing monitoring along the coast, and particularly on the leeward side of the reef?

3. Has the Minister set up a program to analyse the long term impact of sediment on our metropolitan coast?

4. Is the Government planning future dredging operations to extract further sand, or is it examining other ways to get sand, such as on-shore sand excavation? If so, what sources are envisaged?

5. If further sand dredging is planned, what controls will be in place and under what conditions will the dredge be used?

The Hon. DIANA LAIDLAW: I will refer that question to the Minister and bring back a reply.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 25 February. Page 454.)

The Hon. R.I. LUCAS (Treasurer): Earlier today in Question Time I referred to some issues in relation to claims that have been made about advertising during the State election campaign and the relative costs of campaigning to the Liberal Party and to the Labor Party. In recent days, given the Premier's policy switch on the issue of ETSA and Optima, the Leader of the Opposition has been seeking to make great play of that change of heart on the part of the Premier. I must say that in listening to the Leader of the Opposition talking about issues of credibility and hypocrisy I always have a bit of a smile on my face, given the Leader of the Opposition's well known public record. One does not have to go into all the detail again of the infamous Charley's Bar incident in relation to Roxby Downs, when the Leader of the Opposition deliberately, I suppose, misled both a journalist and then the community and the Parliament as to the nature of a supposedly confidential document by ripping a page off the document and passing it off as something else. That has been well documented on a number of occasions. In recent times in both Houses a number of quotes have indicated the Leader of the Opposition's publicly stated view that he supported asset sales and, as Tourism Minister in the Bannon Government, he actually sold off to the private sector portions of his own portfolio as part of a privatisation deal and arrangement.

On this occasion I do not intend to go back over those historical records of Mike Rann's hypocrisy in the claims he makes, or make a comparison with what he actually does. However, I want to look at the claims he has been making since the election and, in particular (I will refer to only one: there are many others), an article showing a beaming, smiling Mike Rann, the Leader of the Opposition, in the *Labor Herald* of December 1997, under the heading 'Putting the conservatives on notice: Mike Rann'. Just to help us all out it has at the bottom, 'Mike Rann is the SA Labor Leader,' just in case readers of the *Labor Herald* did not have the wits to work that one out. I will quote one section from that article, as follows:

> The Liberals' campaign was enormously expensive. They had much more money than we had and spent up to $3 million on negative TV and radio ads attempting to identify me with the State Bank. Only one Australian political Leader has been on the receiving end of such an extensive, vicious and personal campaign—Paul Keating.

One never knows whether the Leader of the Opposition just gets carried away with his claims or whether he deliberately distorts to make a particular point. I suspect it is the latter rather than the former.

The Hon. Mr Rann was making those sorts of claims on radio and television and in the newspapers on every possible occasion subsequent to the State election. As a result, other Labor members such as the new member for Kaurna, Mr Hill, made similar claims, I guess buoyed up by these extravagant claims of the Leader of the Opposition, that the Liberal Party had spent $3 million on negative TV and radio advertising in an attempt to besmirch Mike Rann.

I seek leave to incorporate in *Hansard* a table of purely statistical information compiled by Leeds Media and Communication Services, prepared on 22 October 1997, listing 1997 South Australian State election advertising expenditure estimates: source AIM data.

Leave granted.

Leeds Media & Communication Services
1997 South Australian State Election Advertising Expenditure Estimates
Source: AIM Data

Party	W/C 14/9/1997 $	W/C 21/9/1997 $	W/C 28/9/1997 $	W/C 2/10/1997 $	Total $
Australian Liberal Party					
Metropolitan Television	43 000	71 000	67 000	147 000	328 000
Metropolitan Newspapers	1 000	-	-	30 000	31 000
Metropolitan Radio	9 000	9 000	9 000	7 000	34 000
Total	$53 000	$80 000	$76 000	$184 000	$393 000
Australian Labor Party					
Metropolitan Television	6 000	54 000	79 000	172 000	311 000
Metropolitan Newspapers	-	-	-	35 000	35 000
Metropolitan Radio	16 000	11 000	15 000	10 000	52 000
Total	$22 000	$65 000	$94 000	$217 000	$398 000
Australian Democrats					
Metropolitan Television	-	-	16 000	14 000	30 000
Metropolitan Newspapers	-	-	-	-	-
Metropolitan Radio	-	-	-	-	-
Total	-	-	$16 000	$14 000	$30 000
Total All Parties	$75 000	$145 000	$186 000	$415 000	$821 000

The Hon. L.H. Davis: The fabricator is exposed.

The Hon. R.I. LUCAS: As the Hon. Mr Davis indicates, the fabricator is exposed. These officially collated figures—not figures collated by the Liberal Party—indicate that in the four week campaign period the total expenditure of the Australian Labor Party on metropolitan television, newspapers and radio actually was higher, albeit marginally, than the expenditure of the Australian Liberal Party on metropolitan television, newspapers and radio. What were those figures? The Labor Party spent $398 000 on metropolitan television, newspapers and radio, according to the figures, which do not include regional media. The Liberal Party spent $393 000.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Make Rann obviously dropped off a nought. The Hon. Mike Rann, carried away by his own publicity, claimed that the Liberal Party spent $3 million on a negative campaign on television and radio in attacking his credibility, when the figures—

The Hon. A.J. Redford: He read the opinion polls and thought it would have cost $3 million to be on the nose like that.

The Hon. R.I. LUCAS: The Hon. Angus Redford's interjection deserves to be on the record. The Leader of the Opposition, by almost a factor of 10, has distorted the facts in relation to advertising by both the Liberal Party and the Labor Party. It is a traditional Labor Party tactic. It is important that this is placed on the record because at every election Michael Rann, or whoever is Leader of the Opposition, and the State Secretary, whether it be Terry Cameron, John Hill or some other faded acolyte who has been promoted to the position of State Secretary of the Labor Party, always claims prior to the election that they will be massively out spent as a Labor Party by the Liberal Party because the Liberal Party will receive massive donations from big business and it does not get anything from anybody. That is untrue. The State Secretary and Leader of the Opposition know that it is untrue. Even after the election they blitzed television. I remember sitting at home on the last Wednesday before the election doing some files and dockets between 9 o'clock and 12 o'clock and Channel 7 was on in the background and in that time period there were eight separate Labor Party television ads. There were two Liberal Party ads and two Democrat ads.

Members interjecting:

The Hon. R.I. LUCAS: It does not matter whether it is off time. The ratio was eight to two on the last Wednesday. When one has a look at the figures, in the last week of the campaign they out spent the Liberal Party by a factor of almost 10 to 15 per cent and in terms of television expenditure it was almost 15 to 20 per cent greater than the Liberal Party in the last week.

As the Hon. Mr Redford indicated before, another Labor untruth perpetrated by Mr Rann and others has been nailed well and truly. It is important that this information be shared amongst commentators and journalists for fear that they might ever believe the Leader of the Opposition again about these claims of a $3 million advertising blitz that in some way sold him in a negative fashion.

I will refer briefly to the importance of the year 2001 for Australians. The year 2001 will be Australia's Centenary of Federation. Governments nationally are working with the Commonwealth Government in looking at how we as Australians might celebrate the Centenary of Federation. There are likely to be announcements in the near future by the Chair of the South Australian committee on some of the activities of the State-based Centenary of Federation Committee. As Treasurer I am South Australia's representative on the National Council for the Centenary of Federation—a body chaired by Dick Smith and including some other exciting contributors such as Angry Anderson, Bishop Hollingworth, Phoebe Fraser and a variety of others on the National Council.

For the benefit of Labor members, a former Labor luminary from New South Wales, Mr Rod Cavalier, is the Deputy Chair of the National Council for the Centenary of Federation. I always look forward with interest at my meetings to getting Mr Cavalier's incisive perception of progress in New South Wales and nationally from the Labor perspective.

The Hon. T.G. Roberts: How many beers do you buy him after?

