LEGISLATIVE COUNCIL

Thursday 28 May 1998

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos. 39, 95, 99, 100, 105, 115, 122 and 124.

EMPLOYEE OMBUDSMAN

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

1. Will the Minister for Industry, Trade and Tourism investigate claims by the Employee Ombudsman in the Office of the Employee Ombudsman 1995-96 Annual Report that complaints regarding practices within the State Public Service with respect to separation practices and harassment appear to be increasing despite the Ombudsman's drawing attention to these concerns in the 1994-95 Annual Report, particularly those relating to harassment?

2. If found to be correct, what action does the Minister intend to curb this disturbing trend?

The Hon. R.I. LUCAS: I thank the honourable member for the question. The terms and conditions associated with the TVSP Scheme have not changed since 1994. However, there have been a number of policy decisions made by the Government to ensure that ex-government employees cannot be employed in government work, maintaining the integrity of the Scheme in an environment where particular government services have been contracted out. Those policy decisions have been fully communicated to all agencies.

The conditions relating to the non re-employment of TVSP recipients require that they be applied equally to all recipients, irrespective of seniority. The Commissioner for Public Employment is not aware of any instances where re-employment has occurred outside of agreed guidelines. However, if this was to occur, the Commissioner would investigate the matter and take appropriate action.

The Commissioner for Public Employment has advised that there is no evidence of an increase in the level of formal complaints from employees about harassment in relation to separation packages.

Sections 5(b) and (e) of the Public Sector Management Act 1995 require public sector agencies to treat employees fairly and consistently and afford employees reasonable avenues of redress against improper or unreasonable administrative decisions.

Awards and enterprise agreements covering government employees also have grievance and dispute resolution provisions. There are appropriate avenues available to employees to have any legitimate concerns in respect of harassment, victimisation or bullying addressed.

In order to ascertain the basis for assertions that there is an increase in the level of complaints, the Commissioner for Public Employment, in 1997, asked agencies to report to him on the incidence of grievance resolution matters.

The Commissioner has also recently released a Background Briefing Paper on Dispute Resolution which outlines best practice to resolve grievances. Consultation with the Employee Ombudsman indicated strong approval for the paper's advice to employees and managers.

TUNA FISHING

95. **The Hon. R.R. ROBERTS:**

1. How much money has the South Australian Government allocated to research projects on tuna fishing for the periods—
   (a) 1993-94;
   (b) 1994-95;
   (c) 1995-96;
   (d) 1996-97; and
   (e) 1997-98?

2. What Government departments or bodies are contributing to the research projects(s)?

3. Is the nature of the contribution financial, or some other form of contribution?

4. (a) Are any other bodies or associations contributing financially, or otherwise, to the research projects?
   (b) If so, what are their names and the nature of the contribution?

The Hon. K.T. GRIFFIN:

1. South Australian Government allocation to research projects on tuna fishing for the period 1993-94 to 1997-98: The approximate South Australian Government allocation of funds to tuna aquaculture research projects through SARDI has been:

Year	Salary-In-Kind (no on-costs[1])	Salary – State Government Grants	Capital
1993-94			$15 000[2] water quality meter
1994-95	$22 570[3]	$68 000 RIADF	$42 000[4] pontoon and microscope
1995-96	$22 570[3]	$68 000 RIADF	
1996-97	$22 570[3]	$68 000 RIADF	
1997-98	$22 570[3]	$60 000 PIRSA (Farmed seafood initiative)	$50 000[4] boat

[1] Does not include oncosts which recognise SARDI's contribution of corporate support, research administration and infrastructure support to projects which can be calculated as a 2.4 multiplier on salaries.

[2] The equipment is used predominantly on the tuna project but has also been used on other projects.

[3] The figure is based on a 35 per cent contribution of the Aquaculture Program Leader and 7.5 per cent contribution of the Pig and Poultry Production Institute Nutritionist to the Cooperative Research Centre for Aquaculture, Tuna Feed and Strategy Development project, based on present salary levels.

[4] The equipment has a long life and may well be used on other projects in the future.

2. The South Australian Research and Development Institute (SARDI) is the primary South Australian government agency contributing to research on tuna aquaculture.

In the past, the Government contributed to tuna research through the Rural Industry Adjustment Development Fund (RIADF).

3. Contributions include salaries and on-costs, capital and capital depreciation and infrastructure.

4. (a) One of SARDI's major tasks has been to disseminate and promote the opportunities for research on farmed southern bluefin tuna, in order to attract external funding to ensure that a more adequate level of research services is available to this rapidly developing industry than presently exists in South Australia.

(b) One mechanism to expand research opportunities was for SARDI and the Tuna Industry to become participants of the national Cooperative Research Centre (CRC) for Aquaculture.

Other mechanisms have been for SARDI to seek external R&D funding for industry priority research through:

- AusIndustry
- Lower Eyre Regional Development Board
- CRC for Aquaculture
- Fisheries Research and Development Corporation
- Tuna Boat Owners Association of South Australia

SARDI also provides support services (and/or infrastructure) to facilitate the involvement of others in collaborative or independent research, for example:

- Centre for Food Technology
- Queensland Department of Primary Industries—post harvest technology;
- CSIRO—energetics and archival tagging;
- Flinders University—health;
- Japanese Overseas Fishery Cooperative Foundation—aquaculture industry development;
- University of Adelaide—environmental;
- University of Queensland—health;
- University of Stirling, Scotland;
- University of Tasmania—health

These organisations have contributed significantly by way of in-kind contributions, again through salaries and oncosts as well as infrastructure.

The tuna industry itself has also committed substantial funding each year since the initiation of tuna farming in about 1990 by way of research consultancies, infrastructure and personnel.

The present FRDC-CRC Southern Bluefin Tuna Farming Sub-Program, over three (3) years involves a contribution of about $400 000 cash and about $3 760 000 in-kind through the CRC for Aquaculture (which is the research provider and comprises a number of research agencies (including SARDI) and the Tuna Industry), $1.5 million in cash from the Fisheries Research and Development Corporation (FRDC), and $769 410 in-kind from other participating non-CRC research agencies and commercial companies.

SPEEDING FINES

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

1. How many motorists were caught speeding in South Australia between 1 January 1997 and 31 December 1997 by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means;
   for the following speed zones—
   60-70 km/h;
   70-80 km/h;
   80-90 km/h;
   90-100 km/h;
   100-110 km/h;
   110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Police that the number of speeding offences issued to motorists for the period 1 January 1997 to 31 December 1997 for each of the following categories are:

Speed Camera

Speed Camera Offences Issues/Expiated
1 January 1997 to 31 December 1997

Vehicle Speed	Issued Number	Issued Amount $	Expiated Number	Expiated Amount $
60—69 km/h	175	36 495	72	15 663
70—79 km/h	212 672	27 707 348	155 899	20 048 598
80—89 km/h	19 494	3 444 569	12 253	2 149 697
90—99 km/h	28 516	4 175 798	20 888	2 942 600
100—109 km/h	11 045	1 721 989	6 880	1 041 758
110 km/h + over	3 269	647 893	3 135	516 637
TOTAL	275 171	37 734 092	199 127	26 714 953

Laser Guns

SAPOL does not maintain separate statistics for speeding offences detected by ‘laser guns’.

Other Means

SAPOL does not maintain statistics for speeding offences detected by ‘other means’.

SPEED CAMERAS

100. **The Hon. T.G. CAMERON:** How many speed cameras were operating in Adelaide and the metropolitan are on Saturday, 11 October 1997?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Police that speed camera operators worked day and afternoon shifts with staggered commencement times on Saturday 11 October 1997. Day shifts commenced from 6 a.m. to 8 a.m. and afternoon shifts from 2 p.m. to 4 p.m.

A total of eight speed cameras were operating during the day shift and nine during the afternoon shift.

SEAT BELTS

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

1. How many people have been issued fines for failing to wear a seat belt for the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

2. How much revenue has been raised by fines for failing to wear a seat belt for the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

3. How many people have been killed or injured due to failing to wear a seat belt for the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that the number of fines issued to people for failing to wear seat belts and the revenue raised for this offence for the financial years 1994-95, 1995-96 and 1996-97 are depicted as follows:

SAPOL does not keep data on how many people have been killed or injured due to failing to wear a seat belt.

	1994-95		1995-96		1996-97	
Failing to wear seat belt	Number	$	Number	$	Number	$
Driving M/V-Pass Fail wear s/b c/rst (1-15 years)						
Issued	258	34 138	234	31 312	326	45 336
Expiated	170	22 296	132	17 586	168	23 297
Dve M/V pres clss pass fail wr-c/resp less 1 year						
Issued	23	3 061	22	2 962	24	3 328
Expiated	12	1 580	12	1 618	10	1 391
Fail to wear seat belt-Passenger						
Issued	598	78 456	470	62 561	793	110 722
Expiated	335	43 875	233	30 943	493	68 446
Fail to wear seat belt of or above 16 years of age						
Issued	5 155	677 923	3 977	531 139	7 334	1 023 053
Expiated	3 747	491 095	2 647	352 464	5 150	715 572
Grand Total						
Issued	6 034	793 578	4 703	627 974	8 477	1 182 439
Expiated	4 264	558 846	3 024	402 611	5 821	808 706

SPEED CAMERAS

115. **The Hon. T.G. CAMERON:** With the introduction of the 18 new speed cameras progressively replacing the 14 old speed cameras, will there at any time in the process be more than 18 speed cameras in operation?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that it is intended that the existing speed cameras will all be withdrawn from service when the replacement speed cameras come into operation. There will not be any more than 18 speed cameras in operation at any one time.

LASER GUNS

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

1. Do the operators of laser guns have any discretion to let people caught speeding off with a warning?

2. If so, how many warnings were given by laser gun operators during 1997-97?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police as follows:

1. Operators of laser guns do have a discretion as to when they report or caution an offender.

2. It is not possible to give numbers of cautions issued in a particular year as that specific information is currently not recorded on a database.

READY, SET, GO, PROGRAM

124. **The Hon. SANDRA KANCK:**

1. What was the combined expenditure on the 'Ready, Set, Go' youth employment programs in 1997?

2. What was the expenditure on 'Ready' program in 1997?

3. What was the expenditure on 'Set' program in 1997?

4. What was the expenditure on 'Go' program in 1997?

5. How many student were involved in work placements in South Australian Certificate of Education courses as part of the 'Go' program in 1997?

6. What was the Government's expenditure for the WorkCover Levy Subsidy Scheme for newly employed young people in 1997?

7. How many employees qualified for the WorkCover levy subsidy in 1997?

8. What was the Government's expenditure for the Payroll Tax Rebate Scheme for newly employed young people in 1997?

9. How many employees qualified for the payroll tax rebate in 1997?

10. Does the Minister for Youth believe the Government's Youth Employment Strategy has been a success?

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

1.

Ready	$260 000
Set	$424 000
Go	$3 420 000

2.

