LEGISLATIVE COUNCIL

Thursday 4 June 1998

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

PAPER TABLED

The following paper was laid on the table:

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

River Murray Catchment Water Management Board—Initial Catchment Water Management Plan—May 1998.

SAGRIC

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement on SAGRIC International Pty Ltd, made by the Minister for Government Enterprises this day in another place.

Leave granted.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Treasurer a question about the sale of ETSA.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to an excerpt of a document from the ETSA Corporation Managing Director to the ETSA Board Chairman headed, 'Managing Director's Report' dated 16 February 1996, which states:

ESRU Director, Graham Longbottom, prepared a submission to the Cabinet subcommittee, which developed the concept outlined by Minister Olsen in December, involving outsourcing ETSA transmission and selling off 50 per cent of the transmission assets as part of the process. EDA and Terry Kallis worked with Mr Longbottom in developing this concept and submitting a paper to the Cabinet subcommittee—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES:—which met in early February. I understand the paper was received favourably, but the matter is on for consideration with the IC recommendations.

Given this statement, which clearly demonstrates the Premier's hands-on involvement in plans to sell ETSA over two years ago, and given the Treasurer's and Attorney-General's membership of this Cabinet subcommittee, my questions to the Treasurer are:

1. What was the recommendation of the Cabinet subcommittee on the future of ETSA and on what date or dates did the subcommittee consider it?

2. What was the Treasurer's view at the time of the discussion and when was the Treasurer first made aware of the Premier's pre-election plans to sell ETSA?

The Hon. R.I. LUCAS: Sadly for the Leader of the Opposition, her questions are based on a false presumption: I was not a member of the appropriate Cabinet subcommittee.

GOODS AND SERVICES TAX

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about a goods and services tax.

Leave granted.

The Hon. P. HOLLOWAY: It was recently reported in the *Australian* that two State Premiers, Jeff Kennett (Victoria) and Richard Court (Western Australia), had issued a blunt warning to the Federal Government against limiting its tax reform package to income tax cuts in return for a GST. The Victorian Premier, Mr Kennett, was reported as saying that the tax package would be a waste of time and effort if it failed to address State-Federal funding arrangements, and Richard Court was reported as expressing concern that his Government had not been involved in the reform package. My questions to the Treasurer are:

1. Does the Treasurer support plans by the Prime Minister to introduce a goods and services tax?

2. Is the State Government concerned that it is not being consulted in relation to that package?

3. Is the Premier concerned about the impact a GST would have on State services for which he has increased fees and charges in the recent budget?

4. Given recent statements by John Hewson, the former Federal Leader of the Liberal Party, that a 15 per cent rate for a GST is necessary to prevent any future increases, at what rate does the Treasurer believe a GST should be introduced?

The Hon. R.I. LUCAS: The Premier has indicated the State Government's position loudly and clearly on a number of occasions: that is, that the State Government is prepared to support a comprehensive tax reform package, one element of which might be the inclusion of a broad-based indirect tax. However, the package would need to contain a number of additional elements, including the abolition of the wholesale sales tax and some of our State taxes. In particular, the States have talked with the Commonwealth about the abolition of financial institutions duty and some stamp duties.

The State Government has also put a position consistent with all the other States and Territories that it would like to see the current imbalance between taxing and funding arrangements between the Commonwealth tier of Government and the State tier of Government addressed as part of a comprehensive tax reform package. There is nothing secretive about that. The State Government has made known publicly its position on a number of occasions. I do not think the State Government is locked into any particular rate of taxation. It will depend on what the appropriate rate of a broad-based indirect tax might be to offset all the other requirements as part of a comprehensive tax reform package.

As I have previously indicated, manufacturing-based States such as South Australia potentially have much to gain from the abolition of a wholesale sales tax and its replacement by a broad-based indirect tax. Manufacturing States such as South Australia are unfairly discriminated against because the wholesale sales tax hits at our manufacturing based industries, in particular, car and automotive component industries, whereas, for example, the Queensland-based economy, which contains a significant component of service industries, largely is able to avoid the wholesale sales tax impost. A broad-based indirect tax is likely to impact in a more significant way on an economy such as Queensland's because of the way in which it is structured.

The only other aspect of the honourable member's questions to which I have not responded involves the issue

of consultation. I think it would be fair to say that the State Government would welcome a greater degree of consultation between the Commonwealth Government and the State and Territory Governments in terms of the final development of the package. I understand that some discussion—I will not dignify it by saying 'formal consultation'—is going on informally at officer level between the States, but I am not aware of any organised or formal consultation, even at officer level, with Commonwealth Government officers. Ultimately, that is a decision for the Prime Minister to take. I am sure the State Government's position would be that, should the Prime Minister deem it appropriate, we would willingly participate in some formal consultation about the final shape and structure of the tax reform package.

The Hon. T. CROTHERS: Academics have estimated that if the GST were introduced—

The PRESIDENT: The honourable member must ask a question.

The Hon. T. CROTHERS:—at the 10 per cent rate it would raise $7.5 billion

The PRESIDENT: The honourable member must ask a question.

The Hon. T. CROTHERS: Okay. The abolition of the taxes referred to by the Treasurer will cost about $10 billion—

The PRESIDENT: The honourable member will either resume his seat or rephrase the question.

The Hon. T. CROTHERS: My question is: how does the Treasurer think the Federal Government will fund the shortfall between the abolition of the proposed wholesale sales taxes and the amount of money that a 10 per cent GST surcharge would raise in Treasury funds?

The Hon. R.I. LUCAS: The collection of a broad based indirect tax of 10 per cent is likely to raise significantly more than the abolition of the current wholesale sales tax.

The Hon. T. Crothers: That's not what Professor Warren says.

The Hon. R.I. LUCAS: I would not listen too closely to the academic who has provided that information. The moneys collected from a broad based indirect tax are broadly able to replace the revenues from the wholesale sales tax, financial institutions duties and similar duties in the various States and Territories, also some stamp duty revenues, with potentially a little over for some other purpose. Some have speculated that the Commonwealth might be interested in using some of the money for income tax cuts; others have suggested that it might be used as some sort of compensation for the reduction in fuel excise or some sort of reduction in payroll tax. If the information provided to the honourable member has been the reverse, that is contrary to the advice provided to the State Government and, as I understand it, the Commonwealth Treasurer and Government as well.

RURAL BANKING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, Natural Resources and Regional Development, a question about rural small business funding.

Leave granted.

The Hon. T.G. ROBERTS: There has been a lot of concern in rural areas over the closure of many major bank outlets, and in many cases this leaves small regional towns without any major banks' presence at all. It would be good for regional people if some of the smaller banks provided outlets, but in many cases they have not moved in to set up. There is a view that perhaps credit unions might start to fill the vacuum left by the major banks. I am sure that people in the metropolitan area do not realise that, with the closure of a major bank centre, some rural people have to drive up to 100 kilometres or even further just to do their banking. Changes are being made to electronic banking services, which banks may expect rural people to take up as an option, but rural people are now missing out on some services which must also be provided through personal contact in meetings with bank managers and financial service providers.

One alternative that the Government could examine is setting up regional rural banks, based on some of the smaller banks that exist in Canada and North America, which could put together risk capital packages. Rural small business could examine proposals and regional small banks could consider new industries that the major banks are not interested in funding. In some cases they might consider aquaculture ventures or small refineries for aromatherapy oils, etc., in which city based banks would not show a lot of interest.

Will the Government through its regional development policy assist regional development authorities in setting up risk capital support credit facilities, or assist in setting up rural based credit unions that would carry out the same function to assist small business in rural industries, family-based farmers and risk capital ventures associated with restructuring of some of those rural based industries which are now in difficulty owing to the Federal Government's policy of even playing fields?

The Hon. K.T. GRIFFIN: I will refer that question to my colleague in another place and bring back a reply.

WORKCOVER

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question on WorkCover levy increases.

Leave granted.

The Hon. J.F. STEFANI: I have been recently informed that WorkCover has reviewed its levy rates and has been advising employers of changes to the various levies applicable to a range of industries. My questions to the Minister are:

1. Can the Minister provide a complete list of levies applicable to the relevant industries and occupations, together with the details of adjustments applied to the levy rates for each industry?

2. What is the overall percentage of employers who will be required to pay increased levy rates as a result of the adjustments?

3. What is the overall percentage of employers who will be required to pay decreased levy rates as a result of the adjustments?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply.

POLICE COMPLAINTS AUTHORITY

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General in his various roles a question relating to the Police Complaints Authority.

Leave granted.

The Hon. IAN GILFILLAN: On 26 February the Attorney announced a review into the general operations, systems and processes of the Police Complaints Authority and said he hoped the review would be complete within two months. It is now three months since that announcement was made and, to my knowledge, there is no sign yet of that review's completion. That may not be of undue concern, except that it is a matter of public concern that the review is allegedly hampered by the terms of reference handed to former Judge Iris Stevens. Specifically, she is not permitted to recommend changes to the Police Complaints and Disciplinary Proceedings Act 1985 nor investigate any of the cases dealt with by the PCA or the Police Internal Investigations Branch. However, Mrs Stevens is required to determine how well the PCA is performing under its Act. I repeat what is appearing to be an anomaly to those who are looking closely at this: she is asked to determine how well the PCA is performing but she cannot look at specific cases.Having done that, she is not able to make any recommendations as to how the Act may be improved.

The Hon. A.J. Redford: That's comment.

The Hon. IAN GILFILLAN: That is smartly picked up. The case I raised in this Chamber on 11 December related to the Police Complaints Authority and was in fact an example of allegations of inadequate and inefficient inquiry into the NCA bombing at the Adelaide office of the NCA. After my question the Attorney provided a reply on 17 February. I will not go through the actual details of that case but members will recall that there is a still serving senior South Australian Chief Inspector whose statement about what he saw and his involvement in the event, making him potentially a key witness in the trial, was challenged by three people who were actually in the vicinity of the explosion.

In his reply the Minister defended the PCA investigation, stating that the matters at issue were insignificant and that it was not necessary for the authority to interview these two witnesses who could verify the complaint because they had previously given statements. However, the facts that were overlooked in this case and why the PCA should be brought to book to answer them are: those two witnesses had given statements but that was prior to the Chief Inspector's statement having been made, which was a week later, and they were never reapproached for their opinion and the corroboration of the detail in that allegedly incorrect statement.

The PCA interviewed seven senior officers, none of whom was involved in the incident or anywhere near it at the time of the incident. The Chief Inspector was interviewed at his NCA office for the purpose of the PCA investigation. One of the witnesses who was at the scene of the explosion had an office within a few metres of the Chief Inspector and could easily have been interviewed on the same day. It has been put to me that the decision to overlook his input cannot simply have been matter of 'not being necessary' as indicated by his answer from the Attorney-General in February. My questions are:

1. Why did the Police Complaints Authority, in investigating this matter, interview seven police officers, none of whom was present at the time of the bombing but not follow up the two serving officers who were there at the event?

