LEGISLATIVE COUNCIL

Wednesday 8 July 1998

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I bring up the thirteenth report 1997-98 of the committee.

QUESTION TIME

HEALTH COMMISSION CONTRACTS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about contract administration.

Leave granted.

The Hon. CAROLYN PICKLES: The Opposition has been given papers relating to the management of contracts awarded by the South Australian Health Commission during 1996-97 and 1997-98. The advice reveals that contracts were not properly monitored. I seek leave to table these documents.

Leave granted.

The Hon. CAROLYN PICKLES: Will the Attorney investigate the matters raised by these reports and in particular the circumstances surrounding accounts rendered to the member for Adelaide and the former member for Mitchell under these contracts?

The Hon. K.T. GRIFFIN: I have no idea what the honourable member is talking about, so I am not prepared to give a commitment as to whether or not I will investigate.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: No, all that I can reasonably do, without over dramatising it, is to read the paper which the honourable member has tabled and which I have not yet seen. I will not get caught by saying 'Yes, beat it up; we will have a big investigation,' because I do not even know what it is about. What I will say is that I will read the papers and then make a judgment about it.

NANGWARRY SAWMILL

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the Nangwarry sawmill.

Leave granted.

The Hon. P. HOLLOWAY: It has been reported recently that the Nangwarry sawmill, privatised by the Liberal Government in 1996, is to close in eight weeks, allegedly due to a shortage of saw logs. The loss of jobs will number 70 in a town with a population of around 800. South Australia's timber processing operation was purchased by Carter Holt Harvey, and at the time of the purchase two years ago the Government proclaimed that Carter Holt Harvey was the 'preferred bid in terms of. . . the economic benefits to the State.' Exactly two years later, it was reported that the privatised Nangwarry sawmill is to close. My questions to the Treasurer are:

1. Given that the Minister for Government Enterprises stated in the *Advertiser* on Monday that Forestry SA has actually increased its log supply to Carter Holt Harvey with a record quantity of saw logs available, will the Treasurer explain the sudden decision made by Carter Holt Harvey to close the Nangwarry sawmill, and does the Government intend to investigate the circumstances surrounding this decision?

2. What actions does the Government plan to take to protect the employment future of Nangwarry workers?

3. Given that the privatisation of South Australia's timber industry two years ago was described as 'an excellent result for employees' by the then Liberal Government, and given that this excellent result for employees has actually resulted in the loss of 70 jobs, which will decimate a small town dependent on the local timber mill for employment, how can the Treasurer's guarantees, similar to those made two years ago in relation to South Australia's timber industry (that employment will be maintained in regional towns as a result of the privatisation of ETSA), be believed?

The Hon. R.I. LUCAS: I do not have specific detail about Carter Holt Harvey's recent decisions and will need to take some advice from the Minister for Government Enterprises, who has the primary responsibility for the management of forests and forest industries in South Australia. Having taken that advice, I will be happy to get an early reply back to the honourable member.

ABORIGINES, YOUTH EDUCATION AND TRAINING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, Children's Services and Training, a question about Aboriginal youth education and training.

Leave granted.

The Hon. T.G. ROBERTS: In the *Koori Mail* of Wednesday 1 July there are a number of articles dealing with education programs that are running in other States for Aboriginal young people. One article lists a pharmacy assistants program, which is hailed as a success. Part of that article, by Christine Howes, says that the Queensland pilot is being used as a model to develop similar programs in other States. The article lists how many young Aboriginal people have been trained in their towns of residence, in regional areas and in the metropolitan area, which I suspect includes Brisbane.

Another article on Aboriginal education urges a royal commission into the education (or lack of it) of Aboriginal children in the Northern Territory, and states that fewer than 25 per cent of indigenous youth in some parts of the Northern Territory took part in formally accredited secondary education programs. My questions for the Minister are:

1. What percentage of Aboriginal children are taking part in secondary education programs in South Australia?

2. Will the Minister look at the Queensland pilot program in relation to pharmacy assistants to see whether an appropriate course can be set up here in South Australia?

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

COASTAL DEVELOPMENT

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 coastal zones.

Leave granted.

The Hon. M.J. ELLIOTT: Last month I wrote to the Minister for Transport and Urban Planning in relation to concerns about a growing trend in local councils to narrow the coastal zones in their areas. In her reply, received yesterday, the Minister stated that the coastal and marine section of the Department for Environment, Heritage and Aboriginal Affairs has pursued the narrowing of the coastal zone within certain parts of the State with the support of Planning SA. The Minister says that this has been done to ensure that policies applying to sensitive areas such as sand dunes, hazard areas and significant State amenity areas do not extend to areas which are not environmentally sensitive. She said that, where a coastal zone was reduced, the land affected would generally be included in a general farming zone or similar, and she argued that that would promote the retention of broadacre farmland free of urban development.

There is some concern that reducing the coastal zone will encourage ribbon development along that zone. There is nothing stopping farmers with new coastal views, that is, views now contained within what will become general farming, as a result of the rezoning from rearranging their lots to create a series of smaller lots with sea views. One alternative that has been suggested is the creation of a coastal fringe zone which could be controlled by a local council, similar to a river fringe zone. This would reduce the number of unnecessary referrals of development applications to the DEHAA coastal management section (and that has been identified as a problem), while at the same time recognising the special planning requirements of these areas.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: That is one suggestion that has been floated. I am not advocating it: I am just saying that it is one that might be worth looking at.

The Hon. A.J. Redford: Leave him alone, Di. He has been very good today.

The Hon. M.J. ELLIOTT: As usual. My questions to the Minister are:

1. How can the Minister ensure that the reduced coastal zones do not lead to inappropriate ribbon development along our coastlines?

2. Will the Minister consider the creation of coastal fringe zones to better protect the coastal fringes?

The Hon. DIANA LAIDLAW: In terms of ribbon development along the coast, there is currently discussion with the Streaky Bay council and its PAR to restrict applications by farmers for the subdivision of rural land on the coast, and there is active input from Planning SA to restrict such an 'advance' in that area. I can advise the honourable member that Planning SA, with my encouragement, is being diligent in pursuing restriction on ribbon coastal development.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: The Fleurieu Peninsula is quite an issue. As one who is familiar with the area, every time I travel between Victor Harbor and Goolwa I am amazed by what seems to be almost unfettered development. I appreciate that the honourable member has raised an important concern. The narrowing of the zone by the Environment Protection Authority and Planning SA has been designed not to encourage ribbon development but to see that rezoning was extended to or maintained for rural pursuits.

I have not received any application or proposal that I am aware of about a new zone of coastal fringe, but I would not mind pursuing the issue with the honourable member if he wishes. Until I have more information, I am loath to offer an opinion.

COMMERCIAL CONFIDENTIALITY

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to asking the Treasurer and the Leader of the Government in this place questions on the subject of Government commercial confidentiality.

Leave granted.

The Hon. T. CROTHERS: I have in my possession a news release dated 22 March 1992 from a highly respected member of the Liberal Party in this Council. I shall not name the person whose name heads up this media release as that is not my style. However, I have it here, and anyone from the Government side of this Council who wishes to see it is quite welcome to do so. The first paragraph of this release, which is headed 'Bannon Government in Another Secret Deal', states:

> The Bannon Government has once again used the excuse of commercial confidentiality to hide details of a deal involving the sale of ETSA's headquarters on Greenhill Road and the purchase of a new office building to be used by the Electricity Trust and situated at 1 Anzac Highway.

Members interjecting:

The Hon. T. CROTHERS: Here ends the first lesson. The second paragraph further asserts:

> The Premier and Treasurer, Mr Bannon, seems to forget that when taxpayers' money is involved the people of South Australia and their elected representatives in Parliament have a right to know all the details of any matter involving public moneys or disposal of public assets.

In the light of the foregoing, I direct the following questions to the Minister:

1. Does he agree with the statements contained in that media release of 1992 and, if not, why not?

2. If he now does not agree—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: I am coming to that. I continue with my questions, as follows:

2. If he now does not agree with the contents of that media release, what has changed his mind over the past six years?

The Hon. R.I. LUCAS: As I get older I need much more assistance in terms of recalling press releases that were written six years ago. I would be delighted to avail myself of the opportunity put by the Hon. Mr Crothers for members to read the press release. I will be very happy to read the press release and then, certainly, immediately give him a response to that press release. If at some stage the honourable member wants me to put my response on the record, I am very happy to do that also.

INTERSTATE PASSENGER RAIL SERVICES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about interstate passenger rail services.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that Great Southern Railway has announced investment plans to improve interstate passenger rail services to attract more tourists from interstate and overseas. Will the Minister indicate the Government's response to this announcement? Will she also indicate whether these moves may lead to the return of the interstate rail terminal at the Adelaide Railway Station?

The Hon. DIANA LAIDLAW: I was informed yesterday that Great Southern Railway would be making a statement today, and I was able to attend the press conference at Keswick with Mr John Finnian, General Manager of Great Southern Railway. On that occasion I welcomed the investment plans that were unveiled today by Great Southern Railway for the upgrading of the *Overland* railcars which amounts to $1 million worth of investment. All members in this place will be pleased that that work is to be undertaken by Clyde Engineering at its Port Augusta workshops, so more jobs will be involved in that upgrading work.

It is GSR's proposal that it will no longer distinguish between first and second class seats; its railcars will have sleepers or upgraded seating and, having seen today the condition of some of the railcars, I think upgrading is overdue, particularly in the seating area. The interiors will be improved, including televisions, video screens and better tables. Overall, railcars will be improved 1 000 per cent.

I want to highlight that GSR, in unveiling these plans today, has met the minimum contractual commitments to the State Government and the Federal Government, and those commitments were tabled in this place in December as part of the lease arrangements. It means that two *Overland* services will be cancelled (Wednesday and Saturday). However, GSR has announced today that one day a week (I believe Wednesday) the *Ghan* service will come from Alice Springs through Adelaide to Melbourne, so we will have five night-time services in future and, what I believe is a real advance, one daytime service from Adelaide to Melbourne (six instead of seven), with the minimum contractual undertaking being five services.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I highlight to the Hon. Ms Pickles that before she was shadow Minister for Transport, the Hon. Terry Cameron was asking questions in this place and he was deeply concerned—as was I—that Australian National, as the former owner, may cancel *Overland* services altogether and that we would lose the lot. So, I believe that today is an occasion for celebration that GSR has done its homework, has seen that there is reason to invest and will be doing so, with jobs in Port Augusta through the refurbishment and a new service in terms of the *Ghan* through to Melbourne, back to Adelaide and to Alice Springs, with a focus on Adelaide. Tourism packages will be developed with GSR and the South Australian Tourism Commission. That is also great news, and is something that has never happened adequately with AN, as owners, in the past.

I was at the Keswick terminal before the squalls and gales came through at about midday, yet it was still cold and freezing when the *Ghan* came in from Alice Springs. It is a very inhospitable environment. It was established when the Crystal Brook-Adelaide line was standardised through to the Victorian border. I am very keen—and I believe that most South Australians would back me in this—to seek to have the interstate passenger trains come back to Adelaide Railway Station. I responded to this matter during Estimates earlier this year. The cost estimate is about $11 million, according to the present study that has been undertaken. I have progressed that study now by referring it to the Major Projects Unit under the umbrella of the Minister for Tourism. Major Projects is responsible for looking at the coordination of the investment of the Adelaide Festival Centre Trust and the Adelaide convention and exhibition investment of some $55 million and, as part of that project, because the Exhibition Centre is proposed to be built over the railway station, we will be looking at the improvements required for bringing the interstate passenger business back to Adelaide.

I have to acknowledge that I feel quite emotionally involved in the concept of bringing the trains back. But a decision will not be made on emotion alone: it will be based on cost benefit and an investment return. However, I believe very strongly that, if the cost benefit study reveals that an investment return is not there for Adelaide Railway Station, a new platform, standard track and signalling, we must look at upgrading the Keswick Railway Station passenger terminal and also look at better linkages with TransAdelaide trains or buses from the terminal, because it is totally inadequate and isolated, windy and barren, and a very poor entry point to Adelaide. We certainly deserve better.

It is good to hear that the Victorian Government last week announced that it had allocated $12 million to upgrade 50 kilometres of the worst part of the—

The Hon. Carolyn Pickles: Not before time.

The Hon. DIANA LAIDLAW: It is certainly not before time—track in the western districts of Victoria. Not only is it not before time but it is probably not an adequate sum overall. However, at least it has been undertaken. It will start in November and finish in February next year. In the meantime, Australian Rail Track Corporation has a private consultant looking at all the proposals from Governments around Australia for the upgrade of line and the use of the Federal Government's $250 million investment in rail infrastructure and, as confirmed by the ARTC yesterday by my office, the Melbourne-Adelaide line is certainly one of the highest priorities.

TOTALIZATOR AGENCY BOARD

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question about the sale of the South Australian TAB.

Leave granted.

The Hon. R.R. ROBERTS: For some weeks there have been rumours circulating within the racing industry about the future of the TAB. In a statement in this place some weeks ago the Treasurer informed the Council that the sale of the Lotteries Commission, the Casino and the TAB were options that the Government may have to look at; if my memory serves me correctly, he linked it to the sale of ETSA.

As I said, for some weeks now people in the racing industry—in all the codes of the racing industry, I might add—have been told that the TAB was almost sold, and in recent days my constituents tell me that the President of RIDA, Mr Seymour Smith, has been quoted as saying that the TAB is sold. That comes as somewhat of a surprise to me. However, I put these questions to the Treasurer:

1. Has the Treasurer been made aware of any negotiations for the sale or the contracting out of the TAB?

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: I ask the questions my constituents ask; I don't make them up on the run like some people. My questions continue:

2. If so, when was he informed of the negotiations?

3. Was the former Deputy Premier involved in any of the negotiations for the sale or the contracting out of the TAB?

4. If none of the foregoing questions is true, will the Treasurer rule out the sale or contracting out of the TAB without a full debate in both Houses of this Parliament?

The Hon. R.I. LUCAS: In response to the honourable member's explanation in which he quoted someone as saying

that the TAB had been sold, that is certainly not correct. Secondly, it is not correct to indicate that the Government has taken a decision that the TAB will definitely be sold, although I do note that the shadow Treasurer and Labor spokesperson on racing, Mr Foley, has gone on the public record supporting the sale of the TAB. I think the Hon. Mr Roberts—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, I suggest to the honourable member that he might have a chat with the shadow Treasurer as to his views on the privatisation of the TAB. I am not sure whether he is one of the sources who told the former Deputy Leader that the TAB has been sold and was hoping that he might stand up and ask the questions.

The Hon. R.R. Roberts: The Chairman of RIDA is saying that: Mr Seymour Smith, your political appointment.

The Hon. R.I. LUCAS: You hadn't spoken to him; you said that one of your constituents had spoken to Mr Seymour Smith.

The Hon. K.T. Griffin: Did he mislead the Parliament?

The Hon. R.I. LUCAS: I'm not sure.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I don't know who the honourable member's constituent is. It might have been the member for Hart or it might not have been. That is for the former Deputy Leader to indicate, if he wants to. As to the third part of the question, which again was wrong, the Government's position has not been to link the sale of the TAB to the sale of ETSA. What the Government has done is announce on 17 February that it would undertake scoping studies to consider the possible sale options of a number of entities, one of which was the TAB.