Program	Activity	1997 Expenditure $
Key Competencies	Resource material development and production Information strategy for school leaders	140 000
Enterprise education	3 clusters of enterprise schools selected	120 000
		$260 000

3.

Program	Activity	1997 Expenditure $
District careers advice services	Funding provided to school districts to establish stronger district approaches to career eduction and the development of school/industry/community networks in such programs	322 000
Mentoring projects	Piloting of mentoring programs to research the usefulness of such an approach for students at risk and young adults returning to school	15 000 (committed)
Pathway planning projects	Funding provided to redevelop the personal portfolio and develop and trial a pathway planner for secondary students	87 000 (committed)
		$424 000

4.

Program	Activity	1997 Expenditure $
Regional VET Development and coordination	Funding provided directly to districts to establish district structures and school/TAFE/industry networking arrangements to support and coordinate the provision of VET across schools at the local level	1 610 000
VET in schools (including school based apprenticeship)	Funding provided directly to school to: · develop long term plans for VET in schools delivery · develop and deliver VET programs in 1997 · develop programs for implementation in 1998	1 170 000
Students at Risk Workplacement programs	Funding used to implement 5 specific school to work programs for targeted groups of students	300 000
Community Service Placements	Schools funded directly to establish links with local community organisations to develop programs for students that develop general vocational competencies in the community	140 000
Professional Development, Educational	Developed and implemented a strategy to produce Models of Good Practice across ten industry areas to support the delivery of VET in schools	200 000 (committed)
		$3 420 000

5.

	1997	1998 Projection.
Number of DETE schools	Metropolitan 22 Country 20	Metropolitan 43 Country 55
Number of programs	70 programs	Approximately 250 programs
Number of students participating	2 417 students	Approximately 7 500 students
Industry coverage	· General/Cross Industry · Agriculture · Horticulture · Retail · Office and Public Administration · Automotive · Hospitality · Tourism · Transport · Metals/Engineering · Viticulture · Building and Construction · Community Services and Health · Furniture and Construction · Sports and Recreation · Electronics · Information Technology · Stablehand	In addition to 1997 coverage: · Fishing Pathways · Food Processing · Forestry · Arts · Polymer · Multimedia · Food and Beverage

The Minister for Government Enterprises has provided the following information.

6. For the 1997 calendar year, the Government's expenditure on the WorkCover Levy Subsidy Scheme was $1 106 000.

7. In 1997, the WorkCover Levy Subsidy Scheme was accessed by 2 039 workers in relation to 1 081 employers.

As Treasurer, I advise that:

8. The Payroll Tax Young Persons Employment Incentive Scheme operates on a six monthly basis, with employers being given a further six months after that in which to lodge their rebate application forms.

During the period 1 January 1997 to 30 June 1997 for applications that were received up to 31 December 1997, expenditure was $200 751. Expenditure for the period 1 July 1997 to 31 December 1997 which will not be fully realised until 30 June 1998 was (as at 30 March 1998) $125 656. Therefore, total Government expenditure in respect of the 1997 calendar was (as at 30 March 1998) $326 407.

9. The number of employees that qualified under this rebate in 1997 was (as at 30 March 1998) 1 309.

The Minister for Youth, and Employment has provided the following information.

10. As required under the Cabinet guidelines, each component of the Youth Employment Strategy is presently undergoing an independent evaluation following the first 12 months of their operation. Evidence to date suggests that many aspects of the Youth Employment Strategy have been a success, however, these formal evaluations will provide the Government with detailed advice on the benefits of each initiative.

EMERGENCY SERVICES FUNDING

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Police, Correctional Services and Emergency Services, in another place this day, on the subject of funding of emergency services.

Leave granted.

The Hon. K.T. GRIFFIN: I also seek leave to table a copy of the report to the Minister for Justice and the Minister for Police, Emergency Services and Correctional Services on funding arrangements for emergency services in South Australia by the Emergency Services Funding Review Steering Committee.

Leave granted.

QUESTION TIME

BAKEWELL BRIDGE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before directing a question to the Minister

for Transport concerning the Bakewell Bridge in the inner western suburbs.

Leave granted.

The Hon. CAROLYN PICKLES: I ask this question on behalf of the member for Peake in another place, who is a tireless advocate for road safety in his community. Back in December the member for Peake raised this issue in a grievance debate and I later raised my concerns with the Minister. In response, by letter addressed to the member for Peake dated 2 February 1998, the Minister commented that the Bakewell Bridge had been 'temporarily repaired to a standard similar in strength to the original barrier'. Two weeks ago, and despite pleas by the member for Peake for Government action, another young man lost his life on the bridge in a car accident.

Research that the member for Peake has undertaken indicates that the Bakewell Bridge far outstrips any other bridge in metropolitan Adelaide in terms of the number of fatalities that have occurred thereon. In the Minister's patronising comments yesterday, she suggested that the member for Peake required arts counselling. I now ask the Minister: who will counsel her on the need to improve road safety in the member for Peake's electorate? My question to the Minister is as follows: when will the Minister instruct her department to immediately complete repairs to the bridge before we have yet another death or serious accident?

The Hon. DIANA LAIDLAW: The honourable member knows that repairs have been made to the bridge. The chainmesh fencing was temporarily repaired to a standard similar in strength to the original barrier, pending an investigation by Transport SA of options for repairing the fencing. I should alert the Council that this is not a dorothy dix question, but I am well informed on the subject. It is relevant to note that we have an anticipated replacement date.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The anticipated replacement date for the Bakewell Bridge is the year 2005 and the estimated replacement cost in today's dollars is $7 million. Pier strengthening works are due in the coming financial years 1998-99 and 1999-2000 at a total estimated cost of $600 000. Pedestrian usage of the bridge is limited mainly to alighting from or waiting for a bus at the stop situated on the bridge. The stairs to the ground level are located adjacent to the stop, so pedestrians need not walk along the bridge or footpath.

Transport SA advises that the annual daily average traffic on Bakewell Bridge is 21 400 vehicles. A range of repair options have been considered and the honourable member would require no less, in terms of taxpayers' money and road safety options, than that all repair options be considered. The repair option that has been selected is the installation of a W-beam guard fence, retaining the existing chainmesh fencing where possible and replacing it where necessary with fencing that will not present a hazard in case there is an accident and a motor vehicle or individuals are speared therein.

This repair option is estimated to cost $120 000. It will effectively contain pedestrians and errant vehicles to the bridge footpath and the carriageway respectively. That cost is in addition to the $600 000 that has been estimated for the pile strengthening works this coming financial year and the following financial year. The $120 000 has been included in Transport SA's 1998-99 budget, which the Treasurer will bring down within an hour, and I have asked for and been given a guarantee that within five weeks this work will be undertaken as a priority within the next financial year. I think the honourable member would support me in seeking that undertaking, and Transport SA has given such an undertaking. I do not want to dwell on this issue, but I highlight that the Government and I do not need any counselling on road safety issues. We have a juggling exercise between the demands of members of Parliament, plus the Government's commitment to construction works on roads for creation of jobs, as well as road safety issues.

I highlight and take issue with the member for Peake's suggesting that the Government has contempt for the western suburbs regarding this issue or transport generally. He would be aware that, amongst others, the former Mayor of West Torrens has been on the public record congratulating this Government for more work being undertaken in the western suburbs than any other previous Labor Government and when Labor members held the western suburbs seats. I will highlight for the record and for accuracy the following work: the Port Road and the Hindmarsh Bridge project, the Adelaide Airport and all the Tapleys Hill Road extensions and deviations, and the Burbridge and Hilton Roads upgrades, to name just a few of the major investment decisions that have been made by this Government—

The Hon. K.T. Griffin: Is Henley Beach Road one of those?

The Hon. DIANA LAIDLAW: Yes, most definitely—over the past four years. Further funding will be in the budget, which is to be announced by the Treasurer soon, for the western suburbs. I expect the member for Peake to applaud the Government's commitment to the western suburbs.

ROAD SAFETY

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the new Highway 1 junction at Port Wakefield, now dubbed 'Crash Corner'.

Leave granted.

The Hon. CARMEL ZOLLO: During a recent visit to Yorke Peninsula, several constituents raised their concerns over Crash Corner, and motorists are finding the junction confusing, as do I. Their concerns were echoed this week in the Yorke Peninsula *Country Times*. The report states that, since the junction opened in March this year, there has been one accident a fortnight at the junction. This excludes minor collisions and near misses. Over the May long weekend, there were two serious incidents, one reportedly in which a 60 year old woman passenger narrowly missed death. I understand that local police have made known their fears about the junction to the department. The Yorke Peninsula *Country Times* reports:

> The main feature of the intersection is the T-junction where Yorke Peninsula traffic travelling to Port Wakefield Road gives way to national highway traffic. People turning right at the T-junction have their own turning lane and solid median strip, and only need to give way to national highway traffic on their right.

A feature which makes the intersection unique in regional South Australia is that most motorists must merge to the left and not to the more usual right. In light of the reported high frequency of accidents and in order to avoid the associated high costs, estimated at between $20 000 to $30 000 for just the last reported accident at the junction last week, and more importantly to avoid future potential human tragedy, can the Minister advise what action her department is undertaking to

address the problem in both the short and long-term? What preliminary research was undertaken before the implementation of this unusual junction? Will the Minister assure motorists that apparent design flaws such as this will not recur on our major roads?

The Hon. DIANA LAIDLAW: This issue has been around since well before I became Minister for Transport, and I have spent considerable time talking with people in the Port Wakefield area—local council representatives plus local business people within the Port Wakefield area. As the honourable member would know, the road junction is part of the national highway system, so there have had to be discussions with the Federal Government as well, and it is Federal Government funding that has been made available for this work to be undertaken. There was a lot of discussion in terms of what was required at the junction. There was further community consultation at the design stage, and the designs were signed off by local council and at a community meeting. So the community has been involved throughout the process.

I am very aware from comments by the member for Goyder (the local member) that he is most concerned that despite all the community consultation and engineering advice there appear to be difficulties in using the crossing and that, therefore, as a matter of priority, Transport SA engineers are working with the local community to look at these issues. I agree with the honourable member that there is concern about the operation of that junction. The departmental officers are taking that matter seriously, as am I, and in association with Federal officers they are looking at what measures can be taken to address those concerns.

MOTOR VEHICLES, LUXURY

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before again asking the Minister for Transport and Urban Planning a question about small passenger vehicles.

Leave granted.

The Hon. R.R. ROBERTS: Some months ago, I was approached by some constituents in the luxury car industry with concerns about regulation No. 8 of 1998 passed at Executive Council on 22 January 1998 and brought into effect on 1 February 1998. These regulations cover a range of issues within the taxi and hire car industry. My concerns relate to those conditions which deal with the accreditation of small passenger vehicles (traditional) and small passenger vehicles (metropolitan). There are other concerns which it is not my intention to go into as those matters are being looked at by the Legislative Review Committee.