2. With this sort of record by the PCA, is it not fair to say that the South Australian public can have little confidence that any complaint against the police will be thoroughly and properly investigated?

3. Relating to the report from Judge Stevens, how does the Attorney believe that Judge Stevens can come to useful conclusions about the processes for handling police complaints, when her terms of reference specifically prevent her from investigating specific cases?

The Hon. K.T. GRIFFIN: We have a hotchpotch of issues raised by the honourable member. I am surprised that he is persisting with his questions in relation to the NCA bombing. My recollection is that the issues he has previously raised into the NCA bombing have been more than adequately addressed and responded to. If there are any issues which he has now raised which have not been the subject of previous reflection and comment, I will be able to bring back a response in relation to that.

There has been no representation from Mrs Iris Stevens in relation to the terms of reference suggesting that they are inadequate. She can certainly undertake her work without delving into specific cases and testing the decisions taken by the Police Complaints Authority. But it is important to recognise that she can have access to any material that she believes will be helpful in enabling her to satisfy the obligations required of her in the terms of reference. The Police Commissioner and the Police Complaints Authority have both given relevant undertakings and also directions to ensure that access is provided. As I said, she has not made any representations to me that she has any difficulty with the terms of reference. If she did, then I would certainly consider it.

The whole object of Mrs Stevens' task is to look at issues of process. Concerns have been expressed by police officers about the way in which the Police Complaints Authority undertakes investigations, breach of conclusions and reports, as there are issues about the interrelationship between the Police Complaints Authority and the Internal Investigations Branch which acts for and on behalf of the Police Complaints Authority in undertaking investigations. If there are any issues that are new to which the honourable member has referred, I will bring back a response. In relation to the length of time to provide a report, my understanding is that there has been illness in the family of Mrs Stevens and, as a result of that, it has caused a delay of several weeks. I do not intend to publicly disclose the details of that reason for the extension of time.

The Hon. IAN GILFILLAN: As a supplementary question, could the Attorney inquire specifically as to the reason why the PCA did not return to the two witnesses who were at the event to get corroboration of the statement made by the Chief Inspector?

The Hon. K.T. GRIFFIN: I have already given the honourable member a response in relation to that issue.

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: On the advice which I have been given it was not significant, as I recollect. I do not have the advice here. I will follow up all the issues raised by the honourable member. If there are matters which need a further response, then I will bring one back.

SPURR, Mr P.

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about offensive weapons and the Patrick Spurr case.

Leave granted.

The Hon. A.J. REDFORD: There has been a lot of publicity about the case in the Magistrates Court centring on

a Mr Patrick Spurr, who was convicted of carrying an offensive weapon and sentenced to 40 hours community service. In that regard I draw members' attention to the articles that appeared in the Adelaide *Advertiser* of 5 May and 7 May. In response to the first of those articles, I issued a press release defending the magistrate and pointing out some important omissions that, unusually I might say, were left out of the *Advertiser* article.

To refresh members' memories, Mr Spurr had been carrying a can of mace in the midst of a New Year's Eve celebration at Glenelg. Mr Spurr told the court that he had been carrying the mace to defend himself against people who might want to steal his expensive sports shoes. The media reports of the case prompted public outrage. Indeed, I think there was a telephone call-in to promulgate that public outrage because it appeared that Mr Spurr was an innocent person trying to defend himself against potential thieves. Is the Attorney familiar with the case? Can the Attorney enlighten members in this place as to the full facts surrounding the matter?

The Hon. K.T. GRIFFIN: The case seemed to generate a bit of heat and not much light. The way in which it was reported tended to suggest that Mr Spurr, the defendant, was the innocent victim of some threats over his Nike shoes. The first paragraph of the article, I think of 7 May, was as follows:

> When Patrick Spurr was told to hand over his expensive pair of training shoes while enjoying a night on the town he stood his ground and brandished a can of mace in his defence.

That is not what happened. However, if you read the story further maybe it does tend to modify that because it goes on to say:

> This week in the Adelaide Magistrates Court Spurr was convicted of carrying an offensive weapon while his tormentors did not have to face the courts.

It goes on later and says:

> Spurr, who was unrepresented, told the court he previously had been hassled by people wanting his shoes.

Note the emphasis on the word 'hassled'. It continues:

> On the night in question, New Year's Eve, he was also physically disadvantaged because he had his arm in a plaster cast. He decided to carry the mace for protection.

The real facts of this case, to try to put it into a proper perspective, are that Mr Spurr, the defendant, was down at the Glenelg New Year's Eve celebrations in Moseley Square. Approximately 50 000 people were in attendance. At the time of his apprehension my information is that the defendant was allegedly threatening the crowd in front of him with a chemical defence spray and persons were seen recoiling from his actions but they were not able to be identified because of the press of the crowd. He was apprehended by uniform police in Moseley Square. He first stated to police at the scene that he did not use the spray but merely threatened to use it to stop several people from attacking him. He later stated that he acted in self-defence.

It was not until at the hearing before Magistrate McInnes, when he was unrepresented, that he actually pleaded guilty to possessing a dangerous article. At the time of his apprehension no mention was made to police about his shoes, but he did make reference to that when appearing in court on 4 May. So, it is important to get that into a proper context. As a result of that the magistrate made some unfortunate remarks about wearing Nike shoes, but it really attracted an attention that it did not really deserve, because the emphasis ought to be on the fact that he pleaded guilty to carrying a dangerous article, namely, a can of mace. There was a lot of reaction by the community saying, 'Why cannot you carry a can of mace in order to defend yourself in the event that one day you might be threatened?'

I will not take a lot of time on this but I will put down a perception and reaction in relation to the law. As is often the case, the law in this area is not so black and white as may first appear, and for good reason. It tries to tread the delicate balance between, on the one hand, the general freedom of people to do what they think is best for themselves, including the right to defend themselves and, on the other hand, the right of other people not to be exposed to unreasonable risk of being harmed by the irresponsible use of dangerous items, including knives and anti-personnel gas.

People tend to view things from the prepared position which they hold. For example, my right to carry a Swiss Army knife seems fair and reasonable to me, but is seen as potentially dangerous by a nightclub proprietor in Hindley Street. The right to carry a gas canister as general self-defence may seem fair and reasonable, but exactly the same behaviour would not seem reasonable if a person made a terrible mistake about what was not actually threatening behaviour.

That is the point I have made on a number of occasions. It is all very well to say that you can carry a can of mace, but how do you know whether a person is actually threatening you and that it is not used inadvertently or deliberately against a quite innocent person?

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: No, you can't. This sort of balance is quite common. For example, wearing a motorcycle helmet is required when on a motor bike but forbidden when entering a bank. A business presenter wants to be able to use a laser pointer when giving presentations, but I am now being urged by some sections of the community to go so far as to ban the laser pointer because some people use it to annoy others in nightclubs. So, it goes on.

The crucial thing in my opinion is to direct the criminal law at things which are not innocent and to try to preserve the freedom of people to do what they like. However, we do not want a generally armed society, and the United States presents a good model of the capacity of people to misuse the freedom to go about in an armed state. At present mace and other self-propellant gas canisters are dangerous articles, with the agreement of the police, because they are in fact dangerous to other people and there is no use for them other than to be a threat to other people.

In addition, the strictest precautions were taken before this kind of article was supplied to police for use in controlling otherwise difficult people. I cannot view with equanimity the notion that any person could carry this kind of article on his or her person and, when challenged by police in Hindley Street, a bank or nightclub—to take just three ready examples—not only escape scrutiny but also continue to carry the thing simply by saying, 'I need it to defend myself.' It is important to get this law into perspective.

I note in a report today that New South Wales has passed a draconian piece of legislation about knives and police being able to stop you in the street to ask your name and for other reasons. I am sure that all sensible and responsible members of Parliament and members of the public would see that that is an over reaction. In fact, it goes over the top and puts most of the power in the hands of the police rather than in the

hands of the courts. In the hands of the courts is where I believe it ought to be.

The Hon. A.J. REDFORD: By way of supplementary question, is it not the case that all the magistrate was averting to in making her comments was that she did not believe that merely wearing Nikes or Reeboks justified the carrying of offensive weapons, and is it not the case also that she was merely trying to say that, if you think you must carry an offensive weapon because you are wearing Nikes, do not wear Nikes?

The Hon. K.T. GRIFFIN: I think that is probably a reasonable summary.

MOUNT BARKER TRANSPORT

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the progress of the promised review by the Government to extend the metropolitan public transport boundaries to include Mount Barker.

Leave granted.

The Hon. A.J. Redford: Do you have property up there?

The Hon. T.G. CAMERON: No, I have no property but I happen to be a Hills dweller, living at Upper Sturt—quite some way from Mount Barker. On 22 July last year in a question without notice I asked the Minister for Transport questions concerning an inconsistent application of metropolitan-country boundaries by the Department of Transport with regard to Mount Barker. In my opening statement I said that many Mount Barker residents had contacted my office because they were angry over the unfairness of the public transport ticketing system for the Adelaide Hills and the registration costs for their motor vehicles. This was because the Passenger Transport Board considered Mount Barker to be country for the purpose of public transport and therefore not eligible for Government subsidies.

I also stated that weekly public transport costs at the time were as much as $50.70 compared with $17 for similar travel in the metropolitan area. This was despite Mount Barker's being closer to Adelaide than either Seaford or Gawler, both of which are considered metropolitan. With the rise in public transport fares due to start in July, this disparity is set to soar. To add salt to the wound, the registration and licensing section of Transport SA considers Mount Barker to be metropolitan for the purpose of registration of motor vehicles, resulting in its compulsory third party insurance premiums being 30 per cent more expensive than the rate for country areas.

The Hon. R.R. Roberts: It's like being between a dog and a lamp post really, isn't it?

The Hon. T.G. CAMERON: In effect Mount Barker residents are fleeced both ways—I thank the honourable member for that interjection. Even the Premier and member for Kavel (John Olsen) recognised the outright unfairness of the system when he stated in a letter to the Minister:

> Many people have raised with me the dilemma the Hills has in being categorised either 'metropolitan' or 'country', and there is a perception that Government applies whichever category will generate more revenue. The fact that bus fares for country users and vehicle registrations for metropolitan users combine to make the most expensive option for people living in the Hills is not lost on my constituents.

In one of my questions last year I asked the Minister to order an inquiry before the next State election. I am glad to say following my request and other pressure brought to bear, presumably from the Premier, the Government announced during the October State election, as part of its transport passenger policy (page 5) that, if re-elected, the extension of the metropolitan public transport boundary to Mount Barker would be reviewed. My questions to the Minister are:

1. Has the review been undertaken or started as yet and, if so, what are the results?

2. Will the residents of Mount Barker now be considered city for the purpose of public transport, or are they to be fobbed off once more by the Government because they happen to live in a safe Liberal seat?