I think it is true to say that it is not just the member for Hart, the shadow Treasurer, who has expressed some support for the sale of the TAB. A number of members of Parliament, on both sides of the political divide, have on occasions expressed support for the possible sale of the TAB. At this stage that remains the individual view of members such as the member for Hart and others who might have that view. As to the Government's position, we are awaiting advice in relation to that. We have not taken the decision. We certainly have not sold it at this stage and once we have the advice we will then make a decision, and if it requires any legislative change, and I am not the Minister responsible—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I think the Hon. Terry Roberts is suggesting that perhaps the gambling involved in the TAB and the gambling involved with holding on to ETSA are similar and that perhaps we ought to bundle them together—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I thought that by bundling the TAB and ETSA together you were perhaps making a reference to the similar degrees of risks in gambling. Perhaps the Hon. Terry Roberts might be able to make a personal explanation at the end of Question Time and clarify what he did mean by his interjection. The Government will announce a decision when it has received its advice and when we have been through our appropriate processes.

The Hon. T.G. Cameron: When will that be?

The Hon. R.I. LUCAS: I would hope as soon as possible; but I am not actually the Minister responsible for the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am very happy to do whatever I can to assist the Hon. Mr Cameron. If he would like me to ask my colleague the Hon. Michael Armitage as to when that might be I would be delighted to do so and see whether we can get him some information. In terms of a debate or a possible parliamentary veto on this, I am not sure whether it requires legislative change or not, and until we have received advice I would need to reserve an answer on that. I am happy to take advice and see whether or not legislative change is required for any possible sale of the TAB.

ETSA BRIEFING

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing a question to the Hon. Robert Lucas as Leader of the Government in the Council and Treasurer on the subject of an ETSA briefing for Labor members.

Leave granted.

The Hon. A.J. Redford interjecting:

The Hon. L.H. DAVIS: It was tempting to just ask a very brief question along the lines indicated by that interjection from the Hon. Angus Redford but I will resist that, Mr President, and just remind honourable members that in 1996 the ALP Convention had resolved that it would not privatise ETSA; that is in their platform. As honourable members would be aware, there is now—

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: We are not locked into what we say, unlike you.

Members interjecting:

The Hon. L.H. DAVIS: Well, the world does move on, doesn't it.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: There is now legislation before the Parliament with respect to the sale of ETSA and Optima, and last week the Premier, Hon. John Olsen, invited the Leader of the Opposition, in another place, Hon. Mike Rann, and all members of the Caucus to a full briefing from the Government and its advisers on the proposed sale of ETSA and Optima. However, the Leader of the Opposition, who honourable members will recall has made much public play about the need for a bipartisan approach to major issues, said quite publicly that he would not go to any briefing on the ETSA and Optima proposed sale.

The Hon. A.J. Redford: He said he would not go in the absence of leadership.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Mr Rann said he had refused to go unless the Premier engaged in public debate with him on the matter and also handed over a report which the Government received about the proposed sale. The Hon. Terry Cameron was quoted in the paper last Friday as saying that he was going to go to the briefing, although quite clearly in the lobbies there was certainly a high level of nervousness among Labor members, given the Leader of the Opposition's stand and refusal to go. My question to the Treasurer—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: My question to the Treasurer is: given that I understand the briefing took place today, can he indicate whether any Labor members attended? Did the

attendees, if any, include the Hon. Mike Rann and, if so, does that mean that he has dropped the conditions which he had earlier placed on attending a briefing?

The Hon. R.I. LUCAS: Without wishing to be partisan in my response, as is always my wont, I do want, irrespective of the way that individual members eventually vote, to acknowledge publicly the fact that I think the Hon. Terry Cameron at least in an act of leadership late last week did result eventually in up to 14 or 15 members of the Labor Caucus coming to the briefing today. It has been very interesting, because as of last Friday we had sent a request saying 'Please advise the staff in my office if you want to come.' I received one response late last week and on Monday this week had two responses, one from an Upper House member and one from a Lower House member, and so we were catering for a relatively small crowd of two, and then yesterday the trickle certainly increased the flow, because by the end of yesterday afternoon there were seven Labor members who had responded and said that they were coming to the briefing.

I understand that when the Leader of the Opposition, Mike Rann, found out that it was not just Terry Cameron coming to the briefing but that, indeed, seven Labor members had now decided to go to the briefing, even though he had said he would not attend this briefing unless the Premier gave up various reports—I think Schroders' reports and a whole variety of other things, although I am not sure what that had to do with the briefing—and, secondly, that unless he had a media debate or a public debate with him he was refusing to go. As I understand it, late last evening or early this morning Mike Rann was advised that seven of his colleagues had decided that they were going to come, and enjoy little sandwiches and orange juice with the Treasurer and advisers at lunchtime. All of a sudden Mike Rann decided that he had to change tack. I was delighted, nevertheless, to be able to feed the Leader of the Opposition—sometimes he looks as though he could do with a good feed. So I was happy to feed him and he participated for some part of the briefing, together with a number of other members of the Labor Caucus.

The Hon. L.H. Davis: How many went in the end?

The Hon. R.I. LUCAS: In the end we had 14 or 15 members. I was delighted.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Ron Roberts asks, 'How many votes did we change?' That is not a judgment for me to make; let me just say that two Labor Caucus members stayed right to the very end, and certainly amongst the group there were three or four Labor members who were there genuinely to try to absorb a lot of the information in relation to the briefing that was being presented, and certainly some of the others, I am sure, are now more aware of some of the—

The Hon. Carolyn Pickles: Trickery.

The Hon. R.I. LUCAS: No, they are more aware now that much of what they have been told, for example, by Mike Rann about this issue does not stand much scrutiny. One of the important issues that was highlighted, and the eyes of a number of Labor members opened wider as they were given this information, was the fact that—

Members interjecting:

The Hon. R.I. LUCAS: The penny dropped. I cannot say that that occurred with all the Labor members who were there, but certainly with three or four of them. The point was made that some of these issues that Mike Rann has been raising about the difference between city and country pricing, trying to imply that this is only an issue when a Government might wish to privatise, were nailed absolutely. These issues will remain issues whether you privatise ETSA and Optima or keep them in public ownership, as they have more a relationship to the arrival of the National Electricity Market than to privatisation. Not only did a couple of eyes open wider but a few jaws dropped and mouths opened. That is a difficult task for some Labor Caucus members to do all that in one action.

It is fair to say that some members went there with different intentions, but some went there genuinely to seek extra information. A couple of members who stayed on much longer than the others were genuinely there trying to seek further information to make up their own minds about this critical issue for the future of the State.

The Hon. T. CROTHERS: As a supplementary question—

The Hon. Diana Laidlaw: Did you go?

The Hon. T. CROTHERS: I was an apology. I have no transport. The Minister held it here—

The PRESIDENT: Order!

The Hon. T. CROTHERS: Sorry, Mr President. I was distracted.

The PRESIDENT: Do not be distracted: ask your question.

The Hon. T. CROTHERS: Thank you for your firm guidance. I have a supplementary question for the Leader. He has informed us that Labor members went along to be briefed.

The PRESIDENT: Go straight into the question.

The Hon. T. CROTHERS: Is he currently briefing any of his own Party's members, particularly those from rural electorates?

The Hon. R.I. LUCAS: Absolutely. All members of the Parliament, be they Liberal, Labor, Independent—even the Democrats we have briefed, and we are happy to continue to brief them if they wish it. The representative of the no pokies constituency in South Australia also has been briefed.

The Hon. T.G. Cameron: Everyone's briefing him!

The Hon. R.I. LUCAS: Some of his best briefings are coming from the Hon. Mr Cameron. I am not sure what you are telling him, but he always listens attentively when you sit down next to him. I am sure that we will eventually find out. We are very pleased to see your advice going to the Hon. Mr Xenophon on this most important issue.

We have continued the briefings. As I indicated by way of response to an earlier interjection from him, I am happy to organise a personalised one-on-one briefing for the Hon. Mr Crothers. I apologise for the fact that he went to the wrong venue today.

The Hon. T. Crothers: I did not. I came here thinking that it would be here.

The Hon. R.I. LUCAS: Well, that was the wrong venue! I must concede the Irish logic of the Hon. Mr Crothers: it was certainly wrong from our viewpoint and right from his. If we can negotiate rightness and wrongness of venues and actually get it right, I am happy to organise another briefing for the Hon. Mr Crothers on this issue. I know that he would want all the information available to him before he finally forms a considered view on the importance of this legislation to the future of South Australia.

COOPER CREEK

In reply to **Hon. M.J. ELLIOTT** (2 June).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information.

1. I am on the public record expressing my concerns about the proposals in the draft Cooper Creek Water Management Plan. In addition, I have written to both the Queensland Minister of Natural Resources and the Commonwealth Minister for Environment advising that South Australia has a real basis for concern about the impact of diversions as envisaged in the draft management plan on the State's internationally significant wetlands in the region. I have further expressed the view that while the plan may not directly contravene the wording of the Heads of Agreement signed in May last year, it does not accord with the spirit and intent of the Agreement. In addition, South Australia is preparing a formal submission to the Queensland Government on the plan.

2. The proposal will reduce the average number of days which the Cooper will flow into South Australia from 250 days per year to 239 days per year, according to Queensland's Information Paper on the draft plan.

3. The South Australian Government believes that a high level of protection is required for Cooper Creek to maintain its near-natural and variable flow regime and the Government is working towards this with the Queensland and Commonwealth Governments.

4. The need for further investigation will be identified in the South Australian submission on the draft plan.

5. I am currently awaiting hydrological and ecological assessments of the management plan from the Department for Environment, Heritage and Aboriginal Affairs, but at this stage, I have a real basis for concern about the potential impacts.

6. The South Australian Government places a high degree of importance on this region. It is an area of extremely important environmental values to the State. This is recognised through the Innamincka Regional Reserve and Lake Eyre National Park and through the recognition of the Coongie Lakes area as a Wetland of International Importance.

7. I mean the long-term ecological sustainability of the Basin.

RECYCLING

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment, Heritage and Aboriginal Affairs a question about recycling.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that the State Government, through Recycle 2000, still currently pays councils participating in the recycling rebate program $10 per tonne of waste they recycle. Concerns were expressed in local government circles that the rebate scheme could be dropped or phased out. I believe that it was being proposed that the rebate would be phased out by the end of last month. Scrapping the rebate would remove an incentive for many councils to participate in effective recycling programs, and comes on top of declining sustainable markets for their recyclables. One of the worst affected by falling prices is waste paper and cardboard.

The Premier announced before last year's State election that a waste paper processing plant was proposed to be built in South Australia by Victorian firm Visy Industries. I am aware that the Minister spoke briefly on the Visy company in this Chamber during the last sitting, I believe in response to the Hon. Trevor Crothers' question. I understand that the plant would process 130 000 tonnes of paper annually and would also process paper from Western Australia and Victoria. The proposed plant would be a tremendous boost for the struggling waste paper and cardboard industry, and welcomed by the Opposition. Given that the negotiations with Visy Industries were nearing completion last March, my questions to the Minister are:

1. Will the Minister provide an assurance that the $10 rebate per tonne of recycled waste paid to councils will be maintained?

2. When will the proposed Visy Industries paper processing plant be built?

3. What other strategies are being developed by the Government to promote the use of recycled materials?

The Hon. DIANA LAIDLAW: I will seek that information and bring back a reply to the honourable member's important questions.

BAROSSA MUSIC FESTIVAL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a short statement about the Barossa Music Festival.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday I advised that we had not received the full accounts. Today I was alerted by Arts SA to the fact that the accounts had been received under cover of a letter dated 29 June 1998 and had been received on 1 July. Whilst this is six months after the end of the important period, I would not want it left on record that the accounts had not been received, and wanted to correct the record in that regard.

HEALTH AND COMMUNITY SERVICES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about ethnic funding for the elderly.

Leave granted.

The Hon. J.F. STEFANI: In today's *Advertiser* a report indicated that the Government had allocated $500 000 more for ethnic groups to assist the elderly in our community. The report also covered information indicating that three major organisations had received substantial sums of money to assist the ethnic elderly. My questions to the Minister are:

1. Will the Minister indicate whether people from a non-English speaking background receive appropriate recognition in funding for services for the elderly in South Australia?

2. Will the Minister indicate a more comprehensive list of groups that have received Government funding?

The Hon. R.D. LAWSON: I was glad that the *Advertiser* picked up the announcement of an additional $500 000 to a number of multicultural aged care organisations. Multicultural Aged Care Inc. (MAC) has received support. This organisation is doing very good work in South Australia. In this State, approximately 19 per cent of people over the age of 70 years speak a language other than English at home. Multicultural Aged Care Inc. was formed to support ethnic communities and service providers to ensure that all aged people receive quality programs, services and activities that meet their cultural and linguistic needs.

MAC has received Home and Community Care (HACC) funding for a number of projects in the past, but it has not received a recurrent grant for developmental and infrastructure costs, and I am glad that we have been able to make an allocation to that organisation which will enhance its capacity to support the elderly in the future. MAC has also trialled the introduction of ethnic meals programs and, last year, a delivered ethnic meals program was developed specifically based on St Basil's Home for the Greek community. A number of discussions are going on between the Office for the Ageing and the Italian, Vietnamese, Maltese, Croatian and Ukrainian communities on culturally specific delivered meals programs.

The Associazione National Famiglie Degli Emigrati Inc. (ANFE) has been providing a welfare and cultural maintenance service to Italian immigrants since 1961. It is a very

well established organisation, and recurrent funding has been paid to ANFE, but it is now being provided with some additional funding to enable a part-time personal care attendant to be employed.

The Greek Pensioners Society of South Australia provides a day activity and personal home care service to frail aged Greek people across South Australia using volunteers and, once again, I am glad that we have been able to supply additional funding to that organisation.

In addition, there are some small organisations which are quite often overlooked but which have been recognised in the latest funding round. The Australian South-East Asian Women's Association Incorporated, the Australian Druse Community Incorporated and the Coordinating Italian Community have all benefited, and a number of organisations across the whole ethnic spectrum benefit from Home and Community Care programs. The Government is committed to ensuring that the whole South Australian community receives an appropriate allocation of funding under this very good, Commonwealth-State program, although the amounts that I have just mentioned are actually allocated out of State funds.

HEALTH AND COMMUNITY SERVICES

In reply to **Hon. CARMEL ZOLLO** (17 March).

The Hon. R.D. LAWSON: In addition to the answer given on 17 March 1998, the following information is furnished.

1. Whilst both the University of South Australia and the Flinders University of South Australia offer courses of study in nursing and allied health professional disciplines, neither university has specific policies to promote the study of community languages as part of their courses. Pursuit of such studies is a matter for the choice of students.

The University of South Australia has a Broadening Undergraduate Education Policy which requires students to take subjects contrasting to the professional core of their courses. Whilst many students select a language, this choice represents only one of a range of options which students may consider when undertaking their electives.

The curriculum within the Faculty of Health and Biomedical Sciences and the Faculty of Nursing encompasses migrant health and there is a high priority in ensuring that students are exposed to multicultural issues and the sensitivities of caring for people with different backgrounds. Student placements take into account the language skills of the students, and placements are made to utilise those skills fully.

Staff and students are instructed in the use of government interpreter services. These services provide a highly professional and confidential service which is invaluable in the care of non-English speaking people. As well as everyday interpreting, it is used extensively in such areas as developing discharge plans for patients.

The Flinders University offers a Diploma in Languages which can be taken in parallel with any other degree course. As language courses are very intensive and require a high level of commitment, the University would consider the level of proficiency and type of skills which are required prior to encouraging students in the health profession disciplines to undertake a language.