The Hon. R.I. LUCAS: We do not reveal the nature of our private discussions and conversations—they will remain forever hidden. I place on the public record that, whilst it is

two or three years away, in terms of planning a lot of work is being undertaken nationally and in South Australia and if we are to celebrate the centenary in a special way, as all members of this Chamber would wish to see, we need to work together as a South Australian community to appropriately celebrate our Centenary of Federation here in Australia.

Last evening I thanked members for their contribution to the Address in Reply. I will take up one or two issues raised by some members. The Hon. Terry Roberts has done me the courtesy of still being in the Chamber at this stage, so I will refer to his contribution. It is wonderful to see the Hon. Terry Roberts still battling on. Somewhat cynically I have heard him described as a factional troglodyte in the Legislative Council as the sole remaining member of the Duncan Left, rather overwhelmed by colleagues from the Bolkus Left and other myriad factions of the Labor Party. As always, it was an entertaining contribution, albeit indicative of some of the problems that John Bannon and Mike Rann as Labor Leaders have suffered in the past, sometimes listening too much to the contributions of the Hon. Terry Roberts and others.

The Hon. Terry Roberts made some lofty pronouncements in relation to the state of debt in South Australia and, without wishing to do him a disservice, I will turn to *Hansard* where he described the level of State debt as being not out of control in South Australia, a debt of some $7 400 million and paying interest of almost $2 million a day. The Labor position clearly is that debt and interest payments of that level are not out of control. Mr Roberts obviously put forward a personal and ideological view of his faction in strenuously opposing privatisation and the sale of ETSA and Optima. When challenged by some out of order interjectors, whom I will not name—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: At least the Liberal Government had a plan to reduce the debt. What did the honourable member suggest as a senior front bencher in the Rann Labor Party? All Mr Roberts could suggest was, 'You pay it off.' That was the lofty pronouncement from the Hon. Mr Roberts as to how you would reduce the debt.

The Hon. T.G. Roberts: You wanted an one-liner back.

The Hon. R.I. LUCAS: It is a one-liner all right: 'You pay it off.'

The Hon. L.H. Davis: The next question was 'How?'

The Hon. R.I. LUCAS: As the Hon. Mr Davis says, the next question was 'How?' The Hon. Mr Roberts then said, 'What do you mean "How?"' I would have thought the question 'How?' was pretty obvious. Sadly, that is the nature of the Labor Party's position on the State debt in South Australia and an indication of the policy free zone—

The Hon. T.G. Roberts: I did not expect a question like that from the Treasurer.

The Hon. R.I. LUCAS: We're just seeking your advice. If you do not like the policy pronouncements that the Government is putting down, how do you suggest that we reduce that level of State debt?

The Hon. T.G. Roberts: I will have to make an appointment with you.

The Hon. R.I. LUCAS: Thank you. I do not wish to go over all the matters in the Hon. Mr Roberts' speech for fear of him thinking that I am persecuting him, but he then made some gratuitous comments about the problems that South Australia will have in selling its assets because everyone will be geared up to go and buy electricity assets in Asia because of the fire sales that are going to be over there. They were the claims by Mr Roberts.

I am indebted to his colleague the Hon. Mr Cameron, who did provide me yesterday with a copy of a special report on infrastructure in the *Australian Financial Review*. I suggest to the Hon. Mr Cameron that he might provide a copy of this to his colleague Mr Roberts. In that article on infrastructure Christopher Jay writes and quotes a Mr Mark Hewitt as follows:

> 'Any project in Asia which depends on local revenues and offshore obligations is in serious trouble', said Mr Mark Hewitt, a recent recruit from BT to boutique advisory house and dealmaker Pacific Road Corporate Finance. . .
>
> Several Australian institutions are exposed to problematic South-East Asian infrastructure projects indirectly, through participation in big umbrella international funds such as the Asian Infrastructure Fund or the very large international funds family of the American Insurance Group.
>
> But the investors who are really caught are the big international operators, such as the American and UK power station interests who have been heavily into Asian electricity.

Time does not permit me to go over all the detail. I know that the Hon. Mr Roberts' group is not talking to the Hon. Mr Cameron on a regular basis because of past problems, but perhaps Mr Cameron, without talking to Mr Roberts, might secretly pop a copy of this article into the Hon. Mr Roberts' pigeon hole. It might do the Hon. Mr Roberts good to read that article by Christopher Jay.

I want to refer to some comments made by the Hon. Michael Elliott. In the first instance can I say that, as always as a Government, we welcome constructive comment. As we have demonstrated in the past four years, we welcome it and will endeavour to act upon it. The Hon. Mr Elliott in the past and again on this occasion has made some constructive comment about the export of education and health services to South East Asia and about what the South Australian Government would need to do.

Certainly, in general principle I agree with the comments of the Hon. Mr Elliott and, although I have not addressed it with the Hon. Dean Brown and the Hon. Malcolm Buckby, I would suspect that both those Ministers would agree with the comments as well. From my viewpoint, as now the Treasurer, I would be very pleased to work with those Ministers concerning any further suggestions that the Hon. Mr Elliott might have in relation to what the Government could do in those particular policy areas. As always, the Government is prepared to listen to constructive comment and endeavour to act upon it.

The only other comment I wanted to pick up from the Hon. Mr Elliott was one of some sensitivity for him because he, to use a South-East expression, did his nana last night when there were some interjections about the attitude of the Democrats towards the Liberal Government and development initiatives. I quote the Hon. Mr Elliott. He said last night:

> In fact, failure to be critical in this case has been destructive to South Australia. It is about time that there was the maturity in government and within bureaucracies to see criticism as constructive, not negative.

Having had my own children for almost 18 years and having worked with children for most of the past 11 or 12 years as shadow Minister for Education and as Minister for Education, I would make the point that the one lesson the Hon. Mr Elliott would do well to learn is that, whether you are working with children or students in schools, or indeed in a Parliament or with Governments, if you can mix your constant criticism of Government and bureaucracies with the occasional acknowledgment of good works and positive things that Governments and bureaucracies undertake, you will always meet

with a much better result. A healthy mixture of the positive and negative works wonders. It does not matter with whom you are working, if you can mix some positive, constructive comment together with any negative criticism it is a much healthier mixture.

The point that I have made as Leader of the Government in the Council for the past four years is that, having been a Minister of the Government, I cannot recall one occasion when the Hon. Mr Elliott in particular has been prepared to publicly come out and support a major development project or to come out and publicly acknowledge, rather than mumbling quietly somewhere, a positive aspect of what this Government or indeed any Minister might have undertaken in some of the important areas. I think that if the Hon. Mr Elliott wants to see a change, a 'maturity in Government', as he says, and within bureaucracies, and wants to be constructive he needs to change the way he operates. He needs on a number of occasions to come out and positively support the Premier and the Government in a major development proposal or initiative, to come out and be positive on some of the initiatives that the Government has undertaken.

I have spent the past four years as Leader of the Government in the Council waiting with bated breath for the Hon. Mr Elliott to come out and be constructive. I now intend to make it my task over the next four years to cajole, persuade and encourage the Australian Democrats, and not just the Hon. Mr Elliott but also the Hon. Mr Gilfillan, who, I think, has a different approach to these sorts of issues, to come out occasionally and acknowledge publicly some of the positive things that the Liberal Government is seeking to achieve.

It will be one of my tasks, as I said, to continue to remind the Hon. Mr Elliott and the other Democrats of this to see whether, through this positive program, we can encourage the Democrats to change their approach to politics and to try to get them to be a little more cooperative from the viewpoint of the third Party force in this Chamber and in the Parliament—to publicly acknowledge the positive aspects that the Government might undertake. I again thank all members for their contributions to the Address in Reply debate.

Motion carried.