The Hon. DIANA LAIDLAW: Perhaps because it is considered a safe Liberal seat that it was the Labor Party which set up these distinctions in terms of the public transport and motor vehicle registration provisions. They are historical and I have indicated that we would seek to address them. It is not possible, despite the best will in the world, to redress everything that we inherited from the Labor Party, particularly when there are consequences in terms of funds for the States.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I said that we will seek to redress an historical fact that we have inherited. We acknowledge that in terms of the passenger transport policy released last October, as the honourable member stated. He would know that the Passenger Transport Act that passed this place in 1994 provides for a review of the Passenger Transport Board and its operations in 1998.

That review was initiated by me in either late January or early February. I anticipate receiving a report in mid-June, and I am required under the Act to table that report within six months of the commencement of the review—and I will do that. The terms of the review, in addition to what I am required to have addressed under the Act, also include specific reference to the Mount Barker area in terms of the subsidised public transport system.

ARTS FUNDING

The Hon. CAROLINE SCHAEFER: I wish to ask a question of the Minister for the Arts about budget funding. What regions in rural South Australia have benefited from arts funding in this budget, and to her knowledge are there any areas which are worse off? In particular, have any new regions been brought into triennial funding arrangements?

The Hon. DIANA LAIDLAW: Clearly, this question was not written by me because I would not have referred to areas of the arts that are worse off. Nevertheless, I can indicate that there are none, and I thank the honourable member for the opportunity to provide that information. Specifically in terms of country areas—the honourable member may not think that Birdwood is sufficiently country, but it is situated in the Premier's electorate—a further amount of $2.5 million has been provided to finish the pavilion for the National Motor Museum. I had the opportunity last weekend to inspect the progress of that work, and it is an outstanding development.

The Government has maintained project funding for all groups and individuals that apply for arts grants each year. That funding was increased by $1 million last year, and that raised level has been maintained in this coming financial year. The Government has also maintained funding for the lead agencies, including the South Australian Country Arts Trust. That is critical in terms of getting arts products to people living in rural areas, and it has been a high profile priority issue for this Government. Also, because these lead agencies—not only the South Australian Country Arts Trust

but every other lead agency, of which there are 20—have had their funding maintained, they are able to undertake country work, which will be novel for many of these lead agencies in terms of their recent practice.

A performance agreement is now required of each leading arts company. So, in a sense, Arts SA and the Government are agreeing with the lead arts agencies—including the South Australian Theatre Company, State Opera, the Meryl Tankard Australian Dance Theatre, and many others—on what we will seek to purchase for taxpayer investment in these companies. In each instance, the performance agreement requires that country work be undertaken. That has not been a requirement in the past and it has not easily been able to be undertaken because of uncertainty about funding.

Together with the performance agreement, Government will extend triennial funding to, I think, 14 lead agencies, which will now be entitled to that funding—this is on top of the five agencies that already receive such funding—and that security of funding base for the next financial year will enable them to plan for their country activities. That will be an enormous broadening experience for those companies. It will provide more opportunities for the artists in terms of performance, and it will also provide richness in the lives of country people which they have not experienced for a long time. It will also ensure that there is more activity at the regional arts centres at Whyalla and Port Pirie, and in the Riverland and the South-East.

As an aside, there has been further investment in the State Library for Internet access in the public library system, and of course that will benefit country people also. As a further aside, I must say that yesterday I was pleased to receive a letter from Mr Jim Giles, the Chairman of the Arts Industry Council, acknowledging this Government's commitment to the arts. I did not anticipate receiving such a letter this year, notwithstanding the success of this arts budget, because one of the members elected most recently at the last AGM of the Arts Industry Council is the former Minister for the Arts, the Hon. Anne Levy.

That appointment has caused some consternation in the arts community about the politicisation of the Arts Industry Council. I am sure that my counterpart, the current shadow Minister, is aware of that consternation in the arts community. Notwithstanding the fact that the Hon. Anne Levy has been appointed to the Arts Industry Council, I am sure that she has signed off with the other members of the Arts Industry Council executive, but congratulations go to the Government in terms of its budget for the arts in both metropolitan and country areas.

OPTUS ROLL-OUT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the telecommunications roll-out.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday's *Advertiser* reported that telecommunications company Optus was intent on completing its cable roll-out in Adelaide. This reinforces the need for a proper planning framework to control all new telecommunications infrastructure. After 1 July last year, State and Territory Governments gained jurisdiction over the planning requirements for installing telecommunications infrastructure (such as new mobile telephone towers and pay TV cabling). Only those cabling and tower constructions already proposed and begun before July remained immune from State laws until 30 September in relation to cabling and 31 December in relation to tower constructions. All other activities were to be regulated by State laws, which required the South Australian Government to have controls in place.

Following this, the State Government pledged to implement a framework to deal with these issues in South Australia. The then Development Minister (Hon. Stephen Baker) told the Parliament on 1 July last year:

> Now that we have the Federal Government determination, the State Government will prepare its own regulations to confirm that the installation of telecommunications infrastructure is building work under the Development Act.

That was an unequivocal statement from the former Development Minister. My questions to the Minister are:

1. In the light of this latest talk about the cable roll-out continuing, what measures has the State Government taken to classify telecommunications infrastructure as building work under the Development Act, and what time frame exists in terms of the regulations that were promised on 1 July last year?

2. What will the Government do to allay community concerns about the cable roll-out, and is it aware of the proposed timetable for that roll-out?

The Hon. DIANA LAIDLAW: I have some briefing notes in relation to telecommunication towers and cables which outline our obligations in terms of the Commonwealth Telecommunications Act 1997. I looked specifically for the progress that has been achieved by the working party that was established to develop a State policy in the form of a PAR and a change to the regulations. My briefing notes advise that local government has been consulted on the form of the proposals and that progress has been made. During the past month, I have received some advice and, as I said in a letter to the President of the Local Government Association in recent weeks, we should be able to advance this issue promptly.

LABOR, PRIVATISATION

The Hon. L.H. DAVIS: I seek leave to make an all too brief explanation before asking the Treasurer a question about—

The Hon. A.J. Redford interjecting:

The PRESIDENT: We are all listening; I hope all members are listening. Is leave granted?

The Hon. L.H. DAVIS: I have not given you the subject yet, Mr President.

The PRESIDENT: If the honourable member is resuming his seat I will call on—

The Hon. L.H. DAVIS: I can understand why you are being so obliging, Mr President—

The PRESIDENT: If the honourable member is resuming his seat I will call another questioner. The Hon. Mr Davis.

The Hon. L.H. DAVIS: No. It is on the subject of the 1996 Labor Party State platform and electricity privatisation in South Australia.

Leave granted.

The Hon. L.H. DAVIS: It is interesting that the 1996 State platform of the Labor Party notes that the Liberal Party had adopted Labor's debt reduction strategy at the 1993 State election and then proceeded to reduce debt by an extra $1 billion using asset sales. So, on the one hand it was saying that the Liberal Party was stealing its clothing and then just taking it a little further: that construction could be put on that

sentence. In particular, my attention is drawn to paragraph 7.4 of the Labor Party platform, which states:

> Labor believes that a number of services, including public hospitals, ETSA and water supply are fundamental Government responsibilities and should be retained in public ownership.

It then goes on to argue:

> Labor recognises that its priority in Government will be to rebuild public education and health services, not to use scarce resources to resume public ownership of privatised assets.

It then goes on to state:

> Labor accepts that the private provision of some public infrastructure may be in the public interest, but only where it can be demonstrated that that infrastructure can be constructed or operated on superior terms socially, economically and environmentally to public provision.

It then discusses competition policy and makes the point:

> In 1994, the Federal Labor Government obtained the agreement of the States to introduce a competition regime into areas of State jurisdiction. In return the States obtained generous financial compensation for loss of the monopoly rents they had derived from State owned business undertakings.

This had been supported by the Labor Party. Finally, it states:

> With Labor's support, South Australia joined the national electricity market [which] provided immediate cost reductions to major industrial users and the capacity to contain the growth in prices to domestic consumers in the long term.

Finally, my attention is drawn to the Auditor-General in New South Wales, Mr Tony Harris, who last week reported that there had been a fall of $700 million in electricity profits in New South Wales in the second half of 1997. No doubt part of that was a result of growing competition from Victoria, and obviously that is also contributing to the pressure on the Carr Government's seeking to privatise electricity assets. So, it seems that, through its current attitude, the Labor Party has created the illusion that it is looking seriously at the privatisation of ETSA and is finding reasons to oppose it, when in reality its platform demands that it oppose it.

The PRESIDENT: I remind the honourable member that he has now been going for 3½ minutes, so it is not the short statement for which he sought leave.

The Hon. L.H. DAVIS: My questions to the Minister are:

1. Is the Treasurer aware that the 1996 ALP platform locks the Labor Party into opposing the proposed privatisation of ETSA, irrespective of the merits of the argument advanced in 1998 and in sharp contrast to the No Pokies member and the Australian Democrats, who are seriously examining the Government's proposals?

2. Is the Treasurer aware of the report of the New South Wales Auditor-General and the implications it has for South Australia?

The Hon. R.I. LUCAS: I thank the honourable member for his questions. I will address the second question first. I am seeking further information about the New South Wales Auditor-General's Report, but the press reports I have seen would indicate the critical importance to State and Territory Governments of the impact of the national electricity market on the operation of publicly owned utilities and businesses in the electricity area. I must admit that I was surprised to see the reported figure of $700 million, and that is why I have sought separate briefing on the detail of that. It does seem an extraordinarily large figure in a relatively short period of time, but Auditor-Generals the nation over are known for their diligence in reporting faithfully on those issues, and I certainly would not wish to publicly criticise that figure or that report of the Auditor-General in New South Wales at this stage. Again, I can only say that, as the honourable member has indicated, it highlights again the critical importance of the issue and ultimately the enormous sums of taxpayers' money which are at risk if Governments believe that, in the operation of these publicly owned businesses operating in the cut throat national electricity market, those sorts of risks are virtually unmanageable. I am sure that, when confronted with that sort of information, taxpayers in both New South Wales and South Australia would not wish their Governments to continue exposing them to that sort of risk.

In relation to the detail of the Labor Party platform, as the honourable member has indicated, it demonstrates the approach of the South Australian Labor Party, and Mike Rann in particular, to this issue of the privatisation of ETSA and Optima. Rather than—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: In the end, without being prepared to consider the merits of the case, rather than just accepting the ideological dogma of the Party organisation as written down—

Members interjecting:

The Hon. R.I. LUCAS: It is a convenient excuse to say, 'The Party organisation has said we shall not sell' and then say, 'We will not contemplate it in any circumstances, even considering the merits of the particular case and the particular dilemmas that confront taxpayers in South Australia and State Governments with the operation of ETSA and Optima in a national electricity market.' The Premier highlighted that on a number of occasions before an election Mike Rann had put down a policy position in relation to the South Australian Gas Company and then afterwards, at least to his and his Party's credit, in the interests of the State and the taxpayers they were prepared change the Party position. All the Premier is putting to Mike Rann is that, if he is concerned about the interests of the taxpayers and the State, he adopt exactly the same approach he did when prior to the 1985 election he said 'No way' to privatisation and immediately after the election he changed his position and supported the privatisation of the South Australian Gas Company. The question that is being put to Mike Rann and the Labor Party is whether as a Party they are prepared to put the interests of South Australians and the taxpayers before the ideological dogma written down—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The PRESIDENT: I said 'Order!', Mr Redford.

