LEGISLATIVE COUNCIL

Wednesday 18 November 1998

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answer to question on notice No. 257 of the last session and the following questions on notice for this session, previously asked last session and relisted this session, be distributed and printed in *Hansard*: Nos. 55, 65, 66 and 70.

ETSA, EMPLOYEES

55. **The Hon. T.G. CAMERON:** How many jobs, together with their occupational groups, have been cut from ETSA in the years—

1993-1994;
1994-1995;
1995-1996;
1996-1997?

How many jobs, together with their occupational groups, have been cut from ETSA in regional areas in the years—

1993-1994;
1994-1995;
1995-1996;
1996-1997?

What further job cuts are planned before the commencement of the sale process?

The Hon. R.I. LUCAS (Answered by letter on 28 October).

The total number of separations from ETSA for the period 1993-94 to 1996-97 was 1567. A summary of separations per occupational group is provided in the attached schedule.

The total number of separations from ETSA for the same period in regional areas was 400. The attachment provides summary of these separations per occupational group.

Proposals for further cost reductions including workforce reductions are currently being reviewed.

	Total		1993-94		1994-95		1995-96		1996-97	
	Metro	Country	Metro	Country	Metro	Country	Metro	Country	Metro	Country
Salaries										
Supervisory/Foreman	40	41	23	29	5	4	8	7	4	1
Clerical/Admin	409	53	205	24	50	13	104	14	50	2
Professional	94	4	55	2	5		25		9	2
Technical	127	31	67	22	6	2	32	5	22	2
Shift Operators	49	18	33	10	2		11	3	3	5
Total Salaries	719	147	383	87	68	19	180	29	88	12
Wages										
Trade Skilled	315	149	143	86	23	12	88	29	61	22
General Skilled	133	104	76	45	20	3	19	44	18	12
Total Wages	448	253	219	131	43	15	107	73	79	34
Grand Total	1167	400	602	218	111	34	287	102	167	46

GOVERNMENT FEES AND CHARGES

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

I. Will the Treasurer please list, for each State Government Department, all administration fees, fines, charges or taxes that were increased as a result of the 1998-1999 State Budget?

II. Will the Treasurer please list, for each State Government Department, the amount by which each of these administration fees, fines, charges or taxes were increased?

III. Will the Treasurer please list for each State Government Department the previous levels of each of these administration fees, fines, charges or taxes prior to the increases?

IV.

(a) Will the Treasurer please list, for each State Government Department, how much revenue is estimated will be raised for each of these administration fees, fines, charges or taxes as a result of the 1998-1999 increases; and

(b) Will the Treasurer please list, in total, how much revenue is estimated will be raised for each of these administration fees, fines, charges or taxes as a result of the 1998-1999 increases?

The Hon. R.I. LUCAS: I advise that, at the macro level, the information sought is available in the Budget documents, in particular the Budget Statement 1998-99.

However, in order to provide the very detailed information requested it has been necessary to survey all Government agencies.

The information collected from agencies has been limited to those fees, fines and charges, which have associated revenue levels of $10 000 per annum or more. This has been done to ensure information materiality and to reduce the significant administrative burden placed on agencies as a result of this request.

The following has been supplied directly to the honourable member:

Attachment A: Summary of fee, fine, charge and taxation increases by portfolio.

Attachment B: Summary of fee, fine, charge and taxation increases by portfolio agency.

Attachment C: Detailed breakdown of increases for each portfolio/agency by individual fee, fine, charge and taxation category.

Attachments B and C indicate the total own source revenues collected from fees, fines, charges and taxes which were increased as a result of the 1989-99 State Budget are expected to be $602.3 million. While this represents an increase of $54.9 million on the 1997-98 actual figure of $547.4 million—an increase of approximately 10 per cent overall—it cannot be said that Government fees, fines and charges have risen by 10 percent because much of the dollar increase falls in the taxation area.

In interpreting this information it is appropriate to note the following points:

- The information provided predominantly encompasses those fees, fines and charges, which are subject to the Government's annual review and adjustment strategy for non-commercial sector fees, fines and charges established by regulation. This strategy which was first adopted in February 1996 does not encompass own source revenues raised from taxation, and excludes increases in commercial sector fee, fines and charges.
- The strategy adopted links annual adjustments in the level of fees, fines and charges to changes in the Adelaide CPI over the previous calender year. A composite adjustment index comprised of annual movements in public sector wages and Adelaide CPI was adopted for the first time in 1998-99. The subsequent fee, fine and charge adjustment factor adopted for 1998-99 was 4.5 per cent.
- The composite indexation factor was adopted for the first time in 1998-99 to preserve the level of cost recovery associated with

the activities underpinning specific fees, fines and charges categories. The level of cost recovery would have been eroded if the CPI based approach was continued in 1998-88 as the increase in Adelaide CPI over the previous December to December quarter was minus 1.1 per cent while public sector wages were estimated to have grown by 6.9 per cent over the corresponding period. The alternatives were to increase other forms of own source revenue and/or reduce service levels—the Government was not prepared to accept either alternative.

- Although the level of the majority of fees, fines and charges were increased in line with the composite adjustment index adopted in 1998-99, there are instances were the average level of increase was greater or less than the adjustment index. Reasons for these outcomes include:
  - Previously endorsed Cabinet strategies to increase the level of cost recovery associated with specific fee, fine and charge categories, and
  - The adoption of rounding procedures by agencies to facilitate administrative efficiency
- Revenues for individual fee, fine, charge and taxation categories may increase by more than the 4.5 per cent adjustment factor due the factors mentioned above, and because revenue estimates include both pricing and activity effects.
- There are no increases of regulated fee, fines and charges shown for the Education, Training, and Employment Portfolio. This portfolio undertakes an annual adjustment of fees, fines and charges at the end of each calendar year to enable establishment for the following academic year. On this basis no specific revenue measures were contained in the 1998-99 state Budget for this portfolio.
- All tax increases associated with the 1998-99 state budget are contained within the Treasury and Finance portfolio. Following the introduction of the new taxation measures, it is estimated that State taxation per capita in South Australia will be $130 lower than the national average and the third lowest of all states and territories (1998-99 Budget Papers).

DRIVERS' LICENCES

66. **The Hon. T.G. CAMERON:** During 1997-98, how many people renewed their driver's licences for one, five and 10 year periods?

During 1997-98, how much revenue was raised as a result of driver's licence renewals?

The Hon. R.I. LUCAS: (Answered by letter on 24 October). The Minister for Transport and Urban Planning has provided the following information.

I. Drivers' licence renewals for periods of one, two three, four or five years were available for the full 1997-98 financial year. Six, seven eight, nine and 10 year renewal options were introduced in June 1998. The following table shows the number of licence renewals, by renewal period, for the 1997-98 financial year—

Licence Renewal Period	Number of Renewals
1 year	15 949
2 years	9 497
3 years	1 851
4 years	559
5 years	215 598
6 years	63
7 years	16
8 years	16
9 years	6
10 years	13 022
	256 577

II. The total revenue from driver's licence renewals during 1997-98 was $23 103 645. Total revenue from all driver's licence transactions for 1997-98 was $26 481 380, which includes new licences, learners' permits, replacement licences and test fees.

RAIL REFORM TRANSITION PROGRAM

70. **The Hon. T.G. CAMERON:** Of the $20 million the Federal Government has set aside as part of the 'Rail Reform Transition Program' to fund projects across Australia—

I. How much has been allocated to South Australia

II. Which companies have received moneys; and

III. For what purpose have they been paid?

The Hon. R.I. LUCAS: (Answered by letter on 22 October).

The Minister for Industry and Trade has provided the following responses:

I. $18 736 060 including interest accrued on the funds to 31 May 1998 of $493 060.

II. See attachment for proponent details.

III. See attachment for proponent details.

Project Proponent	Use of Funds	Total
Spencer Gulf Projects		
City of Port Augusta	Establish community electronic trading venue	$375 000
City of Port Augusta	Upgrade Lawrie Wallis Aerodrome	$1 810 440
Pichi Richi Railway	Upgrade track, rolling stock and infrastructure	$1 350 000
Spencer Gulf Aquaculture	Establish tourism and hatchery facilities and research	$600 000
City of Whyalla	Contribute to boat ramp at Point Lowly	$400 000
Fishing & Seafood Ind Training Council	Contribute to aquaculture traineeship	$235 000
Dryland Engineering	Contribute to manufacturing facility	$100 000
District Council of Mount Remarkable	Upgrade tourism facilities at Wilmington	$77 000
Foreshore Remediation	Upgrade foreshore	$705 000
Carmark Pty Ltd T/A Peterborough Cabinets	Purchase machinery	$20 000
Port Pirie and Districts Council	Contribute to tourism facilities at Port Pirie	$179 500
Port Pirie Motor Inn	Contribute to establishment of a motel	$50 000
Sub total Spencer Gulf		$5 901 940
Other Regions Projects		
Barossa Regional Economic Development Board	Contribute to upgrading track and facilities	$57 000
District Council of Ceduna	Contribute to upgrading airport	$300 000
District Council of Lower Eyre Peninsula	Contribute to upgrade of Port Lincoln Airport	$350 000
Therapeutic Antibodies Australasia	Contribute to a processing facility	$760 000
Austral Meat	Contribute to a manufacturing facility	$300 000
Jackson Metal Murray Bridge	Contribute to a manufacturing facility	$143 000
District Council of Ceduna	Contribute to upgrade of boat ramp at Smoky Bay	$200 000
SA Oyster Growers Association	Contribute to establishment of an oyster hatchery	$325 000
Sub total Other Regions		$2 435 000

Project Proponent	Use of Funds	Total
North Adelaide Projects		
Glen Ewin Pty Ltd	Contribute to a manufacturing facility	$460 000
City of Port Adelaide Enfield	Assist delivery of export extension services to N Adelaide companies	$200 000
Overseas Pharmaceutical Aid for Life	Assist expansion and relocation of pharmaceutical recycling company	$295 000
Steel Road Pty Ltd	Assist development of rail maintenance and training company	$200 000
Freshlink/DP Exports	Contribute to new food cold storage facility	$250 000
Tyrewaste/Rubber Crumb Pty Ltd	Contribute to tyre shredding equipment	$58 000
Western Area Business Enterprise Centre	Contribute to business Incubator	$350 000
Australasian Paper	Contribute to equipment purchase	$60 000
AVK Group	Contribute to valve manufacturing facility	$300 000
Kilburn	Contribute to upgrade of facilities	$80 000
Angelakis Brothers	Contribute to new seafood processing facility	$630 000
Copperpot	Contribute to new food processing facility	$300 000
Proponent to be determined	Contribute to biotechnology incubator	$490 000
Omnipol International/Regent St-to be determined	Contribute to establishment of a waste plastic recycling facility	$610 000
Sub Total North Adelaide		$4 283 000
Total		$12 619 940

TOURISM BOOKLETS

257. **The Hon. G. WEATHERILL:**

I. What was the total expenditure on the 'SA Shorts' booklets' design, production and distribution for—
(a) 1996-97; and
(b) 1997-98?

II. What was the total expenditure on the 'Getaways' booklets' design, production and distribution for—
(a) 1996-97; and
(b) 1997-98?

III. What are the anticipated costs for the 'SA Shorts' and 'Getaways' booklets' design, production and distribution for 1998-99?

IV. What was the total cost of advertisements and promotions supportive of these programs (whether print, radio, television, Internet, etc) for—
(a) 1996-97;
(b) 1997-98; and
(c) 1998-99 (anticipated)?

V. What has been the cost of all qualitative/quantitative research, pre-testing and product development work done for the 148 page, magazine-style SA promotional catalogue as referred to in Estimates Committee A, 18 June 1998, p.115?

VI. What is the expected cost of the production of the 1.5 million catalogues?

VII. What is the expected cost of the distribution of the 1.5 million catalogues?

VIII. (a) How many regional 'Tourism Marketing Boards' are funded by the Commission;
(b) What regions do they promote;
(c) What is the administrative cost of each;
(d) What was expended by each on promotions in 1997-98; and
(e) What is the grant to each for promotions in 1997-98?

IX. (a) Does the South Australian Tourism Commission have 'general international' provision(s) within its 1998-99 budget for SA tourism promotion; and
(b) If so, what is the provision for international promotion of SA tourism?

X. (a) Does the Commission currently fund offices outside Australia;
(b) If so, where are the offices;
(c) What is the cost of each of the offices; and
(d) What is the cost of the promotions run by each of the offices during—
(i) 1997-98; and
(ii) 1988-99 (anticipated)?

The Hon. R.I. LUCAS: The Minister for Industry, Trade and Tourism has provided the following information:

I. (a) The total expenditure for 1996-97 was $210 000, which was for the production of two versions of SA Shorts. 120 000 copies of SA Shorts were printed and distributed—100 000 copies for the intrastate market (SA Travel Centre and Visitor Information Centres) and 20 000 for the Harvey World Travel retail travel agencies in South Australia and interstate.
(b) The total expenditure for 1997-98 was $340 000, which was for six versions of SA Shorts. As part of the South Australian Tourism Commission's new marketing strategies, SA Shorts is now available from travel agents around Australia. The increased distribution means that more than 200 000 copies are now printed and the booklet will be available at in excess of 750 preferred retail agents Australia wide.

II. (a) The total expenditure for 1996-97 for the *Getaways* program was $45 000.
(b) The *Getaways* program ceased on 31 March 1997.

III. With regard to *SA Shorts*, the expected design and print production expenditure for 1998-99 is estimated at $355 000. The *Getaways* program ceased on 31 March 1997 and it is not going to be renewed.

IV. The total cost of advertisements and promotional support for *SA Shorts* and *Getaway* programs in the South Australian market place for:
(a) 1996-97 was $137 453.
(b) 1997-98 was $93 587 (Note: The *Getaways* program ceased on 31 March 1997).
(c) The anticipated expenditure for the advertising and promotion of *SA Shorts* in the 1998-99 financial year will be $270 000, consisting of:
- $100 000 for advertising and promotion.
- $100 000 for the sponsorship of the highly successful 9 Network 'Postcards' program, which airs *Shorts* television commercials as part of the SATC's sponsorship of 'Postcards'.
- $60 000 on cooperative marketing on a dollar for dollar basis with retail travel chains Harvey World Travel and Traveland. An example of this cooperative marketing with Traveland was a recent television segment which aired on the successful 9 Network 'Today Show' program promoting *SA Shorts.*
- $10 000 to be spent working cooperatively with Traveland on its Internet site.

It is expected that interstate demand for SA holidays and *SA Shorts* in particular will receive a significant boost from the expanded national distribution and promotional activity associated with *SA Shorts. SA Shorts* will also feature within the SATC's Domestic market, consumer-direct Campaign.

V. The cost of research for the 'promotional catalogue', *The*

Book as it is now referred to, was $72 767 and consisted of :

- In-house collection of research and articles on the value of catalogues/direct marketing as an effective promotional tool—no cost.
- Pre-testing of a prototype SA Holiday Catalogue/Book undertaken in Melbourne, Sydney, Brisbane and Adelaide (16 focus groups). This qualitative research was conducted by qualified and experienced in-house skills using accredited service providers for recruitment, transcript production etc. The cost was $22 722. It should be noted that the project would have cost approximately $50 000, if it was not conducted using in-house expertise.
- Note: Not undertaken as part of *The Book* project, but a valuable input into the planning for *The Book* was a comprehensive Evaluation of SA's Packaged Holiday Product, conducted by Roy Morgan Research. The cost was $50 045.

The results of this pre-testing market research clearly support the carefully targeted distribution of *The Book* to consumers in South Australia's key markets in Victoria, NSW and the ACT whose needs and expectations best match what our State has to offer.

VI. The expected production cost for *The Book* is $2 544 280

VII. The expected distribution cost for *The Book* is as follows:

- Plastic Wrapping and distribution of 1.3 million *Books* is expected to cost $235 000. The remaining B*ooks* (200 000) will be used for requests received from consumers in response to other advertising to be undertaken by the Commission.
- The Book, together with the Domestic Media and Advertising Campaign, will provide a real boost to the State's tourism industry by increasing awareness of South Australia as a holiday destination and consequently, increasing the number of domestic visitors to the State.

VIII. (a) The South Australian Tourism Commission funds nine Regional Tourism Marketing Boards (TMBs).

(b) The TMBs promote the following regions.

- Adelaide and Adelaide Hills
- Barossa
- Big River Country (Riverland and Murraylands)
- Classic Country (Mid North and Yorke Peninsula)
- Eyre Peninsula
- Fleurieu Peninsula
- Flinders Ranges and Outback South Australia
- Kangaroo Island
- South East

(c) The administrative cost of each Board varies, but the SATC provides annual grants to each of the nine Boards on the basis of their marketing and business plans. The Boards also receive funding from membership and Local Government.

SATC funding to the Boards for 1997-98 was:

- Adelaide Convention and Tourism Authority $265 000
- Barossa Wine and Tourism Association $159 000
- Big River Country TMB $ 212 000
- Classic Country TMB $212 000
- Eyre Peninsula Tourism Association $212 000
- Fleurieu TMB $106 000
- Flinders Ranges and Outback South Australia Tourism $212 000
- Tourism Kangaroo Island $159 000
- Tourism South East $212 000

Total $1 749 000

A significant amount of Tourism Marketing Board funding is committed to covering administrative and operational costs such as wages, rent, provision of a motor vehicle, office equipment and supplies. The percentage of total income allocated to these items of expenditure varies greatly depending on the size of the region, the degree of involvement in visitor servicing (i.e., Visitor Information Centres) and the support for and from local government and members throughout the region.

(d) Expenditure on marketing/promotional activity varies from region to region. Each Tourism Marketing Board prepares an annual business plan that identifies the activities to be undertaken each financial year. There are four major areas of marketing activity:

- Production of Regional Visitor Guides
  The Guides are generally funded by way of advertising revenue. Production and distribution for each region is in the order of 100 000 to 120 000 copies.
- Other Literature Production
  All TMBs produce a range of literature that falls into two distinct categories—servicing visitor needs (eg maps, fact finders, festivals and event listings) and marketing support material, packaged product brochures and specific product brochures.
- Trade and Consumer Shows
  All TMBs attend a number of trade and consumer shows both locally and interstate, including holiday and travel shows, caravan and camping shows, 4WD show, roadshows and the Australian Tourism Exchange.
- Advertising through Print and Electronic Media
  Significant variation exists between the TMBs with respect to such expenditure. Opportunities exist for cooperative advertising with larger tourism operators within some regions.

(e) In addition to the annual grants provided to each Board in 1997-98, the SATC made an additional $75 000 available for marketing, on application, to the regions in 1997-98 through an 'Incentive Pool' scheme. The funding is subject to specific criteria and focuses on Boards working together on joint marketing initiatives. 1997-98 funding grants were as follows:

- Tourism South East, Tourism Kangaroo Island, Fleurieu TMB $20 000
- Tourism South East $11 000
- Eyre Peninsula Tourism Association $10 000

Total $41 000

IX (a) Yes, the SATC does have a 'general international' provision within its 1998-99 budget for SA tourism promotion.