The PRESIDENT: I remind honourable members that His Excellency the Governor will receive the President and members of the Council at 4 o'clock today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 3.46 to 4.40 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council today, to which His Excellency was pleased to make the following reply:

> Thank you for the Address in Reply to the speech with which I opened the First Session of the Forty-Ninth Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

MOTOR VEHICLES (DISABLED PERSONS' PARKING PERMITS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 326.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. It welcomes this Bill and, as always, will cooperate with the Government in the interests of the public good, which I believe this Bill is. This issue was brought to the attention of my office not long ago when it was contacted by the electorate office of a member in another place. They called to pass on the grievances of a constituent who had been temporarily impaired. In fact, the same constituent subsequently wrote a letter to the Editor of the *Advertiser* highlighting his concerns over a recent incident with his four-year old son who was fitted with a full body cast. I will read parts of his letter as it is quite fitting, given the legislation we are debating. The letter states:

> As it would be impossible for us to use a standard size parking space because of the temporary impairment, I contacted the Registration and Licensing Office to arrange a temporary disabled parking permit. To my disbelief I was informed that permits were issued only for those permanently disabled and that we were ineligible for one. They were unable to tell me how I could possibly get him in and out of the car in a standard parking space but told me that I would have to accept the decision.

The writer goes on to say:

> My request to Minister Laidlaw's office seeking an exemption from these absurd guidelines was fruitless. Thankfully, staff of my State member, the Hon. Mike Rann, contacted local shopping centres, including Hollywood Plaza, who were only too happy to issue me with a special permit for their car park. While we are grateful for that support, those who are temporarily disabled and wheelchair bound have an obvious right to a disabled parking permit and the Minister must ensure that these rules are changed as a matter or urgency.

Obviously, I am pleased that the Minister has done just that.

In her second reading speech, the Minister states that the effect of the amendments will be that persons with a temporary physical disability, which severely restricts their mobility and ability to use public transport, being disabilities that are not likely to improve within six months, will now be able to apply for a permit. Does this mean that the son of a constituent quoted earlier will be ineligible because his temporary disability is likely to heal in less than six months? If my interpretation is correct, I urge the Minister to reconsider.

The second issue is a simple one that is related to the cost and resource implications of such a move. Has the Minister any projected figures as to the practical impact of such a move? For instance, have any calculations been done on the number of people likely to take up the offer of a parking permit? Will existing parking permits be able to cope with the increased load? Is the Minister able to advise how this will be handled at the local level and whether there are any associated costs?

Another issue that has been raised by the Hon. Carmel Zollo is that disabled children are often transported in cars by their parents. She wonders whether this legislation will cover the issue of children who are temporarily incapacitated in relation to the carer issue.

I do not think the Minister heard my questions, but I have had a private discussion with her and indicated that, as this Bill is to pass this place, hopefully this afternoon, I am happy for her to take up those issues and either to respond to them in writing or in another place. I support the second reading.

The Hon. DIANA LAIDLAW: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. SANDRA KANCK: I indicate that this legislation is very desirable and a step forward, but I wonder whether it could go even further. I am thinking of a personal experience a number of years ago when I broke my ankle. Obviously, I was in plaster for only a few weeks, but during that time as a passenger in a car I had extreme difficulty getting out of the car and getting out the crutches while trying to stop the door from bashing into the car next door. I can see the Hon. Angus Redford nodding because it obviously reflects his own experience.

As this Bill is drafted, I do not think a person in that circumstance would be able to take advantage of this extension of the disabled parking permit. I think it could be extended for those short periods of time when people are temporarily disabled but very much need this sort of assistance. I guess my only gripe is that the legislation has not gone far enough to take that sort of circumstance into account. Apart from that, I think we are progressing with the legislation and the Democrats are happy to support it.

Bill read a second time.

In Committee.

Clause 1.

The Hon. DIANA LAIDLAW: A number of questions were asked by the Hon. Carolyn Pickles and the Hon. Sandra Kanck in addressing this Bill. I do not have all the information with me at this time, although I can certainly ensure that the Minister in the other place has it when addressing the Bill in two weeks time. In the interval, I will also provide by letter answers to the members' questions, and I thank them for accommodating that form of response. I also thank members for expediting this measure because, without question, it will be of great benefit to many people in the community and, again, I recognise the effort of organisations and individuals representing people with disabilities for their assistance in preparing this measure.

Clause passed.

Remaining clauses (2 to 10), schedule and title passed.

Bill read a third time and passed.

MOTOR VEHICLES (WRECKED OR WRITTEN OFF VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 327.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I understand that this initiative is consistent with discussions of the National Motor Vehicle Theft Task Force whose task it is to develop a comprehensive national action plan utilising national expertise on the issues associated with motor vehicle theft.

The Opposition supports this move, which seeks to openly and transparently identify wrecked or written-off vehicles. So often, unsuspecting consumers purchase a vehicle to their detriment without any idea of the history of the vehicle. As I interpret the existing legislation, it requires the Registrar of Motor Vehicles to be advised of all wrecked or written-off vehicles. The Government's proposal to require a wrecked or written-off vehicle to have attached to it a written-off vehicle notice prior to its being offered for sale is very strongly supported by the Opposition.

A colleague of mine in another place, the member for Torrens, has raised with me a valid point which the Minister may be able to answer in relation to the existing process of notifying the Government of a wrecked vehicle. Her concerns were that currently there lacked a consistency in determining whose responsibility it is to notify the authorities. For instance, her suggestion was that perhaps the onus should be on the insurance companies. Does the Minister have any comment in relation to this matter? Under the proposed legislation, who is responsible for notifying the Registrar? I do believe that it is advisable to introduce some consistency into this process. I also support the proposed requirement for wrecked or written-off vehicles to be inspected when presented for re-registration. Can the Minister advise what the inspection costs will be and who will bear the cost?

My final point is in relation to the transitional period of three months. Has the Government devised any strategies for publicising the amendment? I noticed that when dealing with another piece of legislation which is part of this Bill there is mention in the Minister's second reading explanation of a booklet entitled *Guidelines for the Management of Vehicle Identifiers*. I wonder whether that booklet is available in a more general sense? So as not to hold up the passage of this Bill, I would be pleased if the Minister could respond either in writing or in another place to the issues that I have raised in my second reading speech.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for her support and I indicate that the Hon. Sandra Kanck has given both the Hon. Carolyn Pickles and me full responsibility for this legislation. She is busy with ETSA matters and has said that she has not received any adverse feedback or questions about the legislation. She has not had the time necessary to fully look at the legislation but fully trusted that you and I had. On that basis, I do not think we will get away with it on other matters but on this I thank her very much for her confidence and hope that her trust is not misplaced. If it is, I will certainly hear about it. I respect her support for this legislation.

Certainly, I can confirm in terms of publicity that there will need to be a considerable public relations campaign. I have insisted on that in relation to this measure because, otherwise, the effectiveness will be undermined completely because we must get people to notify in terms of this measure. My understanding is that the owner of the vehicle makes such notification. That is standard practice with any registration issue. If that understanding is not correct, I will confirm it to the member in another place. As to cost, I apologise for not having an adviser with me but I can convey that message to the honourable member and have the information provided to members in another place.

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

ROAD TRAFFIC (VEHICLE IDENTIFIERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 328.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I note that this Bill is complementary to the Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Bill that we have just considered. I understand the policies contained in the Bill emerged as a result of the Vehicle Identifiers Task Force established by the Attorney-General in May 1995. Like

the Minister, I am alarmed at the rate of vehicle thefts in Australia, particularly in South Australia where the cost is estimated at between $50 million and $70 million annually. In fact, I note in her second reading speech that the Minister stated that Australia has one of the worst car theft problems in the world. Indeed, in 1995 the rate of motor vehicle theft per 100 000 of population was 703, whereas in the United States it was 560. This is a shocking statistic. Further, I note that although stolen vehicle numbers have fallen in South Australia there is still concern about the 11 per cent of vehicles not recovered. Can the Minister supply, perhaps in another place, the figures of the number of vehicles stolen in South Australia and the percentage decline?