The Hon. R.I. LUCAS:—in their State platform. They come into the Parliament and throw their hands into the air and say, 'This is our platform; we cannot change it.' It does not matter that this particular policy might do irreparable damage to the State and the taxpayers of South Australia: because you have been told you cannot do it the Labor Party is not even prepared to consider the merits of the case. I give credit to the Hon. Sandra Kanck, the Hon. Mike Elliott and the Hon. Ian Gilfillan of the Democrats because they, too, went to an election indicating clearly the policy position but they have at least been prepared to listen to the argument, to consider the merits and ultimately make the decision that rests with them. I give them credit for at least being prepared to do that. It is disappointing that Mike Rann is not prepared to do the same and put the interests of South Australia before the interests of the Labor Party and his own factions.

YORKE PENINSULA LABOUR EXCHANGE PROGRAM

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Youth and the Minister for Employment, a question on the labour exchange program on Yorke Peninsula.

Leave granted.

The Hon. CARMEL ZOLLO: Earlier this year the Minister answered a number of questions I asked concerning this program, for which I thank the Minister. In her response the Minister indicated that 22.6 full-time equivalent positions had been achieved at the end of the first year (the target had been 30 positions), and that $45 000 had been expended for the same period. Following further inquiries, and given the Premier's employment strategy announced recently, I seek further details on the earlier responses and an update on the status of the program. My questions are:

1. In what employment sectors were the 22.6 positions filled and are they contract or permanent positions? If there are any contract positions, for how long do the contracts run?

2. On what was the $45 000 actually spent and on what will the remaining budgeted amount be spent?

3. What are the revised details to the end of May 1998 to the first two questions, and does the Minister expect that the program will achieve all its objectives in the time and budget allocated? Can the Minister also provide revised figures and objectives in view of the $120 000 increase announced as part of the Premier's employment strategy?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply.

SELECT COMMITTEE ON THE PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENT, ETC.) AMENDMENT BILL

The Hon. M.J. ELLIOTT: I move:

That it be an instruction to the select committee that it consider whether the principal Act might better address both the broad State interest and a range of special interests in pastoral lands.

I flagged yesterday during the debate on the establishment of the select committee that I wanted to broaden the terms of reference. In so doing, I want to make it plain that I do not expect that, in expanding the terms of reference, the committee will sit for an inordinate amount of extra time or that it will come back with detailed recommendations. In brief, I think it needs to be recognised that the Pastoral Act has gone past its use by date in a number of regards. For instance, the Pastoral Act is essentially silent on tourism and tourism interests, and tourism is expanding rapidly in the northern part of the State and there is significant potential. A successor to the Pastoral Act will need to take into account the potential value of tourism and try to address how it will interact with other interests. While the Pastoral Act does deal with matters in relation to Aboriginal people, I think that in the days post Wik one would say that perhaps the Act might look more closely at issues which affect Aboriginal people.

I have been approached by interests representing pastoralists who are looking for further change to the Pastoral Act and I have also been in contact with conservation interests who also feel that the current Pastoral Act is not serving conservation interests, either. In other words, I have identified at least four interests all of whom think they are not being adequately catered for. They will each self report that they are not being catered for adequately and that they might be better addressed.

Over a periods of two years I have been involved in a couple of meetings where I have brought together representatives of conservation groups and the South Australian Farmers Federation to discuss matters of mutual interest in relation to the Pastoral Act. For some time those talks were making real progress. It was recognised that it was possible that the Pastoral Act could cater better for interests of both pastoralism and conservation and that it was possible to amend legislation for a win:win situation. Those talks finally broke down, largely because the conservation group said it could not go further with its discussions without also involving Aboriginal interests. Unfortunately, the Farmers Federation's response was, 'We are having talks with them,' and it did not want a three-way conversation.

When the conservation interests wanted some indication of precisely who they were talking with, that information was not forthcoming and I know for a fact that issue immediately put a number of people in the conservation camp offside and they felt they could not move further in terms of seeing what agreement might be reached between pastoral and conservation interests whilst just ignoring the fact that there are other interests as well. They have to be congratulated for that, because they could have made a move of self interest and looked only after conservation and pastoralism and done a disservice to other legitimate interests. In this case it is not a matter of having a win:win situation. We want a win:win:win:win:win situation, which brings in the whole range of interests and I believe it is possible to do this.

It is not my intention that the committee should map out in detail what the final solution should be. I hope the committee might identify the issues which might need to be addressed and point a direction forward, perhaps even mapping out a process which would bring the various groups together to resolve the situation. I know some people in very simplistic terms would say that the original Bill looked only at rent and a few matters of broad procedure. Let us look at the political reality of this. The Farmers Federation knows it has the ear of the Liberal Government and it is getting what it can out of that Government. It is moving further towards its satisfaction while all other interests are being ignored. In my view, it is time that all interests were looked at together and that we sought a solution that was good for everybody and not just for one special interest.

I understand—and I stand to be corrected on this—that the rents being collected from pastoral lands cover only about half the costs of administration and, particularly, some of the monitoring work that is being done there. That might not cause me a problem if I felt that there was a *quid pro quo* in all this—that, indeed, that conservation was being achieved as best as it might practically be done so and that other interests are also being legitimately addressed. At this stage, I am not of the view that that is happening, and I do not think that rent is an isolated issue. The issues of rent, the structure of the board and the way the board functions are inter-linked with all the other interests, as well. It is not my intention for this committee to sit a long time or cause great delay in

addressing particular issues within the Bill. However, I want to ensure that we begin a process that is long overdue, that is, to look at the northern two-thirds or three quarters of this State which is covered by the Pastoral Land Management (Conservation) Act and improve that legislation.

I apologise for the need to suspend Standing Orders but the fact is that we will not sit now for another three weeks. If the committee is to be established and it is to advertise, and the terms of reference are to be expanded, when advertising occurs, it must give people a full picture as to what the committee will look at. I urge all members in this place to support the motion. Even if the Government does not agree with it, it should recognise that the numbers are there for the motion to get up and, in the circumstances, the sooner this committee can start, the better.

The Hon. T.G. ROBERTS: I indicate that the Labor Party will accept the amendment. I also offer the following explanation to the Government. The amendment to the original motion to set up the select committee was given to us late. Further discussion involved whether the original motion could include other matters as outlined by the honourable member. The original motion was a little restrictive. Part of the agreement we gave to the Government was that we would use the period between the end of this session and the start of next session to try to complete the information collection, the evidence and the deliberations so that a recommendation could be put for the next session of Parliament. That would be still our position.

I do not think we are breaching that faith by including the amendment to the original motion, as long as that good faith holds. All those other issues can be managed in the collection of evidence. The honourable member wants to highlight a lot of the issues that were highlighted in our first evidence taking mission when the original select committee was conducted by this Council. We support the measure, with the caveat that the collection of evidence and the recommendations that come out of it will be carried forward to a further round of action in relation to broader matters other than the restrictions of the Bill itself.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I appreciate the Hon. Terry Roberts' confirmation of good faith from the Labor Party in the undertakings given to the Government, specifically regarding the time frame for the conduct of the select committee, that is, we would aim to complete all our deliberations and report by the first day of the next session. When speaking to the select committee motion yesterday in the Committee stages of the Bill, I noted that one reason why the Government would be prepared to work with the select committee—even though it was not our preferred course—was the fact that the select committee's terms of reference were confined to the Bill, and we did have this undertaking regarding the time frame for consideration of issues raised in the Bill.

The preferred course of the Government—and we know the numbers are not on our side—would be to support the Hon. Mike Elliott's extension of the terms of reference. If that course were taken, we could deal with the matter either today or in June. We should get on with this task and report back by the next session. As a courtesy to the witnesses and as matter of expense to the Parliament in advertising costs, those involved in the advertising and the witnesses should be aware of all the matters that the select committee will consider. Therefore, it is appropriate that, if the numbers are against us on this matter and the terms of reference will be extended later, they should at least be dealt with now and the full set of recommendations for the select committee should be put before the public in terms of calling for written or verbal evidence. We accept this measure with reluctance. I must say that it is an interesting concept, a win-win position. I would have thought it was typical of the populist approach of the Democrats. I am quite interested to see whether I could ever be part of such an arrangement. For that reason, I must say that I am quite intrigued about this whole exercise. Let us just get on with it.

Motion carried.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act 1985. Read a first time.

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

That this Bill be now read a second time.

This Bill seeks to abolish compulsory voting and is consistent with the Government's policy announced before the 1993 Election. Legislation to abolish compulsory voting or to introduce voluntary voting was put before the Parliament on three occasions during the Government's last term. On each occasion, the legislation was defeated or opposed. However, the Government still believes that voluntary voting at elections is a positive and necessary reform.

The right to vote is a precious right and is the basis for any society to be democratic. In many large democracies such as the United States of America, the United Kingdom, France, Germany and Canada, and in smaller democracies such as New Zealand, the right to vote has been accompanied by a freedom to choose whether or not to exercise that right by attending at a polling booth, obtaining a voting paper, marking it and placing it in a ballot box. In countries like India there is no compulsion to vote. In the Philippines, when voting on a new constitution, voting was not compulsory nor was voting compulsory in their recent presidential elections. The emerging democracies of Eastern Europe also provide for voluntary voting.

In South Australia voting has been compulsory for over 50 years, although enrolment remains voluntary. Australia and the Australian States are in a small minority of western democracies where compulsory voting is the law. Countries that have some form of compulsory voting include Belgium, Greece and Luxembourg and some Latin American states. The fact that Australia persists with compulsion is something which may generally be seen as incompatible with a fair and democratic society.

Most democracies see the right to vote as embracing the fundamental right of individuals not to vote if they so choose. One of the principal reasons Holland abolished compulsory voting in 1970 was the view that to force people to exercise their right to vote was to destroy the very nature of that right. Another critical factor influencing the Dutch was the view that election results should be based on the clear choice of voters voluntarily participating in the election process. Election results should not be influenced by the votes of those who would not bother to vote but for compulsion.

One of the arguments used by those opposed to voluntary voting is that it favours the Liberal Party. This is an emotive self-protective reaction with no substance. One has only to look at the experience in overseas countries with voluntary voting where Labor or Socialist parties win and lose as do Liberal or Conservative Parties. When the Government of the day, of whatever political persuasion, is out of favour the people will defeat it.