Although the Minister for Education, Children's Services and Training has responsibility for administration of the University Acts, neither the Minister nor the Government has jurisdiction over the content of courses provided by the universities.

2. All nursing homes and HACC services are required to provide services to all cultures. The Department of Human Services works closely with the Commonwealth to ensure a vast range of ethnic specific services are also provided to the community. Currently there are 16 ethnic aged care residential facilities in this State which cater for 11 different cultures. These services are spread across the metropolitan Adelaide area.

Community aged care packages, which cater for people from ethnic backgrounds, are managed from various locations and provide a broad range of services based on the individual needs to people in their own homes.

Home and community care comprises Commonwealth/State funds which support older people and young disabled persons in their own homes. It funds 25 organisations which provide services to ethnic communities including:

- Home help or personal care or both
- Home maintenance or modification or both
- Food services
- Community respite
- Transport
- Allied health
- Community nursing
- Assessment and referral
- Education and training
- Information
- Coordination

SPEED MONITORS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning questions concerning Department of Registration and Licensing policy on mail insertion.

Leave granted.

The Hon. T.G. CAMERON: I am in receipt of a letter from Mr Armand Belleli, the Managing Director of Amazing Concepts, a local company which produces a speed monitoring device for motor vehicles known as Speed Watch. Mr Belleli states that he applied last year to the Registrar of Motor Vehicles asking to have a pamphlet promoting his monitoring device inserted into the department's mail, but his request was refused, a situation Mr Belleli believes is unreasonable considering the Government's stand on speeding offenders. Mr Belleli's letter states:

> There is assistance available for motorists who are concerned about speed who get caught in the increased police endeavour to catch those over the limit and thus increase the Government coffers. We accept laws regarding speed limits, but police efforts need to be concentrated on the intentionally reckless speeding drivers who have no consideration for themselves or others on the roads. This could be done if unintentionally speeding motorists were made aware of the availability of a product that will assist them to stay within limits. The choice would be theirs.

His letter continues:

> We wrote to the Registrar of Motor Vehicles last year asking them to enclose one of our pamphlets in the demerit points notices when they are sent out (when six and/or 12 points are accumulated). After a month he [the Registrar] replied and said it was not possible to endorse any product and that all inserted advertising material is handled by a Victorian company. We had previously contacted that company who informed us that they are not allowed to target these specific motorists. They had been told by our South Australian department that 'it would detract from the severity of the speeding fine' and could only offer us paid insertion in all out-mail from the licensing registration department.

I have been supplied with these letters, and my questions to the Minister are:

1. Considering that the Government is currently pulling in approximately $80 million a year from speed detection devices, does she believe that the Government has a moral and an ethical obligation to advise the public of the availability of speed monitoring devices, especially for those drivers who are on the verge of losing their licences because of the accumulation of demerit points?

2. Will the Minister investigate the possibility of allowing the insertion of such material into fine and demerit points notices when they are sent out?

The Hon. DIANA LAIDLAW: I will have to seek some advice and background information from the Registrar as to the policy that has been adopted for advertising material of all kinds, including that of this nature, and I will bring back a reply.

HOME AND COMMUNITY CARE PROGRAM

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement before asking the Minister for the Ageing a question with regard to Home and Community Care funding.

Leave granted.

The Hon. CAROLINE SCHAEFER: This follows on from the question asked by the Hon. Julian Stefani. It is well known that the proportion of our population over 60 years of age is increasing and will continue to do so for the foreseeable future. All sides of politics agree that the longer people can remain in their own homes the better will be their quality of life. The problems experienced by urban based elderly are exacerbated in the country, and one method of Government funding which has been particularly successful in country areas is the Home and Community Care based funding, where people do such things as odd jobs in the yards of elderly people. Funding for Meals on Wheels and for community transport has been facilitated in the past through HACC funding.

I know that another round of funding is due quite soon, and I would ask the Minister to indicate when that final round of HACC funding for this year will be announced. If it is announced, will there be additional benefits to regional and rural South Australia in the program?

The Hon. R.D. LAWSON: I thank the honourable member for her question. The Commonwealth-State HACC agreement is, as the honourable member mentioned, a very successful program, and I am pleased to announce that hopefully later today, with the Federal Minister for Family Services (Hon. Warwick Smith), we will be finalising a package for the last round of this year's Home and Community Care funding. In the year just ended, over $70 million was expended on the program in this State, a rise of some 4 per cent over the last year.

Some very well known South Australian organisations continue to receive the bulk of their funding through the HACC program. They include the Royal District Nursing Service, which receives $12 million; country domiciliary care services, *apropos* the honourable member's question relating to regional and rural South Australia, receive $7 million from HACC; Community Support Inc. receives $6 million; other domiciliary care services receive almost $10 million; Meals on Wheels, which operates throughout the State, receives $1.3 million from HACC; and Aged Care and Housing receives $1.2 million.

In the final round of funding, which I, together with the Federal Minister, will be announcing today, approximately $2 million will be allocated in respect of new and expanded programs. I am glad to see that we have been able to include, consistent with the priorities of the program, recognition of the needs of rural regional South Australians. For example, the Coorong District Council will benefit from a program support and a home help program. The Leigh Creek Hospital will also receive funding for a community nursing program.

The Corporation of the City of Whyalla, which I know is an area in which the honourable member has worked extensively over the years, will also receive a program support, as will the Mount Gambier Community Health Service, the Yorke Peninsula Community Care Inc., the Barossa Council, the Southern Yorke Peninsula Health Service, the Southern Fleurieu Health Service, and the like. The Hon. Ron Roberts will be pleased to know that an expanded allowance has been made to the City of Port Pirie for one of its programs. Lower Eyre Peninsula accommodation for people with disabilities will also be supported.

The Home and Community Care agreement has been one of the success stories in Australian public policy in this area. It is helping to keep elderly people, especially the frail aged, at home. It is also helping those people in our community with disabilities. I thank the honourable member for her interest in this matter.

STATE LIBRARY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for the Arts a question about a KPMG review of the plan for a $36 million redevelopment of the State Library.

Leave granted.

The Hon. SANDRA KANCK: In January this year a major redevelopment of the State Library was announced. It was reported at the time that KPMG had conducted a review of the planned upgrade and that the development proposal had been altered as a result of that review. In my capacity as the Democrats' Arts spokesperson, I sought a copy of the consultant's review. After my informal request for a copy of the review was rejected, I sought a copy under the Freedom of Information Act. Again my request was refused, this time on the ground that the report was commissioned by and was part of Cabinet's information for the decision-making process and hence exempt from freedom of information requests. Rather, I have been offered a briefing on the document. Why is the Minister using Cabinet status as an excuse not to release a review of a proposal to spend $36 million worth of taxpayers' funds on the redevelopment of the State Library?

The Hon. DIANA LAIDLAW: It is not an excuse: a protocol is in place. As the honourable member would be aware if she chose to recall, the redevelopment was approved by Cabinet following a submission that we proceed with such a project. Cabinet wanted a rigorous look at the costs, and certainly I was very keen to see that Cabinet was provided with information that would give it the confidence to invest in the project. As the honourable member would appreciate, Cabinet has approved and Government has now announced a $36 million investment in the State Library as part of our 10 year infrastructure plan to rebuild and revitalise our cultural institutions along North Terrace.

MATTERS OF INTEREST

OPERATION FLINDERS

The Hon. J.S.L. DAWKINS: I recently had the opportunity to witness an exercise conducted by the Operation Flinders Foundation at Moolooloo Station, near Blinman in the Flinders Ranges. Operation Flinders is a project to rehabilitate young offenders and assist youth at risk and was established by the late Pam Murray-White. Ms Murray-White was a former army officer who also had a background of teaching students with behavioural problems. She established a base at her Williamstown home and pioneered the program mostly with young people sourced from the education system.

Participants for Operation Flinders are sourced from a number of agencies and authorities, including schools, Family

and Community Services, the Youth Court, Aboriginal support groups, employment agencies and community groups. Teams are generally formed of eight to 10 young people aged between 14 and 18 years. Experience has shown that youngsters under 14 cannot handle the physical exercise involved and that youths over 18 do not respond to the spirit of the exercise. Each team has two counsellors allocated to it. Councillors preferably come from the referring agency and can assist in the formation of a team and prebriefing of participants.

Some teams are also accompanied by supernumeraries training to be team leaders and also peer group mentors who have previously been participants in an exercise. Team leaders are selected from a pool of serving or retired army personnel and current police officers and are hand-picked by Operation Flinders management for their bush survival, navigation skills and strength of character. The exercise is spread over a 100 kilometre circuit within Moolooloo, generally across gently undulating country but also includes some large hills.

Teams walk each day to designated stands where limited facilities are available to support the team. These include sufficient rations for dinner, breakfast and lunch, as well as water, implements for the digging of latrines, a bush shower and cooking implements. There are no tents but participants carry small one-man 'hutchies' which they can erect if it rains. Three of the camps are manned: one has two police STAR Division officers situated at a cliff abseiling site; another has two members of the local Aboriginal tribe; and the third is manned with Army survival experts dressed as old miners at a deserted copper mine.

The exercise is of eight days duration for the participants. The teams arrive with their counsellors at pre-determined points, well away from the headquarters. At no time do the teams mix, but they are aware of each other's presence from evidence at the camp sites and from radio chatter. The distance of the daily walks varies depending on the activities, but ranges from 22 kilometres to six kilometres. The exercise headquarters is situated in the shearers' quarters at Moolooloo and is manned by exercise direction, medical, logistic, communications and support staff. Each team undergoes a storming period early in the exercise during which participants complain about the physical aspects of the camp, object to discipline, are fractious and are difficult to control.

Team members are not sent home unless their behaviour is so disruptive that it is affecting the rest of the team on a continuing basis. Since Operation Flinders commenced in 1991, only 10 participants have been sent home. Approximately 200 young people participate each year in exercises conducted in March, June, September and November.

Operation Flinders works with the support of Moolooloo Station proprietors Keith and Lesley Slade, the corporate sector, the Variety Club, service clubs and many volunteers. It is also assisted by the South Australian Police, the SA Ambulance Service and other forms of support from State and Federal Governments.

The cost of putting a participant through an Operation Flinders exercise is around $2 000—a fraction of the cost of incarcerating a young offender for 12 months. Inquiries from interstate and overseas indicate that the program is arousing interest in other crime prevention jurisdictions. Experience has shown that it is essential that the lessons learnt in the Flinders Ranges be reinforced, and follow-up programs have been developed with the support of the State Government to ensure that the changes resulting from participation in an exercise are sustained.

It was enlightening and rewarding to spend a few days with the Operation Flinders team as it conducted its latest exercise. A sense of overall benefit for a group of young people at risk is a great bond for those involved in a range of duties. I commend all those involved, from the members of the Foundation board, which is led by Mr Alec Mathieson, to Executive Director John Shepherd, Operations Manager Greg Turner and Executive Assistant Debbie Godden.

MILLICENT

The Hon. T.G. ROBERTS: I wish to comment on an article that appeared in the *Sunday Mail* last Sunday 5 July. The article, although I think it contains some truth, does contain some negative statements that may be seen as misleading. The article is headed 'Boom Town, Gloom Town', comparing Naracoorte and Millicent in the South-East. I have raised this issue on a number of occasions in relation to the Government's inability to manage success in the case of Naracoorte, where there is a housing and facility shortage for permanent and part-time workers in the booming wine industry, and in relation to Millicent, which is calling out for support and assistance at both Commonwealth and State levels to get some assistance and funding to provide some support for private investment.

A number of groups and organisations are working very hard in the Millicent region to try to achieve a coordination of State-Commonwealth moneys and facilities to put into joint programs alongside the private sector. A regional economic board meets regularly in Millicent and that board is working through plans and ideas. It has commissioned a consultant's report to put forward some propositions for the local business people and outside investors to look at, and there is a meeting on Monday, 20 July to do exactly that. Unfortunately, the article, while highlighting Naracoorte as a boom town, did not do anything to lift the morale of those people who are working hard to try to restructure Millicent's economy in relation to some of the changes that have occurred there in the past decade.

I believe that Millicent business people and those who are working in social support within that area, including the community access centre, need more support. They do not need the negatives highlighted, as this article has done. The photographer obviously took a photograph of Naracoorte in a particularly busy part of the town, around the newsagency, the bank and the strip shopping area, where there are a lot of cars, people and activity, and has obviously taken a photograph of a section of the Millicent strip shopping which has some properties for sale and—

The Hon. M.J. Elliott: At 8 a.m. on Sunday.

The Hon. T.G. ROBERTS: Possibly at 8 a.m. on Sunday, as the honourable member says—which highlights some of the shops that are for lease. However, if the journalists did a little research, they would find that a lot of increased activity has occurred away from the strip shopping, around the Alexander Square-Glen Street area. I can understand some of the positives as to why one would build up Naracoorte stocks to encourage investment in that area, but I cannot understand why they had to do it at the expense of another regional town that is struggling, with the withdrawal of services by both State Government and Commonwealth Government within that region. I would have thought that the article may have attempted to put forward some positive

views from the town rather than highlight a lot of the negatives that it obviously picked up in the short time that they were there from people who were victims of that restructuring process.

If one goes to any regional town at the moment, one will find victims of restructuring who are struggling to come to terms with the new economic rationalism impacting on the town. I certainly agree with the article's assessment politically. The article states:

> Epitomising rural South Australia, the South-East is politically volatile, sick of broken promises and ready for change. It could be a State barometer to electoral swings in the next Federal poll; the current attitude towards Government is as frigid as the weather.

We have an absentee Federal member, and our State member has changed from a member of the State Liberal Party, who was in Government and who held the position of finance Minister, amongst other things, to an Independent, and the expectation of people in Millicent is that they will work their way out of their difficulties if they get the support that is required.

CARBON

The Hon. M.J. ELLIOTT: I want to talk about the opportunities that trade in carbon might have for enhancing South Australia's environment. I read an article in the *Greenhouse Issues* May 1988 edition that stated that Costa Rica has set aside 530 000 hectares of forest as carbon sink. There is an international trade now in carbon and some industrial nations, as part of attacking the greenhouse issue, are allowing trade-offs. What is happening in Costa Rica is that companies in advanced nations have a right to give off carbon dioxide if they buy the right from somewhere else. They are buying this right by protecting forests in Costa Rica, where those forests would otherwise be cleared and release significant amounts of carbon dioxide. That is a brief outline of the situation.

Given what has been happening there, it appeared to me that South Australia could offer to be involved in this trade. In the South-East of the State we have significant areas that really need to be revegetated. We know that clearance has gone too far, to the extent that now we have significant salinisation of soils occurring, and we know that one way of controlling that is to replant part of the upper South-East. But of course that is a very expensive exercise. We are also aware that the South-East has lost a lot of its biodiversity—both plants and the animals that depend upon it. So, in an article in *Inside Story*, which is put out from the Democrat office here in the Parliament, I suggested that we should try to get involved in the carbon trade and try to establish new forests in the South-East and use carbon off-set moneys as a way of paying. Big dollars can be involved in this. Costa Rica expects to earn $20 million in a single year and some $300 million over the life of a project which, as I recall, was to run over about 15 to 20 years. So, significant moneys are being made available through this trade.