The Opposition welcomes the Government's strategy to prevent vehicle identifiers of wrecked or written off vehicles being placed on stolen cars. Any strategies which will make it harder to reidentify stolen cars are supported, as are other initiatives to stem the tide against vehicle thefts and the use of stolen spare parts. I also support the introduction of a national exchange of vehicle and driver information system designed to provide access to national data on vehicle identification numbers flagged as inactive, wrecked or written off vehicles. Again, the Minister indicated in her previous reply to the companion legislation that she would consider communicating these changes widely to the public and I welcome that move.

The Hon. CAROLINE SCHAEFER: I support this Bill and the preceding Bill. I was a member of the Environment, Resources and Development Committee which conducted an inquiry into compulsory inspection of motor vehicles. Part of the reason for that inquiry and the appeal for compulsory inspection of vehicles was to find a means to identify at that time the growing number of stolen vehicles within the State. Another reason was to identify the gas emissions which are toxic to us all. One witness who gave the committee interesting information was the policeman in charge of stolen vehicles and, as both the Minister and the Hon. Carolyn Pickles have mentioned, the approximate cost in Australia of stolen vehicles is $654 million. Of the vehicles stolen in this State, 11 per cent are never recovered. As I say, I found some of the evidence given to the committee interesting, including as an aside—and this is about two years ago—that no vehicle with the new electronic central lock, using a key on which the driver pressed the button, had been stolen at that time. It would appear that vehicle manufacturers are getting ahead of the thieves. However, with losses totalling $654 million, we are not talking about the odd joyrider but about big business.

It was explained to us, as it is said here, that stolen vehicles are often dismantled and reidentified before being made up into different vehicles to hide their identity. Sometimes they take on the identity of an old or written-off vehicle. The Minister has canvassed this recommendation widely and I commend her for that. The Motor Trade Association of SA, the RAA, the Insurance Council, the South Australian Police and the Attorney-General's Department have all had a say in this. It will become illegal to fix the VIN chassis number of another vehicle. There are people who custom build vehicles and rebuild cars from written-off components and they will still be able to do this by registering a new vehicle identification number. I hope that this is a small but important step towards reducing the number of stolen motor vehicles because stolen vehicles are a big illegal business in this State. I commend the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions. In regard to the comments made by the Hon. Caroline Schaefer, it may well be deemed to be a small but important step but, in the context of complementary legislation around Australia and the new computer system, the National Exchange of Vehicle and Driver Information System (NEVDIS), we will be making a substantial impact on a nationwide basis in attacking this issue of vehicle theft and certainly frustrating and—I hope—reducing the overall number of thefts and the temptation to steal. I thank the honourable member for her contribution in relation to the earlier ERD Committee hearing which considered this issue as part of a whole investigation of vehicle inspection issues. I highlight that these two complementary Bills have taken two years to introduce mainly because the NEVDIS system, which two years ago the State Government agreed to fund by upgrading our computer systems in Registration and Licensing, could not operate until all States and Territories agreed to do the same.

That national support was gained only last year, when the Hon. John Sharp was Federal Minister. He set a deadline for the introduction of NEVDIS Australia-wide and threatened us with loss of grant funds and road funding if some States did not comply. I know that Tasmania and the ACT, which you would think had relatively few people to register, were the recalcitrant States in progressing the NEVDIS system. They will all be running very shortly and we will have a nationwide system, which will be an advantage not only in this area of vehicle identifiers and wrecked and written off vehicles but also in ensuring the issuing of one licence per driver, and that will be a huge system. We will be able to check driver's licences across the country, and a whole range of information so that people do not have any number of licences in any number of States, depending on the number of demerit points they have collected in a State. That information will be exchanged so that, if you are caught speeding in one State but are licensed in another, that information can be available as NEVDIS goes nationwide.

I also thank the Hon. Carolyn Pickles, because this is an important step in a strategy to deal with a very debilitating business, that of loss and theft of vehicles. It is important to us all; it is not only a personal trauma to the person who loses that vehicle, where their life and job might depend on it but it also reflects on every individual's premiums, through costs to the insurance companies. So, it is in the wider community interest that we support this legislation and I thank all members for doing so.

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

STATUTES AMENDMENT (NATIVE TITLE) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Mining Act 1971, the Native Title (South Australia) Act 1994 and the Opal Mining Act 1995. Read a first time.

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

That this Bill be now read a second time.

Part 9B was inserted into the Mining Act 1971 by the Mining (Native Title) Amendment Act 1995 to establish a 'right to negotiate' in respect of mining activities on native title land. This Part commenced operation on 17 June 1996. A 'sunset clause' providing that Part 9B would expire two years after the date of its commencement was included in section 63ZD

of the Act in recognition of the likelihood of amendments to the Commonwealth Native Title Act 1993, in particular, to the right to negotiate regime. This was intended to avoid the possibility of South Australia being left with a more onerous regime than that contained in the (amended) Commonwealth Act.

The Native Title Amendment Bill 1997 does contain a number of substantive amendments to the right to negotiate in the Native Title Act, but failed to pass the Senate in December 1997. The situation in respect of the Commonwealth amendments is likely to remain at an impasse in the next few months and it may take 12 months for legislation to finally be put in place amending the Native Title Act. It is impossible at this stage, to predict how (if at all) the Commonwealth right to negotiate regime will be altered.

In the last few months the mining industry in South Australia has shown a much greater willingness to utilise the procedures set out in Part 9B of the Mining Act. The number of notices initiating negotiations with native title parties served on the Government pursuant to section 63M of the Mining Act has increased markedly since the amendments to the Commonwealth Act stalled. In these circumstances it seems both necessary and appropriate to continue the operation of Part 9B beyond 17 June 1998, to (at least) the year 2000. Given the proposed amendments to the Commonwealth scheme, is also seems appropriate to amend the Mining Act in such a way that the notion of a 'sunset clause' for Part 9B is preserved.

The scheme in Part 9B of the Mining Act (including the sunset clause) was mirrored in Part 7 of the Opal Mining Act when it was enacted in 1995. This Act came into operation on 21 April 1997. It is appropriate that a similar amendment should be made to the 'sunset clause' in section 71 of the Opal Mining Act to synchronise the two sunset clauses. It is also appropriate to deal with the a number of other minor, technical (and non-controversial) amendments to Part 9B and to other related State legislation at this time. These other amendments are intended to:

- bring into line certain references to the Supreme Court in the Mining Act which were inadvertently overlooked when all references to the Supreme Court were changed to refer to the Environment Resource and Development Court in 1995;
- clarify a possible area of uncertainty in relation to the provision dealing with the ability to negotiate conjunctive agreements (agreements dealing with current and future tenements over the land) in section 63K(2); and,
- clarify certain procedural issues that have been raised in respect of the expedited procedure process set out in section 63O.

Section 63K(2) currently states:

> If a native title mining agreement is negotiated between a mining operator who does not hold a production tenement for the relevant land, and native title parties who are claimants to (rather than registered holders of) native title land, the agreement cannot extend to mining operations conducted on the land under a future production tenement.

Concerns have been expressed that, on a literal reading of this subsection, no mining operator will be able to negotiate an agreement which would authorise the grant of a production tenement over native title land until a determination of who holds native title in an area is made. This was never the intention of the operation of this section. Rather, the provision was intended to limit the ability to obtain conjunctive authorisations which would cover production tenements not yet contemplated to areas of land where the native title holders have been determined. This would ensure that there would be no risk that the determined native title holders could be different from the parties with whom the agreements were negotiated, an event which would require the renegotiation of the agreement within two years of the determination.

The addition of the words 'and is not an applicant for' after 'who does not hold' in section 63K(2) is designed to clarify that mining operators who have applied for a production tenement can negotiate with native title claimants to authorise the proposed operations.

Section 53 of the Opal Mining Act is in identical terms to section 63K(2) and an identical amendment is also proposed to that section. There are two amendments dealing with the expedited procedure process. The first is intended to provide that any written objection to a proponent's reliance on the expedited procedure set out in section 63O should be given to the proponent with a copy given to the ERD Court. This is necessary as, at the present time, the section is silent on who objections should be given to and, as a consequence, the potential for confusion exists.