The complaint that was made to me some time ago by my constituents was that the regulations in respect of the minimum wheel base are causing a problem not only for them but for local manufacturers. The minimum of 2.8 metres has been specified as an indicator of the high standard of vehicle which is expected in the small passenger vehicle area. I have no problem with that—I believe that there ought to be high standards. These conditions apply to both small passenger vehicles (metropolitan) and small passenger vehicles (traditional).

This has caused a problem for one of our largest manufacturers: Mitsubishi Motors. Under these regulations, Mitsubishi is excluded. My constituents believe that there is some sort of conspiracy against that company. That may or may not be the case—I am not prepared to speculate. What does concern me is that one of our major manufacturers of a luxury car, its top of the range vehicle, is being excluded because it does not meet the standards of quality of the Passenger Transport Board for use in this area of public transport.

I am also advised that the Holden Calais, which is produced at Elizabeth, is also excluded from this class of vehicle. If I may be bold enough to offer an opinion, I think that it is somewhat strange that two of our major motor vehicle manufacturers have been excluded from the luxury car market on the basis that they do not meet this criterion. It has been the proud boast of this Government and this State that we produce the highest quality materials and goods. So, it seems strange that these two important motor vehicle manufacturers are being excluded.

I do not want to examine in any length the conspiracy theory, but I believe it is about time that this matter was looked at. I do not want to look at the whole of the regulations: I want to raise this matter in another place. My question is: will the Minister suggest that the Passenger Transport Board include manufactured luxury cars in the category of small passenger vehicle (traditional) and small passenger vehicle (metropolitan) especially in relation to the Mitsubishi product and the Holden Calais?

The Hon. DIANA LAIDLAW: The honourable member refers to a comprehensive package of regulations that were introduced from 1 February to address the issue of standards in the operation of small passenger vehicles and taxis. I am very pleased to see that in his rambling explanation the honourable member indicated that he believes that there should be higher standards, and that is the position the Government adopted in looking at the operations and practices of those two parts of the passenger transport industry. I believe that the honourable member would not repeat outside this place any suggestion that there is a conspiracy, because I think he would offend representatives of the Passenger Transport Board. I do not know who he thinks is conspiring in this matter. Perhaps he would brief us on who he thinks is conspiring; whether it is an officer in the PTB or me or Cabinet as a whole or members of the Passenger Transport Board. I am not sure where he is trying to direct the accusation of conspiracy. I suspect that it is a pretty scatter gun approach, because he does not quite know what he is talking about and he does not know quite what the issues are.

I would say that in this matter the Government has acted in the best faith and in the interests of fair play at all times. The recommendations which the Passenger Transport Board forwarded to me and which I took to Cabinet were signed off by the Licensed Chauffeured Vehicle Association. It is in fact its recommendations that the Passenger Transport Board ultimately supported, as did Cabinet and I. The whole package of these recommendations—not just the two issues that the honourable member has raised in this place—has been made in consultation with the Licensed Chauffeured Vehicle Association and the Taxi Association. I will bring to this place next week correspondence highlighting the support of the Licensed Chauffeured Vehicle Association for the measures the Government has adopted. I am sure that the Licensed Chauffeured Vehicle Association will be presenting evidence to the Legislative Review Committee, given that it is looking at this issue at the present time.

The Hon. R.R. ROBERTS: As a supplementary question: does this mean that the Minister will not be making submissions to the Public Transport Board in support of

Mitsubishi Motors, one of our most prominent manufacturers of luxury cars in South Australia?

The Hon. DIANA LAIDLAW: I have already addressed that question in my answers given to date.

LIVING HEALTH

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer a question about Living Health.

Leave granted.

The Hon. A.J. REDFORD: Yesterday the Treasurer announced his intention to disband Living Health and guaranteed that administrative changes would not affect grants for health, sport and the arts. In the announcement the Treasurer referred to the report of the Economic and Finance Committee last year which recommended the disbanding of Living Health. Further, the Treasurer pointed out that the recommendation was unanimously supported by Messrs Foley, Blevins and Quirke—all from the ALP. I have read the report and I must say I am left in the position that the report is comprehensive and logical. Following the announcement yesterday, the member for Elizabeth, Ms Lea Stevens, made a number of comments in the media. Indeed, as shadow Minister for Health Ms Stevens condemned the decision on television last night. I remind members of the following statement made by Ms Stevens to the House of Assembly on 24 July last year:

> I support the recommendations of the report.

She continued—

The Hon. R.I. Lucas: This is Lea Stevens?

The Hon. A.J. REDFORD: Yes, the very same one. She continued:

> It seems that Living Health has lost its focus in terms of its prime role of reducing tobacco smoking. The outcomes show that, and. . . I note that the committee referred to duplication and overlap in programs and I agree with its comments. I also note its comments on the distribution of grants. I have heard from organisations and groups in the community that, because Living Health puts its money mostly through peak bodies, often it does not find it way out into the community and covering all the people who should be covered. . . It is time to have another look. I agree with what the committee recommends.

The role of the shadow Treasurer, the member for Hart, the spokesperson for everything, is even more interesting. Only last week he pushed Paddy Conlon to one side and talked about local government on the ABC. Morning radio gets Kevin on every day on every topic, and yet on Living Health he has been conspicuously silent. I know that Kevin Foley's odds of being Leader of the Opposition by the next election are pretty low. Indeed, it is my view—and I think he believes the same—that he will be Leader in about six to eight weeks—and members opposite know why. Many members opposite agree with me. What Kevin Foley—

The Hon. CAROLYN PICKLES: I rise on a point of order, Mr President. There is a great deal of a opinion in the preamble to this question. I suggest that the honourable member get on with it.

The PRESIDENT: I agree with the point of order. There have been a number of questions and answers containing opinion. I ask members to cut it out if they can.

The Hon. A.J. REDFORD: I am grateful, Mr President, for your guidance, as usual. The honourable member is obviously being left out of the counting. What Kevin Foley said on 24 July last year was:

> As a member of the Economic and Finance Committee, I support the report. . . The reality is that the Economic and Finance Committee undertook appropriate reviews of a substantial area of Government funding. Good work was done and people can now judge whether or not the recommendations should be implemented.

He continued and repeated that he supported the report. People have asked me this morning, 'Where's Kevin?' The would-be Treasurer and perhaps Premier has gone missing. There is speculation that he is counting numbers. What is of concern though, Mr President, is that some people are saying that the honourable member is a populist, that he will not stand up and make hard decisions. Others are saying that he is quiet because he will get rolled in Caucus next week.

In view of these comments, and the unexplained absence of the shadow Treasurer on this issue, my questions to the Treasurer are as follows:

1. Has the Treasurer heard any public comments of support from either the member for Hart or any other ALP member in relation to yesterday's announcement?

2. Has the Government taken on board the comments made by members Blevins, Stevens and Foley on 24 July 1997?

3. Does the Treasurer have any comment on the statements attributed to the Arts Industry Council President, Mr Giles, in this morning's *Advertiser*, and, given the High Court decision, is it possible to permanently quarantine funding to Living Health or any other body under current funding arrangements?

The Hon. R.I. LUCAS: I must thank the honourable member for his research on this issue. I had not recalled the statements of Lea Stevens in June or July last year.

The Hon. Diana Laidlaw: Clearly she doesn't either!

The Hon. R.I. LUCAS: Exactly! Clearly the honourable member does not remember her comments in June or July last year. Indeed, if anyone has lost focus, as someone said earlier, it would appear to be the member for Elizabeth, Lea Stevens. As the Hon. Mr Redford has indicated in that quote, she did not hedge her bets last year at the time of the report being released. She was unequivocal, she ploughed in and got stuck right into Living Health in terms of having lost its focus and the complaints she was hearing about it in the community.

The Hon. T.G. Cameron: And she was right.

The Hon. R.I. LUCAS: And Terry Cameron says she was right. It is good to have Terry Cameron on the record saying that she was right.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, he's at least one vote. In response to the Hon. Mr Redford's question, I have not heard any public statements from Labor members supporting the Government's decision. I have, however, heard quite a number of private comments in the Parliament from Labor members who said, 'Well, about time; we recommended it.'

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: A number of them have been named already. They indicated themselves in June and July.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, I will not reveal the nature of my private conversations. If something is confidential, it will stay confidential with me.

The Hon. L.H. Davis: If you speak with forked tongues, that's your problem, not ours.

The Hon. R.I. LUCAS: Exactly.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: A number of your colleagues who are very strong supporters of the views that were put down last year by Kevin Foley and Lea Stevens. Terry Cameron publicly identified himself today as one of those when he indicated that Lea Stevens was right in her comments in June or July last year. In relation to the comments made by Mr Giles, I understand—and obviously all the spokespersons for their respective community or interest groups will seek to put a strong view from their viewpoint—

The Hon. Diana Laidlaw: Not an informed view, though.

The Hon. R.I. LUCAS: I will leave the Minister for the Arts to handle the arts spokesperson, as I am sure she will do in her inimitable way, in the coming weeks.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Previously Living Health was funded from 5.5 per cent of tobacco franchise fee revenue. The brutal reality is that we no longer have access to that funding base. The Government had to make a decision on whether it wanted to appropriate money, which it could have done as a Government appropriation on a year by year basis but not a hypothecated percentage of tobacco fee franchise revenue, which we no longer collect. I will leave the discussions with Mr Giles to the Minister, who I am sure will handle it in her inimitable way.

The Hon. A.J. Redford: Where's Kevin?

The PRESIDENT: Order! There is a member on her feet.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking a question of the Minister for Transport, representing the Minister for Human Services, on attention deficit hyperactivity disorder.

Leave granted.

The Hon. SANDRA KANCK: Attention deficit hyperactivity disorder or ADHD (as I will call it from here on) has received a lot of media coverage with a series of articles in the Messenger press. Local researchers Atkinson, Robinson and Shute recently had an article published in the *British Journal of Education and Child Psychology*. They said:

> ADHD is having a wide impact in Australia. Disruptive behaviour at home produces high levels of stress in parents and children, sometimes stretching relationships to breaking point. Pressure is placed on teachers to maintain discipline and facilitate learning, despite the academic difficulties often associated with ADHD. School administrators are expected to provide adequate resources for teachers at a time when real term funding for Government schools is declining. A range of health professionals, including doctors and psychologists, is approached with the expectation that they can make these children 'normal'. Politicians are lobbied to provide resources for counselling and support agencies for families, and for subsidised medication and disability allowances.

In December last year the National Health and Medical Research Council released a list of recommendations in response to growing awareness of ADHD including: a combined response from education, health and welfare sectors to address the issues related to this condition; a multimodal approach to treatment that emphasises a range of treatments, not just the prescription of medication; and, that services and resources be provided by State Governments as ADHD is not deemed a Federal 'special needs' category.

The NHMRC report noted long-term and significant issues surrounding ADHD, including family stress and breakdown, domestic violence, substance abuse, low self-esteem and associated depression and youth suicide. I understand that the South Australian Government has set up an interagency working group to make recommendations in response to ADHD, which is indeed pleasing. I ask the Minister the following questions:

1. Is the Minister aware of the NHMRC report and, if so, how is the interagency group responding to those recommendations?