Two side benefits of voluntary voting are that the estimated 2 per cent donkey vote will be eliminated and that those who fail to vote will not have to be followed up with 'please explain' notices, nor will those who fail to explain have to be fined or, in default of paying an expiation fee, be prosecuted. This will be a thing of the past.

The Electoral Commissioner has advised that as at the 7 January 1998, 43 000 South Australians had failed to provide a valid reason for not voting prior to the issue of the Form 8 notices. Of that 43 000 who were issued with a Form 8 ('Please Explain') notice, approximately 29 500 tendered an adequate reason for not voting.

Consequently, 13 500 expiation fines each worth $17 were sent out in late February to those people who had not responded to the Form 8 notice or who had not provided a valid and sufficient reason for failing to vote. Chasing up non-voters is a costly and time consuming process and the end result is that non-voters are penalised for failing or choosing not to exercise their basic democratic right to vote. The estimate of the cost for the 1997 election is $155 000 (not including Crown Law or court costs). The total cost of pursuing non-voters in the 1993 State election was estimated at the time to be $500 000.

This Bill repeals Division VI of Part IX of the principal Act which provides for compulsory voting. I commend the Bill to members. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Repeal of Division 6 of Part 9

Clause 2 provides for the repeal of Division 6 of Part 9 of the *Electoral Act* so as to remove the requirement for each elector to vote at an election.

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

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 510.)

The Hon. IAN GILFILLAN: The Democrats oppose the Bill. I have had the opportunity to discuss the matter with people who had had more experience than I had at that time to make an assessment of it. In the Magistrates Court, where magistrates do sit alone to hear cases, both the defendant and the prosecutor can appeal to the Supreme Court, the defendant against his conviction and the prosecutor against an acquittal.

The Supreme Court, a single judge or, on further appeal, a Full Court, can either dismiss or allow the appeal and substitute either an acquittal or conviction or order that there be a retrial. This is different from what prevails in both the District and Supreme Courts, and I do not find that anomalous because I understand and believe it to be true that the Magistrates Court is an execution of justice specifically at a different level to that of either the District Court or the Supreme Court. So I do not accept the fact that an appeal against an acquittal in the Magistrates Court can be accepted as a precedent for the District or Supreme Courts.

In those courts the defendant can appeal to the Court of Criminal Appeal against his or her conviction by the verdict of a jury or a judge sitting alone and, if successful, the conviction may be set aside and he or she will either be acquitted or a retrial will be ordered. The prosecutor (Crown) can ask the trial judge—that is a judge who either sits alone or with a jury—to reserve for consideration by the Full Court any 'relevant question', and that is defined in section 350(a1) of the Criminal Law Consolidation Act as follows:

> 'relevant question' means—
> (a) a question of law; or
> (b) to the extent that it does not constitute a question of law—a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

In other words, for consideration by the Full Court any 'relevant question' to a trial where a defendant has been acquitted, but that appeal is subject to section 351A(2)(c) of the Criminal Law Consolidation Act, which provides:

> if the defendant has been acquitted by the court of trial, no determination or order of the Full Court can invalidate or otherwise affect that acquittal.

Members may ask, 'What is the point of the referral?' Well, the referral quite often can be a clarification of a matter or reconsideration of a point of law. One of the more notable in recent times was a referral on the matter of Judge Bollen's 1992 direction to a jury that 'rape is an allegation easy to make up and hard to refute, and you should be very careful about convicting a man based on the uncorroborated testimony of a woman alleged to be his victim'.

This was the same case where Judge Bollen expressed the I suppose somewhat infamous statement—certainly it was the focus of a lot of attention—'rougher than usual handling'. The alleged rapist was acquitted and so, quite clearly, the appeal was not to do with his acquittal, and the DPP referred the case to the Full Court which directed that, in future, judges must not use terms like this in a summing up. That illustrates the purpose for the further consideration of a trial in which the defendant has been acquitted.

Traditionally at common law a verdict of 'not guilty' returned by a jury is regarded as sacrosanct. A person cannot again be tried after a jury has found him to be 'not guilty'. This is referred to as the rule against double jeopardy, and the traditional position is reflected in that section of the Act that I have just quoted. To abolish that rule against double jeopardy, where a defendant has been found 'not guilty' by a judge sitting alone, would be anomalous with the position which exists where a defendant has been found 'not guilty' by the verdict of a jury, but would be consistent with the position which exists with an appeal against an acquittal by a magistrate, where an appeal against an acquittal can be brought. I have no difficulty with that because there is a clear distinction in the level at which justice is determined in the Magistrates Court to the two higher levels of court.

Trial by judge alone in the District and Supreme Courts was introduced about 10 years ago, but can be taken only at the election of the defendant, and to abolish this rule against double jeopardy in relation to defendants who elected for trial by judge alone would be detrimental to the existing rights and

place them in a more disadvantageous position than defendants who did not elect to be tried by judge alone. As far as my recollection goes, the reason for which trials by judges alone were introduced was to clear the lists and shorten criminal trials, and that may have been, as far as logistics was concerned, a worthy aim at that time. However, it has persisted as an alternative for defendants who are tried in the District or Supreme Courts and, for as long as that provision remains on the statute book, the Democrats believe that it would be unfair and would overturn a basic right—the protection from double jeopardy—and that that protection must be retained. We therefore oppose the Bill.

The Hon. A.J. REDFORD secured the adjournment of the debate.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Hon. R.I. LUCAS (Treasurer) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959 and the Wrongs Act 1936. Read a first time.

The Hon. R.I. LUCAS: I move:

That this Bill be now read a second time.

This Bill amends the Motor Vehicles Act 1959 and the Wrongs Act 1936 in relation to aspects of the compulsory third party bodily injury insurance scheme. The Bill is aimed at reducing pressure on third party bodily injury insurance premiums by containing the increase in the cost of claims.

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

That direction is based on the belief that Parliament will agree to the measures in this Bill to contain the increase in the cost of third party bodily injury claims. If some of these measures are not passed, that direction will need to be reviewed and indeed, if the Bill is rejected entirely, the direction will need to be withdrawn and class 1 premiums will be raised by the full 12.9 per cent.

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

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

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

A number of reasons can be cited for the low solvency, including a low start point in 1988-89, poor investments returns until 1994-95 and a premium reduction in 1988 followed by static premiums from 1989-1996. It must be remembered that compensation is made from the CTP fund and not from Government revenue. Therefore, contributions must meet the liabilities of the scheme and cover relevant costs. In 1997, there was a general 5 per cent increase in CTP premium, effective from 20 July, 1997. This was less than the 8.2 per cent authorised by the Third Party Premiums Committee on the basis that legislative reform to the CTP scheme would contain claims costs. Due to the announcement of the State election the legislative reform package was not introduced.

In response to the financial position of the fund, the Motor Accident Commission has adopted measures aimed at ensuring tighter control on the management of claims, fraud and legal fees and faster settlements. It has also recommended that legislative action is required if premiums are not to increase significantly. The proposed legislative amendments correct anomalies, improve the existing legislation and introduce new initiatives to protect the CTP fund. Some of the amendments build on, or modify, the amendments made in 1986.

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

The proposed amendments will place greater responsibility in the hands of road users for their own actions and in so doing should reduce pressure on the CTP Fund. The degree to which predicted premium increases can be moderated in the future will be determined by the extent to which the proposed changes are implemented. MAC has estimated that the amendments contained in the Bill could result in savings of $13.3 million to $18.3 million per year to the CTP Fund.

The changes provided for in the Bill:

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

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

Motor Vehicles Act

The amendments to the Motor Vehicles Act deal with the extent of cover provided by the CTP Fund, the relationship between insurer and insured, fraud control and some procedural aspects of the CTP scheme. In 1987 the definition of 'caused by or arising out of the use of a motor vehicle' was amended to limit the scope of CTP cover. Some concern has been expressed that the current definition may be too wide

and that the use of the word 'collision' may include some loading accidents that should not be covered by the Act. Therefore, clause 5 amends the coverage of the Act to 'death or bodily injury caused by or arising out of the use of a motor vehicle, which is a consequence of the driving of the vehicle, the vehicle running out of control or a person travelling on a road colliding with the vehicle when the vehicle is stationary, or action taken to avoid such a collision'.

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

Therefore, clause 6 introduces an amendment to exclude awards for exemplary or aggravated damages being made against the CTP Fund but preserves the right of an injured person to receive these damages from the insured personally.

Clause 7 inserts a new provision requiring the owner, the person in charge or the driver of the motor vehicle involved in an accident to cooperate fully with the insurer in respect of a claim made arising from an accident. This includes a duty to give access to the vehicle and possession, if necessary. This provision is supplemented by the provision in clause 10, which allows for the insurer to acquire a motor vehicle involved in an accident.

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

To maintain and improve the focus on fraud control, MAC has also recommended that specific powers should be introduced into legislation relating to CTP claims in relation to false and misleading statements. Other States have legislated in this area. The insurance industry has generally acknowledged that up to 10 per cent of claims have a component of fraud, which, in CTP claims, may range from an exaggeration of injury symptoms to 'staged accidents'. MAC considers that inclusion of specific legislative powers in the Motor Vehicles Act would assist in deterring fraudulent conduct, and provide MAC with a more effective mechanism to reduce claims costs and recover the costs of investigation.

Therefore, clause 7 also includes provisions aimed at fraud control. New section 124(6a) will make it an offence to provide false or misleading information in relation to a claim for personal injuries arising from a motor vehicle accident. New subsection (6b) will allow recovery from the claimant of the amount of any financial benefit that the claimant gained as a result of committing the offence of providing false or misleading information.

Clause 8 inserts a new subsection in section 124A so that a finding of a court regarding an insured person's incapacity to exercise effective control of a vehicle owing to the influence of intoxicating liquor or a drug or a blood alcohol reading will be treated as determinative of that issue for the purposes of an action for recovery by the insurer. This facilitates proof where the insurer is seeking recovery under section 124A and avoids the need for duplication of matters that have already been the subject of a court decision. A similar provision is included in clause 14*(h)* to facilitate proof in relation to matters arising under new section 35A(1)*(i)* or *(jb)* of the Wrongs Act.

Clause 9 contains two amendments providing for an offset of compensation against an amount recoverable by the insurer and to allow appropriate credit for amounts paid by MAC. There are occasions where MAC is pursuing a recovery action against an insured person while the same person is a CTP claim beneficiary as a result of another accident. At present, MAC is unable to off-set the debt owing in the recovery action against the amount which may be paid in compensation for the injuries in the other accident. As a result, the proceeds from the compensation award may be disposed of despite an obligation by the person to meet a debt owing to MAC. This makes any recovery action difficult when the person claims to be without funds. New section 124AC avoids this problem by enabling the debt amount to be deducted from a compensation award.

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

Clause 11 of the Bill deals with the issue of medical and other similar expenses incurred by injured persons following a motor vehicle accident. Those expenses are currently susceptible to a wide range of factors which result in inconsistencies and an inability to control charges made by providers. By comparison, the other major statutory compensation fund, WorkCover, is able to regulate charges for medical services under section 32 of the Workers Rehabilitation and Compensation Act 1986.