The second amendment is designed to cure an anomaly in the interaction between section 16 of the Native Title (South Australia) Act 1994 and section 63O of the Mining Act. The expedited procedure in section 63O can be invoked where the impact of mining will be minimal. This is done by making a statement of the intention to invoke the procedure in the notice issued under Division 4 of Part 9B. A person who holds or may hold native title in land may object to such a notice invoking the expedited procedure within two months of the notice being given. If an objection is lodged, the ERD Court cannot make a summary determination allowing the mining operations to proceed unless it is satisfied, after hearing from all the parties, that the operations are in fact operations to which the expedited procedure applies.

An argument has, however, been raised in the ERD Court that an application for a summary determination to allow operations to proceed pursuant to section 63O of the Mining Act amounts to proceedings involving a 'native title question' for the purposes of section 16 of the Native Title (South Australia) Act. If that were true, the Registrar would be obliged to give a further two months notice of any application for a summary determination and to allow interested parties identifying themselves at that time to join to the proceedings.

As a matter of statutory interpretation, it is clear that this is not what was intended. The references in section 63O to *ex parte* proceedings for a summary determination and the fact that a flat two month period is allowed for objections is completely inconsistent with the suggestion that the Registrar notify all other interested parties and allow a further period of two months in which those parties can apply to join the proceedings. The whole notion of an expedited procedure would be brought undone if the provisions were interpreted in the manner suggested. Effectively, there would be no expedited procedure.

While it seems clear, as a matter of interpretation, that the legislation is not intended to operate in the manner suggested, it is appropriate to amend the legislation so as to make it clear that proceedings prescribed by regulation (for example, summary determinations under Part 9B of the Mining Act) are not proceedings involving a 'native title question' for the purposes of the Native Title (South Australia) Act. I commend this Bill to the House and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

This is the usual interpretation provision for Statutes Amendment Bills.

PART 2

AMENDMENT OF MINING ACT 1971

Clause 4: Amendment of s. 19—Private mine

This amendment corrects a reference.

Clause 5: Amendment of s. 63K—Types of agreement authorising mining operations on native title land

This amendment has the effect that an applicant for a mining tenement may negotiate a native title mining agreement extending to future production tenements with registered holders of native title.

Clause 6: Amendment of s. 63O—Expedited procedure where impact of operations is minimal

The amendment requires a copy of an objection to the use of the expedited procedure by a mining operator to be given to the proponent and the ERD Court.

Clause 7: Amendment of s. 63ZD—Expiry of this Part

This amendment extends the operation of the native title provisions (Part 9B) to 17 June 2000.

Clause 8: Amendment of s. 65—Powers, etc., of Warden's Court

This amendment corrects a reference.

PART 3

AMENDMENT OF NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

Clause 9: Amendment of s. 16—Notice of hearing and determination of native title questions

This amendment is aimed at providing that the requirements relating to notice of hearing etc do not apply in relation to ex parte proceedings. The relevant classes of proceedings will be identified by regulation.

PART 4

AMENDMENT OF OPAL MINING ACT 1995

Clause 10: Amendment of s. 53—Types of agreement authorising mining operations on native title land

This amendment has the effect that an applicant for a tenement may negotiate a native title mining agreement extending to future tenements with registered holders of native title.

Clause 11: Amendment of s. 71—Expiry of this Part

This amendment extends the operation of the native title provisions (Part 7) to 17 June 2000.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Bill, with the amendments indicated below, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

Clause 6, page 3, after line 4—Insert:

(6) The Minister must cause a review of the operation of this section (including the granting of exemptions under subsection (2)) to be undertaken as soon as possible after the period of 12 months from the date of commencement of this subsection.

(7) A report on the outcome of the review is to be tabled in each House of Parliament within six months after the period referred to in subsection (6).

Consideration in Committee.

The Hon. K.T. GRIFFIN: Mr Chairman, I draw your attention to the state of the Committee:

A quorum having been formed:

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

That the amendments be agreed to.

I appreciate that members have not had a long period within which to consider this message. I would hope that there would be general acceptance of it. It was accepted by the House of Assembly on all sides. It was a Government amendment supported by the Labor Opposition, through the shadow spokesman, Mr Michael Atkinson and the Independents in that Chamber.

The issue to which this amendment is directed is that of cellar door sales but, in addition, there are the questions: how is the power given to the Liquor Licensing Commissioner by the new section 97 working? How is the exemption process working? Are there any problems? So what the Government considered was, first, putting some sort of sunset clause on the provisions, but careful analysis indicated that that would not work: it would be a hopeless position. We looked at whether we could specifically define small cellar sales outlets that might be the subject of an exemption, but every one of them had difficulties in getting a clear definition that was not capable of more than one interpretation.

In the end, in some of the consultations which took place, it was acknowledged that what we have in the Bill is the best means by which we can deal with the issue of exemptions and responsible service of alcohol and the designation of responsible persons. As a result of this, I proposed, and the Minister handling the Bill in the other House moved on my behalf, the amendment, which is:

The Minister—

that is, the Minister to whom the Bill is committed, and that is me—

must cause a review of the operation of this section—

that is section 97, which deals with the supervision and management of the licensees' business—

(including the granting of exemptions under subsection (2)) to be undertaken as soon as possible after the period of 12 months from the date of commencement of this subsection.

Subsection (7) provides:

A report on the outcome of review is to be tabled in each House of Parliament within six months after the period referred to in subsection (6).

So it puts it firmly on the agenda. I can imagine that if it is not working satisfactorily within six months after it comes into operation there will be a hue and cry and there will be members on my doorstep wanting to have some changes made.

In all the operation of this principal legislation the Liquor and Gaming Commissioner has proved to be quite flexible and strict where necessary, but always acting appropriately, particularly in relation to some of the neighbourhood complaints where he has the responsibility for conciliating. Some 80 per cent, I think, of those complaints have been conciliated to everybody's satisfaction.

On my behalf the Minister for Government Enterprises in another place gave an undertaking which I repeat in this Chamber:

As the Minister responsible for the administration of the Liquor Licensing Act 1997, I give an undertaking that, if there are any difficulties with the operation of the responsible person provision with respect to producers' licences arising out of the review, I will give priority to amending the Act or regulations in order to address that problem in a manner directed towards maintaining the responsible service and consumption of liquor principles of the Act, while minimising the regulatory requirements. In conducting the review, I will ensure that public consultation occurs, particularly with those who are affected by the operation of the provision. In addition, I undertake to extend the current moratorium on the

approval of responsible persons to 30 June 1998—that is from 31 March 1998—in order to allow licensees the opportunity to take advantage of the new provisions contained in the Liquor Licensing (Licensed Clubs) Amendment Bill and apply to the licensing authority for an exemption from the responsible person provision, should they wish to do so.

I think that gets the issue on the record. It indicates that the Government, and I in particular, genuinely wish to see the issue dealt with appropriately. I think that, in the context of the guidelines which I gave to the Council when we were debating the Bill in Committee in response to the Hon. Angus Redford's questions, we can get a satisfactory outcome.

I can understand the concern of small operators that they will have unnecessary burdens placed upon them by the regulatory framework but, on the other hand, they must appreciate that the Parliament has determined, after the introduction of a Bill by the Government, that the responsible service of alcohol, the minimisation of harm and the responsible consumption of liquor are underpinning principles of this legislation and that we must maintain those principles as providing the means by which ultimately we achieve a balance between the community and those who are active in the liquor industry. I am happy and pleased to be able to move support for the amendments and hope that members will be prepared to accept them on the basis to which I have referred.

The Hon. CARMEL ZOLLO: The Labor Opposition agrees with the amendments proposed by the Attorney-General and the issues it addresses concerning exemptions. However, I advise that we will be monitoring the timing of the review and the subsequent reporting to each House.