2. Given the NHMRC recommendation that a multimodal approach should be used, what action is the Government taking to ensure that the prescribing of pharmaceuticals is not the sole method to treat ADHD?

3. Given Atkinson's concerns about the socioeconomic barriers to ranges of treatment, what action is the Government taking to ensure that all South Australians affected by ADHD have equal access to the best treatment?

4. Is the Minister aware of any problems with misdiagnosis of ADHD and any cases of inappropriate prescribing of medication which tighter guidelines on treatment of ADHD could prevent?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

RACING BROADCASTS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement prior to asking the Minister representing the Minister responsible for racing about ABC broadcasts.

Leave granted.

The Hon. CAROLINE SCHAEFER: As is often stated in this place, the racing industry is just that in South Australia—a very important industry and not just a sport. It employs over 11 000 people and pays Government taxes of over $23 million per year. The Racing Industry Development Authority handles a $35 million per annum budget, although I do not know what it will do after today. It is an important industry and many of the punters, breeders and owners live and work in remote and regional areas of South Australia.

The ABC recently announced that it would cut racing broadcasts on regional radio. TAB Radio claims that it can cover these areas, but my experience is far from that—there are many flat areas around rural and regional South Australia that battle to get ABC broadcasting, let alone anything weaker than that.

Will the Minister take every possible action with his Federal counterpart and the ABC to have their decision reversed, and will he indicate what actions are being put in place, if any, to ensure that racing broadcasts are maintained in rural South Australia?

The Hon. R.I. LUCAS: I will take up the honourable member's question with the Minister and bring back a reply.

TREASURER

The Hon. T.G. CAMERON: Before asking a question, I seek advice from you, Mr President. Is it in order for me to move an amendment to yesterday's resolution allowing the Hon. Mr Lucas to attend the House of Assembly? I would like to move that we allow the Hon. Legh Davis to go with him in case he gets asked any difficult questions.

The PRESIDENT: I understand that the honourable member cannot do so.

SPEED LASER GUNS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions concerning the availability of police laser gun figures.

Leave granted.

The Hon. T.G. CAMERON: On 18 February this year I asked a number of questions on notice directed to the Attorney-General regarding the number of motorists caught speeding and the amount raised by way of fines. In his reply of 26 May, the Attorney-General supplied information advising of the numbers caught and the fines raised in relation to speed cameras, but not for laser guns. Apparently they were unavailable.

Whilst it is pleasing the Government has been forthcoming with figures for speed cameras—and I have probably asked 50 or 60 questions about them, and appreciate the fact that in all cases they have answered my questions, which is good, open, transparent government—I find it a little disturbing that the same figures are not available for laser guns. My questions to the Attorney-General therefore are:

1. Why are the figures for numbers caught speeding by laser guns and the amount of fines imposed unavailable?

2. Will the Government undertake to alter procedures and/or computer programs so that laser gun figures are made available as they are for speed cameras?

3. Will the Minister confirm whether any of the four new high-tech speed cameras are currently in operation and, if not, when will they come into operation?

4. Will the new hi-tech speed cameras be able to be dashboard mounted?

5. Will the Minister release publicly the answers to the Hon. Julian Stefani's question without notice of 17 March dealing with the location and operation of speed cameras on the Australia Day weekend?

The Hon. K.T. GRIFFIN: They are questions which obviously I will have to take on notice. I will obtain some information and bring back replies but, as the honourable member said, he has asked a lot of questions on offences, speeding, lasers and cameras, and a significant amount of work has gone into providing the answer. I am delighted that he is pleased with the response that he has received. I hope he will be equally pleased with the response I bring back on this one.

HOME AND COMMUNITY CARE PROGRAM

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Disability Services and Minister for the Ageing a question relating to the Home and Community Care program.

Leave granted.

The Hon. J.S.L. DAWKINS: I note that today the *Advertiser* has published a letter from the Federal Minister for Family Services, Hon. Warwick Smith, regarding the Home and Community Care program (HACC). In his letter Mr Smith expresses disappointment that the State Government has claimed that the shortfall in Commonwealth funding is driving moves to introduce fees for HACC programs. Can the Minister advise the Council whether any consideration has been given to charging fees for the HACC program in this State?

The Hon. R.D. LAWSON: I thank the honourable member for his question and I am aware of his interest in the Home and Community Care program, particularly in so far as that program supports services in regional and rural South Australia. I did read the Federal Minister's letter in today's *Advertiser* and I should say at the outset that I think the Federal Minister, Hon. Warwick Smith, has performed his difficult duties in the portfolio of Family Services very well and, having negotiated with him over the renewal of the Commonwealth-State Disability Agreement, I was impressed by the very positive approach that the Federal Minister took to difficulties that the States face in that area.

In his letter the Federal Minister refers to the suggestions, apparently made in an earlier article in the *Advertiser*, that the aged care reforms introduced by the Federal Government had reduced the level of the number of people entering nursing homes. Certainly, I have seen, as would other honourable members, many claims by political opponents of the Federal Government that its new measures are reducing the number of people entering nursing homes.

However, as the Minister correctly points out, the official occupancy figures in South Australia have shown that since those new arrangements started in October occupancy levels have in fact increased. In the short time of the new programs, the Minister is entirely correct to point out that fact, which his political opponents are levelling at him.

The Federal Minister goes on to say that the HACC program in South Australia has grown by more than 14 per cent over the past two years. That is correct. In 1997-98 we spent about $70 million on this program, and that is a substantial increase. The ageing 10 year plan of the State Government has implemented a policy that our level of contribution to HACC programs will increase over the next few years.

I am delighted also to see that the Federal Minister has mentioned that a further 5 per cent in funding will be available nationally over the next financial year. I do look forward to the Commonwealth's contribution in this State of that magnitude.

However, I must say that where I part company with the Federal Minister is his disavowal of any Commonwealth responsibility for the introduction of fees in the Home and Community Care program. I should say that the possibility of fees being introduced across the board in the HACC program has been under discussion within the sector for a number of years, but there has been no over-arching policy.

In the 1996 budget the Commonwealth announced and made perfectly clear that future growth funding from the Commonwealth into this program would assume a contribution by agencies from fees of 20 per cent. It was that measure by the Commonwealth that has brought the possibility of fees to the forefront. Presently about $6 million is being collected in fees in HACC programs in South Australia, notwithstanding the absence of any requirement or compulsion by the State Government.

Admittedly, almost $4 million of that is funds collected by Meals on Wheels, and that is a particular form of home and community care in which the sector and the recipients have traditionally been used to paying a fee. Currently under the mechanisms that are in place agencies such as Meals on Wheels retain within their own organisation, for their own programs and for providing the services, the fees that they are able to collect.

A number of other agencies collect fees, but there is no consistency across the sector and obviously there are very differing capacities to collect fees, depending upon the nature of the services and the particular clientele being serviced, for example, those receiving counselling and information

services through HACC are disinclined to pay fees because that happens to be the type of service for which the community has not customarily paid, whereas, as I mentioned, Meals on Wheels is one area where payment is accepted.

The mechanisms for collecting fees, if a fees policy is introduced by the State Government, are complex because we are dealing with a large number of people—between 20 000 and 30 000—many of whom have disabilities, most of whom are elderly and, on the information available to us, most of whom have as their sole source of income Social Security payments.

The mechanism by which fees might be collected does pose great challenges, and that has been found in Victoria and Tasmania which, to date, are the only States to have introduced fees. The way in which multiple services are charged is another issue of considerable difficulty in implementing a fees policy. Members will appreciate that many recipients of HACC services receive a number of services; for example, they might receive some personal care services, service from the Royal District Nursing Service, or a transport service. They might receive more than one of those services in any one week. Obviously, there are difficulties in levying a number of charges for each incidence of service.

The Government has not yet made a decision on implementing a fees policy and, more particularly, if a fees policy is implemented, what direction that will take. So, I do take issue with the Federal Minister where he says in his letter that it really is only the prerogative of each State to introduce fees in consultation with service providers. If that measure is taken in this State, it will be really be predicated on the fact that in 1996 the Commonwealth made clear that our future funding of this important program would suffer if fees were not collected.

POLICE FORCE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about targeted voluntary separation packages.

Leave granted.

The Hon. IAN GILFILLAN: In 1994, the Commission of Audit criticised the South Australian Police Force as being 'top heavy'. It was quoted in the *Advertiser* as being 'riddled with out-dated staffing practices' and 'more costly to run than other Australian forces'. In response, by late 1995 the State Government began offering targeted voluntary separation packages to police, and I am advised that these packages averaged $90 000 to $100 000 and they were paid on top of the superannuation entitlements of the officers receiving them. Also, for a time it stopped recruiting, and Police Force numbers were allowed to dwindle by reason of both natural attrition and acceptance of the separation packages.

However, it appears that this exercise did not reduce the top heavy nature of the force and may have imposed a great cost on taxpayers for no discernible benefit. I have been told that very few of these TVSPs were accepted by senior commissioned officers; in fact, most of them went to sergeants and senior constables. Within six months of offering these packages in February 1996, the Police Force was again authorised to start recruiting. I have been advised from two separate sources that, of those few packages that were accepted by senior commissioned officers, most or all of them were already eligible for retirement and that their positions were subsequently refilled. These positions included chief superintendent, superintendent, and chief inspector. I am sure that one can see that the implication of this is that large amounts of money were paid out for TVSPs at taxpayers' expense, with no perceivable result. I ask, therefore:

1. Has the practice of offering targeted separation packages in the SA Police Force finished?

2. How many voluntary separation packages were accepted?

3. How many of these packages were accepted by senior commissioned officers?

4. How many packages were accepted by police officers who were already eligible for retirement?

5. How many of the positions vacated in this way were subsequently refilled?

6. What has been the total monetary cost of this voluntary separation package campaign?

The Hon. K.T. GRIFFIN: I will have to take the questions on notice. I will do so, and I will bring back replies.

ADELAIDE AIRPORT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Adelaide Airport curfew.

Leave granted.

The Hon. A.J. REDFORD: It is sad to note that the member for Peake has been at it again. Yesterday, in another place, he made some comments about my Liberal colleague, Chris Gallus, the Federal member for Hindmarsh. He criticised the member for Hindmarsh for being inactive on the question of Adelaide Airport curfews. In fact, he described her as 'disgraceful' and later 'despicable'. He then makes claims about what Ms Gallus said in a radio program about arrangements for the collection of her proposed private member's Bill. He said:

> The western suburbs' own worst enemy is Ms Christine Gallus.

He doesn't even do her the courtesy of giving her appropriate title. Further, he said:

> As I said, I am prepared to withdraw these remarks if I can see a copy of her Bill.

My questions are:

1. Does the Minister have any comment about Mr Koutsantonis's allegations concerning the honourable member?

2. Has the Minister had any dealings with the honourable member on the issue of airport curfews, and when did those dealings first commence?