New section 127A provides that rates for the payment of CTP medical expenses should be linked to the rates regulated by WorkCover, except for services specified by the Minister by notice in the *Gazette*. This will result in uniformity and savings to the CTP Fund. The section also allows the insurer to challenge a provider of prescribed services on issues of overservicing and overcharging. Although the insurer is not legally obliged to pay treatment accounts until settlement of claims, it is the practice to do so on a progressive basis.

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

By virtue of the amendment, the insurer will be able to challenge directly the services of medical providers as a separate action to any personal injury claim. The existence of such a right should act as a deterrent and enable MAC to combat effectively and efficiently overservicing and overcharging. This proposal will also be important to reduce abuse of the non economic loss threshold contained in section 35A(1)*(a)* of the Wrongs Act and modified by Clause 12.

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

Wrongs Act

The amendments to the Wrongs Act deal with the principles to be used by courts when assessing damages in relation to injuries arising from motor vehicle accidents. Section 35A(1)*(a)* of the Wrongs Act currently provides that no damages shall be awarded for non-economic loss unless:

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

(ii) the injured person has reasonably incurred medical expenses of at least the prescribed minimum in connection with the injury.

The prescribed minimum is currently set at $1 400.

The Government has been advised that claims which are relatively trivial often satisfy this threshold test. Therefore, the Bill increases the threshold. First, clause 12*(a)* amends paragraph (i) to increase the threshold so that a person's ability to lead a normal life must be seriously and significantly impaired by the injury for a period of at least six months. In addition, subclause *(k)* increases the prescribed minimum on medical expenditure to $2 500, subject to annual CPI adjustments. Satisfaction of either test will allow payment of pain and suffering damages.

In 1995, New South Wales increased its threshold to 12 months from six months and, in addition, a claimant must have an injury assessed at equal to or greater than 15 per cent of an extreme case. When the New South Wales provisions were passed, the parliamentary intent was stated as being 'to limit the amount of damages for non-economic loss in cases of relatively minor injuries in order to achieve the object of the Act of more fully compensating those with more severe injuries at a cost the community can afford to meet'.

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

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

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

or

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

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

Clause 12*(b)* of the Bill amends the current provision to tighten the law so that compensation is limited to persons at the scene or family members who sustained nervous shock as a result of being at the scene or immediate aftermath of a motor vehicle accident.

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

Thus, even if an event is not likely to have occurred, a court must assess the degree of probability and make an allowance for the possibility. The consequence of this has been the payment of substantial damages for future economic loss awards in claims where the degree of probability for such losses is slight or remote. The New South Wales Motor Accidents Act 1988 includes a provision so that an award for future economic loss is only made where such losses may realistically occur.

The new paragraph *(ca)* of section 35A(1) provides that in assessing possibilities for the purposes of assessing damages for loss of earning capacity a possibility is not to be taken into account in the injured person's favour unless the injured person satisfies the court that there is at least a 25 per cent likelihood of its occurrence.

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

Clause 12(d) of the Bill provides that damages for loss of earning capacity must not exceed the prescribed maximum. The Bill sets the prescribed maximum at $2 million (indexed). Amounts above that figure will not be recoverable. Persons in this category are likely to be high income earners and many will have access to other funds, for example, superannuation and life insurance policies.

Damages for loss of consortium are paid pursuant to section 33 of the Wrongs Act 1936 and compensate a spouse for the loss of services which would have been rendered by the injured person. The amount of compensation that can be awarded for loss of consortium is unlimited, but damages awarded to an injured person for non-economic loss are capped by the 0-60 Wrongs Act scale. It has been suggested that this creates an anomaly. Clause 12(e) of the Bill provides for awards for loss of consortium, relating to motor vehicle accidents, to be regulated by section 35A of the Wrongs Act and not exceed four times State average weekly earnings as a lump sum.

An issue of major concern to the Government and many in the community is alcohol consumption and road use. It is arguable that the common law has been slow to reflect the

community's disapproval of 'drink driving' or, indeed, of travelling with 'drink drivers'. A review of the cases involving contributions from drivers and passengers, where alcohol induced negligence is the cause of the motor vehicle accident, demonstrates a degree of inconsistency in the determinations made. Arguably, there is a degree of unwarranted leniency shown towards some claimants notwithstanding the involvement of alcohol.

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

Presently, the Road Traffic Act requires persons travelling in motor vehicles to wear seat belts, properly adjusted. If a person 16 years or older fails to do so, his or her CTP claim is reduced for contributory negligence by at least 15 per cent by virtue of section 35A(1)(i) of the Wrongs Act. Given community concerns and the degree of awareness of the importance of reducing the severity of injuries, the Bill increases the minimum contribution for failure to wear a seat belt from 15 per cent to 25 per cent. The Road Traffic Act also requires cyclists (pedal or motor) to wear safety helmets. However, the failure to wear a helmet does not currently result in an automatic reduction in a CTP claim for contributory negligence.

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

Another factor identified by MAC as significantly increasing the risk of injury is when persons travel in vehicles outside of the passenger compartment (for example, in the rear sections of panel vans and trays of utilities) or not in seats designed to accommodate passengers in vehicles which do not have a passenger compartment. Therefore, section 35A(1) is amended by the inclusion of new paragraph (jc) to provide a statutory reduction of 25 per cent where a person was the passenger in a motor vehicle but was not at the time within the passenger compartment and there is a causal connection between the injured person's position in or on the vehicle and the extent of the person's injury. Section 35A(3) makes it clear when courts should calculate the statutory reduction and reflects the current practice. New subsection (3a) offers some flexibility in relation to the statutory reduction in paragraphs (jb) and (jc) if the person could not, in the circumstances, have reasonably been expected to avoid the situation giving rise to the reduction.

I commend the Bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Interpretation

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

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 4: Amendment of s. 5—Interpretation

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

Clause 5: Amendment of s. 99—Interpretation

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

Clause 6: Insertion of s. 113A

113A. Insurer not liable for aggravated damages or exemplary or punitive damages

The proposed section removes the liability of the insurer to pay aggravated damages or exemplary or punitive damages awarded against an insured person or to indemnify the insured person in respect of such an award.

Clause 7: Amendment of s. 124—Duty to co-operate with insurer

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

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

Clause 8: Amendment of s. 124A—Recovery by the insurer

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

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

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

Clause 9: Insertion of ss. 124AC and 124AD

124AC. Offset of compensation against amount recoverable by insurer

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

124AD. Credit for payment of expenses by insurer

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

Clause 10: Insertion of s. 125B

125B. Acquisition of vehicle by insurer

The proposed section empowers the insurer to compulsorily acquire a motor vehicle if the insurer considers it necessary for the purposes of the conduct of negotiations or proceedings connected with the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle where the owner of the vehicle is unwilling to sell it to the insurer at all or for a price the insurer considers reasonable. The proposed section also allows the insurer to apply to the Magistrates Court for a valuation of the vehicle for the purposes of compulsorily acquiring it and, if within one month after a valuation by the Court the insurer pays into the Court the amount of the valuation, the Court must make an order vesting title to the vehicle in the insurer.

Clause 11: Insertion of s. 127A

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

The proposed section imposes limits on the amounts that may be charged for medical services to persons injured in accidents caused by or arising out of the use of a motor vehicle by reference to the prescribed limit and scale of charges prescribed for prescribed services under section 32 of the *Workers Rehabilitation and Compensation Act 1986*. The proposed section makes provision for the insurer to apply to the Magistrates Court for an order reducing the excessive charges and requiring repayment of the excess by the service provider. The section also makes it an offence for a person who provides prescribed services to an injured person, knowing that the injury has been caused by or arisen out of the use of a motor vehicle, to charge more than the amount allowed under the prescribed scale for the services.

PART 3

AMENDMENT OF WRONGS ACT 1936

Clause 12: Amendment of s. 35A—Motor accidents

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

PART 4

TRANSITIONAL PROVISION

Clause 13: Transitional provision

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

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

NON-METROPOLITAN RAILWAYS (TRANSFER) (BUILDING AND DEVELOPMENT WORK) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 819.)

The Hon. SANDRA KANCK: I have made an interesting observation. I went back to the Committee stage of the debate on the parent Bill—the Non-Metropolitan Railways Transfer Bill that we debated in July last year—and I noted an interchange I had with the Minister for Transport at that stage. I suggested that because of the speed at which we were pushing that legislation through we would discover flaws. I guess what we have here is probably not a flaw but maybe an oversight, but it shows that things can be missed out when we do things in a hurry. I indicate that the Democrats will support the legislation. Although it has been introduced as a transport matter, in many ways it is a planning and development matter and my colleague, Mike Elliott, will ask questions in Committee about those development aspects. I simply make the observation on the placement of new section 11A. In the original Act, section 11 concerns liquor licensing exemption and section 12 is the amendment of the Wrongs Act, and we are fitting in this matter about building and development work between those two. I found that a curious placement. I thought a more appropriate place for it might have been immediately after section 6—'Vesting in land'. I have no particular problem with it; it just seems to be a curious placement.

The Hon. A.J. Redford: Booze and buildings.

The Hon. SANDRA KANCK: I'm sure it makes sense; it starts with B. Apart from that, which is a whimsical question rather than anything else, the Democrats will support the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions to this small but technical Bill which is important in terms of the overall sale of Australian National to private sector operators ASR and GSR. I appreciate the cooperation of members in facilitating the passage of the Bill.

Bill read a second time.

In Committee.

Clause 1.

The Hon. M.J. ELLIOTT: I want to clarify two matters because I am particularly interested in the interaction between this piece of legislation and the Development Act. I ask these questions because of an awareness of problems we have had in the past in terms of Commonwealth-owned land and how it has been used in this State where perhaps activities the States were not encouraging but the Commonwealth did condone would occur. I recall some years ago the pokies train when we did not have poker machines in South Australia. At that stage at least there was opposition to that occurring. I have a concern that, as we have private operations still on Commonwealth land, there might be an unintended potential and one the Government would want to be careful of that there could be loopholes to get around the Development Act.

I seek an absolute assurance that the Government has looked at this issue and satisfied itself that there are not problems. First, what happens with the passage of this legislation if a person owns a building still on Commonwealth land? What are the implications if there is a change in use or an additional use applied to a building? Will the Development Act pick it up in the usual way or are their complications as a consequence of the way things will be structured?