(b) The 1998-99 international marketing budget provision is $5.5 million.

X (a) Yes, the Commission does currently fund offices outside Australia.

(b) The SATC has contracted representative trade offices in Los Angeles, London, Munich, Tokyo and Singapore. These representatives and their offices have a trade focus and therefore do not have any direct dealings with consumers in those markets. The SATC also has a part-time Paris-based trade and media representative who also works for the South Australian London-based Agent General's Office.

(c) The budget allocated to each of the primary international markets in 1998-99 is as follows:

International Market	1998-99 Budget $
Paris (France & Italy)	230 000
Singapore (Asia)	645 500
New Zealand	450 000
London (UK, Scandinavia, Benelux)	740 000
Munich (Central Europe)	761 500
Japan	503 000
North America	1 040 000
Adelaide (Operations—Provision of Support to Markets)	1 130 000
Total	5 500 000

(d) The cost of promotions undertaken by each office is as follows:

(Note: These figures are included in the total international budget identified in X (c) above).

	(i) 1997-98 $	(ii) 1998-99 $ Anticipated
Paris (France & Italy)	116 600	180 000
Singapore (Asia)	479 000	300 500
New Zealand	238 500	325 000
London (UK, Scandinavia,		

Benelux)	449 700	430 000
Munich (Central Europe)	298 000	481 500
Japan	222 000	282 200
North America	381 100	248 400
Adelaide (Operations—Note: Provision of support to the International Offices)	853 000	630 000
Total	3 038 600	2 877 600

As part of its new marketing strategy, the SATC is currently taking action to address the imbalance that exists between funds spent on administrative costs versus marketing activity. The SATC will also continue to monitor the Asian financial situation, and until the economic situation recovers the Commission will place a greater focus on developing and maintaining trade relations.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the third report of the committee 1998-99.

QUESTION TIME

AUSTRALIAN DANCE THEATRE

The Hon. CAROLYN PICKLES: My questions are directed to the Minister for the Arts.

1. Given Mr Peter Myhill's recommendation to abolish the five ministerial appointments from the ADT board, thereby dramatically reducing the influence of the Government and the Minister, does she now accept that she inappropriately and selectively directed, and intervened in, the day-to-day running of the ADT board on a number of occasions, including her correspondence to the Chair of the board on 15 April 1997 and in relation to the performance of *Possessed*?

2. Given yesterday's announcement of the appointment of an Artistic Adviser, Mr Ross Stretton, who is also Artistic Director of the Australian Ballet, will the Minister please advise when the selection and recruitment process was commenced and the level of her involvement in that process?

3. Given the suggested possible merger or joint venture with the WA Ballet, who will make the final decision—the Minister or the board of the ADT?

The Hon. DIANA LAIDLAW: It is hard to get the message through to the honourable member, perhaps because she has a closed mind or another agenda. But I have indicated, as the former Minister for the Arts (Hon. Anne Levy) indicated, that the Minister does not have an involvement in the running of the Australian Dance Theatre. What is of interest to me in the way in which the honourable member pursues this is whether, if she were Minister, she would have that involvement.

The Hon. Carolyn Pickles:I wouldn't have my fingerprints all over it like yours.

The Hon. DIANA LAIDLAW: Mine have never been involved in the management of the company: the company is not owned and operated by the South Australian Government, and the respect I have for propriety in this matter is something that it is quite clear the honourable member would not have if she were Minister for the Arts. Instead of making accusations in this place and elsewhere, if she ever went to speak to the management of the Australian Dance Theatre, to the Chair (Justice Margaret Nyland) or to board members, she would know that what I say is sound. But it is not in her interests actually to learn the truth or wish to recognise the truth, is it? It is not in her interests, because she continues to peddle political accusations that have no basis in fact.

Why does the honourable member not go and speak to Justice Nyland and ask her whether what she is saying has any basis in fact, and she will say 'No'? The honourable member has not even bothered to read the statement I made yesterday in this place. If she had, she would see that no selection has been made of Mr Ross Stretton as Artistic Adviser. The Chair of the board (Justice Nyland) has had preliminary negotiations only, and I made that very clear yesterday in my statement to this place. I also repeat that the Chair of the board (Justice Nyland) has formally advised—

Members interjecting:

The Hon. DIANA LAIDLAW: Yes, I am sensitive, because you never want to know the facts. You have not even sought to ascertain the facts, and I challenge the Leader of the Opposition quite openly to go and speak to Justice Margaret Nyland. As a responsible person who seeks to represent, on behalf of the Opposition, the arts in this State, the honourable member, I would have thought, would like to have the opportunity to speak to Justice Nyland about these matters, since the honourable member has professed to have such an interest in the welfare of the company, of the dancers and of the arts in South Australia. However, there has not even been a response to my challenge that you go and speak to Justice Nyland, and I find that interesting, too.

I highlight what I said yesterday for the benefit of the honourable member, because clearly she has not bothered either to listen to or read the statement yesterday but she has decided to peddle what she wishes. The statement said:

> Accordingly, the ADT board and Arts SA have agreed to the appointment of an interim artistic adviser. Today, I am pleased to announce that the company will now seek the advice of Mr Ross Stretton, Artistic Director the Australian Ballet, to develop a high quality artistic program for ADT for the period May to December 1999. Already the Chair, Justice Nyland, has held preliminary discussions with Mr Stretton. These discussions will now be progressed and, for my part, I am keen that they be concluded by Christmas.

No appointment has been made.

In terms of the Western Australian Ballet, I can advise that an unsolicited approach has been made from that company. It has not been progressed. I have indicated in my statement—and again the honourable member has not bothered to read it—that Arts SA and the ADT will explore this matter, either a joint merger or a joint venture arrangement. The company would be making the decision in association with Arts SA as the principal adviser and a recommendation—I suspect as a courtesy—would be provided to me. However, I will not be involved in that matter, as I was never involved in the day-to-day running of the company, and I have certainly not been involved in any of the approaches to Mr Stretton. That would be inappropriate, and I would not do so.

CROWN SOLICITOR'S OFFICE

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Crown Solicitor's Office.

Leave granted.

The Hon. P. HOLLOWAY: On Thursday 29 October, the member for Spence in another place asked the Minister representing the Attorney-General the following questions:

1. How much did the State's defending a defamation action by Homestead Award Winning Homes cost?

2. Since judgment in favour of the State on 15 September last year, after an extraordinarily long trial, has the Crown Solicitor's

Office sought to recover costs from the unsuccessful plaintiff and, if not, why not?

The Minister in another place said he would raise the matter with the Attorney-General who was absent from Parliament that day. In the following five sitting days—or 13 working days—the Government has not been able to answer the question. These questions are about the Government's relationship with one of the Liberal Party's biggest donors, and the Opposition would have expected the answer to be wrapped around our ears by the Attorney-General at the earliest possible opportunity.

The Opposition understands that the Crown's costs were more than $350 000 and that an order for costs is normally sought immediately after the judgment. The Opposition has read Mr Justice Prior's judgment in the Homestead case carefully, and it is clear that, as the verdict turns on the judge's assessment of the credibility of various witnesses, including Homestead's principal, Mr Bob Day, there were never any prospects of an appeal succeeding. In view of that explanation—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —my questions are:

1. Will the Attorney-General now answer the questions asked on 29 October by the member for Spence?

2. Will the Attorney-General outline to the Council the timetable regarding the recovery of costs from Homestead?

3. Will he tell the Council just how much discount on its liability for costs the Liberal Government has granted Homestead Homes, and how much is that costing the taxpayers of South Australia?

The Hon. K.T. GRIFFIN: You cannot get lower than that, can you, Mr President. I have signed up the answer to the question; it is somewhere in the system. The answer is simply that finally the issue of costs was settled for $300 000.

The Hon. P. Holloway: It's a $50 000 discount, is it?

The Hon. K.T. GRIFFIN: I've no idea what the discount is. The Crown Solicitor negotiates these; I do not get involved in the negotiation of these. As for the assertion that Homestead Homes was a major donor to the Liberal Party, I do not have a clue who is a donor to the Liberal Party and who is not. The case ran for something like 17 weeks and the claim for defamation was being strenuously defended by the Government. We had resources in there for 17 weeks. It was predicted to go for about five or six weeks and, if the Opposition has a criticism of our defending it, let it say so. We defended it. If we were so cosy with Homestead Homes, would we not merely have rolled over and given in? The claim was for something like $1 million, as I recollect. There is no logic in the question from the Hon. Mr Holloway, because if we were so keen on supporting someone like Homestead Homes, and we are not, we would find an excuse to get out of the case. We decided that we would fight it because there was no merit, and that is what the court has decided. The issue in relation to—

The Hon. P. Holloway: Maybe his question did some good.

The Hon. K.T. GRIFFIN: Let me say that the question did no good at all because the matter was settled well before the question was raised. The honourable member ought to know that neither the Crown Solicitor, nor I, nor the Government is in the business of wilfully disregarding the public interest in trying to get a resolution to court cases. We have a public duty and we are quite happy to stand accountable for the way in which we exercise that public responsibility. In terms of the answer to the question in another place, I will check to see where the answer is. I know that I have signed off on it.

The Hon. R.I. Lucas: They won't want it now.

The Hon. K.T. GRIFFIN: They will not need it now. The settlement has been negotiated on the advice and recommendation of the Crown Solicitor, not on my urging, but I am pleased that the matter has been settled because in most cases taking matters to court unnecessarily rolls up the cost and, ultimately, perhaps the taxpayers pay. In this instance, the taxpayers are getting something back.

Members interjecting:

The PRESIDENT: Order!

WOAKWINE WIND FARM

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question on the Woakwine wind farm.

Leave granted.

The Hon. L.H. Davis: Wind farm? We just had that from Paul Holloway.

The Hon. T.G. ROBERTS: No, we just had that from the Opposition—Government.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: From the Opposition to the 'opposition'. We have before us the Sustainable Energy Bill, which has taken a long time to draw up. The Democrats had a Bill of their own and it appeared that we were moving in a direction that was giving the State some sort of leadership in relation to alternative energies for the production of electricity. However, we appear to be slowing down and getting behind the rest of the States in relation to solar energy and alternative energy sources such as wind. A great opportunity is presenting itself in the South-East of the State—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I thought the honourable member might have a little more interest in the South-East wind farm development but obviously he has not because he is interjecting and having great fun at the expense of the member who asked the previous question. The sum of $90 million is the projected investment in the wind farm project. There is a consortia of energy companies, mainly American, looking at a wind bank farm set up on the Woakwine Ranges. The operation is privately funded, but the proponents need contracts—minimum term three years and the maximum term could be anything up to nine or 10 years—to be able to allow their energy to be tapped into the grid.

There is now a lot of uncertainty about the formation of the national grid and certainly a lot more uncertainty about the ownership, control and development of energy through our ETSA Corporation with the slow development of the Government's policy. It appears that we are running out of time in relation to the encouragement of alternative energy streams being used in this State and, if we do not get our act together, then some of them might look at building their alternative energy programs in other States. The Government has made a point of advertising that it is putting together a package for Pelican Point, and the investment that may be going into that package may be at the expense of alternative energy producers. My questions are:

1. What Government assistance is being offered to the proponents of the Pelican Island power station?

2. What assistance is being offered to secure long-term or short-term contracts for the wind generated power being contemplated by the Woakwine Range power consortia that will be situated near Lake Bonney?

The Hon. R.I. LUCAS: In relation to the detail of the incentive package being offered to the potential builders of the new entrant power station, I am happy to get the detail of that information. Clearly, it involves the provision of the site and through a lot of the work which has been done previously in the area for the MFP and others and a whole range of important environmental information will convince people that this is probably the best site in terms of environmental approvals for the new entrant power station to be built. I would have thought the honourable member would have also been pleased that the Government's policy is supporting the use of natural gas, which, obviously, is a much cleaner form of fuel for the electricity industry than coal. One of the reasons for the Government's conscious policy is its desire to encourage further use of clean fuel in terms of natural gas.

Those who support the Riverlink proposal—and there are some within the member's own Party, although I am sure, knowing of the honourable member's interest in the environment, he would not be one of them—will know that the Riverlink proposal will lead to significant increases in consumption of coal with all the outward detriment that may well result from that for the environment. Clearly, in terms of its environmental significance, that is an issue for the member. The Government's intentions in relation to sustainable energy clearly have been on the table since around about July. So, I do not think it has been any secret. Through me the Government introduced the Sustainable Energy Authority Bill, which is currently before the Parliament and we hope it will be voted on, together with the range of other electricity Bills, in the next couple of weeks.

It is fair to say that, without it being a clause by clause copy of the New South Wales authority, in many respects it has been modelled on what we see to be the impressive work undertaken by the New South Wales authority. We think that has been a pretty good role model in many respects. Our officers and the Government have had discussions with New South Wales officers. We have actually invited them to South Australia to speak to some of the environmental groups and to some members of Parliament who are interested in this issue. I think they have been attracted to the model the Government is putting. Certainly we would reject the notion that the Government has been slow to act. There is a Bill before the Parliament and we hope the honourable member and his colleagues will support it.

In relation to the particular project in the South-East, I have no direct knowledge of the background to that or what incentives, if any, have been offered to that particular group. I will need to take advice on that and bring back an answer. I do know that ETSA has been encouraging a particular wind farm development, which I think is on the public record, but I will need to check that and, if it is, I will be happy to bring back details of that proposal. I know there is a funding submission to a Federal Government funding source to try to help encourage the development of that.

NATIVE VEGETATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for the Environment and Natural Resources, a question in relation to native vegetation clearance approvals.

Leave granted.

The Hon. M.J. ELLIOTT: In October 1995 I asked a question in this place following a freedom of information application. I had made that application because reports were coming to me that the rate of approval of clearances had escalated dramatically. At that time the data showed that approvals which in 1992 and 1993 had been 2.2 per cent and 7.7 per cent increased in the first three months of the Liberal Government to 19.5 per cent and then took another astronomical leap for the rest of that year to 79.70 per cent, and the next year, 1995, to 86.6 per cent.

I was interested to see how things were going, so I made another freedom of information request recently and received the results which indicate that very high level of clearance approval is continuing, reaching 78.37 per cent for 1996 and 81.20 per cent in 1997. So, in terms of percentage of area approved for clearance, there has been a dramatic increase from three months into the term of the Liberal Government. It had already started to increase in the first part of that year, but I know that the composition of the council did change at that time in early 1994.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I was talking about area. If you listened rather than interjecting, you would know that I said 'area'. Can the Minister explain why there should have been such a dramatic increase in native vegetation clearance allowed over the time this present Government has been in power, and particularly why that dramatic increase happened towards the end of March in 1994? Will the Minister undertake an independent audit to check the performance of the Native Vegetation Council? Does the Minister believe that there is continued confidence in the performance of the Native Vegetation Council with this very high level of approval that is currently occurring?

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

NATIVE ANIMALS

In reply to **Hon. M.J. ELLIOTT** (20 August).

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

1. Crimes involving the illegal export of native animals principally involve breaches of Federal legislation, such as the Wildlife Protection (Regulation of Exports and Imports) Act 1982, the Customs Act 1901, the Crimes Act 1914 and the Quarantine Act 1908.

The organisations responsible for the administration and enforcement of this Federal legislation are Environment Australia, Australian Customs Service, Australian Federal Police and the Australian Quarantine and Inspection Service.

However, the detection and prevention of any illegal overseas export can spread beyond Federal boundaries and often investigations involve one or more State and Territory agencies.

State and Territory Governments accept a supporting role in assisting the Federal Government with wildlife investigations. Each State and Territory Government has its own agency or Department charged with the responsibility of managing wildlife issues within the relevant State or Territory. The perpetration of crimes involving the illegal export of native animals also involves the commission of offences against the State or Territory legislation. Generally these offences attract lower penalties compared with the Federal legislation.

National Parks & Wildlife South Australia is the agency responsible for ensuring compliance with State fauna and flora legislation in South Australia. The Resource Protection Section is a specialist wildlife enforcement unit within the agency and has been operating for a considerable period. A number of officers from the

Resource Protection Section of National Parks and Wildlife South Australia are authorised under the Wildlife Protection (Regulation of Exports and Imports) Act 1982 and are empowered to investigate Federal wildlife offences.

The Section has been active in monitoring, detecting and preventing the illegal exploitation of wildlife in South Australia. Officers work cooperatively with Federal Government and spend considerable effort in maintaining the networks between the various professional groups. The Section works closely with relevant wildlife enforcement agencies in other States and Territories and assist them to monitor interstate trade in wildlife. It has been successful in enlisting community support in South Australia through consultation and developing education and promotion programs.

2. It is difficult to estimate the size of the wildlife crime problem both at Federal and State levels. Consequently, it is difficult to determine the impact on enforcement on the level of crime.

Enforcement programs and intervention activities have, as their greatest strength, the capacity for deterrence through enforcement. National Parks & Wildlife South Australia acknowledges the seriousness of wildlife crime throughout Australia and maintains its commitment to countering this crime.

3. The South Australian National Parks and Wildlife Act 1972 contains a number of provisions relating to the 'poaching' of native animals. These provisions include offences relating to the taking and/or killing of protected animals, the illegal possession of animals, and keeping and/or selling of protected animals without a permit.

Under the Act since July 1993, 105 persons have been reported for the taking of protected animals, 123 persons reported for illegal possession, and 65 reported for keeping and/or selling protected animals without a permit.

Federally, the Minister for Environment and Heritage has been advised that two South Australian persons have been reported for offences relating to live animals under the Federal Wildlife Protection (Regulation of Exports and Imports) Act 1982.

In 1993, an individual was convicted for importing four Moustache parrots and was fined $15 000 and sentenced to 12 months gaol. He was released under Section 20 of the Crimes Act 1914 and was given a two year good behaviour bond. He was also fined $7 500 and sentenced to 6 months gaol under the Quarantine Act 1908.

In 1995, an individual was convicted for exporting 58 native reptiles. He was sentenced to 18 months gaol (to serve 6 months) with a $500 good behaviour bond with pecuniary fine of $20 000.

Officers from the Resource Protection Section collaborated with Australian Customs Service, Australia Post and Environment Australia to apprehend these offenders.

4. The report of the Senate Rural and Regional Affairs and Transport References Committee on the Commercial Utilisation of Australian Native Wildlife, published in June 1998, states that 'there is also evidence that international criminal groups are becoming increasingly involved in wildlife smuggling'.

This sentiment is mirrored in a book written by Don McDowell *Wildlife Crime Policy and the Law, An Australian Study* published in 1997, which discusses the involvement of organised crime in committing wildlife related offences.

Both of these sources indicated that there is evidence that wildlife crime can and does reach the levels of highly organised crime common to other commodities. The sources were however unable to provide any conclusive evidence which proves that the illegal trade in wildlife is a counter trade for drugs and guns.

SEAT BELTS

In reply to **Hon. T.G. CAMERON** (27 October).