The Hon. DIANA LAIDLAW: I was bemused to note the member for Peake's comments in the other place last night, because no Federal or State Labor member has ever acted as responsibly as the member for Hindmarsh, Ms Gallus, in the interests of her community and the Adelaide Airport curfew issue. Mr Koutsantonis and other Labor members keep fussing about the curfew issue, conveniently forgetting that it was the Labor State Government that applied for an exemption to the curfew to provide for Qantas flights from Singapore and that the then Federal Labor Government agreed to it. Mr Koutsantonis, the member for Peake, never seems to be interested in the facts. I want to highlight that I have worked—

The Hon. A.J. Redford: He's done it three times and made three mistakes. Good old Tom!

The Hon. DIANA LAIDLAW: That's just in this one week. Certainly, even before the member for Peake was ever heard about, I was working with Ms Gallus on her Bill. Some two years ago, she alerted me to her wish to draw up a Bill. We had various discussions, and there was certainly a need for—

An honourable member: That's real dedication.

The Hon. DIANA LAIDLAW: Yes, she is dedicated. Talk about dedicated! There was not one effort from members opposite. As member for Mitchell, the Hon. Mr Holloway was a local member for the area. We heard nothing from the former Labor Government, and we heard nothing from you, by way of your representing your constituents, when you were a member for the area. I suggest that you lay off in terms of Ms Gallus. She is dedicated, otherwise she would not still be pursuing this issue. It is important that we know that the Cabinet has done all the work with the constituency—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—with local government, State Government, the airlines and the Federal Airports Commission, and they have all agreed that this issue should be pursued by Ms Gallus. When she was able to get those undertakings—and they did not all come as readily as she would have liked—she took the matter to Cabinet, and Federal Cabinet has given in-principle approval for her to proceed with the Bill. I note that Mr Koutsantonis has a question on notice in the other place, and I can advise that, as Minister, I was given a copy of the draft airport curfew Bill that was prepared by Ms Gallus, Federal member for Hindmarsh. I received her first draft about a year ago. That draft was the basis of discussion with many people. As I indicated, it was the basis for in-principle agreement from Federal Cabinet. It is now before the parliamentary draftsmen. When they have finished, the Bill will be available at her office. That is the advice Ms Gallus provided on 5AA when speaking to Father Fleming about this matter. At no time did she say that her draft Bill is with parliamentary draftsmen. This is what Mr Koutsantonis now wishes to suggest, and he has misled Parliament in the process. My understanding of the matter is that she indicated that, when this Bill has been finalised, it will be available at her office.

The Hon. A.J. REDFORD: I have a supplementary question.

The PRESIDENT: Order! I draw the honourable member's attention to the fact that he should not be asking the Minister for an opinion on matters which may not be in her portfolio or over which she has no control. As I understand it, part of the question was based on private member's legislation in the Federal Parliament.

The Hon. Diana Laidlaw: No, it's not there yet.

The PRESIDENT: Well, the point is that the whole subject—

Members interjecting:

The PRESIDENT: Order! This is taking up Question Time. The point is that the question was based on areas that are not the responsibility of the Minister for Transport and Urban Planning in South Australia. If the honourable member's supplementary question is not based on that particular angle, it may be asked. The Hon. George Weatherill has a supplementary question.

The Hon. G. WEATHERILL: When the Minister referred a moment ago to the Bill which the Federal member has presented, did she say that the Hon. Chris Gallus did not say on radio that the Bill was available? Is the Minister saying that the Bill is not available now, because when I heard that program Chris Gallus said that the Bill is available?

The PRESIDENT: Order! The honourable member will resume his seat.

The Hon. DIANA LAIDLAW: I have seen a draft Bill. That Bill has now been referred to Parliamentary Counsel. It is that Bill with in principle support from Federal Cabinet which is being acted upon by Parliamentary Counsel to draw up a further Bill in Ms Gallus's name. My advice from Ms Gallus is that when speaking on 5AA she said that when that Bill was finalised it would be available at her office. That remains the position according to Ms Gallus.

The Hon. T. CROTHERS: The Minister in her answer referred to a colleague of hers as being a dedicated—

The PRESIDENT: Order! The honourable member will go straight to the question.

The Hon. Diana Laidlaw: How come his question can be asked and—

The PRESIDENT: Order! The Hon. Mr Crothers will resume his seat while I answer the interjection from the Minister. The Hon. Mr Redford did not stand to ask his supplementary question. If the Hon. Mr Crothers intends to go into that area that is not the responsibility of the Minister, I will declare his question to be out of order as well. The Hon. Mr Crothers.

The Hon. T. CROTHERS: Does the Minister, who referred to Mr Koutsantonis in her answer as having a question on notice, consider Mr Tom Koutsantonis to be a dedicated member as well?

The Hon. DIANA LAIDLAW: No. I see him as wet behind the ears.

LEGISLATIVE COUNCIL

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the undermining of our democratic institutions.

Leave granted.

The Hon. T.G. ROBERTS: In the *Advertiser* today there are two—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —related articles. The first article on page 6 by Stuart Innes is headed 'Sell and be debt free—mining boss says get rid of ETSA'. The article states that Normandy Mining's position is that ETSA should be sold and broken up, and so on.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: He mentions other States. He says that Western Australia has grown immensely and that if everyone got out of the way of mining interests development would be rapid and the State would expand. That article is linked to an Issues article headed 'Bring down the House'. The two articles are inter-related in that the Chief Executive of Normandy Mining links the sale of ETSA to the abolition of the Legislative Council. I am not sure what advice he has been given, but I suspect that he does not know that in this State the Lower House is not controlled entirely by the Government either and that the Government does have difficulty in negotiating its Bills through both Houses. He is not calling for the abolition of the Lower House; he is calling only for the abolition of the Upper House. The article in the Issues section of the *Advertiser* refers to Mr Rod Dunne, the

immediate Past President of the Taxpayers Association of Australia, who has bought into the argument. The article then states:

Dr Dean Jaensch. . . believes the Chamber is badly in need of reform, but not necessarily abolition. The Upper House arguments can be roughly divided into two camps. One is based on cost. The second, on its ability to wipe out Government legislation in a way which enrages Premiers of any political colour. The 22 members and their trappings cost South Australian taxpayers more than $7 million a year.

The article continues—

The PRESIDENT: Order! The time for questions has expired.

BUDGET PAPERS

The Hon. K.T. Griffin, for **the Hon. R.I. LUCAS (Treasurer):** I lay on the table the following papers: 1998-99 Budget Paper No. 1—Budget Speech; Budget Paper No. 2—Budget Statement; Budget Paper No. 3—Estimates Statement; Budget Paper No. 4—Portfolio Statements (Volumes 1 and 2); Budget Paper No. 5—Capital Works Statement; Budget at a Glance; and Budget Guide—Employment Statement.

QUESTIONS WITHOUT NOTICE

The Hon. K.T. Griffin, for **the Hon. R.I. LUCAS (Treasurer):** I move:

That for the remainder of the Session the Standing Orders be so far suspended as to enable questions without notice to proceed for one hour after petitions, replies to questions on notice, tabling of papers and committee reports, as well as ministerial statements.

I do not intend to speak for long on this sessional order except to say that there have been discussions between various parties and members in this Chamber about the length of time available for questions, and it has been agreed that, in the context of a one-hour period for questions, we will endeavour to deal with petitions, replies to questions on notice, tabling of papers and committee reports as well as ministerial statements immediately after the commencement of the day's session; and from the completion of those ministerial statements and other papers and petitions, etc., there be one hour for questions.

It is not intended that that will avoid or prohibit notices of motion being given by Ministers or others at any time during that one hour, but we will endeavour to give our notices at the beginning of the day rather than during Question Time if at all possible. Also, it will not preclude ministerial statements being given later during Question Time or after Question Time so that the flexibility we presently have will continue, but we will generally endeavour to give a full hour to questions.

I think it is important to remember that, when I became a member of this place, answers to questions without notice had to be asked for. There was a little slip that Ministers gave to the member who originally asked the question saying that 'the answer to question so-and-so asked by the member on such-and-such a date is now available'. So, during Question Time the member who had asked the question previously had to ask for the answer and the Minister would then read out the answer so that it became part of Question Time.

That procedure changed, so the answer to the question was required to be asked for, but the Ministers then incorporated the answers without reading them. Now we have a situation where members do not even have to ask for the answers: Ministers voluntarily table the answers at some time during Question Time. That will still be permitted, but there will be an attempt to try to do those sorts of things before the one hour period for Question Time commences. This represents a concession by the Government to enable a proper question period of one hour to occur, and I commend the motion to members.

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the motion moved by the Attorney-General on behalf of the Treasurer. The Opposition raised this issue with the Government as part of a meeting of the Standing Orders Committee and in private submissions to the Government. We believe that it streamlines the process of Question Time and it certainly allows Opposition and Independent members of this place more time to put their questions to the Government. I acknowledge the statements made by the Attorney that the Government has taken some measures in the past towards streamlining and so allowing for more time in Question Time. It has been a good initiative.

The fact that by and large we in this place use a system that is still very nineteenth century means that from time to time we have to try to accommodate changes in the structure of Parliament. Despite the comments by the *Advertiser* and others, we recognise that in the latter part of the twentieth century parliamentarians in the Upper House work extremely hard. We are often subject to huge pressure of business and large amounts of petitioning by the public, who wish to have their answers to questions speedily, and Question Time in Parliament is the only way we can do that.

I thank the Government for acceding to the Opposition's request, and I understand that the Australian Democrats will also support this. At a later date the Standing Orders Committee may well put to the Chamber more amendments which I believe would be the subject of a tripartisan agreement, and it is good that we can move forward in this direction.

The Hon. IAN GILFILLAN: The Democrats warmly welcome this initiative and I indicate our support for the motion.

Motion carried.

IRRIGATION (DISSOLUTION OF TRUSTS) AMENDMENT BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): 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.

Shortly after the conversion of the eight Government Irrigation Trusts under the Irrigation Act to effect self management, the new Trusts sought exemption from sales tax from the Australian Taxation Office. Existing Trusts have long enjoyed exemption from sales tax. The request from the new Trusts was examined by the Australian Taxation Office in the light of the new (1994) Irrigation Act. Exemption was granted, but on an interim basis only, subject to amending the Irrigation Act in regard to the distribution of property, rights and liabilities of a Trust upon its dissolution.

To gain sales tax exemption Irrigation Trusts must be public authorities. The Australian Taxation Office takes the view that an

essential feature of 'public authorities' is that when they are dissolved assets, rights and liabilities pass to a similar body, or to the Crown. The Irrigation Act provides that assets and rights be distributed to the members of the Trust on dissolution. This is not acceptable to the Australian Taxation Office.