Whether or not Australia could become involved at that stage was theoretical, but only a couple of days after that article had been written I read an article on page 6 of *The Australian* of 1 July headed 'Car Giant Grows a Green Thumb,' which announced that Japanese car giant Toyota will plant 5 000 hectares of fast growing eucalypts in Australia to use as pollution credits against its greenhouse emissions and woodchip exports for Japan's paper industry. A total of 500 hectares will be planted over 10 years in Victoria, South Australia and Western Australia. So, that article clearly showed that the potential for Australia to be involved in these pollution or carbon credits is very real and it is a matter that I will be raising with the Minister for Primary Industries and the Minister for the Environment here in South Australia, suggesting that we should try to grow forests of two types: first, forests for conservation purposes. As I said earlier, I believe that South Australia, particularly in the South-East, is very short of particular habitat types and we would be able to off-set the cost of planting and establishing those by the use of these credits. Secondly, we could do more of what Toyota is planning to do, which is planting more forests for woodchipping. Whilst those forests are cleared and theoretically the carbon dioxide is released, the fact is the trees are then replanted, so in the overall cycle if more area goes under trees there is the potential to take more carbon dioxide back out of the atmosphere.

I note, however, that I see all of this carbon credit trading as short term and in the long term we have to more seriously tackle the question, and that means the days of burning brown coal are numbered, to start off with, which is one of the reasons why Victorian electricity will never stay as cheap as the Government claims it will, because it is based largely upon burning the most inefficient of fuels, brown coal. Black coal will go the same way and we will gradually phase our way through gas as the last of the fossil fuels to be used before we move to the renewables.

WOMEN IN AGRICULTURE

The Hon. CAROLINE SCHAEFER: As most people here know, I have just returned from the World International Conference on Women in Agriculture which was held in Washington DC, and I propose to report briefly to this place on that conference. To say that I enjoyed the conference really does not need to be stated. However, I would like to say that I was very proud to lead the South Australian delegation, and I express my thanks to Lib McClure from the Rural Affairs Unit of Primary Industries SA for her hard work in organising the delegation from this State.

The conference hosted about 1 500 women from all over the world. I think that there were not very many people from middle Europe, but the rest of the world was very much represented there. We were addressed by such people as Princess Irene Ndagire, who is the Presidential Assistant for Poverty Alleviation from Uganda; Senator Beatriz Paredes from Mexico; Elizabeth Aguirre de Calderon, the First Lady of El Salvador; Teresa Sola from the Ministry of Foreign Relations in Argentina; and Sissel Ekaas, the Director of Women and Population for the United Nations Food and Agriculture Organisation.

We were also addressed by Congresswoman Marie Kaptour from the USA; Tipper Gore, the Vice President's wife; Richard Rominger, who is the Deputy Secretary for the United States Department of Agriculture; and Marsha Pyle, the Chairman of Farm Credit Administration in the USA. Delegates could attend a large number of sessions which ranged from reducing atmospheric carbon dioxide and the green revolution through to elderly in rural settings, doing business in remote areas, communication, and entrepreneurship in agriculture. It was a very informative conference but it was not possible for people to attend all the discussion sessions or even as many as they would have liked.

One of the things which was brought home to me and which I had not thought about before was that there are more

women farmers in the world than there are male farmers. The majority of women in third world countries are the farmers while their husbands go out to try to earn some money, and the majority of those women farmers are subsistence farmers on usually less than five acres. The conference had to try to cater for those types of farmers along with the broadacre farmers from countries such as the USA, Canada and Australia.

One of the highlights of the conference was the lunch which was catered for and sponsored by the Australian delegation. That lunch will remain in my memory for some time for the sheer brilliance of its organisation. It was organised by the committee from Australia and headed by Mary Salce from Victoria. All the food and wine was imported from Australia and donated. Some 1 500-plus people from all over the world sat down to a cold beef salad followed by lamb and Australian vegetables, washed down with wines donated by BRL Hardy. I heard no criticism of that lunch at all: in fact, a number of people came up to me and said that they had never enjoyed lamb but that they really enjoyed lamb properly prepared. I think it was a brilliant piece of marketing. During that time the gathering was addressed by the Ambassador, Mr Peacock, and a 10 minute video was shown profiling women in agriculture in Australia. As I say, it was a very good video and piece of marketing, one of which I think we can be proud.

GREYHOUND RACING

The Hon. R.R. ROBERTS: I would like to continue the remarks that I made about the racing industry in South Australia and the problems facing country greyhound racing in particular. On the last occasion I spoke I outlined some of the problems that were being faced by greyhound racing clubs in South Australia and the club at Port Pirie in particular. What has occurred is that the racing dates have been changed and they are throwing great hardship on the viability of country clubs.

The Port Pirie Greyhound Racing Association has written again to Mr Graham Inns. As members would remember, Mr Graham Inns is the person appointed by the previous Minister for Recreation and Sport in whom the country clubs saw fit to move a motion of no confidence. There have been other machinations since the last time I reported on this subject, and despite the meeting that was held in Port Pirie about a fortnight ago when the clubs were advised of their dates it was pointed out immediately that this would present problems for the viability of the industry and would have a great impact on jobs in the Iron Triangle as a consequence of the demise of some of the greyhound racing clubs and the trainers that go with that.

These people have written to the previous Minister trying to get some break in the impasse with Mr Graham Inns. They were advised in writing that a meeting would be held with Mr Seymour Smith to address the concerns of the Port Pirie greyhound racing club. However, after about a week of argy-bargy they were notified that Mr Seymour Smith will not be in Adelaide until 28 July and that any concerns ought to be put to Mr Graham Inns. There have been requests for intervention over about 2½ months to try to break this impasse, and one would have thought that the Minister for Recreation and Sport would have a responsibility, given that there is an impasse and there is great turmoil in his industry, to become involved and try to break that impasse between the President of the SAGRA and the industry itself.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: The Hon. Angus Redford may make light of his country constituents. He is very happy—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —to swan around in the country clubs promoting himself as some sort of a genius. That is the furthest thing from the truth of all time. His experience in the racing industry would probably go as far as he once threw a stone at a horse over a fence. There is a serious situation occurring. I hope that the new Minister for Recreation and Sport will undertake his duties to the racing industry with much more vigour.

He may also like to allay the fears of country racing clubs of all codes along the lines that there will be a proper discussion in this Parliament before any move to sell the South Australian TAB. I put questions to the Treasurer today and he sort of skated around the issue, but he did not say that there would be a proper debate in both Houses of the Parliament. Why is that important? I will tell you why—because the TAB, the Lotteries Commission and the Casino were set up through Acts of this Parliament on conscience votes. For the Government to try to sneak in through the back door and sell the TAB—and I have very little doubt that this is going on because it did announce that it was doing some scoping studies—is not right.

People in the industry itself, including the Government appointed Mr Seymour Smith, the Chairman of RIDA, are going around the country telling people within the industry that the TAB, first, three weeks ago, was all but sold and, in the last few days, he is advising them that it has been sold. This is very easy to come to terms with. If Mr Seymour Smith has not been telling the truth or he has been misquoted, I am very happy for the Minister to come back into this Council and refute it. I am also very happy for him to come back in and introduce into this Council a debate about whether or not we sell the TAB, because the TAB is the lifeblood of country racing in the South-East, in the south, in the mid north and on the west coast. I look forward to a greater contribution by the new Minister for Recreation and Sport to support the racing industry in country South Australia.

INDYFEST 500

The Hon. A.J. REDFORD: In April this year I attended a contemporary music function where I was approached by the Activities Officer of the Adelaide University Union, Sacha Sewell, in relation to a number of problems that the university union was experiencing in relation to a proposed function, Indyfest 500, that they were proposing to hold. He explained to me that there had been a number of bureaucratic difficulties put in the pathway of organising this function particularly in relation to the issue of noise. At a subsequent meeting I met with a Mr Ian Cannon, who is the Chief Executive Officer of the Adelaide University Union, and Mr Sewell. They explained to me that they proposed to hold a function involving contemporary music on Saturday 18 April commencing 2 p.m. and finishing at 1 a.m. on Sunday 19 April.

They proposed to hold it on the university grounds, principally around the Cloisters and the Barr Smith and the Fisher lawns and they sought approval from the Liquor Licensing Commissioner for a capacity of 11 000 people, and they expected a minimum of 8 000 young people. They

booked 55 different acts, most of them local, and they expected to generate employment for approximately 500 to 700 people, including 150 students. The anticipated total turnover was nearly three-quarters of a million dollars. I was informed that it was the largest annual contemporary music concert in this State.

They were put through considerable difficulties in relation to seeking and securing appropriate licences, and in particular liquor licences, in relation to the conducting of this concert. The union sought permission to have acts perform at 100 decibels at the point of performance, in other words, the mixing desk. Notwithstanding that, the Environmental Protection Authority wanted that reduced to some 95 decibels. For those who understand how this is measured, an increase of 5 decibels is actually an increase of some order; but notwithstanding that, I am told that it was quite common throughout the 1980s and early 1990s to have noise levels at that level. Indeed, I know when I was at university these events well exceeded those levels, and I am sure that the Hon. Terry Cameron opposite would remember that Lobby Lloyd and the Coloured Balls, Billy Thorpe and the Aztecs, and so on, were very loud bands. Unfortunately, as we have got older we have got crankier and less sympathetic to young people.

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: I am talking collectively as a community, and indeed there was considerable opposition to the conducting of this worthwhile concert. During the course of my investigation into the matter I had drawn to my attention a motion sponsored by Alderman Inns and seconded by Councillor Brooks of the Adelaide City Council, the effect of which is to, as a matter of course, oppose any application for any live music in relation to liquor licensing at the University of Adelaide. Indeed, I understand, based on that motion, if the university decided to have Bananas in Pyjamas or the Wiggles along, as a matter of course, they would oppose an application for a liquor licence.

In the end, I went along to the concert and I also attended at Mackinnon Parade, North Adelaide, where the bulk of the complaints are made, and I have to say that the music and the noise level was not excessive. I have to say that the concert and the event was conducted with a great deal of decorum and substantial numbers of young people attended. I would like to go on record to thank the Minister for Youth, Joan Hall, for her assistance in negotiations in getting this matter through. I would also hope that she will assist in the future. Mr President, with the attitude of the Adelaide City Council, and in particular Councillor Elbert Brooks, is it any wonder that young people think we are a nanny State and feel excluded, when they are not allowed to participate in music and cultural activities to the extent that we would have considered normal when we were attending university.

GREED

The Hon. T. CROTHERS: Today I want to use my five minutes to address the problem of human greed. There can be no doubt in the mind of anyone that human greed is nothing new in respect to the world's population at large. It has been around for a long time we read about it even in biblical times. But it is the quantum leap that I have witnessed in respect of human greed over the past several decades that deeply disturbs me and I know deeply disturbs many other people in the community. Unfortunately, we do not often speak on the matter. I think the first feeding frenzy that I saw was in the nickel Shierlaw Poseidon mining event from the late 60s where I really saw human greed at its worst, leading to many people who bought shares too late and who sold too late as well having their fingers burnt. That really was a frenzy of human greed.

The other warning barometer we have, certainly in the Australian community, and elsewhere, in relation to human greed is the rise and rise and rise of different forms of gambling. That really does reflect, in my view, the quantum leap that human greed has undergone over the past several decades. I well recall the movie, the name of which escapes me, in which Michael Douglas starred, and it was about the greed and the insider trading in respect to the American Stock Exchange of the 1980s, where he coined the now famous phrase 'Greed is good'. I think today in the minds of many people, particularly people with money, greed is indeed good. We see larger and larger enterprises gobbling up other smaller enterprises, battling for control of their industry, so that they can charge, in many instances, not what their product is worth but what the market will bear when they are in a monopoly position such as that which they find themselves in.

Of course, the policies of the media, again, must be questioned with respect to this matter. They are relatively silent on the quantum leap of human greed and the damage it can do in our society, and in fact, if anything, because they paint a different rosy picture of share markets, etc, they encourage people to participate, and there is nothing wrong with that, in share markets, but above and beyond their means many times, paying prices that are much too high for the shares and stocks that they buy.

The situation in respect to the prices now in the New York Stock Exchange market is enormous. There is no doubt that they are overpriced to high heaven and that sooner or later we will see a massive downward correction relative to that matter, such as we have just witnessed, again brought about by the greed of the local banks, in part, and the greed of some of the money manipulators in other part. We saw the demise of the countries to our near north, such as Malaya, South Korea, Indonesia and Japan. That is greed brought about by the greed of their banks in part, which they will not admit to, lending in respect to matters that really were of no substance whatsoever; where paper money was chasing paper money; where all sorts of projects were being bankrolled without the banks, because of their greed, checking out the substance of the projects; and where they are therefore now left holding many billions of dollars of loans which probably will never ever be repaid.

Of course, it is in the self-interest of that imperial giant of all greed, the United States, that we most witness the overarching arm of the green eyed god of Mammon stretching out. See how the US acts with great strengths to protect subsidies to its agriculture relative to capturing markets, its film industries, its stock markets and its record industries as well, things that are overpriced to hell.

MEMBER'S LEAVE

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): On behalf of the Hon. Carolyn Schaefer, I move:

That two weeks leave of absence, commencing on 21 July 1998, be granted to the Hon. A.J. Redford on account of absence overseas on Commonwealth Parliamentary Association business.

The Hon. R.R. ROBERTS: I support this motion. I am delighted to see that the Hon. Mr Redford is going to deprive us of his presence for two weeks. I am reminded of the contribution made by the honourable member on 18 March 1998 in respect of the CPA, which I thought at the time displayed some lack of knowledge of CPA procedures and some disrespect for the protocols of this Parliament, when he said:

We do not have the expense of bringing in all his friends today because the Hon.Ron Roberts, who recently was swanning it up in grand style at the CPA conference in London. . .

I am now delighted that the Hon. Angus Redford will go and swan it up in Kiribati. These are very sought after positions, I am told, within the ranks of Liberal members. I am sure that it was the honourable member's debating skills that won him this position. I am pleased that he is going to avail himself of a CPA conference, because I am delighted to report to the Council that, on the first trip that I have had in nine years in this place, I attended the CPA conference. All our colleagues in the Westminster system, as the honourable member will learn if he does not already know, contribute to the Commonwealth Parliamentary Association and pick up the cost for the running of the CPA, where an exchange of cultural ideas by all members of Parliament throughout the Commonwealth takes place with proper debate.

I found it rewarding and educational, and I am very thankful for the opportunity to attend the conference. When the honourable member gets to Kiribati and has the opportunity to talk to our parliamentary colleagues, he may like to talk about the different voting systems that are in place and may want to engage people in a debate on compulsory voting. There was a great debate on this at the London conference, and it was overwhelmingly endorsed by members of the conference—not so much in the formal debate but in private conversations and the social gatherings that take place—that we in Australia were very fortunate to have the responsibility of voting in elections. I am sure that, given his liberal principles, the honourable member will come back better informed.

It was suggested, because of that speech to which I referred, that I should stoop to the same low depths. I will not do that, because I think too much of the CPA conference, and I know that the honourable member's colleagues, such as the Hon. Carolyn Schaefer, the Hon. Legh Davis and, indeed, the Minister for Transport, have chided the junior member for his outburst and for degrading the conventions of this Parliament over that contribution. I can only say that Kiribati's gain is our gain! I am very glad that he is going: I am prepared to make a contribution for him to stay another week and even prepared to invest my own good money to buy a get well card, which I am sure that every member in this place will be only too pleased to sign.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

The Hon. R.R. ROBERTS obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. R.R. ROBERTS: I move:

That this Bill be now read a second time.