The Hon. DIANA LAIDLAW: In relation to the wearing of a seat belt the Road Traffic Regulations are not ambivalent. They clearly allow a medical practitioner to issue a medical exemption and to specify a period for which it is valid—or if no date is specified, for the exemption to apply for 90 days.

Transport SA has advised that there are few medical conditions which result in a person being permanently unable to wear a seat belt, and in most circumstances medical practitioners certify that a patient is exempted from wearing a seat belt for a relatively short period. This allows the medical practitioner to monitor the progress of the patient.

In the few situations where a patient is permanently unable to wear a seat belt, the regulation allows a medical practitioner to specify that it is a permanent exemption.

It appears that in the situation referred to by the honourable member, the police officer may not have interpreted the exemption as a permanent exemption. Accordingly, I will refer the matter to the Minister for Police, Correctional Services and Emergency Services for his consideration.

AQUACULTURE COMMITTEE

In reply to **Hon. P. HOLLOWAY** (29 October).

The Hon. DIANA LAIDLAW: Yes, the Aquaculture Committee has been disbanded. The Aquaculture Committee was established as a sub-committee of the Development Assessment Commission (DAC) with delegated powers to determine offshore aquaculture applications. The Development Act allows the Commission to establish sub-committees to assist it in its operations. Accordingly, the Commission also has the power to disband any sub-committee it has established where it considers that it is appropriate to do so.

I have been advised that the Commission disbanded the Aquaculture Committee following the raising of a number of issues by the Conservation Council in an appeal against the Aquaculture Committee's decision to approve four applications for the rearing of snapper in Spencer Gulf.

The Commission considered that the issues raised could continue to raise uncertainty about future decisions of the Aquaculture Committee. In order to ensure that there would be a more certain environment for both applicants, representors and the community in relation to aquaculture applications, the Commission took the view that it would determine offshore aquaculture applications in future.

The current assessment procedures for aquaculture applications are similar to the procedures adopted for the thousands of applications considered by the Commission each year. The Commission will continue to use the planning staff based in Primary Industry and Resources SA to co-ordinate the public notification process, Government agency comments and the assessment of offshore aquaculture applications. In future however, all these assessments will now be seen by the Principal Planner in Planning SA before consideration by the Commission—as occurs with all other applications before the Commission. The Commission will continue to seek, and have regard to, both the expert scientific and technical advice of Government agencies, and representations from the public in making its decisions.

There will be no delays as a consequence of the decision to disband the Aquaculture Committee. It is envisaged that there will be a more efficient process as the Commission meets twice a month, whereas the Aquaculture Committee met once a month. In addition, a number of the minor applications can now be determined by the Principal Planner, who has delegated powers from the Commission.

GOODS AND SERVICES TAX

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about the goods and services tax.

Leave granted.

The Hon. L.H. DAVIS: I am somewhat numb that it has been left to me to ask this question on what is such an important topical issue. Last Friday the Premiers and the Territory Chief Ministers agreed to accept the Commonwealth Government's offer to give all revenue raised from the goods and services tax to the States and Territories on the understanding that they abolish nine business and transaction taxes. This was an historic accord, breaking down a tax system which had been in decay for a period of over six decades.

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: Again the Hon. Paul Holloway unwisely interjects, but the important thing about this was that two Labor Premiers agreed to this proposal to cede, to give up, the nine business and transaction taxes which were imposed by their State Governments and accept the offer of the Commonwealth Government to give over to the States all the revenue raised from the goods and services tax. That included (and the Hon. Paul Holloway may not know this) the

Labor Premier of New South Wales, Bob Carr, and the Queensland Labor Premier, Peter Beattie.

It is true to say that Premier Peter Beattie objected to one part of this agreement. However, it is interesting to note that in today's *Australian* newspaper it is revealed that, whereas Premier Beattie had gone back to Queensland and trumpeted the fact that he had not signed a particular part of this deal and that Queensland was being robbed of $465 million, the documents which came to light over the weekend revealed that Queensland would benefit more from the deal than any other State or Territory—in fact, $500 million more than the next highest earner out of the deal, namely, Victoria. With the revelation of this document, which Premier Beattie had not revealed, he was forced to admit that Queensland would in fact be receiving more than the other States. Today's *Australian* also, for the benefit of the Hon. Paul Holloway—

The Hon. P. Holloway: It must be crook if Queensland gets more.

The Hon. L.H. DAVIS: If you would like a lecture on how State finances work, Paul, the Treasurer's office is always available. It has something to do with population.

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. L.H. DAVIS: I will not give you any more clues.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Mr President, I am sorry. I was unwisely diverted; it is too tempting. Today's *Australian* reports that the New South Wales Labor Treasurer, the much respected Michael Egan, yesterday admitted that his State's revenue would be better off under a goods and services tax than under current arrangements. That again has been paraded through the national press and in Sydney for all the world to see. It is a little puzzling given that the Federal Labor Opposition is committed to opposing the goods and services tax and we have Michael Egan and Bob Carr saying that it is the best thing since sliced bread and Premier Beattie signing the bulk of the agreement and being revealed as not being necessarily truthful on the other bit which he had trumpeted. So, we have this conflict between the Federal and the State branches of the Labor Party on the important matter of the goods and services tax. My questions to the—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: It is somewhat disappointing that these questions weren't raised by you.

The PRESIDENT: Order! The honourable member should ask his question.

The Hon. L.H. DAVIS: My questions are:

1. Is the Treasurer aware of the Federal Labor Opposition's position on the goods and services tax, given the revelation that both the New South Wales and Queensland Labor Governments have accepted this historic deal to take the revenue from the goods and services tax, which of course is dependent on its going through the Federal Parliament, and given that their Federal Labor colleagues oppose it?

2. Is the Treasurer aware whether or not the Leader of the Opposition in South Australia, Mike Rann, is in agreement with the Leaders of the Labor Party in New South Wales and Queensland, not to mention the Treasurer in New South Wales, Michael Egan?

The Hon. R.I. LUCAS: I thank the honourable member for his question. I was stunned by the flexibility that the representatives of the Labor Party from the States and Territories—the States in particular—demonstrated last week. The three of them did go through their ritual, 'This doesn't necessarily mean that we like the GST,' but then sitting at the table with their tongues hanging out they made sure that they were going to get their share of the GST booty as it is distributed or allocated over the coming years.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: As the honourable member has indicated, it was interesting to see that the new Tasmanian Labor Premier, Mr Bacon, did not record any disagreement with any of the provisions. The New South Wales Labor Premier did record a concern about horizontal fiscal equalisation. He, of course, had been trying to rip money off South Australia in the days leading up to the conference. We are delighted to say that Premier John Olsen led the charge from the States and Territories. It was no small feat that Premier Olsen, in the interests of South Australia, was able to establish a coalition of big States, such as Victoria with Jeff Kennett, Labor States and small States to support the South Australian position put by the Premier, and to destroy jointly the argument put by the New South Wales Labor Right and the New South Wales Government at the Premiers' Conference.

As some of the media has acknowledged, credit where credit is due to the Premier for his leadership role. Again, it is an example where the State of South Australia can be seen to have benefited from his undoubted experience in this area and his ability to form a coalition with the big and small States and Territories and with Labor and Liberal leaders.

The Hon. A.J. Redford: Can you imagine Mike Rann doing that?

The Hon. R.I. LUCAS: No, we could not imagine Mike Rann doing that because he would have been out there trying to get as much publicity on the issue as he could. The situation in Queensland is curious. Queensland is the State that will benefit the most from the introduction of the GST, as, evidently, it has acknowledged. After the transition period there will be a net benefit compared with the existing funding arrangements of approximately $400 million.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway again confuses industry and budget impacts. One of these days we will explain—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: —to the Hon. Mr Holloway the difference between the impact on, for example, the car industry and how private sector is impacted, and the impact on a budget in terms of Commonwealth/State financial relations. The honourable member obviously does not understand the distinction between the two impacts and the two issues.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Queensland will benefit significantly. New South Wales, as the honourable member has indicated, is on the record as saying—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that it will benefit when compared to the existing arrangements. Transitional issues do exist. Queensland did indicate its concern about the transitional issues, but on every other issue Queensland had the opportunity, as did New South Wales and Tasmania, to record its objection to each and every clause as we went

through the six or seven pages. It was just the one clause on transition to which Queensland registered an objection. Queensland did not register an objection to any of the other clauses or provisions. Tasmania registered no objection and, as I said, New South Wales registered an objection only in terms of trying to do States, such as South Australia, in the eye, as well as all the other smaller Australian States and Territories.

The Hon. T. CROTHERS: As a supplementary question, will the Treasurer tell me how he has extrapolated his—

The PRESIDENT: The honourable member will get straight to the question, please.

The Hon. T. CROTHERS: I am asking the question.

The PRESIDENT: I ask the honourable member please to go straight to the question.

The Hon. T. CROTHERS: Very well, Sir. Where did the Treasurer get his quantum monetary figure which was mentioned in his answer to the Hon. Mr Davis, when the fact is that the GST and where it will apply—

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

The Hon. T. CROTHERS: —have not yet been finalised?

The Hon. R.I. LUCAS: The figures I used in relation to the amount of approximately $400 million were agreed between all the States and the Commonwealth Treasury officers, including the Labor Treasury officers from New South Wales, Queensland and Tasmania.

QUARANTINE STATIONS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about quarantine stations.

Leave granted.

The Hon. G. WEATHERILL: Recently while travelling by car around South Australia, I noticed only two quarantine stations: one located on the Mildura road coming into Renmark and the other at Yunta near Broken Hill. I am aware of only these two quarantine stations in South Australia. Has the number of stations been cut back? There is no quarantine station in Broken Hill and no station at Mount Gambier to inspect vehicles travelling into South Australia from other States. I thought that these quarantine stations were set up mainly to ensure that people do not bring in fruit fly or other diseases that will affect South Australia's primary industry. Does the Minister believe that South Australia has sufficient quarantine stations to cover our borders and, if not, why not?

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

RING CYCLE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for the Arts a question about Wagner's *Ring* cycle.

Leave granted.

The Hon. J.F. STEFANI: The Liberal Government, through the efforts of the Minister and the Department for the Arts, has been able to attract the prestigious appearance of Wagner's *Ring* cycle to Adelaide. A report in today's newspaper describes the performance as a masterwork. Tonight Adelaide will see the premier performance of this cultural event, which has attracted thousands of interstate and international visitors. My questions are:

1. Will the Minister advise the estimated number of visitors expected to come to Adelaide during the performance of Wagner's *Ring* cycle?

2. Is it true that the visitors are expected to outnumber the local audience attending the event?

3. Will the Minister give some indication of the anticipated benefits, both economic and employment, that will flow to South Australia?

The Hon. DIANA LAIDLAW: It is certainly a cause for South Australia to celebrate. I have been advised that thousands of visitors (up to 4 000) from interstate and overseas will be coming to Adelaide specifically to attend Wagner's *Ring* cycle—either of the three cycles that will be presented from tonight and 12 December. I attended the South Australian Press Club last week at which Donald McDonald, Chair of the *Ring* Corporation, spoke. He said that the presentation by State Opera, with the extraordinary assistance of the Adelaide Symphony Orchestra, was brave and brilliant, and I think that is correct.

Tony Baker in today's *Advertiser* indicated that it was South Australia's national and international reputation in the arts, arising from a long history of the Adelaide Festival, that has given Adelaide audiences over the years the courage to try new things in terms of companies; to try new ventures, such as this cycle; and to try new product through attendances. I highlight the statement that 70 per cent of audiences attending Wagner's *Ring* cycle will comprise interstate or overseas visitors. That is understood to be the highest number of such people that has ever attended an Australian cultural event.

We are therefore not only staging Wagner's *Ring* cycle for the first time in Australia since 1913 but we are also the first cultural event in Australia ever to have gained such a high proportion of overseas and interstate people to such an event. The anticipated benefits are just extraordinary: the creation of 276 jobs was suggested by the Centre for Economic Studies when its figures were used to encourage the Government to back this event, and there could be $9 million to $14 million in anticipated cost benefits to this State.

Over 300 people have been engaged in this production in South Australia, which is cause for all of us to celebrate. There are 39 arts journalists in Adelaide to attend these performances. They are reporting not only on Adelaide's food and wine and other cultural tourism attractions but, of course, on the *Ring Cycle* itself. I received a report today from one of the international visitors who has been here for three months rehearsing for the *Ring Cycle*, and who will sing the tenor role tonight. His report is that the Adelaide Symphony Orchestra under maestro Jeffrey Tate 'is performing as beautifully and sensitively as I have heard anywhere'. That is the most extraordinary accolade at this early stage for an orchestra whose members are generally so young in age. It is a credit to Jeffrey Tate to bring them so far, and certainly a credit to all members of the orchestra.

So, there are benefits to this State in dollar terms but also benefits for the orchestra and its professionalism and skills, on which it is impossible to put a dollar figure. The same extraordinary accolades for Jeffrey Tate and his commitment to our singers are coming from the principal singers from South Australia and also from the chorus. They have gained so much from their involvement in this production. Finally, in terms of economic benefit, I note that an expenditure which was never taken into account and a benefit which will

be extraordinary in the long term is that the Government has invested $1.5 million to bring the orchestra up from 68 to 80 players, and 50 additional players have been engaged for this production, so that we have 130 in all.

Also, over $3 million has been spent in upgrading the Festival Centre. All who go in the future will see new carpets through the foyer areas, new seating and flooring in the auditorium, and the most extraordinary changes to the acoustics within the auditorium, to the extent that one opera singer wondered why we were going to invest in the new acoustic system because they thought the acoustics were perfect. They had not appreciated that the new system was already in place and providing such excellent sound. I highlight that, because singers in the past, when performing at the Adelaide Festival Centre, have felt as if they were singing in cotton wool. No longer will we have that distinction but a perfect system to offer in the future, and that is an extraordinary advantage in terms of our claim to be the cultural capital of Australia. The *Ring Cycle* is certainly confirming that over the next few weeks.

GOODS AND SERVICES TAX

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 House questions about the proposed GST.

Leave granted.

The Hon. T. CROTHERS: A recent article in the *Financial Review* centred on business groups who do not and who may or may not support the concept of a GST. Industries such as tourism, financial services, small business, information technology, the motor vehicle industry and the property sector were all named, as were the reasons advanced for the manner in which those industries were positioning themselves. For instance, the information technology industry believes that it is facing a possible buyer freeze before the 22 per cent sales tax on computer hardware is abolished, and it is also concerned about the potential that a GST may have on exported IT services.

Likewise the motor industry, the express concerns of which are that the GST has a potential to wipe out a lot of car dealers, who believe that there will be a buyer drought as business purchasers delay purchase until input tax credits are available and consumers wait for price falls. A spokesperson for Arthur Andersen, Damian Walsh, asserts that many potential buyers will wait for price reductions before purchasing. Currently, the Government's proposal is to phase in input tax credits over three years, which the Government intends to stop business delaying the buying decision. But Damian Walsh asserts:

> The problem with that is that business will delay buying until they can get input credits.

Likewise, small business is frightened of simply becoming the nation's unpaid tax gatherers. They believe that, if a 10 per cent GST is levied across the board, it is a very simple operation for them to work out the GST, but if the Federal Senate succeeds in exempting or zero rating a whole range of new goods and services, such as for example the Democrats' proposal to exempt food and books, their belief is that, the more exemptions you have to the GST, the more difficulty there will be in calculating the tax. They are just some examples that industries believe will cause grievous difficulty for them in their operations. But the part of the article that really caught my eye pertained to the financial services sector, and I quote that part of that article:

> Meanwhile, input taxing can cause some unwelcome distortions. The biggest problem is outsourcing. If a financial service is performed in-house, the financial institution does not have to pay GST on it; but if the institution gets the service from a contractor, an increasingly common practice, the GST then is payable. The banks are hoping that there is a way to get credits for outsourced services that could be regarded as in-house, although again there are complications involved.

My questions to the Treasurer are:

1. Will the business of the Government that is outsourced attract a GST via the contractor?

2. Has State Treasury looked into this matter and, if not, why not?

3. If the answer to question 1 is in the affirmative, how much additional cost per year will this add to the State Government's outlays?

The Hon. R.I. LUCAS: The honourable member has raised a series of questions. I will take advice on those from Treasury officers. We are still working through a number of areas with Commonwealth officers. There is a Commonwealth consultative committee advising the Commonwealth Government on how the detail of the GST proposal will be implemented in relation to particular areas of Government, and I am happy to take advice and try to bring back a comprehensive reply for the honourable member as soon as I can.

GREAT SOUTHERN RAILWAY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about management of the Great Southern Railway.

Leave granted.

The Hon. CAROLINE SCHAEFER: I and a number of other people have been very impressed with the work of the Great Southern Railway Corporation since it came to South Australia, particularly in its promotion of the Ghan rail link. I note that this week the longest train ever pulled into Port Augusta, with accompanying celebrations by the people of that city. I understand also that Mr John Finnin has resigned recently from Great Southern Rail as Chief Executive of the company, and the board is seeking to recruit a new chief executive. How will this change in management impact on the operation of Great Southern Railway, and the services that it offers to Adelaide and further out?

The Hon. DIANA LAIDLAW: I was informed last week that Mr Finnin had either retired or resigned—either way he was certainly leaving the company. Apparently, he had done so a few days earlier. Mr Finnin and I had developed a good working relationship on behalf of GSR. However, clearly there were difficulties within the company—or I assume that is the case. I was immediately concerned that undertakings Mr Finnin had given the South Australian Government may not be respected and company policy may have changed. However, I have received in writing a commitment from Serco and GSR that, in terms of the recruitment of a new General Manager, that person will be based in Adelaide. That is a big change and one of great benefit to South Australia because, while the headquarters of GSR are in South Australia, Mr Finnin chose to make his base in Melbourne, and it will be of benefit to South Australia and the work force and the growth of the business that the General Manager of Great Southern Railway is based in Adelaide. That is

excellent news. I have been given confirmation also of the company's commitments to the Ghan and the Indian Pacific, and the investments the Government has promised in doing up and refurbishing the railcars. In every instance those commitments will be maintained.

YEAR 2000 COMPLIANCE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Treasurer a question about the potential impact of the millennium bug on South Australia's electricity supply.

Leave granted.

The Hon. SANDRA KANCK: It was reported in the *Australian* last month that Dr Adam Cobb, a researcher with the Federal Parliamentary Library, has warned that electricity supply systems face a serious threat from the millennium bug due to a critical reliance upon networked computers. Indeed, Dr Cobb has warned that electricity grids are the components of Australia's critical infrastructure which are most vulnerable to the millennium bug. As a result of the high degree of automation and the complexity of the operating systems, computer system failure is potentially catastrophic. Furthermore, Dr Cobb has identified the manner in which electricity grids funnel power through particular locations as exacerbating the system vulnerability to the millennium bug. In effect, the system design creates what he calls choke points that increase the possibility of a systematic breakdown.