The proposed amendment provides Trusts with two options. The first option is the default (do nothing) option that provides that on dissolution, assets, rights and liabilities will pass to another Trust. If, however, there is no other appropriate Trust the assets, rights and liabilities will pass to the Crown. The second option provides that on dissolution, assets, etc., will be distributed to members of the Trust. This is the current provision. It is important to retain this option for Trusts that are prepared to sacrifice exemption from sales tax in order to have assets, etc., divided amongst members on a dissolution. A Trust that wishes to choose this option will have to declare that choice by notice to the Minister. Once a declaration is made, it cannot be revoked. Choosing this option will mean that the Australian Taxation Office will not grant a sales tax exemption.

The amendment will put South Australian Irrigation Trusts on the same footing as similar bodies interstate. I commend this Bill to the Council.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short Title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 13—Abolition of private irrigation district on landowner's application

Clause 4: Amendment of s. 14—Abolition of district on Minister's initiative

Clauses 3 and 4 make changes to sections 13 and 14 that are consequential on the enactment of new section 14A.

Clause 5: Insertion of s. 14A

Clause 5 inserts new section 14A. This section provides in subsections (1) and (2) that on dissolution of a private irrigation trust the assets and liabilities of the trust will vest in another private irrigation trust or, alternatively, in the Crown. However, subsections (3) and (4) allow individual trusts to elect to have the assets and liabilities distributed amongst the members of the trust on dissolution. The consequence of taking up this option will be that the trust will not be eligible for sales tax exemption.

Clause 6: Statute law revision amendments

Clause 6 makes statute law revision amendments by way of a schedule to the Bill. Most of these amendments are the replacement of the old scheme of divisional penalties with the new penalty structure. Section 79 is amended to ensure that the time limit for taking proceedings for an expiable offence is consistent with the provisions of section 52 of the Summary Procedure Act 1921.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

STATUTES AMENDMENT (YOUNG OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 750.)

The Hon. IAN GILFILLAN: In simple terms, the Democrats support the Bill. This is an appropriate occasion to reinforce one of the underlying principles that we work on, particularly in the area of young offenders. There is often a serious risk of contamination of younger people, who may have been quite recently involved in criminal offences, with an older prison population. It is obvious that that type of contamination can quite often cement a young person into a much longer period—perhaps a lifetime—of crime and antisocial behaviour. It is therefore important to note that any amendments and variations in where a young person is to spend a time of incarceration, whether it is a training centre (a euphemism for a juvenile prison) or an adult prison, is more than just an exercise in semantics: it is an area which should be assessed with sensitivity to the particular social and psychological circumstances of an individual. Those of us who can recollect ourselves in our late teens will realise that the demarcation between 17 and 18 is not an immediate transition from being a young child to being an adult with the supposed maturity of adulthood.

So, it is with that background that I view the Bill. As far as I have been able to ascertain, under this amending Bill there seems to be very little more risk than under the current legislation that a young offender will be exposed to being detained in an adult prison or held on remand in an adult prison, and one hopes that it would be less.

I will pick up one point in the proposed amendment to the Young Offenders Act. Supposedly, the result is that if a youth in a training centre is sentenced for an adult offence they must be moved to a prison. From my reading of the text of the Bill it looks as though the court may still exercise discretion. However, I am nervous that the court may not exercise the option to allow that youth to continue on in the training centre. If the Attorney does not mention that in his second reading summing up, I would appreciate his concentrating on it in Committee and explaining what extra injunction is provided by this amending clause removing what I regard as a potentially useful option of allowing the young person to be retained in the training centre rather than their mandatory transferral to prison. I look forward with interest to the Committee stage, where I expect that matters which I may have overlooked and which should be addressed will come up and be dealt with, but we certainly indicate support for the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the Leader of the Opposition and the Hon. Mr Gilfillan for their indications of support for the Bill. I will deal with the issues raised by members and if there are remaining questions we can clarify them during the Committee consideration of the Bill, which I propose will be next Tuesday.

The Leader of the Opposition raises some questions which relate to matters raised by the Youth Affairs Council, in particular on proposed new sections 36A and 63A of the Young Offenders Act. Draft section 36A(1) provides:

> If a youth who is serving a sentence of detention or imprisonment in a training centre (the 'youth sentence') is sentenced to imprisonment for an offence committed after turning 18 years of age and that sentence is to be served concurrently with the youth sentence, the Youth Court must, unless the sentencing court directs otherwise, be transferred to, and will serve those sentences in, a prison.

It has been suggested that this clause represents a change to the law and provides for the automatic transfer of a youth to an adult prison. This is in incorrect. Proposed section 36A is based on current section 36(2a), as omitted under the preceding clause of the Bill. The provision is proposed to be moved as a matter of drafting, it being inappropriately placed in a section relating to children sentenced as adults. A change to the provision is to clarify that the period spent in prison counts for the purposes of the concurrent sentence of detention.

The provision is considered to strike an appropriate balance. Where a person is to be imprisoned for an offence committed after the person has turned 18 years of age the presumption is that the custodial sentence will be served in prison. Where a person is serving a sentence of detention in a training centre for a youth offence, the section gives the court the discretion to allow the adult sentence to be served in the training centre. Whether or not that discretion is exercised would be a matter for the court in all the circum-

stances of the case and the individual concerned. Section 63A provides:

> If a youth who is serving a sentence of detention or imprisonment in a training centre (a 'youth sentence') is remanded to a prison in relation to an offence alleged to have been committed after turning 18 years of age (an 'adult offence'), the youth must be transferred to a prison and will be taken to be serving the youth sentence during the period of remand.

It has been queried whether this involves unnecessary double handling and whether it is appropriate for the youth to be transferred from the training centre to prison for an alleged adult offence where the youth will be returned to the training centre if not convicted.

It is again a matter of due process. Clause 9 of the Bill inserts new sections 183 and 184 into the Summary Procedure Act. This provides for the courts to be able to remand persons to a training centre where they are charged with adult offences while subject to the juvenile justice system. Where, in all the circumstances, the court considers it inappropriate to remand the person to a training centre and the person is remanded to prison, proposed section 63A will ensure that the period of remand counts for the purposes of the serving of the juvenile sentence.

I should indicate also that I referred a copy of the Bill to the Youth Affairs Council and my office has clarified the matters which were raised by the Youth Affairs Council, I believe to its satisfaction. The Hon. Carolyn Pickles also asked a question about how many persons have fallen through the cracks. Well, if they have fallen through the cracks we would not know about them. The difficulty is that, if they have fallen through the cracks, there is no mechanism by which we are able to pick up information about them.

I think that deals with the issues that members have raised but, as I said at the commencement of this reply, if there are other issues or if further clarification is required we can deal with that during the Committee stage.

Bill read a second time.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 683.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of the Bill. As featured in a number of the Attorney's Bills currently before the Council, this one also emanates from discussions at a national level. I support the notion of a national practising certificate. I believe that the Government should facilitate any move such as this which breaks down State barriers. I am satisfied that there are enough safeguards contained in the Bill to ensure that visiting practitioners must comply with the same standards applying to South Australian practitioners. Can the Attorney advise whether all States have agreed to be part of the scheme. In relation to the guarantee fund the Attorney comments:

> It has been difficult to arrive at a satisfactory solution as to when claims may be made on the fund as a result of the default of an interstate practitioner.

Has this issue been resolved? I understand that the Law Society has some concerns and that New South Wales and Victoria have different provisions, which is slightly ironic, given that this is a national certificate. Although I note that the Law Society supports much of the amended Act it has raised a number of practical issues in correspondence to the Attorney and to me which relate to the following sections: section 5—Interpretation; Division 3—Reporting Obligations and section 14AB(1)(c); section 52AA and 52AAB regarding insurance; section 57—Guarantee fund (as mentioned earlier); section 60—Claims; and section 95(1). Has the Attorney resolved these issues as raised by the Law Society and have their views been taken into account? The Opposition supports the second reading.

The Hon. IAN GILFILLAN: The Democrats support the Bill, and there is little point in my going through and outlining the intention of the various clauses, as that has already been done and it would only be taking up the time of the Council. I picked up from the contribution of the Leader of the Opposition her attention to the matters raised by the Law Society. Unfortunately, I was not able to take note of what matters she raised, so some of what I comment on may duplicate that. With the assurance that I have received from the Leader of the Opposition that she highlighted some points, I will go through and, at the risk of repeating, outline the matters which the Law Society raised because the Law Society is recognised in statute.

The Law Society is part of our statute law, so obviously it's contributions, comments and concerns must be taken into consideration in depth. It mentioned section 5 and indicated that for clarification the definition 'local legal practitioner' should be amended to include the words 'South Australian,' before the words 'practising certificate'. They also mentioned the definition of 'moneys' having not yet been amended to allow for electronic banking. I would be interested to see whether the Government has picked up both those points. In relation to Division 3, which relates to reporting obligations, and section 14AB(1)(c), they make the point:

> It is submitted that an obligation upon the society to report a practitioner on the grounds of unsatisfactory conduct would constitute an active disincentive to practitioners seeking the assistance of the society in resolving practice difficulties. If practitioners are aware that the society has a positive obligation to report such conduct to the Legal Practitioners Conduct Board, then they may be less inclined to seek assistance at all or at an early enough point in time to take remedial action and prevent issues of unprofessional conduct occurring. We therefore recommend that the words 'or unsatisfactory conduct' at the end of the section should be deleted.

I indicate that this suggestion does not have my support. I am not persuaded that the words 'or unsatisfactory conduct' should be deleted. It is important that the public have the utmost confidence in the standard of professional conduct by the profession and see no substantial reason why unsatisfactory conduct should not be reported to the Legal Practitioners Conduct Board. However, I wanted to put on the record the Law Society's opinion on this matter, with which I disagree. On sections 52AA and 52AAB, the Law Society states:

> Until it is known on what criteria the Attorney-General will approve insurance, no meaningful comment can be made on this proposed section. The issues to be taken into account include the fact that under a 'claims made' policy the underwriters at the time of the making of the disclosure may be different to the underwriter at the time of making the claim, as may the terms of cover provided, thereby creating a situation where the South Australian solicitor is possibly left without the benefit of insurance.
>
> In addition, the Bill (in section 52AAB) refers to 'an interstate legal practitioner who engages in legal practice in this State' and it is to be noted that it is possible that insurers could deny liability on the grounds of an exclusion clause in the policy limiting cover to legal work conducted 'wholly within this State', and again a South Australian solicitor may find him/herself not indemnified.

That is a point which is worthy of attention by this Parliament. On section 57, relating to the Guarantee Fund, the second paragraph of the letter states:

> It is submitted that these are not matters that the Legal Practitioners Conduct Board is empowered to undertake. We submit in the event the Supreme Court requires the society to attend and to make submissions in respect to readmissions or suspensions. The society should, in the event that no order for costs is made by the court against the practitioner, be permitted to access the Guarantee Fund for reimbursement of such costs subject to the approval of the Attorney-General.