The Hon. DIANA LAIDLAW: The land is being treated in a number of ways arising from the sale of Australian National. The interstate track was not for sale but has changed hands in terms of the Australian Rail Track Corporation now being responsible for that land and it remains purely in Commonwealth hands. In relation to the intrastate rail business on that line, Great Southern Railway has acquired a considerable amount of property such as locomotives and the like and is leasing most of the land from the State. With regard to the Australasian Southern Railway (ASR), most of the land is the responsibility of ASR, either in terms of purchase or lease arrangements with the State.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: The State. There are certain time limits. For instance, for the Wolseley to Mount Gambier line they have two years to see if they can make a commercial arrangement for that line. If they do not, the line returns to the State. In other instances such as ASR at Islington, they are seeking a long-term arrangement for that land. It essentially is theirs and they are now looking to see what they need at that site for a freight depot and so it may return to the State because the agreement provides specifically that, in terms of rail infrastructure but not all of the buildings and the like, if it is not wanted by the company that has purchased it, the State must be given the first right of

opportunity. A whole range of arrangements exist in terms of the land.

The Hon. M.J. Elliott: Has Commonwealth ownership ceased on any of the land?

The Hon. DIANA LAIDLAW: Not the interstate track. It continues to own the track and the land for the interstate track. It is responsible through the Australian Rail Track Corporation right through from Kalgoorlie to Albury/Wodonga. That is the case from 1 July, which is the date that has been given. The start date for the Australian Rail Track Corporation may be extended beyond that date but that has certainly been the date that everyone has been working to. Some parts were returned to the State, like the land on which the News printing building stands at Mile End. That is the State's property but the AN main headquarters is still in Commonwealth ownership. The land remaining in Commonwealth ownership had been identified beforehand and other land has gone to the State. Other land has been purchased by the private sector but with the first right of refusal if they wish to sell it to the State.

There are various arrangements. I would like to highlight that, in all these circumstances, approval would be needed by the owners for any change of use, new development or redevelopment that comes within the ambit of the Development Act. This was quite an issue for the State in addressing whether a casino would be allowed or whether they would have a bulk goods store on their land.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: Yes. There were a whole range of issues the State was interested in addressing.

An honourable member: Magic Mountain?

The Hon. DIANA LAIDLAW: We could have Magic Mountains, yes, if anyone wished to build such a thing again. Potentially there is the possibility, but I am pleased to advise the Committee without qualification that approval would be needed by the owners of any change of use, new development or redevelopment that comes within the ambit of the Development Act.

The Hon. M.J. ELLIOTT: The other question is whether or not there has been any sort of audit of the buildings to see whether they would have complied with the Development Act under normal circumstances. If it has, what were the results; if not, is anything planned?

The Hon. DIANA LAIDLAW: I have been advised that no audit has been undertaken. This amendment has been proposed in response to a request by the rail companies as it was a matter not dealt with by Commonwealth in the sale. Other members who have spoken on this Bill have acknowledged that background. From our perspective, there is no increased risks, as the buildings would have been there in their current state, anyway, if AN had not been sold. There is the issue of who should bear the cost of the audit. The beneficiary of the proposed legislation is the rail company, as it protects them from being found to have a non-complying building purchased from AN, and it could be argued ASR/GSR should do so. However, it would be an expensive exercise for little benefit if there was not also then to be requirements for remedial action. The legislation is specifically there to avoid this requirement, because there is no net increase in risk, as mentioned above.

Clause passed.

Clause 2 and title passed.

Bill read a third time and passed.

AERODROME FEES BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 774.)

The Hon. CAROLINE SCHAEFER: I want to give a brief contribution towards the passing of this Bill. I was involved with the policy committee, as it was at that time, under the Minister discussing this Bill. At the time, I had some reservations which I now believe were unnecessary. As has been noted in the Minister's second reading speech, since the ownership of regional aerodromes was transferred from the Commonwealth Government to local councils, there has been little or no ability for aerodrome operators to charge a landing fee if the operator of the aircraft did not identify themselves. This Bill, which it appears may be copied by other States, allows aerodrome operators to check against the certificate of registration of the aircraft which has landed and charge a fee which, by the way, was the method used previously by the Commonwealth Government but which lapsed on transfer of ownership.

There are 23 such aerodromes in South Australia, and nine of those are council owned. The only power councils currently have is under the Local Government Act to charge users of council facilities. However, identification at unstaffed and remote aerodromes is almost impossible. It is estimated that about 25 per cent of user fees were unpaid in regional aerodromes over the past financial year. These unpaid fees make up a large part of the revenue for many regional aerodromes and, if we take the worst case scenario, could precipitate the closure of such an aerodrome—something that no regional community would want. The other option, which is equally untenable, is to fully staff aerodromes which might be landed at only occasionally.

I was initially concerned, but the Minister was kind enough to offer me a briefing and assured me that these fees are not compulsory, and it is up to the aerodrome operator whether or not they are charged and recovered. This allows the flexibility which some aerodrome operators choose to use in allowing free landing for, for example, local aeroclubs, the members of which in many cases spend many hours of voluntary work at the local airstrip or, in other cases, to offer free landing to the Royal Flying Doctor Service or visiting teachers in remote areas to out-reach areas. In other words, there is no compulsion for an aerodrome operator to charge a landing fee. This legislation merely allows identification of users via their aircraft registration, thus giving the ability to charge fees where operators so desire. As such, I support the Bill.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

JOINT COMMITTEE ON TRANSPORT SAFETY

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That in the opinion of this Council, a joint committee be appointed to inquire into and report upon all matters relating to transport safety in the State;

2. That in the event of the joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee;

3. That Joint Standing Order No. 6 be so far suspended as to entitle the Chairman to vote on every question, but when the votes are equal the Chairman shall have also a casting vote; and

4. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 27 May. Page 777.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the motion. We will be moving a minor amendment dealing with the voting rights of the Chairperson. When the Minister first indicated that, following her policy development, she wished to move a committee of this nature, in private discussions, which I am sure she would not mind me repeating in the Parliament, the indication was that it would be a Parliamentary committee, which did have the implication that this committee would be a paid committee. I certainly did not support that. I certainly support the formation of a Transport Safety Joint Committee of the two Houses. Certainly, my colleagues in another place raised with me a number of issues related in the main to safety issues connected with my transport shadow portfolio area, and it would be a good idea to have the composition of both Houses.

Transport safety is an area that the Opposition would like to try to approach in a bipartisan manner, and it is an area that will also guide our policy making over the next three years and, of course, when we are in Government, as it has in the past. Technology and science has brought me many things—better health, the ability to communicate globally and, of course, fast effective modes of transport. But with all these advances there are, of course, related negatives, and increased accidents and fatalities on our roads is clearly a devastating example. I have picked up a Transport SA data sheet that it very kindly sent to the Parliament for the information of members. I am not sure whether the Minister brought that down herself or whether it was sent directly but it is valuable to have that with us.

The February edition of that highlights some devastating facts, as follows: 38 people have been killed on South Australian roads during 1998, compared with 22 during 1977; 27 people were killed in February 1998, 18 more than in February 1997; 29 fatalities were males and nine were females; 21 were vehicle occupants; one was a bicycle rider; three were pedestrians; and two were motorcycle riders. During February 1998 there were 13 fatalities in the country and 14 in Adelaide. These statistics indicate that, no matter what measures the Government of the day may introduce, there will always be a problem on our roads which we have to address, no matter which Government is in power.

As I have already indicated, I support the Minister's mechanism for addressing this issue. At the practical level I realise that the Environment, Resources and Development Committee does have a transport term of reference, and the Minister referred to that when she addressed her motion. However, I believe that transport policy issues have practically outgrown the provisions of that committee even though that committee—and I am not sure whether it was done reluctantly or with enthusiasm—agreed to undertake to examine the draft rural road safety action plan.

On this point I believe that transport safety matters are important enough to warrant dedicated attention on an ongoing basis—a trend which is mirrored by most other Australian States. The creation of this committee highlights that the issues ahead of the Parliament are very difficult and complex, but that is not to say we should shy away from them. In the past, select committees of the Legislative Council have dealt with some quite difficult transport issues such as blood alcohol levels and seat belts.

I recall that at the time those issues arose one would have thought that life on this earth as we know it would change and that everybody's civil liberties would be infringed, but time has shown that both those measures were very important in ensuring that when an accident did occur, with the wearing of seat belts, the fatality and injury levels were minimised. I think that the reports we have had lately have indicated that.

The Treasurer, in a Bill which he introduced only this afternoon and which is largely related to Treasury matters, has indicated some measures which the Government is looking at to try to educate the public in the wearing of seat belts. The Opposition will be looking closely at that Bill. There are a number of issues that the Government has indicated that it wants to raise—the collection of blood, which has been an issue my colleague, the Hon. Mr Cameron, has raised on several occasions in this place; and compulsory blood testing, which is a very tricky issue and is something that perhaps this committee could look at.

When I recently met with senior officers of the South Australian Police Department to discuss various road safety measures they mentioned the typical and persistent themes contributing to fatalities and accidents, and these included a lack of restraint use, which particularly worries me because I would have thought that by now people would have had enough education. Generations of young people—certainly my children and grandchildren—have been brought up using seat belts and do it as a matter of course. I understand that the Minister has raised on several occasions the fact that, in a lot of fatalities and serious accidents in country areas, people are not wearing seat belts.

The Hon. Diana Laidlaw: Half the deaths this year were because people were not restrained.

The Hon. CAROLYN PICKLES: That is a very worrying factor. It means we have to continually re-educate people as to safety mechanisms. No matter what Governments and Oppositions do, it is up to the community to try to maximise their own safety and the safety of people whom they encounter on the roads. I and the Opposition will support any measures the Government takes to try to minimise these rather senseless accidents. In relation to alcohol and the increasing use of drugs, we will have to address those issues with a great deal of care.

The only problem the Opposition has with this motion is a technical one. Paragraph 3 refers to the voting rights of the chairperson (and although we have not yet amended our Standing Orders in this place I will refer to it as the chairperson). Standing Order 389 of the Legislative Council states that the chairperson shall have a casting vote only. It has been the practice of the Legislative Council to suspend this Standing Order to give the chairperson a deliberative vote.

The reason for this has been the desire of the Council to reflect the balance of the Parliament after each election. So with a select committee of five members in this place, two would be Labor, two would be Government and one an Independent or Australian Democrat member. Joint Standing Order No. 6 states that the chairperson of the committee shall be entitled to vote upon every question but when the votes are equal the question shall pass in the negative.

The Minister in the motion seeks to amend this Standing Order by giving the chairperson the right to vote on every question but when the votes are equal to have a casting vote. Given that the Government, I presume, would chair the committee, this gives it an extra vote. If we look at the likely outcome of the composition of this committee in the Legislative Council, one would be an Opposition member, one

would be a Government member and one an Independent or Australian Democrat. In the House of Assembly, similarly, one would be a Government member, one an Opposition member and one an Independent, giving two votes to Labor, two votes to the Independents and two to Government.

This paragraph would give the Government three votes. I am not sure that that is a desirable course of events. However, having said that and in moving our motion, we do not seek to go on to this kind of committee with an oppositional point of view; one seeks to be cooperative and tries to work together at all times to ensure that we can improve road safety aspects in this State. I move to amend the motion as follows:

Leave out paragraph 3.

With those few words, the Opposition supports the motion.