The Hon. IAN GILFILLAN: I support what I understand to be the intention and result of the amendment. In fact, I think it would be a good initiative anyway, regardless of cellar door sales or not. I imagine that the licensing authority will have a lot of work dealing with a host of applications for exemptions. I would like the Attorney, when he gets a chance, to perhaps re-emphasise the significance of the date change because I was not sure whether that was designed to allow people to take advantage of this exemption prior to their application being heard and that the cut-off date for that has now been put forward to June. If I get a signal from the Attorney I will assume that that is a correct interpretation.

The Hon. K.T. GRIFFIN: It is to give them three months extra. There is already a moratorium on it to allow them to apply to be registered as a responsible person. We are extending that. If they want to take advantage of the general exemption power they have a better opportunity of doing so.

The Hon. IAN GILFILLAN: I confirm that the Attorney has allayed any concerns I had about that. That should allow enough time. However, there are some other matters on which he might be able to enlighten me as well. Are there any guidelines for how the licensing authority will determine what is a *bona fide* cellar door sale outlet? Is there any intention to establish regulations? I have not seen it in the Bill.

The Hon. K.T. GRIFFIN: No, not regulations. There will be guidelines. There are some guidelines which I have already read into *Hansard* at the end of the Committee consideration in response to the Hon. Angus Redford's questions about how will the Commissioner exercise the discretion. I hope to be able to notify all the industry more precisely about what guidelines will be applied. In essence, they are in the *Hansard* already. The Hon. Angus Redford indicated that he was comforted by those and I think they will provide a satisfactory basis upon which exemptions may be determined.

The Hon. IAN GILFILLAN: I think that that again is a satisfactory answer to my queries about the amendments. On behalf of the Democrats I also will have a watching brief on when that report finally comes in. This may be a little premature because of the amendment but will the Attorney indicate who he believes will be compiling the report? How will it be conducted?

The Hon. K.T. GRIFFIN: I must confess that I cannot identify the person who will do that. It may in fact be one of my legal officers or it may be that we will commission someone independently to do it. At this stage I just do not know. What was the other question?

The Hon. IAN GILFILLAN: What will be the structure of the report?

The Hon. K.T. GRIFFIN: Again, I cannot without qualification indicate that this will be the way it will happen, but I expect that there will be an officer. There is a working group that developed the legislation and the regulations. I have met with that group over the clubs issue and cellar door sales issues on, I think, three or four occasions over the past couple of months. That working group will continue. It consists of industry representatives, Drug and Alcohol Services, the Drug, Alcohol and Crime Working Party, and the Aboriginal Drug and Alcohol Council. That group will continue to meet and, through that peak informal working group, feed in information.

However, I expect that we will send notice to industry and local government through press releases indicating that we are reviewing the way in which this is operated. It relates to the responsible person provisions, not the whole of the Liquor Licensing Act. I imagine that we will get input over a period of time, that that will be collated and that the report will be tabled. If there are any recommendations for change, those recommendations will be encompassed in that report.

The Hon. IAN GILFILLAN: If an aggrieved applicant feels unfairly treated by the licensing authority in respect of this question, will the licensing authority's decision be final and non-appealable?

The Hon. K.T. GRIFFIN: I will have to check this, and I cannot do it on the run, but my recollection is that it is subject to review by the court. Under this Act we have tried to keep the court out of it as much as possible and allow a lot of it to be dealt with by the Liquor Licensing Commissioner. My recollection is that it will be reviewable, but I will have to check that and let the honourable member know.

Motion carried.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. Griffin for **the Hon. R.I. LUCAS (Treasurer),** obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make a number of technical amendments to the Superannuation Act 1988, and deals with issues that have arisen in the administration of the Act.

One of the proposed amendments deals with the term of membership of a member of the South Australian Superannuation Board. The current provisions of the Superannuation Act provide that members of the Board are appointed or elected for terms of three years. This means that there is the potential for there to be a major departure of experience from the Board at one time. With continual changes occurring in the area of superannuation, it is considered appropriate to ensure there is some continuity in membership of the Board. This will be available through the provision of more flexible terms of appointment. The amendment proposed in the Bill provides for members of the Board to be appointed or elected for a term of up to three years.

The Act currently allows a member to contribute at one of a number of percentages rates of salary. However, because of the requirements of the Commonwealth's Superannuation Guarantee legislation in requiring a prescribed minimum level of employer support, and to provide that the administration of the Superannuation Guarantee is not split between schemes, the Bill seeks to amend the Act to require that members contribute at the existing specified rates of 3.0 per cent of salary and above as from 1 July 1998. A member contributing less than 3.0 per cent of salary will need to increase their contribution or transfer to the Triple S Scheme where they could in fact accrue a greater benefit.

An amendment is also proposed to the definition of income used in determining any reduction in invalidity or retrenchment pension payable to a member who is in receipt of a benefit under the age of 60 years. The amendment proposed in the Bill expands the definition of income from remunerative activities to incorporate income received in a non cash form, and income paid in respect of remunerative activities but paid to a third person. The amendment will ensure that persons receiving an invalidity or retrenchment pension do not receive a greater level of income than if they had remained in their previous employment. The amendment has become necessary because of the various forms in which people may receive income from remunerative activities. The amendment maintains the original intention of the income test provisions of the Act.

The other technical amendments being proposed in the Bill deal with issues which have arisen in the administration of the Superannuation Act. These other amendments clarify existing provisions, ensure consistency between similar provisions, or enhance the general administration of the Act.

The Australian Education Union, the Public Service Association and the South Australian Superannuation Board have been fully consulted in relation to these amendments.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the new provisions. Clause 18*(h)* will be taken to have come into operation on 1 July 1994. This date is the commencement of the interim period under the *State Bank (Corporatisation) Act 1994* and is the first day on which a contributor could have made the election that triggers the operation of clause 7(6)*(a)* of Schedule 2 of that Act.

Clause 3: Amendment of s. 4—Interpretation

This clause amends section 4 of the principal Act. The new definition of 'month' spells out the meaning of that term when used in legislation. New subsection (2) provides a precise means of determining the number of contribution months in a contribution period.

Clause 4: Amendment of s. 8—The Board's membership

Clause 4 makes an amendment to section 8 of the principal Act that will enable a member of the Board to be appointed or elected for any period up to 3 years instead of for a fixed term of three years.

Clause 5: Amendment of s. 9—Procedures at meetings of the Board

Clause 5 inserts a provision into section 9 of the principal Act that will enable meetings of the Board to be held by telephone.

Clause 6: Amendment of s. 17—The Fund

Clause 6 makes a consequential amendment.

Clause 7: Amendment of s. 20A—Contributors' Accounts

Clause 7 replaces section 20A(6) with a provision that will enable the Board to estimate the rate of return during a period before the Board has been able to make a final determination on the subject.

Clause 8: Amendment of s. 20B—Payment of benefits

Clause 8 makes consequential changes to section 20B of the principal Act.

Clause 9: Amendment of s. 23—Contribution rates

Clause 9 amends section 23 of the principal Act.

New subparagraph (v) inserted by paragraph *(b)* of the clause will allow the Board to continue the operation of an election under subparagraph (iv) (to contribute as though there had been no reduction) after the end of the financial year in which it was made. New subsection (7) inserted by paragraph *(d)* replaces the existing subsection. The new provision distinguishes between contributors accepted under the repealed Act and those accepted before the commencement of the repealed Act and also includes those contributors who are entitled to the maximum pension allowed under section 34(5).

Clause 10: Amendment of s. 28—Resignation and preservation of benefits

Clause 10 amends section 28 of the principal Act.

New paragraph *(a)* of subsection (1c) enables a contributor to roll over the payment under this subsection to another fund or scheme.

Clause 11: Amendment of s. 29—Retrenchment

Clause 11 amends section 29 to require that in default of election under subsection (1) a retrenchment benefit will be taken to have been preserved.

Clause 12: Amendment of s. 31—Termination of employment on invalidity

Clause 13: Amendment of s. 32—Death of contributor

Clauses 12 and 13 change terminology used in sections 31 and 32 of the principal Act. The term 'adjusted salary' takes into account the possibility that the contributor has been employed part time or on a casual basis.