It is with some sadness that I find myself reintroducing this measure that I first introduced as a private member's Bill on 7 September 1994, on the basis of information that members of the Opposition were receiving and on the advice of eminent people such as Justice Nyland and Justice Mohr, who agreed that it was time that the Workers Compensation Act was amended to reflect what was the case prior to the amendments in 1993 as promoted by the Hon. Norm Peterson in another place and duly passed in this Chamber. Our system, like all workers' compensation schemes, provided prior to 1994 a lump sum for compensation of permanent disabilities. When a Mrs Hann, who had made a claim for psychiatric disability, applied to the full court, the full court's response was to reject the application for a lump sum compensation payment on the basis of the legislation as it then stood, which did not provide for any lump sum compensation at all in respect of psychiatric disabilities.

Of course, Mrs Hann's lawyer argued that the third schedule of the WorkCover Act must have provided a lump sum compensation even for injuries of this kind, since section 43 of the Workers Rehabilitation and Compensation Act provided generally for lump sum compensation for permanent disabilities. For the benefit of members who are less familiar with the WorkCover legislation, I point out that the third schedule is a list of various names and disabilities for which a certain percentage is attributable, along with explanatory notes. The percentage attached to each disability indicates the proportion of the prescribed sum which is payable for a lump sum compensation in respect of disability.

On that occasion I noted that this legislation has the full support of the College of Psychiatrists, the South Australian Branch of the AMA and the Law Society's Accident Compensation Committee. I could go through and quote again all the eminent advice that was given on that occasion, but members in this Chamber, by a majority—with the support of the Australian Democrats—passed this Bill on that occasion and, indeed, on another occasion when it was put forward.

It was opposed by members in the House of Assembly, particularly by Mr Sam Bass, the then member for Florey, who is no longer a member of the Government. He took the lead in opposing my Bill. In his contribution, he pointed out that the Bill was opposed by the Government on three primary grounds. The first was that it was an unjustified extension of the lump sum provisions of the Act into the area of stress claims, and I will come back to that. Secondly, he said that it was likely to compromise or prejudice early and effective rehabilitation of workers suffering stress claims. He referred again to stress claims. Thirdly, it would add to the cost of the scheme, which he stated already provides for the most generous levels of benefits in Australia and would compound the national uncompetitive delivery rates for South Australian industry.

In his opposition, the honourable member started off on a false premise, and along with other members of his Party he talked about this matter as a question of stress. The other House and this Chamber in particular spent many hours on the question of compensation for stress cases. It is very clear that there is a distinction between a stress claim and what that entails and a permanent disability for psychiatric or psychological injury, which is easily measurable, and it has been measured by experts in the past. It is quite clearly different.

For the benefit of the Council, I also point out what is happening in other areas. I was recently contacted by Mr Jack Cook from the Australian Rail, Tram and Bus Industry Union who is a member of a committee that is overviewing the WorkCover legislation. Mr Cook was advised that I had placed this Bill before Parliament before and that I had given indications to my constituents, in particular Mr Kevin Reid and Ms Elizabeth Hann, that I would reintroduce it. This is quite a sad story. Mr Reid writes:

> The history of this Bill is well known. Elizabeth Hann and myself were two of the many people unfortunate enough not to be properly compensated for the total and permanent loss of mental capacity due to work-related illnesses. In 1997 we were both medically diagnosed as suffering from total and permanent disability for work of any kind. Whilst the reintroduction of your Bill may no longer assist people like myself and Elizabeth, would you please reintroduce your Bill on our behalf as we believe that the legislation introduced by Mr Graham Ingerson and supported by Norm Peterson in 1992 was inhumane?

I do not think that is factually correct, but that is what the letter said. The legislation was actually introduced by Mr Norm Peterson.

Having consulted with Jack Cook, I am advised that a review has been taking place. I took the opportunity of sending him a copy of the Bill, which he has perused and with which I understand he has no problem. He provided me with some examples of what is done in other jurisdictions in this area. For instance, under the provisions of Comcare, the Commonwealth scheme, psychiatric disabilities are eligible for lump sum compensation using the Commonwealth impairment evaluation guides. A threshold of 10 per cent whole of body applies.

In Queensland, psychiatric disabilities are eligible for lump sum compensation using the second edition of the American Medical Association's (AMA) guide to the evaluation of a permanent impairment (chapter 14). Assessment is conducted by a medical assessment tribunal. No threshold applies in Queensland. If the worker's assessed disability exceeds 20 per cent under the AMA guidelines, the worker is entitled to pursue damages at common law in addition to any non-economic loss entitlements.

In Victoria, under amendments passed in November last year, lump sum compensation for permanent impairment arising from a psychiatric disability was reintroduced. Victoria has developed specific assessment criteria and applies a 30 per cent whole of body threshold before a worker is entitled to a lump sum payment. One might argue about the 30 per cent access figure, but the principle remains sound, so even under the Victorian code, which is generally accused of having some of the harshest workers' compensation provisions in Australia, there is a recognition of the principle of psychological disability being available for workers' compensation.

In New South Wales, unfortunately under a Labor Government (and this hits me right on my soft flank), no lump sum is payable for psychiatric disabilities, and I encourage my colleagues in the Government in New South Wales to recognise their social democratic responsibilities and to do something about it.

In Western Australia, workers may elect to take a lump sum under schedule 2 of the Western Australian Workers Compensation and Rehabilitation Act. However, that removes an ongoing entitlement to income maintenance or weekly payments. The maximum amount payable under schedule 2 is $104 000, based on a permanent and incurable loss of mental capacity resulting in total inability to work. Assessment is done by an appropriately qualified medical practitioner. A proportionate loss carries a proportionate entitlement. Further, if the worker's level of impairment as assessed by a properly qualified medical practitioner and ratified by the District Court is 30 per cent or greater, the worker may elect to pursue common law with maximum damages for both economic and non-economic loss being fixed at $209 000.

So, we are not breaking new ground in respect of these matters. In fact, it is a wellknown principle. All we are really doing is going back to what the original workers' compensation provisions were intended to do, that is, to cover a permanent disability. It has nothing to do with stress. The Hon. Graham Ingerson made that mistake in his contributions, and John Meier fell for the same trap. However, I am not certain that that was all accidental. In fact, they were riding on what was then a popular wave of disapproval because of the inordinate number of stress claims that were being promoted. Society was influenced by ridiculous—and undoubtedly in some instances true—examples of where a stress claim had gone seriously wrong or was frivolous.

However, I point out to the sceptics that 99 per cent of those stress cases are genuine. I direct my remarks to stress because I have had people suffering stress come to me, and it is not a pretty sight. The genuine case of stress is not a pretty sight. That is distinct from the psychiatric and psychological disability that is suffered by such people as petrol station attendants who have been robbed on three or four occasions, women who have been raped in their employment, and a whole range of other issues where psychological impairment takes place on a permanent basis and can be easily recognised.

I am asking the Council once again to exercise its good judgment and reinstate the position for injured workers in South Australia to that which it was prior to the Peterson amendments in 1992. I ask all members for their support in passing this Bill for the peace of mind and proper compensation of workers in South Australia who suffer permanent incapacity as a consequence of psychiatric or psychological injury during the course of their working life.

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

RACING, STABLEHANDS

The Hon. R.R. ROBERTS: I move:

> That the rules under the Racing Act 1976 concerning stablehands, made on 9 April 1998 and laid on the table of this Council on 26 May 1998, be disallowed.

This is a simple matter resulting from a proposition put by the South Australian Harness Racing Board to change its rules in respect of stablehands. The issue arose as a result of an incident that occurred at Gawler some months ago when an eight year old girl was in charge of a registered horse that was about to be engaged in an event at Gawler. She was observed in the parade ring driving a sulky. Anyone who knows the configuration of a sulky would know that that eight year old girl was unable to reach the stirrups on the gig and therefore had little control.

I point out that no incident resulted. No accident occurred and no-one was hurt but someone in authority observed this situation. Mr President, I declare an interest: I am a licensed harness racing person. I have been engaged in the industry for some time and it is a practice that I certainly would not

encourage. When the South Australian Harness Racing Authority was made aware of the incident it notified the South Australian Breeders Owners Trainers and Reinspersons Association of its intention to change the rules of harness racing so that any person under the age of 14 years would not be able to be in charge of a horse. The sub-rule now states:

> No person shall be registered as a stablehand unless he or she has attained the age of 14 years.

Sub-rule (f) now reads:

> Only licensed persons, i.e., stablehands, trainers, owners (over the age of 14 years) or the driver may drive a horse in the in-field parade ring prior to the horse proceeding onto the racetrack prior to its event.

All persons knew that that change was coming, and everyone felt that, in a racing situation on a registered track, that was a sensible proposition. However, when the regulations were put forward it also meant that no-one could hold a stablehand's licence until they were 14 years of age. I am advised that people felt that that was a good idea. Indeed, I am also advised that a dog handler's licence in the greyhound industry does not come into effect until a person is much older, and the same applies to persons involved in the thoroughbred racing industry. However, BOTRA has written to the Legislative Review Committee and pointed out that most children, where a family is involved with horses, start at an early age helping around stables and are quite accomplished horse people by the age of 12 years.

BOTRA recommends that the age ought to be 12 years. The association believes that 14 years is a reasonable age for a person to drive in a parade ring, given the responsibility that goes with this important activity, and there is no argument about that. In its correspondence it states that it has been confirmed by its insurance company that anyone holding a stablehand's licence, irrespective of age, will be covered in respect of claims. Quite clearly the insurance companies are prepared to continue to cover stablehands at a much younger age.

All racing codes are under intense pressure to compete for the gambling dollar. All codes are trying to encourage more people into the industry. I point out that this industry is recognised and oft quoted as at least the third most important employer of labour in South Australia. Much is being done in the harness racing industry. Registered trotting owners in South Australia in particular have set up the pony racing industry to encourage children as young as 12 years to participate in mini-trotting, if it can be so described, and pony races, to the extent that these activities now take place during the Interdominion. These young people have the opportunity to drive at a major venue in front of crowds, and it has attracted many participants to the trotting industry. It is interesting to note that many junior drivers who come through the ranks of pony racing are now the top young reinsmen in South Australia. I believe that this ought to be encouraged, and so does BOTRA.

I discount the proposition that regulations in other States prescribe a higher age than does South Australia simply because we need to encourage young people into the industry and because of the responsible nature of most trainers in relation to the way in which they look after their stablehands. I believe that one important new criterion for the Legislative Review Committee is not to take away previously held rights of constituents.

In all other instances it is often claimed that the insurance companies are hardheaded and hard-hearted, but they are prepared to cover these people and, for the good of the sport and to comply with the wishes of those people who best know the trotting industry and what is entailed in the activities of stablehands on and off the track, I ask all members to join with me and disallow these regulations. This will mean that the regulations will need to be resubmitted because of the ridiculous criteria by which we are constrained: we cannot disallow part of a regulation or one regulation of two regulations if they are submitted as a package.

I therefore suggest that we have no alternative but to disallow these regulations and ask the new Minister for Racing to reintroduce a regulation which states that no-one shall be in charge of a registered trotter at a registered track until they reach the age of 14 years. I ask all members for their support.

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

MULTILATERAL AGREEMENT ON INVESTMENT

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

> That this Council—
>
> 1. Opposes the Federal Government's signing of the Multilateral Agreement on Investment (MAI) until this Parliament and the people of South Australia are fully cognisant of the implications the MAI will have on policies under State jurisdiction; and
>
> 2. Urges the State Government not to support the MAI if it is found that the governance of this State is severely impaired.

The Australian Government is one of 29 OECD countries presently involved in negotiations on an international agreement which is aimed at freeing up international investment. Concern has been raised that the MAI Agreement will result in protections for international investors at the expense of national Governments and their citizens. The Federal Parliament's Joint Standing Committee on Treaties released an interim report on the Multilateral Agreement on Investment in May this year. It was asked to conduct the inquiry in March, and by May had received more than 800 submissions and about 400 form letters opposing the agreement.

The concerns ranged from outright rejection of the concept to international treaties to those with specific criticisms or reservations about aspects of the MAI. An overwhelming number of submissions expressed concern about particular aspects of the agreement, particularly expressing broad views that the MAI will reduce Australia's sovereignty and allow multinational corporations to plunder Australian assets with no corresponding obligations on them. Many were also critical of the lack of consultation by the Australian Government and the difficulty in obtaining information about the MAI, in particular an embargo which had been placed on the draft negotiating text until recently. I will deal further with the issue of consultation later.

The powers which can be given to foreign investors under the MAI are wide ranging and can eclipse the powers of Australian Governments, including our State Parliament. Laws made at Federal and State levels on issues ranging from foreign investment to human rights safeguards, environmental and consumer standards and native title could potentially be jeopardised by the MAI. Basically, under the MAI, any law made by Australian Governments which impacts on the foreign investors' freedom to trade will be banned. The Federal committee's report highlights the concerns raised in submissions about the impact of the MAI. It states:

Many submissions criticise the draft MAI itself for restricting Australia's ability to legislate and pursue our own policies in a number of areas including: the environment, labour standards and employment conditions, culture, media and communications, quarantine, social policy, including health care and education, the rights of indigenous Australians and human rights, amongst other matters.

There is opposition to the inability to restrict foreign ownership, particularly of privatised entities, and the impact on the integrity of the immigration system if Australia is obliged to grant entry to the employees of investor companies.

Articles in the MAI to eliminate performance requirements are criticised because this will result in the inability of Commonwealth, State and Territory and local governments to pursue industry or regional development initiatives which are desirable. At the same time, countries in our region which are not party to the MAI would not be so restricted and would retain a competitive advantage.

Although the Government has signalled its list of preliminary exceptions and indicated that this list is expected to grow as the States and Territories make their views known, this provides little comfort to many, who have lodged submissions so far. The 'rollback' provisions, coupled with the commitment by parties to the MAI not to impose further restrictions on investment, provide evidence that, whatever exceptions are taken out now, will become meaningless if they are gradually wound back.

The privileged position accorded investors under the agreement is also criticised in many submissions. They consider that the MAI facilitates a shift of power away from sovereign governments towards multinational corporations by enshrining in international law a series of rights for investors without any corresponding binding responsibilities. This is reinforced by allowing corporations to sue sovereign governments. At the same time the dispute resolution mechanism is criticised for being exclusive and not allowing affected parties access to it.

Arguments are made that the MAI will have a detrimental effect on many developing economies which will be unable to withstand the negative implications of such an agreement. There is criticism also that a representative number of developing countries do not have access to the negotiating process in the OECD.

The withdrawal provisions as they currently stand are opposed on the grounds that they unduly bind governments: withdrawal may occur any time after five years from the date the agreement enters force, but the provisions of the MAI continue to apply for a further 15 years.

Those are not my views: they are the views of a Federal parliamentary committee. The committee remains to be convinced that the MAI is in Australia's national interest to the point of any formal signature. It recommends that:

. . . Australia not sign the final text of the Multilateral Agreement on Investment unless and until a thorough assessment has been made of the national interest and a decision is made that it is in Australia's interest to do so.

The committee will continue its public inquiry into the MAI and provide a fuller report to Parliament at a later date.

As a signatory to the North American Free Trade Agreement (NAFTA), Canada has had a taste of how the MAI would impact on democracy. For instance, the Canadian Government is currently being sued by an American company because it disallowed the importation of particular additives to petrol. Even though the Canadian Government made the decision to protect its citizens, the foreign company is suing the Government under NAFTA on the basis that it will lose potential trade and thus profits. I cannot help but be reminded of a High Court interpretation of section 92 of the Constitution in relation to bottle deposits and the way in which a government making a legitimate decision can be thwarted by a power above. The power above in the North American situation was NAFTA, but the concern is that internationally we could have the MAI and have the same impact on the Australian Government making decisions for the wellbeing of its own people.