The systems control centre in Pirie Street is a major choke point in South Australia and, should it fail, many of the homes in the State could be plunged into darkness. The functioning of South Australia's water and sewerage is inextricably linked to the security of our electricity supply. Without electricity we can neither pump the water in nor pump the sewage out. Dubbo City Council is aware of this and has already moved to counter the possibility of a failure in electricity supply. That council, which services 38 000 people, sought a guarantee of supply from the region's electricity distributor, Advance Energy, for January 2000. Advance Energy refused to guarantee supply.

In response, Dubbo council has hired 13 generators to ensure the town's water and sewerage facilities will continue to function in the event of electricity blackouts. Dubbo council has thus far invested $500 000 in preparing to counter the millennium bug. My question to the Minister is: what steps have our electricity utilities taken to ensure the millennium bug does not affect electricity supplies, and have they negotiated with SA Water in the process?

The Hon. R.I. LUCAS: A comprehensive amount of work has been done on this area, as you would expect. Recently, as Minister responsible for ETSA, I asked for an independent audit or consultancy on this area, and that has only just recently been delivered to the Government to assure me and the Government that our electricity businesses were applying the appropriate remedies for the millennium bug issue.

An honourable member interjecting:

The Hon. R.I. LUCAS: I thank the honourable member for her question; I am happy to get a detailed reply for her. As I said, the consultancy has just reported, and I am happy to provide as much detail as possible on that. Networking relies on other States, and I know a lot of activity is going on through NEMMCO to try to make sure the other States and territories are equally giving the same consideration as South Australia to the issue. I will need to take advice on the issue of SA Water and include that in my reply.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about gaming machines.

Leave granted.

The Hon. NICK XENOPHON: Figures supplied to my office from the Office of the Liquor and Gaming Commissioner indicate that, as of 30 September 1998, 442 gaming machines were approved in non-live venues, and 723 gaming machines were approved—but not live—in live venues. My questions to the Treasurer are:

1. Of the licences for machines in non-live venues, when were approvals granted for those machines?

2. Of the licences for machines in live venues but not installed, when were approvals granted for those machines?

3. Does the Government have a policy as to whether those machines ought to be installed within a particular time frame, or does it consider this as a matter entirely at the discretion of the Liquor and Gaming Commissioner?

The Hon. R.I. LUCAS: I am happy to take advice on that issue and ensure that the honourable member has a comprehensive reply as soon as possible.

SALMON IMPORTATION

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about a foreign affairs meeting in Canberra.

Leave granted.

The Hon. R.R. ROBERTS: Recently, it has been brought to my attention that a decision by Australia to freeze out imported salmon was overturned by the World Trade Organisation. Very briefly, that was appealed, and the appeal was not in the best interests of Australia. I will read, in part, from some correspondence of the Department of Trade Affairs to a constituent of mine. It pointed out:

> Second, there were inconsistencies between our quarantine prohibition of salmon and our less stringent treatment of bait fish and live ornamental fin fish, which have some diseases in common with imported salmon.

In Australia we are required to implement the AB findings within a reasonable period of time. Mr Fischer, the Minister, has indicated that Governments will be consulting with interested State Governments, industry groups and other interested parties to develop options for responding to the AB report.

I also have in my possession a copy of a circular that was sent to people who are to participate in the meeting tomorrow in Canberra, with the proposed agenda which includes: first, the outcome of the World Trade Organisation panel and appellate processes; secondly, next steps in the World Trade Organisation procedures; thirdly, implementation requirements; and, fourthly—and importantly for South Australia—implications for aquatic and other animal products. Given the seriousness of the problem of the pilchard dieback recently, both on the pilchard fishery itself and the operations of our tuna farm industries in South Australia, including its practice of importing pilchards, I ask the following questions:

1. Was the South Australian Government invited to attend, given that it does not appear on the list (and I note

also that Peter Blacker from the pilchard industry and Brian Jeffriess from the Tuna Boat Owners Association appear to be the only persons from South Australia circulating in respect of this meeting tomorrow, that is, Thursday)? There appears to be no member of the Department of Fisheries or SARDI.

2. Does this mean that we are not sending a delegate, or does it mean that we are not an interested Government as indicated by Mr Fischer in his correspondence?

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

TOURISM

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Tourism, a question about tourism.

Leave granted.

The Hon. CARMEL ZOLLO: I refer to this morning's headline in the *Advertiser*, 'Get off your butt.' I may well be giving opinion, but what kind of message does it send to any other tourist in this State—and I understand we have a few for Wagner's *Ring* cycle—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —or this particular tourist to be plastered in an embarrassing manner on the front page of the only daily newspaper in the State? I do not support littering, but one can imagine what this unfortunate tourist will say when she returns home: 'I put out my cigarette butt on the pavement and was publicly humiliated and castigated on the front page of their daily.' Will the Minister take up this matter with the management of the *Advertiser* in an effort to foster better public relations in the area of tourism?

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

MATTERS OF INTEREST

FRANK QUIGLEY HOMES

The Hon. CARMEL ZOLLO: During the parliamentary recess, I was very pleased to attend the annual general meeting of the Frank Quigley Homes for Head Injured along with my colleague in another place the member for Torrens (Robyn Geraghty) and the Minister for Disability Services (Hon. Robert Lawson), who was guest speaker. The Frank Quigley Homes for Head Injured Association of South Australia is committed to providing quality housing for people with brain injury. People who have a head or acquired brain injury need other people to understand what it is like to live with the consequences of brain injury but, at the same time and like everybody else in the community, they also value their privacy and independence. The Frank Quigley Homes for Head Injured Association has so far been able to offer this opportunity to nine tenants and it soon hopes to increase the opportunity to up to four other tenants and/or their families.

The association is a community housing association responsible to the State Government, with the accommodation being an affordable option because rental is based on income. I should mention at this stage that the Statutory Authorities Review Committee, of which I am a member, is inquiring into the South Australian Community Housing Authority, although I am clearly able to say that it would be difficult to see a conflict of interest in the general comments that I am making about one aspect of our review.

The Frank Quigley Homes for Head Injured was established in 1994 and named after Frank Quigley in recognition of his tireless efforts to improve the quality of life of individuals who have experienced brain damage as a consequence of accident. I was pleased to have the opportunity of meeting Frank Quigley on the evening and, like so many other people who devote themselves to a cause, Frank Quigley did so as a result of his firsthand experience because of an accident sustained by his son. The acquired knowledge that comes with that experience of what is really needed in our society to help people who find themselves in such circumstances is invaluable.

That evening I was also pleased to meet his son Michael Quigley who is housed at one of the homes in Blacks Road and who is vice-chairperson of the association. The importance of having someone actively participating in the association who is able to bring firsthand knowledge of the needs of the disabled is obviously an important one. Michael Quigley appeared to be a most determined person whose contribution is invaluable in championing the rights of the tenants.

I take the opportunity to acknowledge the commitment of all the management committee, particularly the Chairperson (Ms Pamela Skardoon) and the Secretary (Mr Henry Porcaro). I have known Pamela Skardoon for several years and I know her to be a person involved in an honorary capacity in other community associations. Her energy and passionate commitment to issues of social justice is obvious.

My colleague Robyn Geraghty has spoken on the involvement of students from St Paul's College with the homes. Ten students from St Paul's College work collaboratively with the homes as part of their extra school curriculum through the tenants' support program. I understand that they have constructed four pergolas at the rear of the four new homes at Gilles Plains and also assist in the management of the gardens. We often hear many negative things said about young people, so it is a pleasure to see such interaction. The students are learning skills which touch on everything from personal interaction skills to being exposed to a possible trade and livelihood. It can only make for responsible citizenship when they leave secondary education. I congratulate St Paul's College and, in particular, the Principal (Mr Peter Shanahan) and the teacher involved (Mr John Cameron).

It was a pleasure to have attended a meeting with people who are willing to give of their time and talent to ensure that people who are challenged with a handicap can enjoy the best possible standard of living.

ETHNIC SCHOOLS

The Hon. J.F. STEFANI: Today I wish to speak about the work of the Ethnic Schools Board and the ethnic schools authorities. On Tuesday 10 November 1998 I was privileged to attend the ceremony for the presentation of registration certificates to 58 teachers and 16 school authorities which gained their full registration. One of the major tasks of the Ethnic Schools Board is to provide consistent, complementary reporting mechanisms which acknowledge student

attendances and achievements at ethnic schools across the Government, independent and Catholic education sectors. The Ethnic Schools Board also provides a registration system for teachers in ethnic schools, which incorporates training and professional development and facilitates the maintenance of specific community languages.

It has always been a great pleasure for me to participate in and support the ongoing work of the Ethnic Schools Board and the Ethnic Schools Association, which have been established to provide valuable support to more than 150 ethnic schools which teach more than 30 different community languages and involve some 400 teachers and 7 600 students. The Ethnic Schools Association is actively involved in coordinating and developing the teaching of history, languages and cultures to many community groups, as well as promoting interaction between teachers, schools and the broader community. I am conscious of the enormous contributions made by the many teachers who give so generously of their time and effort to ensure the ongoing retention and development of Australia's unique linguistic skills and cultures, which are vital for our future economic development.

Ethnic schools play an important role in enhancing access and choice for all students and to advance language education in South Australia. Although times have been difficult and education cutbacks have occurred across a range of areas in the past, I believe that the needs of ethnic schools have been acknowledged by the Government, which has provided stable and constant support through the per capita funding system. I understand that one of the priorities which remains high on the Ethnic Schools Board agenda is to enable ethnic schools to be at the forefront of languages education and to ensure that our linguistic heritage is not lost.

In acknowledging the role of this organisation, I would like to pay tribute to the important work undertaken by the Ethnic Schools Board and the Ethnic Schools Association and, in that context, the educational and teaching role of the many teachers throughout South Australia. The wider community has acknowledged the valuable work accomplished by the various ethnic schools in the teaching of languages and the work that they undertake to sustain and develop the numerous cultures and languages of our multicultural society. Many of us are aware that the Ethnic Schools Association has provided a focus on our multicultural community by fostering a strong sense of identity among Australians of different backgrounds, and promoting cohesion and understanding within our diverse community.

In closing, I wish to pay tribute to the Chairman of the Ethnic Schools Board and all members of the board, as well as the President of the Ethnic Schools Association and all members of the executive committee, together with the staff, for their particular efforts. A special mention and word of thanks must go to the many people who give so much of themselves in the teaching of community languages for little or no reward. I believe that their special commitment to this community service is based on a strong belief in the maintenance and development of our rich cultural heritage, which is expressed through the many languages reflecting the mosaic of South Australia's multicultural society.

CORRUPTION

The Hon. IAN GILFILLAN: I have long held a belief that it is inappropriate for police to investigate police. When it comes to allegations of police corruption, or any complaints of public corruption—and I must emphasise that—investigations must not only be scrupulously fair they must also be seen to be independent. That is not the case now in South Australia. In the past 10 years, three Australian States have had royal commissions into corruption. In each of those States not only has corruption been uncovered but the respective State Parliaments have found it necessary to subsequently establish new and more accountable measures to fight corruption. For instance, in New South Wales the pre-existing Independent Commission Against Corruption proved to be spectacularly unsuccessful in exposing the police corruption that was found by the Wood Royal Commission. So now that power has been taken from ICAC and given to a newer, separate Police Integrity Commission (PIC).

In Queensland, after the Fitzgerald royal commission, they had their Criminal Justice Commission and, more recently, the Crime Commission has been added to it. In Western Australia, after the WA Inc Royal Commission, the pre-existing Official Corruption Commission (a mere token two person office) was upgraded and strengthened to become what is now the WA Anti-Corruption Commission. But along with these independent 'watches' there are also parliamentary committees in each of the three States, in effect, 'watching the watchers'.

Earlier this month I travelled to Perth where on 5 and 6 November I was the sole South Australian MP at the meeting of the working group of parliamentary committees oversighting anti-corruption and law enforcement bodies. Each of the committees is engaged in a constant struggle to be an effective monitor over the likes of ICAC, CJC and so on. During the two day meeting I heard my fellow parliamentarians complain about the frustration of getting detailed information from these anti-corruption and law enforcement bodies. They expressed difficulties with their *de facto* role of handling specific complaints against these bodies, complaints with which they were ill-equipped to deal. I heard them bemoan the enabling legislation under which these bodies were set up and which allowed them to keep too much of their operation secret.

Confidentiality in these matters is very important and anti-corruption bodies need sufficient independence to investigate politicians as well. Neither politicians nor anti-corruption investigators can be above the law. Both must be subject to the law; both must be accountable for their actions. The difficulty is to devise a system whereby anti-corruption investigators are ultimately answerable to the Parliament, and can be supervised by someone independent without politicians having direct access to specific confidential inquiries.

Queensland and New South Wales have addressed this issue by setting up an independent third party to oversee specific investigations on behalf of their respective parliamentary committees. In Queensland this person is called the parliamentary commissioner. In New South Wales he or she is the inspector of the Police Integrity Commission. In both cases, the person has wide powers to oversee every aspect of an anti-corruption investigation, but must not divulge such confidential information, not even to the parliamentary committee overseeing the anti-corruption body.

Despite all these difficulties, there was universal agreement at the Perth conference that in each State an independent anti-corruption agency was vital to the interests of justice. All the delegates, even the most vociferous complainants, believed that their State was better off with an independent anti-corruption body than without one. I mention these developments because I believe in South Australia we must

reform our processes quite substantially. The Government in this State still does not accept that there is any problem with police investigating police. The Government here does not feel a need to establish an independent anti-corruption body of any description at this stage.

One of the most important functions of the New South Wales Independent Commission Against Corruption is not necessarily its arrest rate or rate of convictions. That body sees one of its most important functions as being its preventive role and educative role, its program of raising awareness about a corruption, of ensuring that each Government department and agency has in place a specific anti-corruption prevention program. There is no-one in South Australia performing this task. The lack of any apparent corruption prevention program is to the detriment of South Australia.

In 1992, I introduced a Bill to set up a version of ICAC in South Australia, but it lapsed through lack of support. The time is right, I believe, and having observed the other States for several years we are now in a position to learn from their mistakes and improve upon their accountability mechanisms. In Perth it was resolved that there would be a meeting of the national working group in Adelaide in April next year. It will be the working party to plan for their next annual national conference. It will be a significant meeting, and I hope to host it in Parliament House. It will be a focus for all those who are concerned about combating corruption in this State and I look forward to support from colleagues in this place and publicity about the need for us to have amendments introduced in South Australia.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member's time has expired.

SPORTS INDUSTRY

The Hon. CAROLINE SCHAEFER: I have always been interested in sources of income for the State which are unusual or unexpected—for instance, I suppose, the statistics that are often quoted of the horse industry in this State being the third largest employer. I was therefore interested in a recent publication from the Department of Recreation and Sport entitled 'Employment: It's not just a game' and felt that I would like to draw out of that report some statistics of interest during my five minute speech today. According to the 1996 statistics, a minimum of 20 000 South Australians are employed in the sport and recreation sector, with approximately half of those working full-time. That number was broken down to about 14 500 people having their main job in the sport and recreation sector and an assumption of at least 4 000 working part-time in the industry.

An additional 500 South Australians are employed in the tourism/accommodation area and 1 500 people in fields such as law, medicine and the media and, most significantly, education and the Government sector are employed in sports related fields. These figures are still somewhat conservative. An ABS survey taken later found that 37 000 people received some payment from their involvement in sport in the 12 months ending March 1997. Some of those payments were for people such as umpires and sporting players of a non-professional nature and would necessarily be small. Of the 14 500 people whose main job was associated with sports and recreation, 6 000 odd had sport and recreation occupations, while another 8 450 worked in occupations within the sport and recreation sector.

Some of these were: 1 074 as either greenkeepers or apprentice greenkeepers; 593 fitness instructors and related workers; 586 sports coaches; 440 gaming workers; and 328 animal attendants—and I presume that was not the zoo—

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: Yes, or Parliament House. South Australians made up 7.4 per cent of all Australians employed in this sector. However, 24 per cent of all professional swimming coaches in Australia come from South Australia. This is a growth of 29.7 per cent when compared with the 1991 census, and there has been a growth in that time from 197 to 586 professional sports coaches, an increase of an incredible 200 per cent.

Employment in the recreation and sport sector is higher than that in mining, electricity, gas and water supplies and communications, and only about 12 000 fewer than in primary industries. Businesses in the sport and recreational industries such as sports stores and so on directly employed 11 000 people in South Australia in 1994-95 and almost 8 000 worked part-time. In the 12 months ended March 1997, 37 000 South Australians received some payment for their involvement in sport. This represented 11.3 per cent of all people involved nationally and was almost a 90 per cent increase on the numbers involved four years earlier.

I note also that the most recent BankSA *Economic Outlook* publication has published a report on the business of sport in South Australia. I draw the attention of this Council to the importance of this leisure industry to employment and to the economy of South Australia.

SPEED CAMERAS

The Hon. T.G. CAMERON: The Olsen Government's recent backflip over the use of speed camera warning signs confirms what I have been saying for more than two years now, that most people believe speed cameras are being used as revenue raisers not as speed deterrent devices. It is painfully obvious that speed cameras are very limited in their ability to police speeding. Besides taking a photograph of a vehicle and raising over $50 million in fines for the State Government, there is little else that they can do.

On the other hand, laser guns are operated by police officers, on site, and are therefore able to play a far more comprehensive and effective policing role. That is why I have released a leaflet calling on Governments to place an immediate freeze on the purchase of any new speed cameras and for the emphasis on speed detection devices to be switched to laser guns. Entitled 'The Case for Laser Guns', the leaflet outlines the benefits of laser guns compared to speed cameras, which are nothing more than a grab for easy revenue by the Government. This is the latest in a series of information leaflets that my office has produced to try to inject some truth into the debate over speed cameras.

The South Australia Police and the Government currently use two main forms of speed detection devices to catch speeding motorists: speed cameras and laser guns. Speed cameras take photographs of any speeding vehicles which just happen to pass by. Once processed, an infringement notice is sent to the owner, and it can take up to four weeks to be received, long after the risky driving behaviour has occurred.

Laser guns are hand-held devices aimed by police officers. A laser beam enables an accurate reading of the vehicle's speed, and offenders are stopped immediately and given an on-the-spot fine. This is a much better deterrent and boost for public safety than the indiscriminate use of speed cameras on main arterial roads in the city catching people driving between 70 and 80 kilometres per hour. We should never

underestimate the value of a police presence on our roads and in our suburbs. Just what are the benefits of laser guns?

· Immediacy. Laser guns have an immediate impact on driving behaviour. Offenders caught speeding are stopped on the spot. There is no waiting period during which drivers may be unaware that they may have been driving in a dangerous manner.

· Safety. Speeding drivers are more likely to think about their driving behaviour if they are stopped and given an on-the-spot fine by a police officer, thereby increasing the safety of the roads for us all.

· Accuracy. Laser guns are more accurate. There is less chance of offenders being let off due to technical difficulties.