Clause 14: Amendment of s. 32A—PSESS benefit

Clause 14 makes changes required for conformity with Commonwealth requirements.

Clause 15: Amendment of s. 34—Retirement

Clause 15 makes a minor amendment to section 34 of the principal Act that acknowledges that a contributor may terminate his or her employment on the ground of invalidity in circumstances that don't give rise to benefits under the Act.

Clause 16: Amendment of s. 37—Invalidity

Clause 17: Amendment of s. 38—Death of contributor

Clauses 16 and 17 make consequential amendments.

Clause 18: Amendment of s. 39—Resignation and preservation of benefits

Clause 18 makes amendments to section 39 that are similar to those made by clause 10 to section 28 of the principal Act.

Clause 19: Amendment of s. 44—Review of the Board's decisions

Clause 19 provides that the District Court and not the Supreme Court will review the Board's decisions in the future.

Clause 20: Amendment of s. 45—Effect of workers compensation, etc., on pensions

Clause 20 makes amendments to section 45 of the principal Act that clarify the operation of that section.

Clause 21: Insertion of s. 47A

Clause 21 inserts two new provisions relating to the roll over of money to and from the State scheme.

Clause 22: Amendment of s. 55—Confidentiality

Clause 22 amends section 55 of the principal Act.

Clause 23: Substitution of s. 56

Clause 23 inserts a provision relating to the application of the Act that is similar in form to section 48 of the *Southern State Superannuation Act 1994*.

Clause 24: Amendment of Schedule 1—Transitional Provisions

Clause 24 amends the transitional schedule of the principal Act.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

PETROLEUM PRODUCTS REGULATION (LICENCE FEES AND SUBSIDIES) AMENDMENT BILL

The Hon. K.T. Griffin for **the Hon. R.I. LUCAS (Treasurer),** obtained leave and introduced a Bill for an Act to amend the Petroleum Products Regulation Act 1995. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill repeals those provisions of the *Petroleum Products Regulation Act 1995* that relate to *ad valorem* licence fees and inserts provisions to support the ongoing payment of subsidies to the petroleum industry to ensure that the price of fuel 'at the pump' does not increase as a result of the introduction of the Commonwealth excise surcharge safety net arrangements.

The High Court's decision in the *Ha and Lim* case in August 1997 has cast doubt on the validity of State legislation imposing *ad valorem* franchise fees on liquor, tobacco and petroleum products.

In order to remove uncertainty, the Commonwealth Government has, at the request of the States and Territories, undertaken to make good any loss of revenue if the States and Territories repeal the relevant provisions.

It will, therefore, be necessary to remove the taxing impact of those provisions relating to *ad valorem* licence fees under these Acts. Tobacco and liquor are being dealt with in separate Bills.

It is now proposed to repeal those provision that relate to *ad valorem* licence fees under the *Petroleum Products Regulation Act 1995*.

The *Petroleum Products Regulation Act 1995* also contains regulatory provisions which deal with such matters as the control and distribution of petroleum products (eg safe storage, etc) and it is appropriate that these provisions remain in force. Nominal licence fees relevant to those activities will remain.

It will also be necessary to modify the regulatory powers contained in the Act to provide for the payment of subsidies following the implementation of the Commonwealth safety net arrangements.

Under the replacement revenue arrangements implemented following the *Ha and Lim* case, a Commonwealth excise surcharge of 8.1 cents per litre applies to all petroleum products produced and imported into Australia. The surcharge applies to petrol consumed in all jurisdictions, including Queensland, which did not previously have a State petrol tax.

As part of the safety net arrangements agreed with the Commonwealth, subsidies are payable on excess revenues raised under the surcharge relative to the State taxes that previously applied to ensure that the price of petrol at the pump does not increase over that previously payable under State business franchise Acts.

This means that in South Australia the following subsidies will apply:

	Subsidy Rate CPL			
	Leaded Petrol	Unleaded Petrol	On Road Diesel	Off Road Diesel
Zone 1	—	—	—	8.10
Zone 2	0.66	0.82	—	8.10
Zone 3	3.17	3.33	1.94	8.10

Other States and Territories are also paying subsidies to ensure that the Commonwealth surcharge does not contribute to an increase in the pump price of petrol that existed before *Ha and Lim*.

Although subsidy payments have been made on an interim basis by agreement between the government and the relevant oil companies, it is essential to formalise the subsidy scheme to ensure that subsidies intended for country areas of South Australia are not exploited.

Consultation has occurred with the oil companies and distribution representatives who support the development of a legislative-based subsidy scheme as set out in the Bill.

The Commonwealth Government has implemented the safety net arrangements on the clear understanding that States and Territories will repeal the relevant sections of their State Franchise Acts and that overall there be no additional revenue collected as a result of the arrangements.

This Bill puts that commitment into effect in respect of petrol, and separate amending Bills deal with the removal of the *ad valorem* license fee components of the Tobacco Products Regulation and Liquor Licensing Acts.

I commend the Bill.

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: Repeal of s. 3

This clause repeals the objects provision. This change is consequential on the removal of *ad valorem* licence fees.

Clause 4: Amendment of s. 4—Interpretation

This clause removes definitions that are no longer necessary because of the removal of *ad valorem* licence fees and adds definitions of 'bulk end user certificate', 'certificate', 'Commonwealth customs duty', 'Commonwealth excise duty', 'eligible petroleum products', 'off-road diesel fuel user certificate', 'retail licence', 'wholesale' and 'wholesale licence'.

Clause 5: Insertion of ss. 4A to 4D

4A. Retail quantity

The proposed section defines 'retail quantity' for the purposes of the Act.

4B. Bulk end user

The proposed section defines 'bulk end user' for the purposes of the Act.

4C. Off-road diesel fuel user

The proposed section defines 'off-road diesel fuel user' for the purposes of the Act.

4D. Notional sale and purchase

The proposed section provides a power to make regulations to allow certain notional sales and purchases of petroleum products to be taken to be sales and purchases for the purposes of specified provisions of the Act.

Clause 6: Repeal of Part 2 Division 1 heading

This clause repeals a Division heading.

Clause 7: Amendment of s. 8—Requirement for licence

This clause makes changes that are consequential on the removal of *ad valorem* licence fees. It also distinguishes between retail and wholesale selling of petroleum products and provides that a licence is not required for the sale of petroleum products as a bulk end user.

Clause 8: Amendment of s. 9—Issue or renewal of licence

This clause makes changes that are consequential on the removal of *ad valorem* licence fees.

Clause 9: Amendment of s. 10—Licence term, etc.

This clause amends the Act so that—

- all licences under the Act are annual licences; and
- a licence is not transferable except by way of variation of the licence under section 12.

Clause 10: Amendment of s. 11—Conditions of licence

This clause expands the Minister's power to impose conditions on licences to include—

- conditions for the purpose of ensuring that a vendor of petroleum products cannot recover from a purchaser that part of the sale price equal to the amount of the subsidy paid or payable under the Act in respect of that quantity of petroleum products for that sale;
- conditions as to terms that contracts between manufacturers or importers of petroleum products and purchasers must contain in relation to the time of payment for that component of the sale price of the petroleum products referable to Commonwealth excise or customs duty paid or payable by the manufacturer or importer.

Clause 11: Amendment of s. 13—Form of application and licence fee

This clause amends the Act so that an application for the issue or renewal of a licence cannot be granted except on payment of the appropriate fee under the regulations. This change is consequential on the removal of *ad valorem* licence fees.