I hope that matter will be commented on. On section 60, relating to claims, the Law Society states:

> The proposed amendment (section 60(6)) has introduced a definition of 'actual pecuniary loss' to include:
>
> (a) reasonable costs incurred as a result of the fiduciary or professional default and
>
> (b) any interest that would have been received by the claimant, but for the fiduciary or professional default of the legal practitioner.
>
> The first leg of the definition permits the recovery of reasonable costs. However, the likely increase in the costs to the Guarantee Fund, which are recoverable by the claimant, may well be considerable. The problem is demonstrated by a recent Guarantee Fund claim which has been refused by the society but in which the claimant obtained a long and detailed and undoubtedly costly financial report allegedly in support of his claim.
>
> As drafted, the provision provides little scope to limit the ambit of claims for expert fees uncontrolled by scales such as those applicable to legal costs.
>
> The society believes that the second leg of the proposed amendments may expose the fund to a broader and increased range of claims. For example, interest would be payable on the amendment as drafted on claims for reimbursements of any excess not paid by the professional indemnity insurer from the date when the claim was paid out save for the amount of the excess. This will constitute a positive disincentive to the Law Society requiring claimants to make a valid attempt to recover the money from elsewhere. It will also increase the cost to the fund when solicitors for claimants fail to take the proper steps to formulate the claim and the Law Society is then required to undertake further work necessary to enable a claim to be validated.
>
> In the event that interest is payable from the date of payment out by the insurer, the emphasis will be upon processing claims as rapidly as rapidly as possible rather than ensuring that they are adequately and properly presented to enable a validation process to occur. At this stage the proposed amendment does not confer any discretion on the society to refuse interest where a claimant has unreasonably delayed in prosecuting his claim against the fund.

The final point made in the letter states:

> The proposed amendment sought by the society to section 95(1) has not been included in the Bill. The Act provides for the Treasurer to receive practising certificate fees and pay such fees to the society, whereas in fact for many years the society has collected and distributed fees in accordance with the Legal Practitioners Act 1981. This was scheduled to have been incorporated into legislation several years ago. It is evident from the relatively small number of comments made that the Law Society supports much of the amended Act. However, we do regard the preceding comments and suggestions as both constructive and important and urge you to take account of them in finalising the legislation.

This letter was addressed to the Attorney-General and was dated 20 April 1998 and signed by John M. Harley, the President of the Law Society. I endorse the encouragement made in the letter that the Attorney look at the comments and suggestions and comment on them, either in his summing up or in Committee. The Democrats support the second reading of the Bill.

The Hon. R.D. LAWSON: As a member of the legal profession, I indicate that I support the second reading of this Bill and the measures contained in it and congratulate the Attorney for bringing them forward. There are a number of general points I wish to make in supporting the second reading.

First, I strongly support the idea that the Australian legal profession should be one practising profession rather than a number of State and Territory-based professions. I support measures to establish a national practising certificate. South Australian lawyers, and I think lawyers in some of the smaller States, have for many years resisted opening their State borders to competition, especially from legal practitioners from the major centres on the Eastern seaboard. The Queensland legal profession in particular were staunch defenders of the right of those admitted in Queensland to practise there exclusively and, by various devices, some of which were struck down by the High Court, resisted for many years attempts to allow other legal practitioners to service clients in the State of Queensland.

So, I do support open competition. I do not believe the South Australian legal profession has anything to fear from competition, because practitioners in this State are as highly qualified, competent and skilled as any in the country. I believe that the profession in this State stands to benefit from competition, because it will provide opportunities to those in South Australia to practise elsewhere.

I note that at the time of the introduction of this Bill into this Council on 26 March only two States had legislated in similar terms, as I understand from the Attorney's second reading explanation, they being New South Wales and Victoria. I would be interested to know whether, in the intervening months, any other States have similarly legislated or whether others have announced an intention to do so.

Whilst I support open competition and an open market for legal services, it is appropriate that all States adopt the measures which are now being implemented here. Much is said in the community about a level playing field, and I must say that I am a supporter of a level playing field for the legal profession.

I mention in passing that I support strongly the measures contained in the Bill which will require any interstate practitioner who establishes an office in South Australia to notify the court that he or she has done so, and also that those practitioners must comply with the trust account obligations. It is important in the public interest and for the protection of clients, the public generally and also the reputation of the State for those who actually establish an office here, rather than to come for the purpose of advising on a particular case, to notify the court and to put in place some procedure whereby there will be a measure of protection and an opportunity for independent audit and examination.

I note that clause 23C of the Bill enables a regulatory authority of this State, by notice in writing, to impose a condition on the practice of the profession of the law by an interstate legal practitioner. I note also that the authority must not impose a condition that is more onerous than it would attach to the practising certificate of a local legal practitioner in the same or similar circumstances. I raise the question with the Attorney whether any consideration has been given at this stage to whether or not standard conditions will be imposed upon the practising certificates or whether the provisions of clause 23C are merely enabling and detailed consideration has not yet been given to this issue. If it is already considered that standard conditions will be imposed, some notice of them ought to be given, if not in the precise terms, at least in the general nature of those which are to be imposed.

I turn next to the Legal Practitioners Conduct Board. The matter of controlling, regulating and, in appropriate cases,

disciplining legal practitioners through the professional conduct mechanism has been a vexed question for many years. When I was a member of a legal firm I served as one of the Law Society's complaints officers and I am very well aware of the difficulties of disciplining legal practitioners and of obtaining information, getting correct information, and difficulties in many cases of understanding exactly what it is that the client is complaining about, and difficulties created by the necessity to wade through very often long and complex files. Many complainants are those whose understanding of legal process is not very good, often because of a failure to have a complete grasp of the English language.

Many complainants who do not have a grasp of the language find it very difficult to articulate their complaints in a way that makes it easy to resolve them. Many members of Parliament, particularly members of the House of Assembly, would be familiar with the difficulties of examining complaints of this kind. The Legal Practitioners Conduct Board has done a good job. I believe that the Legal Practitioners Disciplinary Tribunal has also been effective in the way in which it has conducted its work. However, it is very difficult and we would be fooling ourselves in the community if we were able to say that the handling of complaints against lawyers has yet been perfected.

In South Australia it is as good as anywhere but the difficulties about which I speak are common to all these systems. I do welcome the new category of 'undesirable conduct', which is described in the Bill as unsatisfactory conduct. One of the difficulties about the notion of unprofessional conduct is that it has been overlaid with much case law, with precedent and connotations of dishonourable conduct that make it very difficult to prove, notwithstanding the fact that the legislation has sought to address this issue.

The conduct of a number, which might be described as unprofessional before all facts are known, can often be dismissed and found to be unsatisfactory and would actually be enhanced by the introduction of a lower category. I think 'unsatisfactory conduct' is a reasonably good notion. Whether or not this category will speed the process of disposing of complaints and speed the process generally to the disciplinary system, only time will tell. Philosophically, I suppose I would have to say that I am against dissecting conduct of this kind into various categories. One finds that, whenever a new category is introduced, very often complexity arises rather than simplicity. However, I believe that this lower level of conduct which can be stigmatised as unsatisfactory has the potential to assist in the speedier disposition of complaints.

It is a good innovation for the new Bill to provide that a charge may be laid before the Legal Practitioners Disciplinary Tribunal, despite the fact that criminal proceedings may have been commenced in relation to the matter to which the charge relates. My own view is that this provision is not necessary in law. However, it is true that in the past there have been a number of cases where the existence of criminal proceedings has been to delay for an interminable time proceedings before the Legal Practitioners Disciplinary Tribunal, and the impression thus created to those who are complaining in the community generally is that the system sits on its hands to allow the criminal court to wind through its proceedings, and very often those proceedings can take many months or even years, during which time the disciplinary tribunal could have been proceeding to resolve the disciplinary matters. We find that anyone whose alleged conduct is sufficiently grave to be charged with criminal offences might be in a desperate position professionally, and the Legal Practitioners Disciplinary Tribunal is powerless to proceed with the disciplinary hearings which might well impose some check upon the activities of the practitioner and protect the public further.

I note the view expressed that we do not have the capacity to regulate the practice of foreign law in Australia, and I do not believe that to date this issue has become one of any grave difficulty. However, I envisage that certainly in the future there is the potential for practitioners from overseas to come here and to serve particularly ethnic groups, advising them on, for example, family laws of religions which do not have a large number of adherents in Australia, advising on property laws, laws of inheritance and other significant matters and, as it were, operating within the particular ethnic community, free of any form of regulation.

Obviously, the Legal Practitioners Act presently controls such a person if they seek to practise law in the Australian sense. However, I envisage the possibility of lawyers actually from elsewhere purporting to practise foreign law in a way that is unregulated. As I said, I do not believe that there are widespread problems yet, so I commend the Government for not seeking to regulate that aspect. However, that matter should be kept under active and close consideration.

There are a number of other measures in this rather substantial amendment, some of which have given rise to concern in the profession and have already been mentioned by the Hon. Ian Gilfillan when he read extensively from the letter of the President of the Law Society. I do not propose to go into those matters. I conclude by once again commending the Attorney for bringing in this substantial package to improve service of the legal profession to the community.

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

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 605.)

The Hon. P. HOLLOWAY: This Bill has been introduced to clarify certain grey areas within the application of the Valuation of Land Act 1971. While the Opposition supports the main thrust of this Bill, there are a few issues that need highlighting. The Bill covers four main issues as follows: the common date of valuation, notional values, a limited objection period and the appointment of a Valuer-General. It is on the last point that the Opposition holds greatest concern, and I will detail those concerns later. I will talk, first, about the common date of valuation. The principle of a common date of valuation is a sensible one. It alleviates the problem whereby dates of valuation for rating purposes vary between local government areas over a six month period. This variation can lead to value level differences between adjoining councils in a rising or a falling market. A common date of valuation means that every valuation is set at a particular date, and that is a much fairer proposition.

Returning to the question of notional values, I have a few concerns about clause 12 of this Bill which seeks to amend section 22 of the Act in relation to notional values. Currently, the law protects genuine primary producers from having their land valued at the highest and most lucrative use of the land. It values the land in accordance with its rural use and by ignoring the potential for uses other than primary production, in other words, for commercial or residential uses. With a

lower assessed value (the so-called notional value) and consequently reduced rates, the land is clearly more viable for primary production than if rates on the land reflected its potential as a residential development. The policy of the Valuer-General's office has also been to permit the application of notional values to primary production properties that are enhanced by existing land division.

This amendment seeks to provide legislative authority to this by allowing a notional value to be assigned to land under primary production which is already subdivided, and this is being done, it is argued, to discourage development of the land. This clause is particularly applicable to those primary producers whose land verges on housing developments, such as in the outer northern or southern suburbs or the Adelaide Hills. An advantage of this provision is that it ensures that farmers are not forced out of operation because of higher rates due to housing encroaching on farm land. As the shadow Minister for Primary Industries I can see the obvious value in this in that the retention of rural production in such areas is preferable to speculative subdivision on the land.