· Flexibility. Laser guns are more flexible and can be moved quickly from one location to another. They are also able to be used by police from cars, bikes or motor cycles.

· Versatility. Police officers who operate laser guns are on site where they can undertake other road traffic duties, including RBT, drivers' licence, motor registration and, if necessary, road worthiness checks. In effect, the laser gun operators would become a one-stop-shop for motor vehicle offences. If you were caught speeding, be prepared to have your vehicle, licence and registration—and maybe your breath—checked.

It is interesting to note that over 75 per cent of motorists caught by speed cameras are caught exceeding the speed limit by less than 15 km/h, while 70 per cent of those caught by laser guns are caught speeding between 16 and 30 km/h above the limit—much higher and therefore at more dangerous levels. Police estimate that each road death costs the State $625 000 in hospital and emergency services. Even Assistant Police Commissioner Neil McKenzie was quoted in the *Advertiser* of 28 February 1995 as saying:

> If you can reduce the road toll, South Australia benefits enormously by a far greater margin than any revenue that is raised here.

Figures released by the Office of Road Safety show that the South Australian road toll currently stands at 152 compared to 127 for the same time last year. If the current rate of facilities continues, we can almost certainly expect the road toll to pass 180 by the end of 1998, the highest rate since 1993. The figures show that speed cameras are not slowing down motorists—they are just fleecing them. I should point out that this will get much worse with the introduction of 14 high-tech cameras early next year, when it is estimated that an extra 100 000 people will receive fines.

It is time that the Government got its act together on speed detection, or we will be celebrating Christmas this year with the highest road toll in five years. The Government should be placing a greater emphasis on laser guns, reducing the role of speed cameras, and spending some of the $50 million it collects in fines on road education programs and fixing the sorry state of our highways.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member's time has expired.

AUSTRALIAN LABOR PARTY

The Hon. L.H. DAVIS: The Labor Party in South Australia is in crisis. The resignation of Terry Cameron and the recently published pamphlet on ALP factions by Ron Williams—until recently on the ALP Executive in South Australia—are just the tip of the iceberg. The anger in the grassroots membership of the ALP centres around the fact that an extraordinary alliance between the Bolkus socialist Left and the Right wing Labor Unity faction controls 80 per cent of the vote at the ALP State Convention.

In fact, two unions, the Australian Liquor Hospitality and Miscellaneous Workers Union—which is Bolkus Left—and the Shop Distributive and Allied Employees Association—which is Labor Unity—between them control nearly 40 per cent of the 190 votes at the ALP convention. Many members of the unions are unaware that their union is affiliated with the ALP, and delegates from the union to the ALP's State Convention are appointed by union secretaries and not elected by rank and file—that is democracy Labor Party style. The election of union secretaries, who can sometimes receive annual salary packages of between $50 000 and $100 000, and union organisers, is by a voluntary vote of union members.

The machine's resident muscle man, Mr Patrick Conlon, M.P., has publicly campaigned for compulsory voting at local council elections and the retention of compulsory voting at Federal and State elections. But he is strangely silent about the fact that unions do not have elections for delegates from unions to the ALP State Convention and also that elections for union officials are by voluntary voting. That is hypocrisy Labor Party style.

The power of the machine is such that they can determine the outcome of an issue without any debate whatsoever on the convention floor. For example, at the 1996 ALP State Convention, a deal was done to oppose the privatisation of the electricity trust (ETSA). There was no debate on the convention floor and there has been no debate whatsoever on this important subject in the last two years. Labor Leader Mike Rann is at the mercy of the machine, and his position is far from secure. Kevin Foley and John Hill wait impatiently in the wings.

Mr Patrick Conlon, who also is the machine's resonant Alsatian, and his colleagues, have already determined Labor candidates for the next State and Federal elections. Never mind the interests and ideas of the ordinary rank and file Party members. Linda Kirk, from the Right, is currently having a run for the Adelaide City Council and is pencilled in to replace Senator Rosemary Crowley. The Hon. George Weatherill MLC is expected to retire before the next State election to open up the way for Bob Sneath of the AWU. In fact, he is expected to retire if his son Jay Weatherill gets the nod for preselection in Price.

Penny Wong of the Bolkus Left has been given the nod for the other Senate vacancy, and this means, obviously, that Senator Chris Schacht—someone who served with distinction as a Labor Minister and shadow Minister for a long time—is for the high jump. It has been freely talked about that Ross Smith has been allocated to the Right wing of the Party, one Bernard Finnigan, although I am not sure whether Ralph Clarke knows about this just yet, and Margaret Sexton from the Socialist Left is tipped to replace Rod Sawford in the Federal seat of Port Adelaide. Ian Hunter, the new Secretary of the ALP, has his eye also on the Legislative Council. However, I am not sure whether Gail Gago is standing again in Makin. I have not had any word on that.

It is interesting to note that Kim Beazley and the ALP Federal Secretary Gary Gray recently read the riot act to the local State ALP machine given the appalling results at the 1998 Federal election, where the Labor Party had disastrous figures. It is quite clear that the ALP, not only in the parliamentary Party but also in the organisational wing, is in deep crisis.

DAVID JONES BUILDING

The Hon. R.R. ROBERTS: I think I shall throw myself under a bus immediately, Mr President! I rise on a matter of public interest to talk about asbestos in one of our major shopping centres in South Australia. Five minutes is not really enough time for me to go through the details of this sorry saga. I am sorry also to report that this saga has been going on for some 10 years. South Australia currently has the best regulations in Australia with respect to the removal of asbestos. Indeed, other States look to us for guidance.

I have in my possession letters going back 10 years and, more specifically, letters from the last five years trying to address the asbestos problem in the David Jones building. I also have some letters about John Martin's, but I am happy to report that most of that has been fixed.

Recently I had contact with the Minister for Transport about an asbestos problem at the Festival Centre, and I am happy to report that that was addressed very quickly. After that episode I was made aware of the problems at David Jones, and I was forced to write to the Minister for Government Enterprises (Hon. Michael Armitage), pointing out some of the problems being faced by the Asbestos Advisory Commission. Whilst I did not put it in that letter, I could have told the Minister about the allegations of protections at this building from the inspectorate, the Department for Administration and Information Services.

This process started 10 years ago. The basement and the first floor were stripped of blue asbestos. At that stage there were 22 000 square metres of friable asbestos in the building; just recently it was down to 18 000 square metres. At a recent meeting of the Asbestos Advisory Commission that the Minister attended, it was pointed out to him that one beam in David Jones, on the site of the Magic Cave, contained friable blue asbestos. To his credit the Minister did contact David Jones, and I am happy to report that, for the safety of the community, that site has been cleaned up.

I have in my possession photographs of friable asbestos hanging on at least five floors of the building between the ceilings and the floors. Despite all attempts by the Asbestos Advisory Commission, there is still not a plan for removal. The Minister, when this was put to him on 14 October, explained that his role as Minister in charge of the Department for Administrative and Information Services (DAIS) was to administer, not to rule. The Minister continued by saying that DAIS has the responsibility to enforce the legislative requirements. I have news for him: the buck stops with the Minister.

I have here a register of all the asbestos. I have copies of letters from two sources to the Premier—at least four letters—pointing out these problems over a period of months. I also have in my possession a letter to the Editor of the *Advertiser* pointing this out and seeking some relief from public persons. I have letters also from the Trades and Labour Council in respect of these matters.

I do not have time today to go through this sorry saga. However, I hasten to remind the public that they are safe shopping in David Jones because I have been assured that the air level readings there are safe. At least five employees of David Jones have died of mesothelioma and up to 10 have had other asbestos related diseases. In the next couple of weeks, if nothing is done about this, I intend to lay out the letters to the Premier from both sources, the letters to the Minister and the advice to the Minister and the minutes of the Asbestos Advisory Commission.

Other retail outlets in this city have complied with asbestos regulations to the letter of the law. It is an unfortunate fact that when it comes to asbestos in South Australia there is no other store like David Jones. This is a matter of serious concern, and it is my intention to pursue it in the future.

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

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

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

That the Criminal Law Consolidation (Intoxication) Amendment Bill be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CITIZENS' RIGHT OF REPLY BILL

The Hon. T.G. CAMERON obtained leave and introduced a Bill for an Act to provide a right of reply to persons adversely referred to during the proceedings of a House of Parliament. Read a first time.

The Hon. T.G. CAMERON: I move:

That this Bill be now read a second time.

I am introducing this Bill to give a citizen's right of reply to people defamed by Government, Opposition, Democrat and, dare I say it, Independent MPs—although I am sure that the Hon. Nick Xenophon and I would not do such a dastardly thing—under the protection of parliamentary privilege. It is high time that members of Parliament were held accountable. Too often we have seen members of Parliament using parliamentary privilege to defame people knowing that they have no right of reply.

I believe the Government made a huge mistake when it changed its mind on giving people defamed under the protection of parliamentary privilege a citizen's right of reply. I still cannot understand why a right of reply could not get through the Liberal Party Caucus. A right of reply already exists in the Commonwealth, Queensland, ACT and New South Wales Parliaments, and now in Victoria. The *Advertiser* was correct when it stated in its editorial of Saturday, 7 November:

> The Liberal Party in South Australia this week did a wrong and silly thing when its MPs rejected the proposal to institute a right of reply for people who believe they have been defamed under the immunity of parliamentary privilege. It was not only that the decision was directly counter to the concept of a fair go; it will add to the perception of parliamentarians thinking themselves different from, and better than, everyone else.

This Bill will ensure that people have a right of reply and therefore discourage irresponsible use of parliamentary privilege. One of the objectives of this Bill is that if members of Parliament are cognisant of the fact that if they get up in Parliament and adversely comment or defame someone under parliamentary privilege that person has a process that they can follow to have their say or their right of reply printed in *Hansard*.

Under the proposed Bill a person who has been referred to during the proceedings of either House of Parliament and

who believes that he or she has been adversely affected may, by written submission to the presiding member of the House, request that an appropriate response be included in the parliamentary record. If the Speaker or President are satisfied, the complaint would be referred to the Parliamentary Privileges Committee, which could then recommend that the aggrieved person have a right of reply published in *Hansard*.

I note that it is not an automatic right of reply. This Bill does not give people a right to put a reply in writing that might adversely affect or defame a member of Parliament. So, in one respect, it is a limited right of reply but, nevertheless, it is a step in the right direction; and it does give ordinary people in the community a chance to have their side of the story told and have the reply published in *Hansard*. A decision, act or omission under this Act cannot be reviewed, challenged or called into question before a court or tribunal.

I am confident that the Independents in the Lower House will look favourably at this Bill. I am also confident that the Democrats and the Hon. Nick Xenophon will lend their support to the Bill. Like many Bills that come before this place, it will not pass unless it has the support of one of the major Parties. I call upon the Labor Party to support this proposal. If it does the Bill will pass through the Upper House and, if the Liberal Party is stupid and myopic enough to continue to oppose this initiative, then, with the support of the Independents in the Lower House, it will become law in South Australia. I therefore call on the Leader of the Opposition, Mike Rann, to lend his support to this Bill so that South Australians can have the same rights as are enjoyed by Australians in most other States and Territories. I ask members to give this Bill a fair go because it is about giving ordinary people in the community a fair go. I commend the Bill to the House.

The Hon. M.J. ELLIOTT: I support this Bill. Yes, the Hon. Mr Cameron was correct in assuming that the Democrats would support it.

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

A quorum having been formed:

The Hon. M.J. ELLIOTT: The Democrats support this Bill very strongly. In fact, over a number of years, we have publicly advocated such a move. We were well aware that the Senate had adopted the same practice and that it worked extremely well. I well remember only a few years after I came into this place parliamentary privilege being used in a way which did a great deal of harm to some individuals associated with the Christies Beach Women's Shelter. A report was tabled in this place which attracted parliamentary privilege. A number of things were said about people involved in that shelter.

I was approached by people involved with the shelter, as were other people, who said that it was outrageous and who then stated their case to me. I could go through all the ins and outs of what happened in that particular issue. Ultimately a select committee was established which, interestingly, could not find any evidence to support most of the allegations that were made, and certainly none of the serious allegations. Some very minor allegations were made in relation to bookkeeping which would have been true of almost any organisation in South Australia.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: If you want me to really start up on that—but I will not. Nevertheless, one of the fundamentally important things that happened was that extremely serious allegations were made which have gone permanently on the record of this State and there was no method by which a formal response might be made. It is important, of course, that such a response should not then set about slandering anyone else, but the notion that at least people should have a response is reasonable. In relation to the Christies Beach Women's Shelter, I would say that that would not have been enough but it certainly would have been a start.

Parliamentary privilege is important. Every member in this place has needed it from time to time and it needs to be used with great discretion. Occasionally people step over the boundaries of due discretion but we will have to accept that. One would hope that there would be some internal rigour within political Parties and within the Parliament itself that a person who consistently abused that privilege would be brought into line, but the privilege must remain. It does seem to me that at the very minimum we can offer people the right to respond and to have such a response recorded within the official record of the Parliament itself. Of course, there needs to be appropriate vetting to ensure that no-one is slandered.

There was a more recent example of an abuse of this place on Wednesday 28 October. The Hon. Angus Redford decided that he would use his grievance debate to hop into a few people for what really looked like political purposes. He then trotted off and supplied his remarks to the *Border Watch*. I received a telephone call from one of the people the honourable member decided to have a go at. He was most aggrieved and said, 'What can I do about it?' I said, 'Hopefully, in the not too distant future, you will be able to respond by informing the Parliament of what you believe to be the truth of the matter.' At this stage that person does not have that capacity because it is not available. I am prepared to offer—

The Hon. T.G. Cameron: Can we make the Bill retrospective?

The Hon. M.J. ELLIOTT: That might be worth considering. Indeed, there may be a number of people—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Quite happily. The person in question was Anthony Beck, who stood for the Federal seat of Barker in the last election. It is worth noting that Mr Beck was running against a Liberal Party member. The Hon. Angus Redford appears to have used his five minutes largely to make an attack on anyone who should run against the Liberal Party. Mr Beck was concerned not only about what was said of him but also that the Hon. Mr Redford effectively identified another individual and said things about him as well. In his letter to me, Mr Beck named the person. I will not give the name but Mr Beck said that the very fact that the Hon. Angus Redford had identified a man who was in a wheelchair was sufficient in a community such as Mount Gambier to identify the person.

Mr Beck then made some comments about what his involvement in politics may or may not be. I think that Mr Beck was also concerned that an allegation was made in this place, and therefore under privilege, that he was making a desperate grab for power on Rory McEwen's behalf.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Why did you not go outside this place and say that rather than saying it in here? Mr Beck said that the idea is a good one and that it is pleasing to note that the Hon. Angus Redford recognises that Rory McEwen has much talked about leadership qualities. Anthony Beck also tells me in his letter that he contacted the Director of the Liberal Party (Mr Jim Bonner) and had a number of tele-

phone conversations re preferences prior to the Federal election in 1998. He said:

He [Mr Bonner] was fishing for preferences for both Houses but particularly the Senate and wanted to know what would determine what I would recommend to my supporters. My reply was that it depended on what type of dirty tricks campaign they would run at the last minute. In addition, Mr Bonner asked why people like me were not working within the Liberal Party. I mentioned that the dry economic policies of the Premier (John Olsen) were a serious problem, that is, the sale of ETSA, the Premier's protection of a Minister who was promoting an unsustainable water policy for the South-East of South Australia. At a Federal level—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You just interject too soon. The letter continues:

At a Federal level, a Liberal Party promoting a GST in a format which would have serious implications for low income farmers and small business in the Barker electorate. Another issue of concern, to the many Liberal supporters in the South-East I had spoken to, was the method of preselection used by the Liberal Party. It was seriously flawed; this I passed on to Mr Bonner. On 12 November 1998 when I checked with Bonner the facts surrounding the 'grab for power' allegations, he, Mr Bonner, said that the Liberal Party was now looking at this preselection process. In addition, he said he would speak to Hon. Angus Redford regarding his speech and my concerns about it.

Monday afternoon, November 16, I again asked the Hon. Angus Redford to withdraw the offensive and inaccurate points in his speech, as I believed he was misleading the Legislative Council. He declines, and stands by his words.

Mr Beck said:

I would be most grateful if you could bring this grievance to the attention of the Legislative Council, and when the matter is cleared up I will notify the *Border Watch* to set the public record straight.

At the end of the day, it is not world shattering, but to him it was important. All he was asking was that he have the ability to respond to those things that were said in this place about him. On this particular occasion I have done it by incorporating it in the *Hansard* record in this way, but I think that the sort of model being put forward by the Hon. Mr Cameron would not make that necessary in the future.

The Hon. NICK XENOPHON: I indicate my support for this Bill and for the sentiments that the Hon. Terry Cameron and the Hon. Michael Elliott have expressed in support of it. I congratulate the Hon. Terry Cameron for bringing forward this Bill: this is an overdue parliamentary reform. The issue of parliamentary privilege needs to be raised in the public arena, given the importance of parliamentary privilege in light of our quite restrictive defamation laws. I understand that parliamentary privilege does not exist in United States jurisdictions, partly because of their quite liberal defamation laws. This right of reply will remedy some of the specific instances that have been referred to by the Hon. Michael Elliott and will lead to a restriction in perhaps some of the more reckless statements that are made on rare occasions in this House and in the other place.

I note that the Labor Party, prior to the last State election, indicated its support for the general principle of a right of reply. I recollect statements made by the Leader of the Opposition (Hon. Mike Rann) and welcome those statements. I am disappointed that the Government, in a bout of myopic conservatism, has indicated that it is not supportive of this reform. I hope that at the end of the day this Bill will receive the support it deserves, get through this House and the other place and eventually become law.

The Hon. T. CROTHERS secured the adjournment of the debate.

PARLIAMENT (JOINT SERVICES)(ADMINISTRATIVE ARRANGEMENTS) AMENDMENT BILL

Second reading.

The Hon. G. WEATHERILL: I move:

That this Bill be now read a second time.

In this Bill the key points are:

1. Composition:
   (a) an increase of membership from six to eight;
   (b) an additional one member taken from both Assembly and Council cross-benches (or, if not occupied, the Opposition takes these positions);
   (c) one of the two nominees must be male and one female, from both Government and Opposition;
   (d) the JPSC numbers amended from Government, four: Opposition, two; to Government, four: Opposition, two: cross-bench, two;
   (e) quorum increased from four to six; and
   (f) numbers required for acceptance of Special Resolution (Rule Changes) increased from two of three to three of four Upper and Lower Chamber votes.
2. Secretary:
   (a) the removal of the Clerk of the House of Assembly and the Clerk of the Legislative Council as alternating secretaries to the committee; and
   (b) the introduction of a pool of potential secretaries to the committee, all of whom are exclusively employed by and accountable to the committee, currently within the senior positions of the JPSC.
3. Job descriptions:
   (a) reinforcement of the Chair's accountability to the committee at all times; and
   (b) Specification of the breadth of responsibility and authority of the secretary.
4. Structure:
   (a) elimination of the position of Manager of Joint Services, and dividing the current Joint Services Division into its two components—Finance Division and Building Services Division.
5. Commencement:
   (a) The amended Act will come into operation on the first day on which both Houses of Parliament are sitting after the day on which the Act is assented to by the Governor; and
   (b) all positions on the committee, other than President and Speaker, will need to be filled at the time the Act comes into operation.