The powers of the MAI can extend far beyond this example. I am told that public expenditure on health and education could also be exposed to the MAI rules on the basis that Government expenditure would be seen to be discriminating against foreign investors by thwarting their opportunity to invest in our schools and hospitals. I bring to the attention of members an article on page 41 in the higher education section of the *Australian* on Wednesday, 18 February. It is quite an extensive article and it explains that education is not specifically precluded, and anything that is not specifically precluded is assumed to be included; that is the way in which the MAI works.

Unless one specifically rules out certain things being involved, they will be assumed to be included. Education is one of those things that is not precluded and, as a consequence, this article argues that foreign universities could come in and demand to receive funding so that they can compete equally with the universities that are already functioning within Australia. With these developments at a State and a Federal level, I am concerned about whether we will be able to work for the citizens we were elected to represent. There is now an improved consultation process between State, Territory and Federal Governments in relation to treaties and international agreements, but the level of consultation in relation to this treaty so far has been criticised as being very weak.

The MAI interim report states that the Federal Government reforms to the treaty making process overcome a democratic deficit in the way in which the process has been carried out in the past. The report states that the Federal Treasury claimed to have undertaken extensive negotiations since the outset of MAI negotiations in 1995. But the committee disagrees and states:

Our impression at this early stage of the inquiry is that the Treasury's assertions about a very wide ranging and extensive consultation process considerably overstates the reality. At the public hearing on 6 May 1998, we were unable to obtain a complete and coherent picture of the nature and extent of consultation to date and received insufficient information to justify such a strong claim. The message from many submissions so far received is that consultation has been inadequate.

Specifically in relation to Commonwealth-State consultation, the report is also critical of the level of consultation with States and Territories. The report states:

Although the MAI is likely to have significant ramifications for the States and Territories, Commonwealth consultation with the States and Territories to date has been inadequate. The Premier of Victoria, Hon. Jeff Kennett, described the information provided to the States and Territories as 'limited'.

It is important that the Treasury corrects this inadequacy in view of the areas of State responsibility potentially affected by the MAI. These include: investment incentives and industry development, privatisation, Government business enterprises, labour standards, land use, environment regulation, social services and the arts. Dispute resolution under the MAI may also impact on the liability of the States and Territories. It is possible that other areas may be affected.

Later in the report, the committee found:

It is unsatisfactory that substantive records of consultations with the States and Territories were not kept on such a major issue, particularly if this constituted part of the formal consultative process. Whilst we await further details from the Treasury, we question whether the meetings were briefings rather than detailed consultations.

The report also says that the OECD has been informed that, under the principles and procedures for Commonwealth-State consultation on treaties, there is scope for Australia to apply the MAI commitments at all levels of government. An important part of this will be the acceptability of the MAI to States and Territories. The report further states:

Our preliminary evidence tells us that the current framework for consultation with the States and Territories on the MAI is inadequate. The Commonwealth needs to make a greater effort to inform, involve and register the emerging concerns of the States and Territories.

The Victorian Premier, Jeff Kennett, has been critical of the Federal Government for its lack of consultation on the issue so far. In his evidence to the joint standing committee he stated:

> In view of these potential ramifications, I am surprised and concerned about the lack of involvement of the States up to this point in relation to the MAI negotiations. . . While the Commonwealth has provided Victorian officials with some briefings since MAI negotiations began in mid-1995, the process should have involved more consultations, along the lines of those which I understand are provided by the Canadian Federal Government to the Canadian Provinces. In view of the importance of this matter, it is now timely and necessary to establish a continuous process of detailed consultation between senior Commonwealth and State officials.

The committee not only agreed but believed that States and Territories should have been represented on the negotiating team from the outset.

Australia's preliminary exceptions lodged in relation to the MAI do not include State/Territory matters. The committee suggests that the States and Territories are not, as yet, sufficiently aware of the implications of the MAI to develop their views on the potential impact of such an agreement. It is also an indication that their concerns have not yet found their way into Australia's negotiating position, some three years after the process commenced at the OECD. The committee has also confirmed that questions also remain about the impact of the MAI on local government. If this is the case, as several submissions claim, then local government, too, ought to be involved closely in the consultative process. We note that the list of organisations consulted to date omits this level of government.

In February this year I asked the Treasurer a series of questions about this agreement and its implications for the governance of South Australia. In his response the Treasurer indicated that the South Australian Government has not yet considered or expressed a view on the MAI, that only departmental level consultation had occurred with the Commonwealth at that time. If South Australia's interests are to be well served in this issue, the Government must take a more pro-active role in identifying the implications of this treaty on the people of South Australia. I believe that the Legislative Council should oppose the Federal Government's signing of the MAI until this Parliament and the people of South Australia are fully aware of its implications for our State.

I call on this Council to urge the State Government not to support the MAI if it is found that the governance of this State is severely impaired. I think the case has been firmly made that at this stage there has been inadequate consultation and information both with the Government and the people of South Australia. It is for that reason that I move this motion and urge members to support it.

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

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

Adjourned debate on second reading.
(Continued from 27 May. Page 771.)

The Hon. K.T. GRIFFIN (Attorney-General): In 1997, following detailed and exhaustive industry negotiation, agreement was achieved on reform of the then Retail Shop Leases Act in relation to end of lease problems in shopping centres. Participants in the industry consultation included representatives of the Retail Traders Association, the Small Retailers Association, the Property Council of Australia (SA), Westfield shopping centres, and the Newsagents Association as well as the Small Business Association. The agreed amendments which were passed by the Parliament provide persons who enter into a retail lease in a shopping centre after 6 October 1997, which was the date of commencement of the amendments, with certain preferential rights at the end of a lease.

The amendments did not apply to existing leases, that is, leases already in existence did not gain the right of preference in keeping with the general principle that legislation should not alter or affect past events and transactions. In December 1997 the Hon. Ian Gilfillan introduced the private member's Bill in the Legislative Council to amend the Retail and Commercial Leases Act to provide that existing leases would be subject to the new right of preference provisions. At the time the honourable member also foreshadowed other amendments to the Retail and Commercial Leases Act and, on 23 March of this year, he filed a series of amendments to this Bill.

His Bill proposes that the right of preference provisions incorporated in the Retail and Commercial Leases Act last year apply to all existing and proposed retail and commercial leases whether or not in a shopping centre. That is not acceptable to the Government and the Government will not support it. The Government does not consider that there are grounds for departing from the general principle that legislation should not disturb already negotiated commercial arrangements. This issue was extensively canvassed during debate on the Government's amendments in 1997 and the proposition that the right of preference provision should be retrospective was defeated.

I understand that reforms to the Victorian retail leasing legislation came into operation on 1 July this year and that reforms will not apply to existing leases. Tasmania has a new code of practice for retail tenancies and my understanding is that this will not apply to existing leases. Western Australia currently has legislation before the Parliament, and that legislation will also not apply to existing leases. All States consider that to apply new provisions to existing leases affects the privity of the contract already in existence. Further, the scheme which was devised in consultation between the Government and industry last year was restricted in its operation to shopping centres. The proposal in the Hon. Ian Gilfillan's Bill seeks significantly to expand its operation to areas where it was never intended the scheme would operate. The amendments filed on 23 March 1998 cover a variety of matters including:

1. A new requirement that the lessee signs a separate acknowledgment of the receipt of the details of the obligation to fit or refit a shop, to provide fixtures or plant or equipment, to enable the lessee to obtain an estimate of the costs of complying with the obligation.
2. A new cooling-off right where a lessee is not given a disclosure statement at least five clear business days before the lessee enters into the lease or takes a renewal of the lease, and that the special provisions providing the existing lessee with a right of preference in the renewal of shopping centre leases are extended to all leases whether or not in a shopping centre.
3. Provisions to allow a lessee who has a right of preference but who has not negotiated a new lease to hold over on the terms and conditions of the old lease for six

months or until a new lease is entered into with another lessee, whichever is the earlier.

4. Provisions relating to relocation are modified to limit the type of premises to which the lessee can be relocated and to provide for the payment of compensation for loss of trade and profits arising from a relocation.

I convened the Retail Shop Leases Advisory Committee, comprising representatives of major landlord and tenant representative organisations, including the Retail Traders Association, the Small Retailers Association, the Newsagents Association, the Australian Small Business Association, the Property Council and the Westfield Shopping Centres. In December 1997 I circulated to members of the committee the Hon. Ian Gilfillan's initial Bill. Following filing of the amendments these also were circulated to members of the committee with a request for comment.

A number of comments have been received on those in relation particularly to the issue of retrospectivity, that is, applying the end of lease provisions to all existing and proposed retail and commercial leases, whether in a shopping centre or not. The comments received included comments from the Property Council, which as one might expect was absolutely opposed to retrospective application of preferential rights. The Retail Traders Association, which opposed the amendments also, was opposed to retrospectivity in respect to the Government Bill which was passed last year, and the Law Society, equally, opposed the coverage of all existing leases of the new Retail and Commercial Leases Act, particularly those provisions which extend to the end of term of a lease.

I want to make the point that, in relation to the others, there were differing views, but nothing of such significance that would warrant reopening the Retail and Commercial Leases Act. I indicated during the course of the discussions last year that it was not the Government's wish to reopen this legislation, having been through it on two occasions when significant amendments were made last year and the year before and that now was a time for a reasonable period of settling down and consolidation before the whole of the industry was confronted with even further amendments. It also has to be remembered that Federal amendments to the Federal Trade Practices Act which have an impact upon landlords and tenants and a wide range of other small businesses and large businesses came into operation on 1 July, and these would in fact complement the provisions in our own Retail and Commercial Tenancies Act.

The Government's view on the Bill, therefore, is that there is not in relation to any of the amendments any pressing necessity to reopen the principal Act, that the amendments should, in any event, be opposed, for a variety of reasons, not the least for the reason that the Government's amendments to the Act in 1997 were only achieved through lengthy and detailed industry consultation and negotiations with both landlord and tenant representative organisations. In those negotiations both sides, if you can call them sides, gave significant ground in coming to agreement on the final form of the amendments, and the Government indicated at that time it would give support to amendments which the industry itself could agree to.

There are no grounds for displacing the general principle that legislation should not disturb negotiated commercial arrangements. As I have indicated already, that issue was extensively canvassed during the debate on the Government amendments in 1997, and the Government, with the support of the Opposition, and following a conference of both Houses, defeated a proposition that there should be retrospective application of what were then new provisions.

The current South Australian legislation, as I have already indicated, is the only legislation in Australia to attempt to deal with end of lease issues at all. In New South Wales negotiations between the Australian Retailers Association and the Property Council are continuing, with a view to reaching agreement on an approach to end of lease issues, but no other State or Territory appears to be moving in this area. At the special meeting of Ministers and parliamentary secretaries responsible for retail tenancy matters on 5 December 1997 the significance of end of lease issues to all sections of the industry was recognised and the ongoing work of representative bodies in relation to end of lease issues was commended. Industry groups were encouraged to continue to work together to achieve a workable solution to end of lease issues and it was recognised by all concerned that an industry agreement is preferable to an imposed solution.

If the Bill actually gets through the second reading stage, and I indicate that the Government is not prepared to support the second reading, then quite obviously the detail of the particular clauses of the amendments which the honourable member is proposing, which deal with issues other than the end of lease issues and retrospectivity, will be dealt with by me in more detail. So, on that basis I can indicate the Government's position as being one of opposition to this Bill, for the reasons I have outlined.

The Hon. NICK XENOPHON secured the adjournment of the debate.

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

A quorum having been formed:

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT STATEMENTS) AMENDMENT BILL

Second reading.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I move:

That this Bill be now read a second time.

Among the matters to which a criminal court may have regard when sentencing a person found guilty of an offence is the personal circumstances of any victim of the offence. This is part of the Criminal Law (Sentencing) Act 1998. It was the initiative of Labor's Attorney-General, the Hon. C.J. Sumner, to make the effect of the crime on the victim a relevant consideration. In 1986 Labor had introduced the victim impact statement, whereby the victim of a crime could tell the court about the injury, loss or damage he or she had suffered as a result of the crime. The 1988 Sentencing Act gave the victim impact statement meaning by making it directly relevant to the sentencing process.

The relevance of the impact on the individual victim is supported in America, and the leading case is *Booth V Maryland*, in which the majority said:

> . . . the State has a legitimate interest in counteracting the mitigating evidence which the defendant is entitled to put in by reminding the sentencer that just as the murderer should be considered as an individual, so too the victim is an individual whose death represents a unique loss to society and in particular to his family.

When we think about sentencing we ought to remember that the victim's right of private retaliation against the offender has been surrendered to the State in the expectation that the

State, through the court, will exact retribution on behalf of the victim, among many other sentencing criteria. It is therefore appropriate that the victim should, if he or she wishes, be able to face the offender in court before sentencing and have a say. We should have an interest in information about the harm caused by the crime being before the court. We are not so interested in the victim's opinion about sentencing where that does not relate to the harm caused.

The Labor Party's proposal is supported by the former Chief Justice of the South Australian Supreme Court, Mr Justice King, who told the Justice Administration Foundation:

> In passing sentence judges have regard to the impact of the crime on the victims. Information is placed before the sentencing judge by means of a written victim impact statement. The victim has no opportunity to explain to the judge orally the effect of the crime on the victim. I think this is a defect in our system. Many victims would be assisted in coming to terms with the wrong which they have suffered if they were given the opportunity of telling the sentencing judge, in the presence of the offender, about their sufferings and the impact on their lives. I appreciate the problems, not least of which are that such victims would have to be prepared to face cross-examination and the additional burden, and associated cost, upon the court system.
>
> I have reached the view, however, perhaps somewhat belatedly, that the system, and the public's perception of the system, would be improved by providing, at least in serious crimes, the opportunity to those victims who wish to take advantage of it to supplement the written impact statement by oral evidence. Nevertheless, the feelings of the victims can never be the dominant factor. The fate of an offender cannot be allowed to depend upon the degree of resentment or forgiveness, as the case may be, expressed by the victims. The criminal law is and ought to be concerned not with private vengeance but with public justice.

I would like to remind members that my colleague in another place, Mr Michael Atkinson, the member for Spence's original proposal was for an oral statement to supplement the written victim impact statement as Mr Justice King proposes. But it was amended by Mrs Maywald to confine the oral remarks to a recital of the written victim's statement. The Bill does not allow cross-examination of the victim, as canvassed by the former Chief Justice. I do not think that many victims will avail themselves of the oral statement, despite the freedom from cross-examination.

It is really a modest proposal, but I do not believe that that will stop the Attorney-General, ever jealous of any member but himself changing the criminal law of the State, opposing the measure on spurious grounds. The Hon. K. T Griffin in this respect is a veteran spoiler. I thought of the Hon. Mr Griffin when I read in the Hon. C. J. Sumner's 1997 paper *Victims of Crime and Criminal Justice* the following hypothetical summing up by a South Australian judge in a sentencing hearing where the victim impact statement was at issue:

> But that law was passed by politicians and we all know what they are like. I for one make no apology for believing that the liberties of the citizen are much better protected by an independent judiciary, totally unmoved by the transient democratic sentiments that politicians seem to be preoccupied with at the expense of any regard for principle. They always try to do what the majority want and I hope politicians in this State don't succumb.