The Hon. SANDRA KANCK secured the adjournment of the debate.

IRRIGATION (DISSOLUTION OF TRUSTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 793).

The Hon. P. HOLLOWAY: The Opposition supports this Bill, which makes changes to the Irrigation Act as a result of the conversion of eight Government irrigation trusts to self-management. This conversion or privatisation (whatever you would like to call it) has created doubt about whether or not an irrigation trust will now qualify for a sales tax exemption from the Australian Tax Office.

Currently the ATO has granted an interim exemption on the understanding, I believe, that law relating to the distribution of property rights and liabilities of a trust upon its dissolution will be amended. That is the purpose of this Bill. For an irrigation trust to attract a sales tax exemption, it must be a public authority, and that means that, once dissolved, assets, rights and liabilities of the trust pass to a similar body or to the Crown. The current law states that assets and rights of such a trust may be distributed to members of the trust upon its dissolution. This would cause irrigation trusts to be ineligible for sales tax exemption status.

The amendment in this Bill therefore gives each trust a choice of two options: first, to ensure that upon dissolution assets, rights and liabilities are allowed to pass to another trust, which would allow the trust to seek a sales tax exemption; or, secondly, it could distribute assets to members of the trust upon dissolution, which would mean that trusts that took this option would not be able to apply for exemption. There is also within the Bill a number of statute law revision amendments. These are largely new penalties which the Opposition supports. There is also an amendment to section 79 to ensure that the time limit for taking proceedings for an expiable offence is consistent with the Summary Procedures Act.

I have spoken to the South Australian Farmers Federation and it informs me that irrigators are happy with the Bill. It provides a measure of choice for these trusts as to how they wish to proceed. They can either get the benefit of sales tax exemption or, if they choose not to do that, they can take other action. The Opposition in those circumstances is happy to support the Bill.

Bill read a second time.

In Committee.

Clause 1.

The Hon. K.T. GRIFFIN: I have just been informed that the Hon. Mr Elliott is not ready to deal with the Bill. In those circumstances, I suggest that the Committee report progress and seek leave to sit again.

Progress reported; Committee to sit again.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clauses 6 to 11 passed.

Clause 12.

The Hon. P. HOLLOWAY: This clause refers to notional valuations. I thank the Minister, through the Minister for Administrative Services, for providing a copy of the report of the Notional Values Working Party. A couple of issues from that working party report are worth observing, and I have a question on which I would like an answer from the Minister, if not now perhaps by correspondence later rather than hold up the Bill. I refer to a comment made in the report which states:

> Notional values have been viewed by the working party as only one of a number of useful measures aimed at protecting primary production land from development for uses other than primary production. The working party accepted that notional values could not be used in isolation from other policy measures that seek to achieve the same goals.

I endorse that view. It was a point I made in the second reading debate: that we should not rely on these changes to notional values to protect land use for primary production. We need other measures.

As well as recommending changes to the Act, which have been incorporated, there were also recommendations in the report in relation to other matters. In particular it is recommended that a promotional campaign with input from the Minister's office be proposed following the passage of the amendments to the Valuation of Land Act. Will that take place? Secondly, the working party also canvasses the establishment of a notional values consultative committee, which will assist in the process of creating notional value publicity material and in publicising and marketing the use of notional values to the wider community. Does the Government intend to set up this notional values consultative committee and, if so, at a later date will the Minister provide details on the functions of that committee?

Also within the recommendations of the Notional Values Working Party is the recommendation that the issues of native vegetation and State heritage effects on primary production land be investigated by a working party set up specifically for that purpose. I would appreciate an indication from the Minister as to whether that recommendation will be adopted.

Finally, it is also recommended that the Valuer-General establish a comprehensive program of promotion of notional values to raise the level of awareness in the community of what they are, who is eligible and how they are determined. That links in with the recommendation I mentioned earlier about a notional value consultative committee being established. I would like an indication on that matter.

To conclude my comments on this clause, I refer to a news item on ABC Regional Radio 5CK yesterday entitled 'Vineyard owners to face rate increases', in which it was stated:

The Farmers Federation in South Australia says some vineyard owners are facing council rate increases of up to 300 per cent. Federation Chief Executive, Sandy Cameron, says the Valuer-General's Department has written to owners warning of a significant increase. Mr Cameron says he is concerned some vineyard owners will not be able to afford the increase. . . the federation will take up the issue with the Valuer-General. . . the Federation wants to know on what basis the valuations have been made including whether specific properties or sales are being used as a gauge.

Those matters are the usual sort of problems that primary producers face when they are confronted with an increase in their rates as a result of increased land valuations. Given the profitability of the wine industry in recent years, it is understandable that those properties would increase in value, notwithstanding the fact that this land is used specifically for rural production.

In relation to the question of notional value, the issue that it raises is that we need to spell out clearly for those involved in rural production the basis upon which these valuations are made, because there are big differences in the way in which rural land is valued. Obviously, one significant difference is access to water rights, which clearly would significantly affect the valuation of land. The point I make is that there is a need for greater publicity in relation to how valuations are made in respect of land for primary production, and I think it would be helpful if the Government indicated how it intended to proceed on this point.

The Hon. K.T. GRIFFIN: I regret that I cannot give the honourable member answers to those questions today, but I will undertake to follow up those matters and provide a response by letter in due course.

The Hon. IAN GILFILLAN: I ask the Attorney whether he has an answer to the question I raised, which I think was part of the reason for the adjournment, in relation to the timing of the valuation and its retrospectivity. This matter was raised by the Local Government Association. The dilemma was spelt out in the following way: a council could use a valuation and the 60 day period for appeal could have expired, and then the valuation by SA Water, which may have been at a different level, would apply retrospectively, according to the interpretation of the LGA.

The Hon. K.T. GRIFFIN: In response to the honourable member's question, information with which I have been provided is as follows. The Local Government Association has a concern with the 60 day objection period as proposed in the Bill. That concern relates to the extended objection period that will be available to ratepayers in council areas where site values are adopted and where the ratepayer is also liable for land tax. Currently, land tax accounts are issued as late as February. As a successful objection could be finalised very late in the financial year, this would have the potential of adversely impacting upon the budget of councils which adopt site values.

The LGA's favoured solution to this problem is to limit the applicability of any successful objection so that it is not retrospective. The effect of this approach, if adopted, is that a successful objection would not affect the level of rates that have already been paid. The adoption of the Local Government Association's proposal could be viewed as discriminatory. The timing of some objections would allow a reduction in the level of rates or taxes of another agency, whereas the timing of other objections would restrict the impact of a reduction to a single agency's rates or taxes. It is considered that the LGA proposal would create confusion, particularly for ratepayers. There would be a perception that two values were in force during one financial year for a given property. A proposal that could create such a perception is not supported by the Deputy Valuer-General.

The LGA proposal has been discussed with the Crown Solicitor's Office, which does not support it. Of the 69 local government areas, 21 adopted site values for the purpose of rating during the 1997-98 financial year. A list of those councils is as follows: Orroroo-Carrieton, Gawler, Peterborough (2), Whyalla, Tumby Bay, Cleve, Port Lincoln, Adelaide Hills (3), Renmark-Paringa, Berri-Barmera, Mount Remarkable, LeHunte (outside townships only), Franklin Harbor, West Torrens, Port Pirie, Mount Gambier, Port Augusta, Flinders Ranges (2), Streaky Bay, Ceduna, and Kimba.

The Hon. Ian Gilfillan: Will you repeat your preliminary comment?

The Hon. K.T. GRIFFIN: They adopt site values for the purposes of rating.

The Hon. Ian Gilfillan: They are, arguably, the only councils which would be affected by this retrospectivity?

The Hon. K.T. GRIFFIN: That is my understanding. A successful objection late in the financial year can have budgetary ramifications for local government authorities. A possible solution to overcome this budgetary problem is for councils to make the adjustment following a successful objection as a rebate on the following year's rates. The refund in rates due would become a council debt in one financial year, but payable in another financial year.

An assessment of the objections received in the 1996-97 financial year in the regional centres of Port Lincoln, Whyalla, Port Augusta and Port Pirie has revealed that a combined total of six objections were received after 1 December 1996. Council rates are based on site value in these centres. The combined total reduction in council rate revenue resulting from these objections was $4 097. Not all those six properties would have received accounts for land tax.

In accordance with a commitment from the Minister for Administrative Services, discussions are now to take place with the Office of Local Government and the Local Government Association in relation to this matter. It is understood that the LGA is prepared to support the Bill on this basis. The limited objection period proposal put forward by the Local Government Association is not considered to be an acceptable variation to the proposal approved by Cabinet and contained within the Valuation of Land (Miscellaneous) Amendment Bill 1998.

The Hon. IAN GILFILLAN: It is obvious that this matter has received comprehensive attention, some of which I was not aware of. It also appears, if that detail is correct, that the significance of the retrospectivity in dollar terms is not likely to be very high. However, the only examples cited were based on land tax. I am not sure how many of those councils listed would be affected by SA Water rates where a site valuation is included. So, there may be an expansion of the actual impact other than that which has been identified in the answer.

In view of the Attorney's answer that the LGA is now relatively relaxed and the suggestion that the adjustment to rates could be carried over as a credit to the ratepayer in the next year, that appears to me to be a reasonable way of approaching it. So, I indicate that, having heard the explanation, apart from the one query about what impact (if any) SA Water's rates would have on the total amount we are dealing with, I do not intend to continue to object to that aspect of the Bill.

The Hon. K.T. GRIFFIN: I will have these issues further examined. The matter does have to go back to the House of Assembly. It may well end up in a deadlock conference in relation to the appointment of the Valuer-General. In those circumstances, if any additional information has to be made available in the light of the issues raised by the Hon. Mr Gilfillan, there is still an opportunity for that to occur, albeit not in this Committee but in the continuing consideration of the Bill.

Clause passed.

Clauses 13 to 17 passed.

Schedule.

The Hon. P. HOLLOWAY: I move:

Page 7, line 3—strike out the item:

'Section 9(4)(b)

Strike out this paragraph and substitute the following paragraphs:

(b) resigns by written notice addressed to the Governor; or

(ba) completes a term of office and is not reappointed; or'

and substitute the following item:

Section 9(4)(b)

Strike out this paragraph and substitute the following paragraph:

(b) resigns by written notice addressed to the Governor; or

This is consequential upon the amendment which I successfully moved when we last debated this Bill. It refers to the appointment of the Valuer-General. As I pointed out then, the Opposition believes that the Valuer-General should be appointed until his resignation; it should not be a five year term. This amendment is consequential on that earlier amendment.

The Hon. K.T. GRIFFIN: I oppose the whole package of amendments but I accept that it is consequential and therefore will not vote against it.

The Hon. IAN GILFILLAN: I support the amendments.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 5.13 to 7.3 p.m.]

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (COMMENCEMENT) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 7.4 p.m. the Council adjourned until Tuesday 30 June at 2.15 p.m.