The Hon. T. CROTHERS secured the adjournment of the debate.

STATUTES AMENDMENT (SENTENCING-MISCELLANEOUS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act 1935 and the Criminal Law (Sentencing) Act 1988. Read a first time.

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

That this Bill be now read a second time.

The Government's Focus on Community Safety election policy reconfirmed the Government's commitment to review continually the law relating to sentencing and the sentencing options available to the courts. This Bill contains several worthwhile additions to the sentencing options available to the courts and improves the operation of other provisions. Two Acts are amended—the Criminal Law Consolidation Act 1935 and the Criminal Law (Sentencing) Act 1988. The first amendments are to the Criminal Law Consolidation Act 1935.

Firstly, section 348 is amended to put it beyond doubt that an appeal lies in relation to an order under section 39 of the Criminal Law (Sentencing) Act 1988. Section 39 empowers a court to make an order discharging a convicted person, without imposing a penalty, on the person entering into a bond. An examination of this provision by Justice Perry in *R. v McMann* (1997) 70 SASR 1 suggests that because of the High Court's interpretation of a Queensland definition of 'sentence' there is no appeal against the order of a court made under section 39. It is desirable that the DPP should be able to appeal if it is considered that an inappropriate order has been made under section 39.

The second amendment is to section 352 and gives a right of appeal against the inappropriate use of Griffiths remands. A Griffiths remand occurs where a court, instead of sentencing an offender, releases him or her on bail and adjourns sentencing to assess the offender's prospects of successful rehabilitation. Griffiths remands were considered in *McMann's* case, where Justice Perry suggested that the Legislature should provide an appeal against a decision to adjourn sentencing and release an offender on remand. The amendment to section 352 does this.

The other amendments in the Bill amend the Criminal Law (Sentencing) Act 1988. Where a person has been charged with a number of offences on the one complaint or information section 18A allows a court to sentence the person to one penalty for all or some of the offences. The Supreme Court judges have suggested that the section should be amended to permit a single penalty to be imposed with respect to all matters dealt with at the one time, whether or not they are charged on the one complaint or information. Section 18A is amended accordingly. This will allow one global sentence to be imposed when, for example, the District Court or Supreme Court on finding a person guilty of an offence calls up all outstanding complaints against the offender.

Section 38 of the Act allows a court to suspend a sentence of imprisonment upon condition that the defendant enters into a bond to be of good behaviour and to comply with other conditions of the bond. The court cannot partially suspend a sentence of imprisonment. Under the Commonwealth Crimes Act a court can, in effect, partially suspend a sentence of imprisonment. The court can impose, for example, a sentence of imprisonment of nine months but order the person be released after three months upon conditions of a bond the person has entered into at the time of sentencing.

Section 38 is amended to allow a court to impose a sentence of imprisonment which would be partially suspended on the condition that the defendant enter into a bond to be good of behaviour and to comply with any other conditions of the bond. This new sentencing option is available where the sentence of imprisonment is more than three months but less than one year. Where a prisoner is sentenced to a term of imprisonment for a period of a year or more, the Act requires the sentencing court to impose a non-parole period. Where an offender is sentenced to a lengthy term of imprisonment it is appropriate that the Parole Board should be the body to set any conditions on which the offender should be released from prison as it will have the benefit of observing the offender's behaviour in prison.

Courts cannot sentence adult offenders to home detention. Home detention is only an option for adult prisoners in custody who are administratively released on home detention. There may be occasions where it would be unduly harsh for a prisoner to serve any time in prison because of the prisoner's ill health, disability or frailty. Section 38 is amended to allow a court to suspend a sentence of imprisonment where this is so and to make it a condition of the bond that the prisoner reside in a specified place and remain in that place for a specified period of no more than 12 months. The court must include a condition in the bond requiring the prisoner to be under the supervision of a probation officer. Consequential amendments are made to sections 42, 48, 49 and 58. A new section, section 50AA, provides for the powers of probation officers in the case of supervising home detention.

Sections 39 and 42 deal with conditions of bonds. There is some question as to whether section 42(1a) achieves its intention which was to prevent a court imposing conditions as part of a bond that does not require the defendant to return to court to be sentenced should the defendant breach the bond. Sections 39 and 42 are amended to eliminate any doubt.

Where a court is satisfied that a person has failed to comply with community service obligations the court can issue a warrant of commitment. Section 71(7) provides that if the court thinks the breach is trivial or excusable the court can refrain from issuing a warrant and either (a) extend the term of the order to enable the person to complete the required service or (b) impose a further order to enable the person to complete the required service or (c) cancel some or all of the unperformed service.

Applications for extensions of time are often made because of a change in the circumstances of the offender. An offender who was unemployed may have gained employment that not only limits his or her capacity to perform community service but also provides the means for satisfying a fine. Section 71 is amended to allow a court in these circumstances to revoke the community service order and impose a fine. In imposing a fine the court must take into account the number of hours that the person has performed. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to be brought into operation by proclamation.

Clause 3: Interpretation

This clause defines 'principal Act'.

PART 2

AMENDMENT OF THE CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 4: Amendment of s. 348—Interpretation

The definition of 'sentence' in Part 11 of the Criminal Law Consolidation Act is expanded to include an order of a court in criminal proceedings for an indictable offence to discharge the convicted person under section 39 of the Criminal Law (Sentencing) Act without penalty but on a bond. Such an order will now be appealable by the defendant or the DPP, with the leave of the Full Court of the Supreme Court.

Clause 5: Amendment of s. 352—Right of appeal in criminal cases

This clause provides that a decision of a court to defer sentencing a person who has been convicted of an indictable offence will be similarly appealable.

PART 3
AMENDMENT OF THE CRIMINAL LAW (SENTENCING) ACT 1988

Clause 6: Amendment of s. 18A—Sentencing for multiple offences

This clause empowers a court to sentence a person to a single penalty for a number of offences of which the court has found the person guilty.

Clause 7: Amendment of s. 38—Suspension of imprisonment on defendant entering into bond

This clause firstly empowers a court to suspend part of a sentence of imprisonment, but only where the total period of imprisonment to which the defendant is liable is more than 3 months but less than 1 year. In such a case the court will be able to direct that the defendant serve a specified period (of at least one month) in prison and suspend the balance of the total term on the condition that the defendant enter into a bond that will come into effect on release from prison. The court will therefore fix the bond conditions at the time of sentencing. Secondly, a sentencing court is given the express power under new subsection (2c) to include a home detention condition in a bond where the court has suspended a sentence of imprisonment on the ground that the defendant is too ill, disabled or frail to serve any time in prison. Home detention cannot be imposed for more than 12 months, and during that time the defendant must be under the supervision of a probation officer.

Clause 8: Amendment of s. 39—Discharge without sentence on defendant entering into bond

This clause inserts a provision (currently appearing in section 42(1a) of the Act) that prevents a court from including conditions in a bond (other than the condition to be of good behaviour) where the court has discharged the defendant and has not required the defendant to come back to court for sentencing in the event of breach of bond.

Clause 9: Amendment of s. 42—Conditions of bond

Clause 10: Amendment of s. 48—Special provisions relating to supervision

Clause 11: Amendment of s. 49—CEO must assign a probation officer or community service officer

These clauses contain various minor consequential amendments.

Clause 12: Insertion of s. 50AA

50AA. Powers of probation officer in the case of home detention

This clause inserts a new provision setting out the powers of a probation officer in relation to a probationer who is subject to a home detention condition. The powers in subsection (1) are the same as the powers given to home detention officers under other Acts. A power of arrest is given to probation officers and police in the case of a probationer who has contravened a home detention condition.

Clause 13: Amendment of s. 58—Orders that court may make on breach of bond

This clause empowers a court, when dealing with a suspended sentence on breach of bond, to direct that the time spent by the probationer on home detention under the bond will count as part of the suspended sentence.

Clause 14: Amendment of s. 71—Community service orders may be enforced by imprisonment

This clause empowers the court to revoke an order for community service in cases where the defendant's failure to comply with the order arose out of his or her having gained paid employment since the order was made and to substitute a fine (but only if the defendant has the means to satisfy it without hardship). Any number of hours of community service performed under the order must be taken into account when the court is fixing the amount of the fine.

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

ADELAIDE FESTIVAL CORPORATION BILL

The Hon. DIANA LAIDLAW (Minister for the Arts) obtained leave and introduced a Bill for an Act to establish the Adelaide Festival Corporation; to provide for the conduct of the Adelaide Festival of Arts; and for other purposes. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

In cooperation with the Hon. Carolyn Pickles, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Adelaide Festival of Arts was established as an incorporated association in 1958, with the primary object of managing and presenting Australia's first multi-arts festival.

The first event was held in 1960, and in the ensuing years the Adelaide Festival has established a reputation as Australia's leading arts festival—and together with Avignon and Edinburgh—as one of the world's three great festivals.

The Adelaide Festival has undergone a number of structural changes over the years. Initially, it was effectively managed on box office income, with financial guarantees from a number of leading local companies and citizens. After each of the early festivals a levy was made of so many pence for each pound guaranteed. At this time the Board of the Festival was elected by the members of the Association—the Friends of the Adelaide Festival Inc.—and generally consisted of the guarantors. Meanwhile, various committees of the Board were responsible for all the activities of the Festival including programming, marketing and fundraising. Only a limited number of professional staff were engaged.

Major changes followed the 1972 Festival. The guarantors had become concerned at the increased risk they were undertaking. Also the Adelaide Festival Centre was nearing completion.

For the following three festivals Mr Anthony Steel served as both Artistic Director of the Festival and General Manager of the Adelaide Festival Centre. The management of the Festival inevitably moved away from volunteer committees to professional staff. The Festival and Adelaide Festival Centre Trust shared many resources. And the size of the Festival increased dramatically with increased funding from the State Government.

In 1994 earned income fell below the level of State Government support, necessitating a financial rescue. As a consequence, the Government appointed a Working Party to report on the structure and operations of the Festival.

After considering a number of possible legal structures the Working Party recommended—and Cabinet then authorised—the Minister for the Arts to conduct the Adelaide Festival in her corporate capacity, as agent for the Crown.

Under this structure the Festival is not a separate legal entity. The Board exercises powers given by delegation from the Minister. This arrangement has worked well in re-establishing the Festival as a strong structure artistically and financially.

However, there have been some practical difficulties. For example, in conducting its business the Festival must enter into a variety of contractual relationships with companies, performers and sponsors. Under the current structure, technically it is the Minister who must be the party to these contracts. This situation has been particularly problematic—

- in the case of sponsorship contracts which for sound commercial reasons, need to be clearly separate from Government operations; and
- in the case of some performers contracts, where indemnities are sought.

In addition, the requirement for all staff above the ASO-2 level to be appointed by the Governor in Executive Council is somewhat cumbersome.

After discussion with the board and the council of the Friends of the Festival the Government now considers it desirable that the Festival gains a board and management structure which provides for greater levels of accountability, plus the flexibility and responsibility to manage day to day transactions (including employment arrangements).

Against this background, three structural options were considered.

1. A company limited by guarantee.

This option, however, ignores the fact that in a very real sense the Adelaide Festival is almost indispensable. Meanwhile the independence conferred by this status may be more imagined than real, since any Government would be likely to intervene to protect the survival of the Festival.

2. A public corporation.

While this model has been successfully used for State Opera Ring Corporation the statutory authority framework already existed in the form of the State Opera Act.

3. A statutory authority

In the final analysis it is considered that the Adelaide Festival is such an important entity in South Australia that it warrants its own legislative framework outlining the powers and obligations of the organisation.

As a statutory authority the Adelaide Festival will enjoy a great deal of independence from Government in terms of its operations, and a clear independence in relation to its artistic activities. Other statutory authorities such as South Australian Film Corporation and South Australian Country Arts Trust operate in this manner.

The legislation provides—

- that the primary function of the proposed Adelaide Festival Corporation is to conduct the event known as the Adelaide Festival of Arts, as well as conducting and promoting other events; and
- that the Board consist of no more than eight members—with up to six nominated by the Minister. The other two members will be selected from three nominations received from each of the Friends of the Adelaide Festival and the Corporation of the City of Adelaide.

Currently the Board comprises up to 12 members. The Bill does not specifically provide, as is the case now, for either the Adelaide Festival Centre Trust or the South Australian Tourism Commission to continue to nominate a member to the Board.

It is considered that as a service provider to the Festival, the Trust has a potential conflict of interest in being represented on a Board. Meanwhile, because the SA Tourism Commission has a key role in promoting the Festival along with many other events which attract international tourists to South Australia, it is no longer considered appropriate for the Commission to be directly involved in the management of particular events.

Although the proposed legislation does not specifically deal with the use of the names—the Adelaide Festival and the Adelaide Festival of Arts—for completeness I will make reference to the arrangements surrounding their use.

Both names were originally registered as a business names by the Friends of the Adelaide Festival Inc.

Late in 1994, when the current structure was established, an agreement was reached between the Friends and the Minister for the Arts, for the Minister to have use of the names the 'Adelaide Festival' and 'the Adelaide Festival of Arts', effectively in perpetuity.

The Council of the Friends, following a briefing on the preferred structure for the Festival, has advised that it will licence both names to the new entity on the same terms and conditions as the current agreement.

I commend the Bill to members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Interpretation

This clause sets out the definitions required for the purposes of the measure. Various definitions relate to the use and protection of official insignia under Part 5 of the Bill. The new corporation will, in promoting an event, be able to undertake various activities.

Clause 4: Establishment of Adelaide Festival Corporation

The *Adelaide Festival Corporation* is to be established as a body corporate. The Corporation will be an instrumentality of the Crown and hold its property on behalf of the Crown.

Clause 5: Functions of the Corporation

This clause sets out the functions of the Corporation. The first function to be mentioned is to conduct the multifaceted arts event that is known as the Adelaide Festival of Arts. The Corporation will also continue, and further develop, the Festival as an event of international standing and excellence. The Corporation will also conduct or promote other events and activities. The Corporation will also be able to provide advisory or other services within its areas of expertise.

Clause 6: Powers of the Corporation

The Corporation will have all the powers of a natural person together with the powers conferred by legislation. Various powers are specifically mentioned. The exercise of certain powers will be subject to the approval of the Treasurer (see subclause (3)).

Clause 7: Establishment of board

A board is to be constituted as the governing authority of the Corporation.

Clause 8: Composition of board

The board will consist of not more than eight members appointed by the Governor, of whom one will be a person selected from a panel of three persons nominated by the Friends of the Adelaide Festival, one will be a person selected from a panel of three persons nominated by the Adelaide City Council, and the remainder will be persons nominated by the Minister. At least two members must be women and at least two members must be men.

Clause 9: Terms and conditions of appointment of members

A member of the board will be appointed for a term not exceeding three years. A member cannot hold office for more than six consecutive years.

Clause 10: Vacancies or defects in appointment of members

An act or proceeding of the board is not invalid by reason only of a vacancy in its membership or a defect in an appointment.

Clause 11: Remuneration

A member of the board will be entitled to remuneration, allowances and expenses determined by the Governor.

Clause 12: Proceedings

A quorum of the board will consist of one half of its total number of members, plus one. The board will be able to hold a conference by telephone or other electronic means in appropriate circumstances. The board will be required to keep minutes of its proceedings.

Clause 13: Disclosure of interest

A member of the board will be required to disclose any pecuniary or personal interest in any matter under consideration by the board, and to not take part in any deliberations or decision in relation to any such interest.

Clause 14: Members' duties of honesty, care and diligence

A member of the board will be required to comply with various duties and obligations associated with his or her position and the operations of the board.

Clause 15: Immunity of members

A member of the board will not incur any civil liability in acting (or failing to act) under the Act (unless he or she is guilty of culpable negligence). Civil liability will instead attach to the Crown.

Clause 16: Ministerial control

The board will be subject to direction and control by the Minister. However, the Minister will not be able to give a direction as to the artistic content of an event or activity conducted by the Corporation, or as to a dealing with a testamentary or other gift.

Clause 17: Committees

The board will be able to establish committees, which need not include members of the board.

Clause 18: Delegation

The board will have an express power of delegation.

Clause 19: Accounts and audit

The board must keep proper accounting records and prepare annual financial statements, which will be audited by the Auditor-General.

Clause 20: Annual report

The board will prepare an annual report, which will be tabled in Parliament by the Minister.

Clause 21: Common seal and execution of documents

This clause regulates the use of the common seal of the Corporation.

Clause 22: Corporation may conduct operations under other name

The Corporation will be able to conduct its operations, or any part of its operations, under another name authorised by the Minister by notice in the *Gazette*. The name 'Adelaide Festival Corporation', and other names authorised under this clause, are official titles for the purposes of the measure.

Clause 23: Declaration of logos and official titles

The Minister will be able to declare certain logos, names and titles to be subject to the operation of this measure.

Clause 24: Protection of proprietary interests of Corporation

The Corporation will have a proprietary interest in official titles and other declared items under the Act. The use of these titles and items will then be protected.

Clause 25: Seizure and forfeiture of goods

There will be an ability to seize goods that bear official insignia in contravention of the legislation.

Clause 26: Approvals by Treasurer

This clause will facilitate the giving of approvals.

Clause 27: Regulations

The Governor will be able to make regulations for the purposes of the Act.

Schedule

The Governor will be able, by proclamation, to provide for the transfer of existing staff involved in the conduct of the Adelaide Festival of Arts to the staff of the new Corporation. A transfer of employment under this provision will not affect existing rights. The Minister will also be able to vest assets and liabilities associated with the Adelaide Festival of Arts in the new Corporation.

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

ROAD TRAFFIC (PROOF OF ACCURACY OF DEVICES) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

Again, with the agreement of the Hon. Carolyn Pickles, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill amends Section 175(3) of the Road Traffic Act, 1961, in three ways. Section 175(3)(b), which provides for a certificate of accuracy of a speedometer or stopwatch, is varied to reduce the frequency of testing of speedometers. Section 175(3)(ba), which provides for a certificate of accuracy of a traffic speed analyser to be proof of the accuracy of the machine for the day of the test, is amended to extend the proof of accuracy to the day following the test. Both subparagraphs are also amended to provide that a police officer of the rank of inspector or above may sign the certificate, thus including all ranks above inspector.

The first amendment is to Section 175(3)(b). This subparagraph has been in existence in its current form since 1938. The certificate produced pursuant to the subparagraph is proof of the accuracy of the speedometer for the 14 days preceding and following the day of the test.