Introducing a victim impact statement marked a change from the dualistic customs of the criminal trial. In most trials the prosecution sought a conviction by all lawful means and defence counsel sought desperately to avoid one. The victim was not important in the trial except as a witness for the prosecution and a target for defence cross-examination. Often the victim could be the forgotten party to the trial.

The victim impact statement tried to overcome the victim's alienation from the criminal trial but it had to overcome opposition from the criminal bar, which had always got along just dandy without the victim, and from the judges, some of whom found the victim impact statements wearying or irrelevant to the exercise of their sentencing discretion. So far as these judges were concerned, there was a system of tariffs to apply when sentencing an offender and they were not going to let the peculiarities of a victim deflect them from their task.

The end of the trial is a very significant moment for the victim. After it he or she can try to get on with life. We think it is just the moment that a victim should be able to have his or her day in court, facing both the perpetrator and the judge and telling them in his or her own words the effect of the crime on their life. The Labor Party thinks that victims ought to have a choice of making an oral statement to the court of the effect of the crime on him or her after the conviction of the accused but before sentencing and in the presence of the accused.

The Bill requires a written victim impact statement to be prepared and given to the defence but then allows the victim to read the statement to the court in the presence of the accused. The Attorney opposes the principle of the Bill. He argues that allowing a victim to speak in court before sentencing might result in the victim's becoming emotional and saying something that was not strictly relevant to sentencing or accusing the offender of something that was not established by the trial. We believe that our Bill meets those objections by confining the victim to the written statement of which the defence has advance notice. We believe that the Bill will have a good effect on the offender by forcing him to face the victim, thus arresting the depersonalisation of the victim that is so common in the minds of offenders.

In juvenile justice we now have family group conferences in which the offender meets the victim. The Attorney-General is now in favour of such conferences. In my opinion, there is no reason to confine the offender's day in court with the victim to juvenile justice.

The Opposition has been accused of late of opposing Bills that have emanated from the Lower House and it has been considered to be obstructive in this measure. We utterly refute that because three Bills are now before this Chamber, two of which have passed the Lower House, namely, this Bill, the Freedom of Information (Public Opinion Polls) Amendment Bill, and the Evidence (Sexual Offences) Amendment Bill, which will hopefully pass through the Lower House very soon. All three of these Bills will be opposed by Government members, and I believe that we could say just as well that very important measures in criminal law and legal policy in this State will be thwarted by Government members in this place.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: AQUACULTURE

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee on aquaculture be noted.

(Continued from 2 July. Page 945.)

The Hon. T.G. ROBERTS: I support the motion and in so doing would like to highlight a couple of points in the report. First, I thank all those members of the committee who contributed to the formulation of the report. It is one of those

reports that presiding members look forward to, by putting their name and their photograph on the front. It is a very wordy report. My copy has a photocopying blemish on page 91, but that is outside the Presiding Member's and Secretary's powers.

The inquiry's time span covered the term in office of two Governments: the previous Government and, since the election, this Government. The committee was re-formed after the election and I thank the new members who made contributions, namely, Mrs Karlene Maywald MP and the Hon. John Dawkins. I also thank the Hon. Caroline Schaefer, who was a member of the committee before the election, for her contribution.

It was a timely reference from this Chamber to the Environment, Resources and Development Committee because the aquaculture industry has been evolving over some considerable time—from the mid 1980s to the mid 1990s—without too much scrutiny. Indeed, it was developing to such a level that it needed scrutiny to see whether Governments were maximising the financial returns that could accrue to this State through aquaculture.

Environmental protection was another issue of concern, particularly on the West Coast, in relation to the competitive use of the marine environment. There was also the issue of the deaths of tuna in the Port Lincoln area because of storm, bad siting and feeding policies within the industry.

So, there were a number of reasons why a multi-Party committee such as the Environment, Resources and Development Committee needed to make recommendations in a multi-partisan way to ensure that the benefits that aquaculture can bring, particularly to regional areas, are delivered, as are the potential opportunities provided by the industry for regional-based employment.

The committee was limited by time and resources in being able to complete a full picture in relation to the industry, and we have held over one or perhaps even two references for later dates. On one, we have set ourselves a time frame to continue the investigation, and in this respect I refer to the reference relating to the pilchard fishery, which plays an important part in the feed cycle of the tuna industry. We took some evidence which suggested that perhaps the pilchard industry should not be the basis for the tuna industry. Pilchards could also be marketed both interstate and overseas not just as feed stock but as table fish attracting a premium price.

We looked at the way in which quotas were handled and the committee makes recommendations on that. We also considered the way in which Governments, both Commonwealth and State, should be looking at the future of the pilchard industry as a whole to maximise the best returns to the State while protecting the fish stock to ensure that overfishing was not occurring in the industry, that the quotas were evenly and fairly dispensed, and that no favours were delivered with respect to the placement of those quotas within sections of the industry.

The committee did not draw any conclusions but it heard a great deal of evidence on that issue. As I said, it is an issue that the committee will be addressing at a later date. The committee had other areas of concerns about which it did not take a lot of evidence, one of which related to the financial state of applicants when submitting their management plans for aquaculture applications. Some investors have been burnt in that they have invested money with little or no return. Individual aquaculture developers have been burnt because they have not done enough homework in relation to best scientific evidence or the best siting of aquaculture ventures, they have not read the markets correctly or, perhaps, they have tried to farm the wrong species. All those factors in the past have contributed to environmental and other decisions being made.

The committee visited Port Augusta, Cowell, Coffin Bay, Port Lincoln, Wallaroo, Tickera, Kangaroo Island, Port Victoria, Cape Jaffa, Lucindale and Penola. Members will see that the committee covered most of the waters around the coastal areas of the State.

The Hon. A.J. Redford: I will swap you that for Kiribati.

The Hon. T.G. ROBERTS: Will the tide be in or out? The people of Kiribati have a real problem not with aquaculture ventures but keeping the water out of their backyard. South Australia has a distinct advantage, nationally and internationally, for setting up aquaculture ventures both in the marine environment and onshore as our coastline is very active and in relatively pristine condition, with the exception of those areas of the gulf that have been heavily polluted by years of discharge from sewerage works. You would not want to swim anywhere near those areas let alone set up aquaculture ventures. In the main, our coastline is in a pristine state that will support a wide range of aquaculture ventures using a wide range of varietals of fish and crustacea.

We also found that some problems were starting to develop around Kangaroo Island in relation to oysters as a result of sewage outfalls and discharges. Governments, both Federal and State, must play a role, and the committee makes recommendations for local government to take a more active role in the siting of management plans for aquaculture ventures. Local governments can play a role in the management of infrastructure within those particular areas in assisting with the setting aside of appropriate areas for the use of recreational, professional and other amateur fishermen. Those areas can be separated out so that aquaculture ventures that eventually get licences to establish in the marine environment are able to thrive without any other activities impinging on their ability to be successful.

An example of a successful venture that has been established and run without much infrastructure support is the Atlantic salmon venture in Cape Jaffa. That venture is now at a point where Governments need to look at infrastructure support such as jetties and landings as well as possible support in terms of fish being not only frozen or freshly packed for export but also processed at that location.

One other recommendation is that more attention should be paid to moving, where possible, aquaculture ventures from the marine environment to shore-based environments. This is happening as the industry evolves, particularly on the west coast around Port Lincoln, where sea suctions using pumps, dose delivery meters and high-tech integrated water temperature-water release programs have been introduced using sea water pumped from a clean source and then pumped onto the land using tanks, heating devices and water temperature control devices to ensure that oysters, and abalone in particular, can be grown in a controlled environment onshore.

We looked at a number of oyster ventures, both onshore and offshore and in estuarine areas. Certainly, a lot of discussion and debate is taking place about the planning processes that existed in the early days and the amount of information that was available to those aquaculture ventures to get the best possible products out of the siting of the ventures. One aquaculturist informed the committee that the best possible siting for some of the oyster ventures may not be in close estuarine tidal areas, particularly where there is

a low food stock or nutrition or not enough movement in the water. They may be better based further out in deeper water where there is more nutrition in the water.

We certainly saw a very successful venture off Kangaroo Island. It was in deeper water and the oysters were probably three times the size of the oysters we saw in some of the estuarine areas on the west coast. The market tends not to prefer the larger oysters: it tends to prefer smaller oysters. So, there are some gains and advantages with respect to both size and quality. Perhaps the harvesting of the deeper water oysters can take place more quickly, but that is up to the industry to decide. I am also told that some people like larger oysters and they have been sold in hotels.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: The Hon. Ian Gilfillan says that he likes the larger oysters, and a lot of people in the community would have the same tastes as the honourable member.

The Hon. Ian Gilfillan: They are a good source of zinc.

The Hon. T.G. ROBERTS: I am sure that the honourable member likes to wash them down with a nice glass of white wine. So, there are variations in the requirements for many of the off-shore aquaculture ventures, and the committee thought that some recommendations needed to be made. Representatives of the departments came in and gave evidence as to what their activities were in trying to encourage, support and nurture the growing aquaculture industry. It is quite clear, from the evidence that they gave, that the departments were under resourced. That is a criticism of both the former Labor Government and the current Liberal Government in not providing enough money for infrastructure support for the burgeoning industry. So, the committee made some recommendations that more funding be made available for research in particular, so that people coming into this industry were not taking risks associated with some of the scientific knowns already available.

The committee found that there is a lot of information that floats around anecdotally inside the industry. There is also a lot of written information available for individuals to acquire from the departments. In some of the aquaculture ventures where large investments were made, much of that information was gathered by private operators by a process of evolution (some making mistakes) in trying to discover the best way to proceed, while others were doing it on best possible scientific information that was being provided both nationally and internationally. So, all sorts of experiences were being relayed by people in the aquaculture industry as to how they got started and how they were progressing, through whatever industry they had developed, into the marketplace.

The committee has also made recommendations in relation to marketing and how that information can be shared, how people involved in the same practice can pull together to get the volume required for the marketplace so that security of numbers is able to give a guarantee of supply, which is important at the sales end of the project. If they cannot give guarantees to restaurants, hotels, etc., or to fish buyers, it is very difficult for them to maintain contracts, or interest. So, it is important that the people in the industry form associations to make sure that they pay strict attention to the areas of marketing and supply.

A lot of people in aquaculture have survived, despite the lack of provision of Government services for them: they are out there doing it on their own and surviving. One venture in particular was very successful as an aquaculture venture but was having trouble in progressing to the next stage, that of a tourism resort development. The people involved would have liked to be able to go to a bank and apply for extra funding to develop the venture. However, we found that, not only in that case but in other cases, the major banks, in the main, considered that the risk management of the aquaculture industry was too great for them to lend money in many cases to a lot of ventures that would have been able to expand their program and take advantage of the markets that exist out there.

This industry is in its infancy and is struggling to supply the demand that exists. There is a huge demand for fresh fish, fresh oysters, marron and yabbies. There is an unmet demand, and the planning laws, the departmental information advice, good marketing strategies and good financial advice all need to be integrated in an orderly way to ensure that the industry is able to take advantage of the shortage of product and to maximise the returns both at a domestic level and for export.

The one stop shop which has been proposed by the Government for processing applications must operate under clear guidelines which spell out the assessment process and which do not give people false hope in relation to applications that may or may not be successful, because a lot of time, effort, energy and finance, in many cases, goes into the processing of these applications. In some cases, the committee found that the applications were no more than a management plan drawn up on a pasty bag and forwarded to the departments for assessment. In other cases, they were very professionally put together by people who have been in the industry for a long time.

I refer to the application made by Raptis and Sons for a tuna project off Kangaroo Island. One of the projects could have been ruled out immediately, because the matching criteria that the committee felt should have been the base mark for acceptance, based on best scientific evidence, was clearly not able to be met. It was to be sited near a haul out zone for sea lions, and a lot of local people from Kangaroo Island were most upset that the natural balance of wildlife within that area would be disturbed by any siting of sea cages not far out from this haul out site.

The second site, which was farther out to sea, may have been acceptable but, as the committee observed in its recommendations, the application should have gone through a process which included guidelines for consultation through local government and talking to the local people. I believe that the locals should be able to play a part in the planning process. If applications are made, those people who have a stakehold in the industry and in the surrounding environment ought to be able to be convinced by best scientific evidence that their concerns will not be jeopardised and that one can have aquaculture projects, environmental protection and protection for wildlife in that area.

The white pointer shark population off the coast of Port Lincoln is also a problem, and this was highlighted by the death of a young diver recently. I believe that everyone sitting on the committee observed that, wherever one sets up something artificially, wherever one sets up aquaculture projects that impinge on the natural balance of the marine life, there will be an artificial build up, or a congregating of some of the sharks in that area.

To ensure protection for the tuna, etc., the alternatives are either to have nets to keep the predators out or to place them at a site which minimises the danger of attack. It was felt that more work should be done on appropriate nets that are able to keep predators out of the cages. There is also the problem, where either seals or sharks breach the cages, of having to

rely on the proponent of the aquaculture program to report it when it is not in their interest to do so because the siting of their program would come under scrutiny. The best way to plan is to make sure that, based on best scientific evidence, the siting of the cages does not interfere with the problems associated with seals and sharks.

As I said earlier, the planning processes came in for many recommendations. The primary concern that we had was that there needed to be more certainty built into the application so that it was given a chance to survive, and that the proponents of the application should be talked through it so that they do not spend a lot of money on a project that ultimately would not be licensed. A whole lot of scientific evidence needs to be pulled together. We have made recommendations to the Department of Primary Industries and Resources about codes of practice for the industry and have urged the department to place monitoring requirements into the legislation so that aquaculture applicants not only know the chances of their application succeeding but are able to monitor the applications as they progress.

I recommend that those people who read *Hansard* get a copy of the report and, if there are any questions, contact their local member to have the problem sorted out. I thank the secretary of our committee, Bill Sotiropoulos, and Heather Hill, our research person. She has done a very good job putting together this report. I commend the report to members.

The Hon. J.F. STEFANI secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION (INDUSTRIAL JURISDICTION) AMENDMENT BILL

Consideration in Committee of the House of Assembly's message—that it had agreed to the Legislative Council's amendment and made the following consequential amendment:

Clause 2, page 1, lines 19 to 21—Leave out the words 'and an agreement or award, order or other determination under that Act has effect (and will be taken always to have had effect)'

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

That the House of Assembly's consequential amendment be agreed to.

This consequential amendment follows an amendment made in the Legislative Council, and the rationale for it is because in August 1997 a majority of the members of the Full Bench of the Industrial Relations Court of South Australia unexpectedly indicated that it did not consider that the TAFE Act allowed the Industrial Relations Commission to have jurisdiction in relation to employment matters for TAFE Act employees. This view implied that the awards and agreements operating for many years under State industrial legislation were of no effect for these employees.

It also suggested that the relevant employees did not have recourse to the dispute resolution processes contained in industrial legislation. This was not the Government's view nor that of the Australian Education Union. The TAFE Act and the State industrial legislation had co-existed for many years, with the question of which piece of legislation held sway in a particular issue being decided on the particular circumstances applicable to the issue, and generally in favour of the *status quo*.

The Government has no intention of usurping the *status quo*. This amendment merely aims to put beyond doubt the relevance of existing awards and agreements relating to TAFE Act employees in conjunction with the TAFE legislation and preserve the *status quo*, including the ability of employees to access the dispute resolution processes of the industrial legislation. My understanding is that this was supported by the Opposition in another place.