Clause 12: Repeal of Part 2 Division 2

Clause 13: Insertion of Part 2A

PART 2A
SUBSIDIES

20. Entitlement to subsidy

The proposed section provides that, subject to the section, the following persons are entitled to a subsidy:

- the holder of wholesale licence for eligible petroleum products sold by wholesale in accordance with the licence to the holder of a retail licence who purchased the petroleum products for sale pursuant to the retail licence;
- the holder of a wholesale licence for eligible petroleum products sold by retail pursuant to a retail licence held by the wholesaler;
- the holder of a wholesale licence for eligible petroleum products sold in accordance with the licence to the holder of a bulk end user certificate;
- the holder of a wholesale licence for diesel fuel sold in accordance with the licence to the holder of an off-road diesel fuel user certificate or bulk end user certificate that bears an off-road diesel fuel user endorsement;
- the holder of a retail licence for eligible petroleum products purchased for sale pursuant to the licence, if sold to the holder

by wholesale and the wholesaler has no entitlement to a subsidy under the Act in respect of the transaction;

- the holder of an off-road diesel fuel user certificate or bulk end user certificate bearing an off-road diesel fuel user endorsement for diesel fuel purchased from the holder of a retail licence.

Only one subsidy is payable (whether under the Act or a corresponding law) in respect of one quantity of eligible petroleum products.

The rate of subsidy is set out in the section.

21. Claim for subsidy

The proposed section requires that a claim for a subsidy be made in a manner and form approved by the Commissioner and contain the information required by the Commissioner. It also requires a claimant to provide any further information that the Commissioner requires for the purposes of determining whether the claimant is entitled to a subsidy and the amount of subsidy payable to the claimant.

22. Payment of subsidy

The proposed section requires the Commissioner to pay a subsidy in respect of a claim if satisfied that the claim has been made in accordance with the Act and the claimant is entitled to a subsidy in respect of the sale or purchase of eligible petroleum products to which the claim relates.

23. Amounts recoverable by Commissioner

The proposed section sets out the cases in which a person must repay a subsidy to the Commissioner or pay to the Commissioner an amount equal to a subsidy. The section also requires an additional payment of a penalty of an amount equal to the amount of a payment or repayment required by the Commissioner under the section, but empowers the Commissioner to remit the penalty for proper cause.

23A. Bulk end user certificate

The proposed section empowers the Commissioner to issue a bulk end user certificate to an applicant if satisfied that the applicant will, during the period for which the certificate is to be in force, purchase eligible petroleum products for use as a bulk end user. The section sets out the conditions that a certificate will be subject to.

23B. Off-road diesel fuel user certificate

The proposed section empowers the Commissioner to issue an off-road diesel fuel user certificate to an applicant if satisfied that the applicant will, during the period for which the certificate is to be in force, purchase diesel fuel for use as an off-road diesel fuel user. The section sets out the conditions that a certificate will be subject to.

23C. Off-road diesel fuel user endorsement on bulk end user certificate

The proposed section empowers the Commissioner to make an off-road diesel fuel user endorsement on a bulk end user certificate if satisfied that the person will purchase diesel fuel for use as an off-road diesel fuel user during the period for which the certificate is to be in force or during the unexpired period of a certificate if a certificate is already in force. A certificate with such an endorsement will be subject to the same conditions that an off-road diesel fuel user certificate is subject to.

23D. Variation of certificate

The proposed section empowers the Commissioner to substitute, add, remove or vary a condition of a bulk end user certificate or off-road diesel fuel user certificate, either on application or at the Commissioner's own initiative.

23E. Expiry of certificate, etc.

The proposed section provides that a bulk end user certificate or off-road diesel fuel user certificate expires on the third anniversary of the date of issue of the certificate and can be renewed on application for successive terms of three years. It also provides that the holder of a certificate may surrender it to the Commissioner at any time and that a certificate is not transferable.

23F. Form of application for issue, renewal or variation of certificate

The proposed section requires an application for the issue, renewal or variation of a bulk end user certificate or off-road diesel fuel user certificate or for the making of an off-road diesel fuel user endorsement on a bulk end user certificate to be made in a manner and form approved by the Commissioner and contain the information required by the Commissioner. It also requires an applicant to provide any further information that the Commissioner reasonably requires for the purposes of determining the application.

23G. Form of certificate

The proposed section provides for a bulk end user certificate or off-road diesel fuel user certificate to be in a form determined by the Commissioner.

23H. Offence relating to certificate conditions

The proposed section makes it an offence for a person to contravene or fail to comply with a condition of a bulk end user certificate or off-road diesel fuel user certificate and fixes a maximum penalty of $10 000.

23I. Cancellation of certificate, etc.

The proposed section empowers the Commissioner to cancel a bulk end user certificate or off-road diesel fuel user certificate or remove an off-road diesel fuel user endorsement from a bulk end user certificate by notice in writing to the holder. It also empowers the Commissioner to require the return or production of the certificate, makes it an offence for a person to refuse or fail to comply with such a requirement and fixes a maximum penalty of $5 000.

Clause 14: Amendment of s. 35—Controls during rationing periods

This clause makes minor consequential amendments.

Clause 15: Amendment of s. 42—Appointment of authorised officers

This clause provides for authorised officers under the *Taxation Administration Act 1996* to be authorised officers under the Petroleum Products Regulation Act.

Clause 16: Amendment of s. 44—Powers of authorised officers

This clause amends the Act to empower an authorised officer to require the holder of a bulk end user certificate or off-road diesel fuel user certificate to produce the certificate for inspection.

Clause 17: Amendment of s. 47—Appeals

This clause amends the Act to include a right of appeal to the District Court against a decision by the Commissioner relating to a bulk end user certificate or off-road diesel fuel user certificate, a claims for a subsidy or the issue of a notice under section 23 requiring payments to the Commissioner. The clause also makes changes that are consequential on the removal of *ad valorem* licence fees.

Clause 18: Repeal of Part 10

This clause repeals Part 10 which deals with the application of *ad valorem* licence fees.

Clause 19: Amendment of s. 50—Register

This clause amends the Act to require the Minister to keep a register of holders of bulk end user certificates and off-road diesel fuel user certificates.

Clause 20: Substitution of s. 52

52. Records to be kept of bulk transport of petroleum products

The proposed section requires a person transporting a quantity of petroleum products other than a retail quantity by road in a vehicle to carry in the vehicle a record containing the prescribed particulars and fixes a maximum penalty of $2 500 and expiation fee of $200 for non-compliance.

Clause 21: Amendment of s. 53—Records to be kept

This clause amends the Act to require persons who purchase eligible petroleum products pursuant to bulk end user certificates or off-road diesel fuel user certificates to keep invoices, receipts, records, books and documents as required by the Minister from time to time by notice in the *Gazette* for five years after the last entry is made and fixes a maximum penalty of $2 500 and expiation fee of $200 for non-compliance.

Clause 22: Insertion of s. 53A

53A. Falsely claiming to hold licence, certificate or permit, etc.

The proposed section makes it an offence for a person to falsely claim or purport to be the holder of a licence, certificate or permit and fixes a maximum penalty of $10 000.

Clause 23: Amendment of s. 56—Confidentiality

This clause amends the Act so that confidential information obtained by persons engaged in the administration of the Act can be disclosed in connection with the administration or enforcement of a corresponding law or for the purpose of any legal proceedings arising out of the administration or enforcement of a corresponding law.

Clause 24: Amendment of s. 61—Prosecutions

This clause amends the Act so that prosecutions for expiable offences against the Act must be commenced within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*.

Clause 25: Amendment of s. 62—Evidence

This clause amends the Act so that a certificate given by the Commissioner stating that a person was or was not the holder of a

certificate of a specified kind at a specified date is, in the absence of proof to the contrary, proof of the matters stated in the certificate.

Clause 26: Amendment of s. 64—Regulations

This clause amends the regulation-making power to enable the making of regulations authorising specified powers conferred by or under the Act to be exercised for the purposes of the administration or enforcement of a corresponding law.

Clause 27: Amendment of Schedule 1

This clause amends schedule 1 to change the reference to the *Stamp Duties Act 1923* to the *Taxation Administration Act 1996*.

Clause 28: Repeal of Schedule 2

This clause repeals schedule 2 of the Act. This is consequential on the removal of *ad valorem* licence fees.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Tuesday 17 March at 2.15 p.m.