The accuracy of police vehicle speedometers is important. When following and timing a vehicle exceeding the speed limit on the road they are used to measure the speed of the offending vehicle. They are also used to ensure speed cameras are measuring correctly. The legislation requires that the accuracy of the traffic speed analyser component of the speed camera be verified against a speedometer of known accuracy.

Since the Section came into force 60 years ago, the accuracy and reliability of speedometers has greatly improved. Analysis of data from 1352 speedometer tests carried out on SAPOL vehicles from April 1997 to July 1998 shows that the speedometers did not lose their accuracy during this time. This suggests that reducing the frequency of tests to every 3 months will not result in vehicle speeds being incorrectly measured.

Testing every 3 months is also at the more conservative end of the testing frequency for police services across Australia. Police in NSW and Victoria only test their vehicles on purchase and on sale. ACT police vehicles are tested every 6 to 12 months. The NT police force tests its traffic vehicles irregularly. In Western Australia, police vehicles are tested every 3 months and in Queensland, every 60 days.

The police vehicle speedometers are checked for accuracy by the RAA in its speedometer test bay. This speedometer testing instrument is certified using NATA accredited instruments which are calibrated against a national standard. Reducing the testing frequency requirement from 14 days to 3 months will save SAPOL $24 000 to $30 000 per annum.

The second amendment is to Section 175(3)(ba), which currently allows a certificate showing that a specific traffic speed analyser was tested on a certain day and shown to be accurate to a specified extent, to be produced as proof that the machine was accurate to that extent for all measurements taken with it on the day it was tested.

The Bill extends the period for which the test will be held to be proof of accuracy to the following day. This will take into account situations where the Police use a traffic speed analyser during the evening of one day and into the early morning of the next day but only do a test of the machine on the first day. Currently, even if the results of the second day were taken within a few hours of the test, they are not covered by the certificate. The amendment will overcome this deficiency.

Finally, both subparagraphs currently specify that the certificate should be signed 'by the Commissioner of Police, or by a superintendent or an inspector of police'. The Bill will change this to 'by the Commissioner of Police, or by any other member of the police force of or above the rank of inspector'. This will allow all ranks of inspector and higher to sign the certificate, and will give the police greater flexibility.

The Bill will enable the Police to more efficiently and effectively administer the Act.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 175—Evidence

This clause amends section 175 of the principal Act, which deals with evidentiary matters in relation to proceedings for certain offences.

Subsection (3)*(b)* of section 175 currently provides that a police certificate to the effect that a specified stopwatch or speedometer was tested and shown to be accurate to a specified extent on a particular day is (in the absence of proof to the contrary) proof of those facts and proof that the stopwatch or speedometer was accurate to the same extent on the 14 days preceding and 14 days following the day of the test for the purpose of measuring the speed of any motor vehicle (whether or not the speeds measured or other circumstances differed from those of the test).

This clause extends the period during which a certified speedometer is taken (in the absence of proof to the contrary) to be accurate from a period of 14 days either side of the day of the test to a period of 3 months either side of the day of the test. The clause also increases the range of police officers who (in addition to the Commissioner) can issue such a certificate to include all officers of or above the rank of inspector, rather than just inspectors and superintendents as at present.

Subsection (3)*(ba)* of section 175 currently provides that a police certificate to the effect that a specified traffic speed analyser was tested on a particular day and was shown by the test to be accurate to a specified extent is (in the absence of proof to the contrary) proof of those facts and proof that the analyser was accurate to the same extent on the whole of the day of the test for the purpose of measuring the speed of any motor vehicle (whether or not the speeds measured or other circumstances differed from those of the test).

This clause extends the period during which a certified traffic speed analyser is to be taken (in the absence of proof to the contrary) to be accurate from the whole of the day of the test to the whole of the day of the test and the whole of the following day. The clause also increases the range of police officers who (in addition to the Commissioner) can issue such a certificate to include all officers of or above the rank of inspector, rather than just inspectors and superintendents as at present.

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

SUMMARY OFFENCES (OFFENSIVE AND OTHER WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 November. Page 133.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. At the outset I must express my concern and disappointment at the Attorney's continued attack on the Leader of the Opposition (Hon. M.D. Rann), accusing him of stirring up community fears on this particular issue. The attack is particularly laughable because the Opposition has consistently and responsibly over quite a few years called for legislative changes to address the community's well-founded concerns. The Attorney's attitude is patronising and demeans what is genuine fear in the community. Perhaps if the Government were more in touch with South Australians and not so preoccupied with selling assets and breaking promises

it might have a greater appreciation of what is going on in the real world.

As I said, the Government is trying to gloss over the history of the debate in this State, where the Opposition has been calling for reform and the Government has been twiddling its thumbs. For example, I refer the Attorney to the *Hansard* of 24 March 1994, when the Leader of the Opposition in another place asked the following question of the then Minister for Police (Hon. Wayne Matthew):

> Does the Government intend to mount a major crackdown on the carrying of knives by minors and does it intend to legislate to tighten the existing laws restricting the use of knives in public following claims by the South Australian Police that they are alarmed by the increasing number of children roaming Adelaide streets carrying knives?

The Minister's response to the Leader was:

> We are looking to see whether the law can be tightened to ensure that offences involving weapons such as knives do not continue to increase.

On 16 November 1994, the Attorney stated the following in response to a question:

> Again, although there has been a wish in some areas to tighten up on the carrying of knives, it has some fairly serious consequences in circumstances where one might be carrying a knife for perfectly legitimate purposes and certainly not for any unlawful purpose. That matter is currently being considered by me.

I remind members that that was 16 November 1994. It has taken the Government four years to address this issue, yet it has attacked the Opposition Leader for trying to stir up community fears on this issue. The Opposition supports the Bill and has long called for legislative remedies in this area.

However, in doing so it is my strong belief, and I know it is the view of many in the community, that the Government has an obligation and a responsibility not only to treat the disease but more importantly to treat the source of the problem. When I consider what our young people have to face these days, especially increasing youth unemployment and a daily diet of violence on TV screens and videos, I am not surprised by the level of violence and social dysfunction in the community. It is of serious concern to everybody that there is an increasing incidence of violence by young people. The ALP is not only committed to protecting people but we are determined, in the most positive and constructive way, to develop solutions to keep young people out of trouble and get them back into education and training and then into employment. I urge the Government to adopt the same approach. However, I am pleased that the Attorney has finally, after four years, introduced legislation to deal with this issue. The Opposition supports the second reading.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 17 November. Page 182.)

The Hon. M.J. ELLIOTT: I rise to speak briefly in this debate, and I thank the Governor for his speech in opening this Parliament. I did not intend to make an Address in Reply speech because of my rather long contribution on the subject of drug law reform, but I thought that I could use this opportunity to speak about one issue which I am very interested in and in which I would like to encourage the interest of the Government. I believe that we are not doing enough at this stage to expand our food processing industry in South Australia. The most obvious resounding success in food processing in South Australia and the one that the public is most aware of is the wine industry, but there are many other opportunities. I want to focus on one to begin with and then I will speak more generally.

The industry that I want to talk about is the cheese industry. South Australia currently produces about 12 per cent of Australia's cheese. Some 60 per cent of it is made in Victoria, and Victoria dominates the cheese industry somewhat like South Australia has dominated the wine industry, although other States, including Victoria, are working desperately to try to overhaul us. While we have been aware of the success of the wine industry and its growth in exports, people have ignored what has been happening in the dairy industry. My understanding is that the export value of dairy products from Australia has reached something like $2 billion a year, which compares with wine exports of $1 billion. It must be realised that the dairy industry involves much more than just cheese and that we make significant exports of butter, powdered milk and other milk products.

In 1964, Australia produced about 55 000 tonnes of cheddar. That figure in 1997 had reached a little over 300 000 tonnes of cheddar. In other words, it is almost a six fold increase in a little over 30 years. More dramatically, the figure for cheese production in 1990 was about 175 000 tonnes, so we have very nearly doubled cheddar cheese production in Australia in just seven years. That is dramatic growth by anyone's standard, and I suspect, even coming off a larger base, it still matched the growth of the wine industry.

Even for non-cheddar products there was virtually zero production in 1965, until migrants from Europe brought us all those other cheeses for which gradually Australians acquired a taste. Just as our taste has expanded to wine and then to different types of wine, it rose from something like zero to about 50 000 tonnes in 1990, and by 1997 it had reached close to 100 000 tonnes—again, pretty close to doubling in the past seven years.

South Australia has certainly seen growth in both dairy and cheese production, but I submit that we could do a whole lot more to facilitate its growth. We should look at the industry that has done well in South Australia, the wine industry, and ask what was the secret of our success. One thing that was beyond our control was phylloxera. It wiped out the wine industry in Victoria, and during those quiet early years it left the wine industry very much in South Australian hands. So that was a stroke of luck. However, what was not luck was the role that Roseworthy played in training both winemakers and viticulturists.

There is no question that both the South Australian and the Australian wine industries have built their reputation and achieved the growth that they have achieved because of the quality of our winemakers, the chemists who work within our wineries and our viticulturists, and it goes back to the quality of that training. If we are serious about growing another industry in similar fashion—and I argue that we can, because the dairy industry has been growing almost despite any active intervention—we should follow the same path.

The figures to which I referred in relation to cheese production came from an article in the *South Australian Dairy Farmers Journal* of August 1998. I will refer to a small section of that report which is particularly relevant. On page 20 of that edition, under the heading 'Constraints to development', it states:

The development of non-cheddar cheese, particularly the mould and surface-ripened cheese, has been hampered by a lack of technical expertise in their manufacture and technology. Until 1983, the supply and demand for cheesemaking education and training was directed solely towards cheddar cheese producers. Recognising the interest in other varieties, in 1983 Gilbert Chandler College—

which, I presume, is in Victoria—

commenced training courses in the technology and production of all major cheese types, a situation that continues today.

The number of cheesemakers with knowledge and practical skills in the areas of non-cheddar types is low. Many operators of the new small plants that commenced operations in the past decade have suffered from the lack of practical skills. They must learn on the job, as there is still a shortage of skilled cheesemakers.

The future development of the farmhouse cheese industry will continue to be hampered by legislation. The requirements for establishment of a factory are the same for any cheese plant, whether it is a farmhouse or large factory. While this ensures high standards are met at all times, it can be prohibitive to would-be cheesemakers.

I stress those comments regarding the lack of skilled cheesemakers: it is something that I have come across in other publications.

As I said, the success of the wine industry was the quality of our winemakers and, more importantly, the fact that we had large numbers of boutique wineries. In South Australia, there are a small number of boutique cheesemakers and a couple of very good ones. A couple operate in the Adelaide Hills, and there is at least one on Kangaroo Island. However, there is scope for many more, and this involves not just dairy cow cheeses because there is a huge potential in the area of cheeses from goats and sheep. In some other countries they eat as much sheep cheese as, if not more than, that from cows.

I urge the Government to look seriously at this issue. I understand at this stage that some discussion has occurred about a food technology course at Regency College. That is very encouraging. I suggest that we need to do this at a couple of levels: we need to look at implementing something at the university level to produce the types of technicians whom we have working within the laboratories, and so on, of our wineries. We want the same skilled technicians working in cheesemaking—

The Hon. T.G. Roberts: Blessed are the cheesemakers.

The Hon. M.J. ELLIOTT: Yes, and the winemakers. We need everything from university courses to courses which could be offered through Regency. I would also argue that we need extension courses through TAFE colleges—the South-East and the Clare Valley being two areas that stand out. There is no question that, if tourists are interested in coming to look at our wines and if we had a cheese industry that was as healthy as our winemaking industry, the combined effects of wine and cheese tourism could not be lost.

Those members of this place who recently received a copy of *Tasting Australia Newsletter*, October 1998, would know that there was an article headed 'Blessed are the cheesemakers'—would you believe? I gather from the Hon. Terry Roberts's interjection that he had read this or perhaps picked it up from somewhere else. The article referred to a wine tasting combined with a cheese tasting. I must say that by the time I got to the end of this article it certainly had me salivating and I was looking for somewhere to go to try the wine and the cheese.

Some rather nice combinations were tried. For instance, there was an interesting combination of a traditional scrumpy-style cider from the Kellybrook winery in the Yarra Valley with a traditional old farmhouse cheddar and a nutty amontillado sherry with Manchego (Spanish sheep milk cheese). Does that not sound good? Or do members prefer a gewurztraminer with a fabulous Heidi gruyere from Tasmania? It is a pity that it is not a gruyere from the South-East, but at this stage that is not likely. Or indeed it could be a sweet botrytis wine with a gorgonzola. Looking around this place I can indeed see that members' salivary glands are working overtime.

While I am making light of some of my comments, I believe that this is a major opportunity. The dairy industry is already growing quite dramatically in Australia. I do not think South Australia so far has achieved its fair share. I am particularly keen to see an expansion of the cheese industry in areas where we still have available water—although, at the moment, some brawling is occurring over it in the South-East. I would also like to see it occur on Kangaroo Island, the Adelaide Hills and the Clare Valley—as I say, complementing the wine industries very much.

That takes me that one step further. The whole notion of upgrading our skills in food technologies in South Australia would be a good thing. I am sure that the people involved in the discussions that are occurring at the Regency College of TAFE are to some extent contemplating that, and I would support whatever is happening. However, as I argued previously, we need to do it at both the university and TAFE levels, because each produces people with different skills, all of which are important to the industry. I think the Government could make a relatively small contribution up front, but the rewards afterwards, in terms of the value adding that we could get to industry, would pay the State back many times. I urge the Government to give that consideration perhaps when it comes to consider the contributions made during this Address in Reply debate.

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

INDEPENDENT INDUSTRY REGULATOR BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 187.)

The Hon. P. HOLLOWAY: I indicate that the Opposition will support in principle the Bill. At the outset, I make the point that our agreement in allowing an Independent Industry Regulator to be established for the electricity supply industry is quite separate from the privatisation of the electricity industry, an issue which is being currently considered by this Parliament. Of course, all of us in this Parliament are waiting to see what the Government will come up with next in relation to that electricity sale.

However, the question of having an Independent Industry Regulator is quite separate from that issue, and it is a requirement under national competition policy that this State should establish this position. Indeed, we need an Independent Regulator for the electricity supply industry, regardless of whether the electricity market and the ownership of that market is in public or private hands.

The particular model for the Independent Industry Regulator for the electricity industry that we have before us is, I understand, based on the Victorian Economic Regulator. I also understand that a Regulator in New South Wales has been established. We have seen a deregulated market for electricity operating in both Victoria and New South Wales. Clearly, when South Australia joins the national electricity market, whenever that date might be—and who knows, we

have seen it set back a number of times now—this State will need an Independent Regulator to deal with some key questions in relation to the operation of the national electricity market.

In particular, those issues which the Independent Industry Regulator will have to deal with include regulating the retail pricing to the non-contestable consumers, at least up until 1 January 2003; and regulating the distribution network pricing and the transmission network pricing. Clearly, they are key issues. We have seen that the decisions made by the Industry Regulator in Victoria in relation to what is a reasonable fee to charge for the use of the distribution networks in that State have a large impact on the value of those networks, and that is clearly a most important task.

It is the electricity distribution network and the transmission network which are the natural monopolies that will remain in our electricity industry, regardless of other decisions that are taken in relation to the privatisation of the industry. Clearly, the poles and wires will remain a monopoly, and it is important that the prices charged for that monopoly should be subject to regulation. The public should have some assurance that excessive monopoly rents are not raised from the use of those poles and wires.

I also note that the Industry Regulator is responsible for issuing licences to the participants in the supply industry in this State. That will include the retail licences, and we have had suggestions that there could be anything up to 20 or more participants in that side of the industry. It will be important that the Industry Regulator ensures that those businesses that operate in this State do so in accordance with the requirements under their licence and that all the regulatory functions are adhered to.

The Independent Regulator also has a role to promote competitive and fair market conduct, to prevent the use of monopoly and market power and to facilitate entry into relevant markets, to promote economic efficiency, to ensure that consumers benefit from competition and efficiency, and to protect the interests of consumers and facilitate the maintenance of the financial viability of the industry. So, we can see that the Independent Industry Regulator has some very broad and important functions to fulfil in the operation of the national electricity market.

Of course, one of the important functions that the Industry Regulator is likely to have relates to what happens to country electricity pricing. During this long debate on the electricity industry in this State, and whether or not it should be privatised, the Government has made certain decisions that if the industry was regulated certain conditions would apply to the pricing of electricity in the rural areas of the State. In particular, the Government has said that the price of electricity would not exceed more than 1.7 per cent of the cost to city consumers. It has put in place certain measures should the electricity assets of this State be sold.

Regardless of the ultimate outcome of that decision, clearly the Independent Regulator will have an important role to play in the price of electricity in the rural areas of this State, so it is important that the position be established.

I know that some concern has been raised in the debate about the electricity industry. Indeed, it is a matter that I have raised in the debates on the electricity supply industry in this country: we seem to be having an enormous amount of bureaucracy in relation to the new national electricity market.

I note that the Hon. Sandra Kanck in her speech on this Bill yesterday raised similar concerns about the bureaucracy. Certainly all of us would share to some extent that concern: we do not want to see any benefits that may accrue due to the establishment of the national electricity market eroded through the establishment of a large number of bureaucratic bodies.

In another Bill presently before this Parliament we will be discussing the creation of a sustainable energy authority and the establishment of the position of an Electricity Ombudsman. A number of positions need to be established along with those we have already created—NEMMCO and NECA and bodies such as the NCC and ACCC which have important roles in relation to the regulation of the electricity supply industry.

We have established a Technical Regulator for the electricity and gas industries. There is no shortage of these bureaucratic positions. I note my concern that while the Industry Regulator's position is very important given the roles that are to be performed we should be careful that we do not end up with so much bureaucracy that we cannot see the wood for the trees.

To conclude the Opposition's position on this important Bill, we support the creation of the Independent Industry Regulator. The functions of that office are important: they are essential under the national electricity market. The Opposition will be watching very closely the operation of this position when the national electricity market comes into play to ensure that those functions are being performed adequately. As I have indicated on a number of occasions we nevertheless have some concerns in relation to the way in which the national electricity market is being operated. While we have always strongly supported the national electricity market in principle because of the potential benefits that it offers to this State we nevertheless have some concerns about particular aspects of the way in which that policy is being interpreted.

Again I remind the Council that we do support the national electricity market but do not support the privatisation of the entities within that market. We will support the passing of this Bill so that the national electricity market can be operated in a properly supervised way under the Industry Regulator. However, we will be watching the operation of that market very carefully to ensure that the benefits promised under that market are in fact realised. We support the Bill.

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

STAMP DUTIES (SHARE BUY-BACKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 158.)

The Hon. P. HOLLOWAY: The Opposition will support this Bill, which is fairly straightforward. It seeks to close a potential loophole that was created by a recent decision of the Victorian Supreme Court in the case of *Coles Myer Ltd v. The Commissioner of State Resources*. In that case the Victorian Supreme Court held that transfers relating to share buy-back schemes could not strictly be regarded as transfers and, therefore, were not subject to stamp duty.