The Hon. CAROLYN PICKLES: The Opposition supports the consequential amendment. One of the issues that is of concern to us is that it has taken an enormous length of time to deal with this issue. My recollection is that this legislation was before us in about March of this year and it is now July, and it does seem curious that it has taken so long. My colleague in another place, the shadow Minister for Education, Ms Trish White, has spoken at length on this issue. I do not wish to take up the time of the Council to elaborate on those remarks except to say that the Opposition, through Ms White, has discussed the issue with the Teachers Union, and while it is not overwhelmingly happy with this measure it will support it because it will facilitate matters for it. I am very critical of the Minister for Education's taking such a long time to deal with this issue and I am curious to know why it has taken so long.

The Hon. M.J. ELLIOTT: I rise to support the proposal now before us. I, for one, am not critical of the Minister. I think the Minister has been very accessible and very agreeable in all of this. The process has been an interesting one, because I have been very involved with it, in that both parties, that being the Government and AEU, thought that they knew what the law was and were quite happy with the way the law was until the courts decided to put an interpretation on it that took them both by surprise, and we have been seeking to get a form of words that retained the *status quo*. There has been a firm commitment by both the Government and the AEU that they did not want to see the law as they believed it stood changed and the difficulty has been finding a form of words that both groups agree would do it. There has been some toing-and-froing.

In retrospect it might have been handled better had they sat around the table rather than sort of passing to and fro, and to some extent I was a conduit in that stuff was sent to me and I would pass it on and then it came back. I agree that it has been very slow and frustrating, but I certainly had a view that I did not want to impose a political solution on a problem where both groups agreed they wanted the same thing. The important thing was that they could actually reach agreement on final words. It is unfortunate that it took so long, and where there is the capability of agreement being reached it is a pity we cannot do it a little faster, and we might need to look at approaches in the future. I, for one, congratulate the Minister for Education for his patience in this matter and, of course, the AEU which has been involved in this matter with the best will as well. I do hope that, if the courts ever get asked to interpret this particular section, it does work the way that both sides think that it does and that the *status quo* indeed has been retained.

Motion carried.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of my colleague the Treasurer, I move:

That this Bill be now read a second time.

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

Leave granted.

An annual stamp duty fee has been levied since 1968 on certificates of third party insurance lodged with the Registrar of Motor Vehicles when a motor vehicle is registered for the first time or an existing registration is renewed. The fee currently stands at $15. Revenue raised from the fee is paid into the Hospitals Fund and is used as a contribution to the Government's expenditure on public hospitals.

The fee is to increase to $60 as from 1 September 1998. The proceeds will continue to be paid into the Hospitals Fund.

This measure is expected to raise an extra $31.6 million in 1998-99 and $38.0 million in a full year.

In South Australia, general insurance business has attracted stamp duty at a rate of 8 per cent since 1984. General insurance includes house and contents cover, motor vehicle insurance and workers' compensation; it does not encompass life insurance which attracts a lower rate of stamp duty under separate provisions of the Stamp Duties Act.

The duty rate for general insurance varies across States and Territories. In Victoria and the Australian Capital Territory 10 per cent duty is levied on all forms of general insurance and in New South Wales a rate of 11.5 per cent applies to insurance other than motor vehicle comprehensive, third party and workers' compensation. The rate of duty on non-motor vehicle related general insurance is 8 per cent in other jurisdictions apart from Queensland where a rate of 8.5 per cent applies.

The stamp duty rate on all forms of general insurance in South Australia will increase from 8 per cent to 11 per cent of premiums paid after 1 June 1998, except for premiums invoiced prior to 1 August 1998 for policies of 12 months or less commencing before 1 September 1998.

This measure is expected to raise $22.5 million in 1998-99 and $30 million in a full year.

Since November 1995, an exemption from stamp duty has been available on the transfer of heavy vehicle registrations from the Federal Registration Scheme to the State administered National Registration Scheme. It is proposed to remove this exemption following evidence that it is being abused.

The exemption was originally introduced as part of a joint initiative between Commonwealth, State and Territory Governments, under the auspices of the National Road Transport Commission, to achieve uniform national road transport laws. The exemption was intended to encourage transfers of heavy vehicles to the State administered Registration Scheme in the expectation that the Federal Registration Scheme would close down by June 1998. Closure of the scheme will not now occur until all aspects of the National Road Transport Reform Program are in place, which is not expected before June 2001.

Experience has shown that some owners of heavy vehicles are obtaining the benefit of the exemption by registering under the Federal Registration Scheme and, within a short space of time, transferring the registration to the State scheme. The potential revenue loss from this abuse of the exemption is estimated to be of the order of $1.3 million per annum.

It is proposed to repeal the exemption from stamp duty for the transfer of heavy vehicles from the Federal Registration Scheme to the State administered National Registration Scheme. New South Wales, Victoria, Queensland and Western Australia have also taken action to ensure that this avoidance no longer occurs.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measures.

Clause 3: Amendment of Sched. 2

Clause 3*(a)* provides for an increase from 8 per cent to 11 per cent in the stamp duty rate on monthly returns for general insurance business.

Clause 3*(b)* provides for the removal of the exemption from stamp duty on applications for the transfer of heavy vehicle registration from the Federal Registration Scheme to the State administered National Registration Scheme.

Clause 3*(c)* provides for an increase in stamp duty payable on applications to register a motor vehicle or to transfer the registration of a motor vehicle, from $4 per quarter to $15 per quarter, and from $15 per 12 months to $60 per 12 months.

Clause 4: Transitional provision

Clause 4(1) provides that the new rate of duty on general insurance does not apply to insurance premiums received or charged in account before 1 June 1998, or to insurance premiums received or charged in account before 1 August 1998 relating to policies to be in force for 12 months or less commencing before 1 September 1998.

Clause 4(2) provides that applications relating to heavy vehicles lodged before 1 September 1998 will be exempt from stamp duty as before.

Clause 4(3) provides that the new rates of duty payable on applications to register a motor vehicle or to transfer the registration of a motor vehicle will not apply to applications where the term of registration is to take effect before 1 September 1998.

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

GAMING MACHINES (GAMING TAX) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of my colleague the Treasurer, I move:

That this Bill be now read a second time.

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

Leave granted.

Currently, gaming machine licensees are subject to a 3 tier tax structure with marginal rates of tax ranging from 35 per cent to 45 per cent. This structure has applied since 1 July 1997 and was automatically triggered as a result of tax revenue being $11.5 million lower than the industry guarantee regarding the level of revenue that would be yielded from the progressive NGR tax structure applying in 1996-97.

In addition a 0.5 per cent surcharge is imposed on each of the percentage tax rates to recover the 1996-97 revenue shortfall. The surcharge will remain in place on all venues until the shortfall has been recovered which is expected to take up to six years.

The current taxation regime applies to all licensed hotels and clubs operating gaming machines in South Australia.

This Bill seeks to amend the tax structure to provide a differential tax regime for clubs and community hotels *vis-a-vis* other licensed venues.

All other Australian jurisdictions, with the exception of Tasmania where all gaming machines are owned by a single operator, provide a lower tax structure for the clubs sector *vis-a-vis* hotels operating gaming machines.

The Government recognises that clubs are unable to compete successfully with hotels because, by and large, clubs operate on a smaller scale and reinvest their funds into the community for recreational and other purposes. The Government has decided to provide tax relief to licensed clubs operating gaming machines in South Australia.

Community hotels have ownership structures and profit distributions comparable to clubs and as such will also be provided with the benefit of the tax relief. There are currently 9 community hotels that operate gaming machines in South Australia, all of which are in regional areas.

Any other non-profit organisation that becomes the holder of a gaming machine licence will also be entitled to the benefit of the tax concession.

Effective from the 1998-99 financial year, clubs and community hotels will receive a five percentage point reduction in each marginal tax rate compared with the current tax structure. This provides an aggregate 13 per cent tax concession across the clubs and community hotels sector with the smallest venues receiving a 14.3 per cent tax reduction.

This concession is provided at an annual revenue cost of approximately $2 million.

The Government has also decided to increase the progressivity of taxation on hotels operating gaming machines. Effective from the

1998-99 financial year the middle marginal tax rate will increase by 3.5 per cent—from 40 per cent to 43.5 per cent—and the top marginal tax rate will increase by 5 per cent—from 45 per cent to 50 per cent.

The smallest 50 per cent of hotels (those in the lowest tax bracket) remain unaffected while larger venues are subject to an increase in the level of tax payable ranging up to 10 per cent. The increase in tax will yield an additional $10.9 million in a full year.

The proposed amendments apply to gaming machine activity from the 1998-99 financial year. Gaming machine licensees will pay tax at the revised rates commencing in August 1998 in relation to activity in July 1998.

The net result of changes to gaming machine taxation in licensed clubs and hotels is estimated at $8.2 million in 1998-99 and $8.9 million in a full year.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of section 72A—Tax system operable from beginning of 1996-1997 financial year

Clause 2 provides for a new tax structure to apply from the beginning of the 1998-1999 financial year and each successive year. There will be two different tax rates—one for non-profit organisations (mainly being clubs and community hotels) and the other to hotels run on a normal business basis. Tax rates for clubs and community hotels are decreased and the top two tax rates for other hotels are increased. The surcharge of 0.5 per cent (imposed in the 1997-1998 financial year to recoup the 1996-1997 shortfall) will apply to the new tax rates.

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

MOTOR VEHICLES (CHEQUE AND DEBIT OR CREDIT CARD PAYMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 927.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This is a fairly straightforward Bill which enables the Registrar of Motor Vehicles to recover amounts of money owing where a payment made by a merchant card is subsequently dishonoured. In supporting the Bill I note that approximately 2 400 cheques are dishonoured each year. I also note the other aspect of the proposed Bill, and that is the introduction of the $20 administration charge. Given this, can the Minister outline for my benefit a breakdown of the costs associated with the recovery of the dishonoured cards and cheques? My other question to the Minister—and it relates to a point raised with me by a colleague in another place—relates to electronic banking, and particularly the Internet. I have to admit that I have not used the Internet banking method and so my understanding of the operation of it is not exact.

Can the Minister provide me with information as to whether the legislation does provide for payment by electronic means? I am certain that the Minister is aware that more and more people are using Internet facilities and paying bills electronically. I did raise this matter with Parliamentary Counsel, because I was thinking about moving an amendment if the legislation did not provide for payment by electronic means, but Parliamentary Counsel has advised me that electronic banking was covered in this Bill, as the Transport SA Website provides for payment by Visa, Bankcard and Mastercard. However, I do know that you can directly debit your personal bank account when paying accounts by the Internet. My point is about avoiding additional legislation at a later stage which takes into account technological changes in the banking sector. Is the Minister able to provide further clarification in relation to this matter? With those few comments, and if the Minister is able to provide that information to my satisfaction, I support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I did get prior warning about a number of matters that the honourable member raised in earlier discussions about the nature of this Bill. Also, the Hon. Sandra Kanck did alert me earlier that she had no questions on this Bill and would be pleased for it to pass without her contributing to the second reading debate. I would like to provide the Hon. Carolyn Pickles with the following advice about this Bill covering the use of the Internet. I am advised that that is so. The Bill seeks to provide the Registrar of Motor Vehicles with the power to recover fees where a payment made by credit or debit card is dishonoured.

Payments through the Internet can only be made by credit card using Visa, Mastercard or Bankcard. Payment cannot be made by debit card. After the client enters his or her credit card number a check is made with the financial institution which issued the card. This is to ensure that the client is not exceeding his or her limit. In the event that the credit card payment is subsequently dishonoured, the proposed amendment to the Motor Vehicles Act will provide the Registrar of Motor Vehicles with the power to recover the fees or, alternatively, void the transaction. The power to recover the fees already exists in relation to dishonoured cheques. I can advise the honourable member that, in terms of payment by the Internet, we are up to an average of five a day by that means. It has not been used for a month now, but we anticipate that that will continue to grow as people become more familiar.

In terms of electronic business, I will be taking propositions to the Government which have some funding implications and later staffing implications, and this proposition will go forward in the next few weeks. I would hope that by early next year we are well equipped, following further studies, to get it right and to be at the forefront of electronic transfer of business.

In relation to the breakdown of administration costs, represented by the $20 administration fee, I advise that the cost of dealing with dishonoured payments arises from the need to process a further transaction on DRIVERS to note the dishonoured payment. This is necessary to prevent any further transactions, for example transfer of registration, being processed. The client is then advised in writing of this dishonoured payment. The proposed $20 level 3 administration fee, which is so designated for high complexity transactions, is designed to recover the cost of processing the dishonoured payment advice, whether by cheque, credit card or debit card, and preparing and forwarding the letter to the client. As there is currently no facility to charge an administration fee, these costs are borne by Transport SA. Why are the costs incurred? On advice by a bank that a payment has been dishonoured, the funds are debited from the Transport SA account and returned to the bank. This information is then recorded on DRIVERS, and a letter forwarded to the client to request payment of the fees. A client is given seven days to pay the fees which, if approved, will include an administration fee. If the fees are paid, no further action will be taken.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, banks charge for everything these days, I think. If the fees are not paid within

the seven day period and the transaction is for a short period, for example a three month renewal of registration, the transaction will be void and a further letter forwarded to the client requesting the return of the certificate and label. If a transaction is for a longer period than three months, a minute will be forwarded to the Commissioner of Police requesting the seizure of the licence, permit, label, certificate or other document issued by the Registrar. The administration costs of dealing with dishonoured cheques will be recovered only if the client honours the original payment.

I was also asked: why does it not occur automatically, and will this occur in the future with the introduction of electronic payments? I am advised as follows. Although payments made by credit card, Internet, telephone or in person, and a debit card in person only, are electronically verified by the bank before processing, the client may ultimately deny responsibility when he or she receives a monthly account from the bank. This may occur if a person fraudulently uses another person's credit or debit card. Visa International and banking institutions are currently engaged in the development of a secure electronic transaction payment system, known as Secure Electronic Transactions, or SET. SET will enable the merchant in an Internet transaction to verify the identity of the client, thereby removing the possibility of dishonoured payments.

If a credit card is used by a bank that has SET, the client will be provided with an electronic digital signature, which will uniquely identify the client when processing Internet transactions. While most common credit and debit cards are acceptable and are verified using EFTPOS facilities, no cash back service is provided. I highlight the fact that administration fees are not something new: they were introduced by the former Government with the support of me and others in the then Opposition to cover the costs of those transactions, so that money was not—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Only if it is paid, as I have said. The administration costs of dealing with dishonoured cheques will be recovered only if the client honours the original payment. I also note that, if we do not seek administration charges, those charges are absorbed from funds, including the Highways Fund, so there is less for everything—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I have indicated that it does not matter who else charges. The former Government introduced it.

The Hon. T.G. Cameron: Your greedy Government.

The Hon. DIANA LAIDLAW: Your former Government introduced it, and on a bipartisan basis it was supported. I will continue it, because if we do not have our costs covered in terms of service, then the money comes from the Highways Fund and we would not be able to provide for the new school crossing signs that the honourable member has just asked me to remove.

The Hon. T.G. Cameron: You're talking drivel!

The Hon. DIANA LAIDLAW: No, I am not talking drivel. We would not be able to deal with the Blythewood Road roundabout and everything else that the honourable member wants. It does not matter whether or not other people do it; it has been done to make sure that we—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Your greedy Government —which has been continued on the basis that we must maximise the funds in the Highways Fund to invest in road safety, road construction and maintenance.

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

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Thursday 9 July at 2.15 p.m.