However, the downside to the provision is that average ratepayers have to bear the brunt of this concession. It is, in fact, a subsidy to primary producers paid by other ratepayers. I note from the Minister's second reading explanation of this Bill in another place that a committee (called the Notional Values Working Party) examined the issue of notional value. It appears that the member for Mawson chaired this committee, although he declared in his speech on the Bill in another place that he holds rural land under multiple titles; as such he will be a significant beneficiary of the passage of this Bill.

Given that the report of this working party is referred to in the second reading explanation of the Government, I would ask the Minister whether it is possible to table a copy of that report. If reports are generally referred to in second reading explanations, in my view it should be the practice that such should be made available so that the Parliament can understand the justification for such measures. In order for councils affected by notional values to maintain the current levels of their rate revenue, it is said in the second reading explanation that they may be required to increase their rateable assessment by up to 3½ per cent in those affected council areas, which is about $16 per assessment.

Clearly, this revenue loss in outer metropolitan areas, such as the electorate of Mawson, will result in increased rates for residential properties to offset the reduced rates received by rural producers who hold multiple titles. I trust that the constituents of Mawson accept the need to pay more so that their member may pay lower rates on his multiple titles. I support any measure that keeps our best rural land under production but, in my view, proper zoning and disincentive to subdivision through that process remains the best way to achieve this objective. Nevertheless, we support the measure.

I now refer to the question of the limited period for objection. Limiting the time period for making an objection to a valuation has its merits, and the Opposition agrees that 60 days is a fair time to allow an objection to be submitted. However, I understand that the Local Government Association has expressed some concern regarding the fact that the 60 day period applies also to subsequent Bills that include a valuation of land, for example, an SA Water valuation, which determines sewerage charges and land tax. A person receiving this has an opportunity to query the valuation of land included within 60 days of receiving that account, even where the valuation remains unchanged from a prior council valuation notice. However, the Opposition is informed that the LGA is prepared to accept this amendment in its current form, so we will support this provision.

I turn now to the appointment of the Valuer-General. This Bill proposes that the Valuer-General be appointed on contract for a period of five years. It was with some surprise that I noted from the second reading explanation that this State has not appointed a Valuer-General since March 1993, a period of more than five years, with a Deputy Valuer-General acting in this position.

The Hon. K.T. Griffin: Labor Government as well as Liberal Government.

The Hon. P. HOLLOWAY: Indeed. One could perhaps understand a few months after his term expired in March 1993, but I would suggest that it has been this Government for the past 4½ years of that period. It seems to have taken a great deal of time to correct this anomaly. The Opposition believes that the proposal to make the office of Valuer-General a five year contract position is unacceptable and we will therefore move several amendments during the Committee stage of the Bill. When the Valuation of Land Act was debated in 1971 a clear argument was made that the Valuer-General should be independent and be seen to be independent. At that time the best method for achieving this aim was to a appoint a Valuer-General until the age of 65 years. The argument was made then that the Valuer-General should be regarded by all sections of the community as an independent valuing authority divorced from the rating and taxing policies of the State. The Act made the Valuer-General an officer responsible to Parliament and freed that position from any suggestion of political bias.

The following is a quote from a speech made by the Hon. Bert Shard, then Chief Secretary, on 11 November 1971:

> It is also most desirable to separate completely the head of the Valuation Department from the rating and taxing authorities so that there should be no mistaken belief that his valuations are influenced by the revenue needs of the State. He should be regarded by the Government and all sections of the community as an independent valuing authority divorced from the rating and taxing policies of this State. This Bill makes him an officer responsible to Parliament and frees him from any suggestion of political bias.

It is my opinion that the same should hold true today—even if we use non-gender specific language to do it—and, for that reason, I have grave doubts about the provision to limit the term of the Valuer-General to five years. The Opposition sees this as an unacceptable down-grading of an important statutory office, and Opposition amendments will seek to restore the independence of the office.

I remind the Council that the Valuer-General determines the value of all real estate within this State. There is inevitably considerable scope within this function for the exercise of discretion by the Valuer-General. This valuation is the basis upon which the hundreds of millions of dollars paid each year in council rates, sewerage charges, land tax and other fees are calculated.

Digressing for a moment, just today we had a statement from the Minister in another place informing us that a new property-based tax for funding emergency services is likely to be introduced. So, presumably, this will be another source of millions of dollars of revenue that will be based upon the work of the Valuer-General.

The Government's argument for making the Valuer-General's position a contract position is that it will make it consistent with Public Sector Management Act contract appointments, and the Government refers to the current Police Commissioner, who is employed under contract. This

is not a valid argument, as I do not believe that contract positions should be offered in such cases, in any event. The position of Valuer-General should, I believe, be seen in the same light as the South Australian Ombudsman or Electoral Commissioner, whose appointments are legislatively enshrined as being on the basis of a recommendation made by a resolution of both Houses of Parliament. I also believe that, in order to maintain the independence of the Valuer-General, the appointment should be until retirement. It is, therefore, the Opposition's intention, while in the main supporting this Bill, to move amendments in the Committee stage to maintain the independence of the appointment of the Valuer-General.

The Hon. IAN GILFILLAN: The Democrats support the second reading of the Bill and recognise that its initiatives are constructive and, in the main, should be helpful to the general process of getting a reasonable value and then implementing it in the various charges and procedures which are bound to have a fair and reasonable valuation included.

There is a quibble from the LGA, which I believe was mentioned by the Hon. Paul Holloway (and I apologise if I did not accurately pick up what he said) as to the ability for an almost retrospective adjustment of rates, because there is an inconsistency between the Valuation of Land Act and the Local Government Act in relation to the amount of time allowed to object to valuations: the former allows objection at any time in the financial year, while the latter allows for only 21 days after notification of valuation, and the working party recommended a new model, which is included in the Bill. So far, so good. But where you have rates which are determined on a valuation, 60 days is available for appeal and that period of time has concluded, it is fair and reasonable, in my view, that the local government entity can then be confident that it will have revenue from that rating invoice, and budget accordingly. However, should there be an appeal to Land Tax or SA Water later in the year, if that appeal is successful it retrospectively interferes with and reduces the rates payable. This is my understanding of the matter, which has been raised with us by the Local Government Association. I think that is an unsatisfactory consequence of this proposed legislation.

It is interesting to note from a ministerial statement made by the Minister for Police in another place, which was handed to us today, that it actually allows for a fixed property valuation for the purposes of raising part of a levy for emergency services funding. One assumes that that fixed property valuation will be embraced in the same net and that, were there to be successful appeals against that, the ramifications would go back retrospectively to valuations previously determined and, therefore, budgeted upon. That is a matter which I hope will be addressed satisfactorily either by amendment or explanation if possible.

The final matter I will comment on is the one raised and debated at some length by the Hon. Paul Holloway regarding the appointment of the Valuer-General. I think the honourable member raises a valid argument. I am not persuaded that it is essential for us to have a five-year contract for a person holding this office. As the Hon. Paul Holloway has argued, it may well expose at least some suspicion or a charge that pressure could be put on the Valuer-General where his or her reappointment relied on the goodwill of the Government of the day. So, I am interested to look at the argument that the Government puts up with a view to possibly supporting this amendment when it is moved in Committee so that the matter can be pursued more diligently.

As an aside, I was interested to hear that the Hon. Paul Holloway compared this situation with the contract appointment of the Commissioner of Police. I was tempted to lead him into sharing with us his opinion as to whether the Commissioner of Police should continue to be appointed on a five-year contract. It shows how diligently I follow his arguments.

The Hon. P. Holloway interjecting:

The Hon. IAN GILFILLAN: I do not think that I will get an answer loud enough to be recorded in *Hansard*: that will be the subject of a private conversation. I repeat: the Democrats support the second reading of the Bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

In Committee.

Clause 1.

The Hon. IAN GILFILLAN: Will the Attorney-General say what are the implications for cellar door sales with the changeover of collections from the State Government to the Federal Government?

The Hon. K.T. GRIFFIN: Prior to the High Court decision in *Ha and Lim* on 5 August 1997 which effectively invalidated certain State business franchise fees, including liquor licensing fees, holders of South Australian producers licences were exempt from the payment of licence fees on retail sales of wine, brandy and low alcohol liquor. This cellar door exemption was originally introduced in recognition of the importance of the wine industry to the South Australian economy and, in particular, to the tourism industry. The Liquor Licensing Act 1997 contains a similar exemption in section 80(1)(c).

However, following the High Court decision, State liquor licensing fees were replaced by a 15 per cent wholesale sales tax on liquor, which came into operation on 6 August 1997. Differences in the coverage of the wholesale sales tax base relative to the previous State liquor licensing fees changed the incidence of liquor taxation, the most significant being that low alcohol and cellar door wine sales which were previously exempt from liquor licence fees were then liable to the 15 per cent wholesale sales tax increase.

To overcome this, South Australia introduced the subsidy scheme under which both low alcohol and cellar door wine sales are subsidised for the full 15 per cent wholesale sales tax increase. This cellar door subsidy included mail-order sales, which were previously exempt from liquor licence fees. In February 1998, the Managing Director of Mildara Blass, which now owns Cellarmaster, approached the Government seeking a review of cellar door sales subsidies with a view to restricting the availability of the subsidy for mail-order sales.

There was no doubt that the retail sector of the liquor industry perceived that Mildara Blass had an unfair trading advantage through the mail-order subsidy and there was some suggestion that the large retailers were boycotting Mildara Blass products, although Mildara Blass denies that that was the case. The Managing Director of Mildara Blass, in his approach to us, stressed that the proposal to remove the subsidy for mail-order sales was motivated by the need to establish a level playing field in the long term.

At the time we were negotiating the Liquor Licensing Bill 1997, the rest of the industry was of the very firm view that issues relating to Cellarmaster should be dealt with in a manner that does not impact in any way on the genuine cellar door sales, be they by person or by mail, conducted by all producers in this State.

As a result of the representation, the Government has determined to put in place a flat cap on annual rebate payments per producers licence on a total cellar door sales basis fixed at $450 000 this year indexed upwards annually by 5 per cent. That proposition will be phased in over three years, commencing 1 January 1999. At this stage only Mildara Blass will be affected by the subsidy cap.

I issued a press release on this matter late yesterday, so members may not have caught up with it, but I indicated that, when fully operational, this scheme will mean that Mildara Blass, on its current sales, will receive a subsidy of no more than $520 000 per year or its indexed equivalent, and that is a substantial reduction from its current projected subsidy of $6 million per year.

In fact, it is making a very substantial contribution to the revenue of the State by the scheme which is now put in place. Wide consultation has taken place on this, particularly between the South Australian Wine and Brandy Producers Association and the Winemakers' Federation of Australia. I think that will satisfy all the questions that have been raised in relation to Cellarmaster, and more particularly satisfy the concerns raised by the industry during the course of the negotiation of and consultation on the Liquor Licensing Act and, more recently, since the High Court decision in *Ha and Lim*.

Clause passed.

Remaining clauses (2 to 14) and title passed.

Bill read a third time and passed

ADJOURNMENT

At 4.37 p.m. the Council adjourned until Tuesday 2 June at 2.15 p.m.