Clearly that is an anomaly that we do not believe should be allowed to continue. This Bill amends the current legislation to enable both existing and future assessments of stamp duty in such schemes to continue to be legally enforceable. It is my understanding that the proposed legislation will not

change the current situation but will simply regularise it in order to put it beyond doubt in a legal sense. In other words, where a company wishes, for whatever purpose, to buy back its shares to improve its share price then it should be treated like every other person purchasing shares and pay its fair share of stamp duty on that transaction.

We see no reason why there should be any difference in that treatment. We are told by the Minister—and perhaps he could indicate this at a later stage—and it is my understanding that other States are also moving to close this loophole. It is understandable that they should be doing so and quite appropriate that they should. We support this measure to protect this State's revenue base.

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

STATUTES AMENDMENT (MINING ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 159.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill, which seeks to make several amendments to two pieces of legislation—the Mining Act 1971 and the Opal Mining Act 1995. My colleague in another place, Annette Hurley, addressed this Bill during the House of Assembly debate and I will not go into great detail about its provisions. Most of the amendments are of an administrative nature and essentially involve an updating of the Act to streamline the current position.

There are two amendments which perhaps are a bit more significant than the others and I will briefly refer to them. The first deals with the establishment of a Mining Native Title Register. I understand that the Mining Registrar will be obliged to keep this register for the public inspection of agreements for exploration and mining. The details that will be required will include the land involved, the exploration authority, the parties bound by the agreement and any other information that is prescribed by legislation.

The other amendment relates to confidentiality. The proposed legislation gives the parties to an agreement the power to nominate whether the terms of the agreement should be kept confidential or made available to the public. The Government's line on this is that such agreements may contain private commercial dealings and that the publication of these could set an unnecessary precedent. It is the Opposition's understanding that the Native Title Unit of the Aboriginal Legal Rights Movement does not object to this clause being inserted, so the Opposition, therefore, does not oppose its inclusion, notwithstanding some concern expressed in the other place regarding its operation.

The Opposition supports the Bill given that it appears to have the support of the stakeholders involved. As I said earlier, the Bill is mostly amendments of an administrative and streamlining nature. Therefore, we will support the Government in its attempts to get it passed.

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

ROAD TRAFFIC (ROAD EVENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 184.)

The Hon. SANDRA KANCK: I commend the Minister for Transport for introducing this legislation for the Parliament's consideration because she might otherwise have resorted to regulations, which is the practice of many other Ministers. That is a way often of sidelining Parliament—to introduce issues via regulations. So, the Minister is to be congratulated. The Minister's second reading explanation was couched in generalities when the legislation appears to be designed for a specific event, namely, the Tour Down Under cycling event.

When I first looked at the legislation my initial reaction was to compare it with the Grand Prix. I asked myself whether or not police had any difficulty handling that event. It seemed to me that they did not, so why would they need the benefit of this legislation for a cycling event? In my mail today I received some promotional material, namely, a Tour Down Under newsletter dated October 1998, which includes a map of the six stages of that tour. Now that I have seen that map I have much more sympathy for the need to have marshals controlling traffic. Stage five of the tour travels as far north as Nuriootpa; stage two travels as far east as Tungkillo; stage one travels as far south as Strathalbyn; and as far south as Victor Harbor and eastwards to Goolwa in stage three. I understand that, in many of those regions, there would not be enough police on stand-by as a matter of course, particularly in middle to late January, to be able to handle the traffic.

It does appear to make sense but it makes sense, as far as I can tell, as it relates to this one event, hence I question the need for this legislation. I note, of course, that employees of Transport SA already have the right to exercise power in both stopping and directing traffic around roadworks. I spoke to the Minister yesterday about this matter and she informed me that the Police Commissioner had requested that such legislation, with which we are dealing at the moment, be introduced into Parliament precisely because the police could not handle the amount of traffic and the number of intersections that would be involved in this bicycle race. The Minister has offered to provide me with a copy of that correspondence from the Police Commissioner.

As I say, I am sympathetic to the legislation in the case of the Tour Down Under, but I am wondering whether it requires permanent legislation and whether, for instance, any other events are envisaged further down the track that would require such legislation. If no other events are envisaged in the near future, then I suggest that this legislation may need a sunset clause. When the Minister responds I would be interested to know who the marshals will be, how they will be recruited and what training, if any, they will be given.

I indicate that the Democrats support the second reading. I will, however, wait to hear what the Minister has to say before moving into Committee so that I can decide whether or not I should have an amendment drafted for a sunset clause in this legislation.

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

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. R.I. LUCAS (Treasurer): I move:

That this Bill be now read a second time.

In relation to the two Bills yesterday, namely, the Independ-

ent Industry Regulator Bill and the Sustainable Energy Bill, I indicate that I do not have a copy of the second reading speech but that it is exactly the same as the second reading speech that was given when last we visited this subject in the last session. I understand that the Hon. Sandra Kanck has obviously gone over that with a fine tooth comb and is about to speak to it.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am not repeating it: I am actually giving a new second reading explanation and referring members to the last one which outlines the Government's position. The Government intends to move some amendments to the legislation, some of which we had flagged through tabling. I will address those issues either in response to the second reading contributions or, obviously, as we move through Committee at some subsequent stage.

The Hon. SANDRA KANCK: In many ways this Bill demonstrates the stupidity of what both the Government and the Opposition have created as a consequence of their support of both competition policy and the decision that South Australia should be a participant in the National Electricity Market. We have seen, with the disaggregation of ETSA, the myriad number of different bodies that have been created amongst our electricity utilities. Yesterday we had the Independent Industry Regulator Bill, there is to be an electricity ombudsman and this Bill will have a planning council. It goes on and on and all this is a response to the mess that has been created as a result of this belief in the market solving our electricity problems.

This Bill sets up the Electricity Supply Industry Planning Council, a body which supposedly performs the functions that were a routine part of ETSA when a single electricity utility operated in this State. During the Committee stage of this debate in the House of Assembly on 5 August a question was asked about the cost of this body. The answer given was that the planning council would have approximately 10 staff and a budget in the vicinity of $1.5 million to cover fees for five directors, and so on. It is a cost that will be borne by the electricity consumers of this State, and I seriously doubt the efficiency of this arrangement compared to the time it functioned as an integral part of ETSA.

I want to read into *Hansard* some comments about system operation made by Greg Lake who was the system control operator in Victoria before that power industry was privatised. It shows the importance of that planning and shows how cooperation, not competition, is what makes the difference between having a power system that works and does not work. Mr Lake states:

> A major requirement in operating the power system is to schedule the participation of all generating units on an hour by hour, day by day basis, so that sufficient plant is available at all times to meet the forecast load and to have sufficient plant in reserve to cover all normal contingencies. Traditionally, this annual and short-term scheduling process required information from all plant engineers regarding the condition of each element, including such data as forthcoming annual overhauls and other maintenance requirements, any limitations in capability, fuel availability, time required to start up plant, or any other actual or potential change in condition.

I wonder whether in the brave new world of electricity reform the private operators will be prepared to give indications about the state of their plant. Mr Lake continues:

> Other factors feeding into the process included hydro station water availability, noting any commitments to irrigation releases, rate of short-term storage draw down, rainfall and snow melt forecasts. Broad annual outage programs were then developed in close consultation with the power stations to give reasonably consistent levels of reliability over the forthcoming year. In the short term all available generating components were assembled in order of running cost, which is a combination of the measured efficiency of producing electricity and the cost of replacing the fuel used.

That certainly will not happen in the brave new world of electricity reform here. Mr Lake continues:

> These generators were then matched against the estimated hour by hour load, which itself was developed from knowledge of the characteristics of each day of the week, season of the year and the probabilities of weather variations and their effects on the load. Another intangible but important factor in developing the program for the next day was the confidence that the scheduling engineer had in all the data provided by the plant engineers. As most of this data carried some degree of qualification it was coloured by the optimism or pessimism of the particular operator involved. This characteristic was well known to the scheduling engineer after months or years of daily contact.

That is another part that will be missing when we have the national electricity market up and running, and this planning council is not going to be able to make up for that. Mr Lake goes on:

> In summary then there was a plant scheduling activity assembling a vast array of plant data to develop the arrangements required to ensure that the central control room system engineer has sufficient resources available on the following day to satisfy system reliability requirements. It should be recognised that the final coordinated program often required much discussion and mutual agreement between the central coordinator and the individual plant operators. This arose from the simple fact that what is best for the system as a whole is often not the best for each power station.

That is a very important fact. When we were debating the Bill a fortnight ago about making sure that NEMMCO was exempt from liability from companies that might be miffed when they were told to shut down the generator, I made that point that, because they were in competition, this sort of thing could emerge. When all the power stations are cooperating and they are part of one system, you cannot have that sort of thing happening. Mr Lake continues:

> However, as the accepted mutual objective was the health of the total system, the disadvantage to local efficiency was accepted. In fact, a highly developed team spirit was a feature of the previous arrangements.

He talks also about system expansion planning, and again I will make some note of what he says. He is saying that, in terms of working out what will be needed in the longer term, you need to have an analysis of the hourly, daily and seasonal system loads and the extrapolation of these loads for up to 10 years ahead. Again, I think we will have great difficulty getting private owners of our utilities to provide that information. Mr Lake comments:

> For black coal, gas or oil stations, which can satisfy both base or intermediate load requirements, the lead time of some three to five years is probably acceptable in the marketplace. However, to minimise the financial risk, some delay in date of commencement would be desirable to give a greater certainty that load will be available when the plant is completed. If load growth then increased during the construction period, the system could be in short supply with a greatly increased risk of load shedding.

What we are seeing at the present time with our State Government is a reliance on private industry to come on in and take up the slack, and there is no real sense of planning ahead. Mr Lake continues:

> To ensure return on investment, private companies are likely to seek guarantees of energy sales rather than rely on returns from the unpredictable spot market. The emergence of further 'take or pay' contracts for power stations (as was the case for Mission Energy's Loy Yang B) simply reduce system flexibility and, consequently, system reliability.

Remembering that he is talking here about Victoria, I still think that there is a great deal that we should be learning from what Mr Lake has to say. He continues:

> Given the critical importance to the community of a highly reliable power system, it seems inevitable that the State ultimately will be forced back into accepting a role in the orderly and intelligent expansion of the power system.

There is something to be listened to in that in relation to this planning council, which seems to be another way in which the Government is washing its hands of its responsibility in ensuring an adequate and reliable power system in this State. I keep wondering how it is that so many people have been hoodwinked by competition and how they can stand up and claim that we will be better off for it. I have said on numerous occasions, I think only a fortnight ago, that the emperor has no clothes, and I think that some members in this place are starting to agree with me but, by the time the majority of them do, it will be too late.

The Hon. M.J. Elliott: Olsen's gone full Monty!

The Hon. SANDRA KANCK: Yes. I wonder why this body needs five directors and its associated staff, because each of the new utilities is going to have its own board that will be making planning decisions. If the Government is successful in privatising them, each will be making its own strategic decisions about its business and, as they will be in a competitive environment, they will not be about to share their business plans with anyone. How will this council be able to make informed judgments about the future capacity and reliability of the power system in this State as this legislation sets out? If companies are running down the assets, how is the council to know this? Under a publicly owned system that is directly answerable to the Minister, this information can be known and is known, and the Government can act on it quickly.

Now we are going to have a third party interposing between the industry and the Minister, and I cannot see how anyone in his right mind can call this efficient, yet efficiency has been the rationale for our going down this path. I was concerned when I read through the Bill that there were apparently no conflict of interest provisions in it. I understand that the Public Corporations Act will apply but, nevertheless, because I think it is important, I will be moving amendments that will spell it out in the legislation.

In the Minister's second reading explanation of this Bill, reference is made to the Electricity Industry Ombudsman. He says that licensees will be required to participate in an Electricity Industry Ombudsman scheme, but it does not say this anywhere in this Bill. Clause 7, with the insertion of the new 6A of the Bill, contains a reference to the Electricity Ombudsman in that it requires the Industry Regulator to liaise with the ombudsman in regard to the performance of licensing functions, but I find that less than satisfactory in that the other claims that the Minister has made about an Electricity Ombudsman are not enshrined in the legislation.

In a related Bill that I addressed yesterday, the Independent Industry Regulator Bill, the Minister's second reading explanation states that the ombudsman scheme will be in a form approved by the Independent Regulator. The nearest I can find to it is in clauses 5(1)(d) and 5(2)(e) and (f) and of that Bill, but these refer to how the Independent Regulator will act in protecting the consumer. The Minister has claimed that the Government is strongly committed to consumer protection and then does nothing about it.

It is fairly clear to me that we in this Parliament are being placed in the position of having to trust the Government that it will follow through and set up an Electricity Ombudsman. Even if it does, I am concerned that the Parliament will not have any say about the structure of the ombudsman scheme. As a consequence, I have had amendments drafted—they are not yet on file, because I am still working on them—based on Tasmania's Electricity Ombudsman Bill 1998, to create that position. While still funded by the industry, the Electricity Ombudsman, as we envisage it, would report directly to the Parliament.

Under my amendments the Electricity Industry Ombudsman would be required to submit to the Parliament regular reports on all complaints received and how they are to be dealt with. In the first year of operation, these would have to be submitted once every two months; in the second year, once every three months; and thereafter once every six months—and the regulator would be required to have regard to these reports in any decisions that he or she makes. I am disappointed at the Government's lack of action in providing support for and protection to consumers. I am hopeful that my amendments will gain the support of members in this Chamber so that this Bill can be improved.

The Hon. R.I. Lucas interjecting:

The Hon. SANDRA KANCK: That doesn't say much about how the other State Governments are going, then. No wonder people like the former SECV employees in Victoria are concerned. This is yet another electricity reform Bill that we are not overjoyed about. However, given that the Government and the Opposition are hellbent on this State being part of the national electricity market, the Bill again is necessary. I support the second reading and hope that we will be able to improve the Bill during the Committee stages.

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

SUSTAINABLE ENERGY BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 188.)

The Hon. P. HOLLOWAY: The Opposition supports the Bill in principle and the creation of the South Australian Sustainable Energy Authority. The functions of this authority, as set out the legislation, are: to investigate and promote the development, commercialisation and use of sustainable energy technology; to provide information, education, training, funding and other assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology; to advise other persons on matters relating to the development, commercialisation, promotion and use of sustainable energy technology; and, finally, to accredit schemes for the generation of energy from sustainable sources.

One of the main reasons why this Bill has come before us is the disaggregation of the electricity industry in this State. I have already expressed my reservations about some aspects of the disaggregation in a number of other occasions on debate on the electricity supply industry in this State. Certainly, disaggregation is required under national competition policy, although it is arguable—particularly in the case of Optima Energy—whether what is required under national competition policy is what is being implemented by this State, whether it has gone further. However, that is another question. I have indicated in previous Bills how there has been at least some academic work on the area of disaggrega-

tion. Indeed, I indicated that it may lead to anything up to a 12 per cent increase in costs because, rather than one vertically integrated organisation dealing with issues between the various levels of this chain, issues would now have to be dealt with at arm's length through contracts, and so on. Inevitably, higher costs would be involved in that.

The real reason why this disaggregation is important is that the functions that would have been performed under ETSA—and perhaps to a lesser extent the Energy Planning Council of this State—will virtually disappear under disaggregation. Of course, in the past the Electricity Trust, as an integrated electricity supply organisation, has been involved in a number of projects relating to renewable energy resources. One of the more recent ones was ETSA's involvement in a solar energy project in the Flinders Ranges. However, there have been other occasions where ETSA, as the sole supplier of energy in this State, has certainly been involved in looking at alternative energy sources. Of course, some of these social and public interest goals that were formerly performed by the Electricity Trust will, under disaggregation, be replaced by purely economic goals. If, indeed, we are to look at the renewable energy sources—or sustainable energy sources, if we call them that—we need a new organisation that will be able to achieve that objective. Of course, that is essentially why the Opposition will support this Bill.

I would like to refer to one aspect of the Sustainable Energy Bill, that is, the clause that relates to the commencement of that Bill. It certainly has been made clear by this Government that, unless the sale of ETSA proceeds, this Bill will not come into effect. In other words, this Government has effectively blackmailed the Parliament by saying, 'We will not have a sustainable energy authority in this State unless ETSA is sold,' and that is a matter that was addressed during the Committee stage of this Bill in the House of Assembly, when my colleague Kevin Foley moved an amendment to that commencement clause. Why is it that a sustainable energy authority for this State is a good idea only if we sell ETSA and not otherwise? Surely, if we need a body to look at issues of promoting sustainable development—and in these days of greater concern about greenhouse gases, and so on, surely they are matters we should be looking at—why is it a good idea only if we sell ETSA? Why would we not require it otherwise? That is a matter that we will address later in Committee.

It is noted that this Bill, which establishes the South Australian Sustainable Energy Authority, is based very much on the Bill which was introduced in New South Wales when the Carr Government, in 1996, introduced its Sustainable Energy Development Authority (SEDA). As that organisation is somewhat more advanced than our local legislation here, it is worth spending a few moments on seeing how that body is performing. The Sustainable Energy Development Authority in New South Wales has a $39 million budget, in discretionary funding over a three year period. It focuses on energy efficiency, renewable energy and cogeneration technologies; it identifies funding opportunities that transform the marketplace for sustainable energy technologies; it supports commercial and new commercial enterprises to help increase their market share; and it also enters into joint ventures, as permitted by the legislation in that State.

What it does not do is support fundamental research. It does not support one-off projects, and its staffing is limited strictly to 20 people. Of course, the reason why that body was established in New South Wales and the reason why I would suggest we need it here is that there is a great need to reduce the level of greenhouse gas emissions in this country. I am sure everyone here would be aware of the Kyoto convention and all the decisions that are flowing from that in relation to greenhouse gases. It is quite clear that throughout the developed world the issue of greenhouse gas emission will become more and more important over the next decade or so, and clearly—

The Hon. T.G. Roberts: Except for the Federal Government.

The Hon. P. HOLLOWAY: That's right. The Federal Government has been doing its best to try to wiggle out of some of those international obligations. Nevertheless, however successful it is in doing that, it should be obvious to all of us that the impact of greenhouse gas emission has to be addressed very seriously in the coming years. Clearly, we need some bureaucratic arms of government that can provide leadership in this matter, and that is why the New South Wales Government established its Sustainable Energy Authority in 1996. I understand that the operation of that body in New South Wales has been successful, that the costs of providing reliable and sustainable energy services are reducing, that jobs in the new and vital industries are being created and that environmental protection is improving. We hope that the same will happen in this State.

One final matter to which I refer is that, as well as dealing with sustainable energy technology, one of the tasks of the body will be to look at conservation measures, in other words, minimising the use of non-renewable energy sources. While we pay attention to the importance of new technologies, alternative energy sources or sustainable energy sources—whatever we like to call them—we should not neglect the importance of energy conservation and conservation-type measures as an important way of dealing with the major economic and environmental issues that confront us with energy use.

The Opposition supports the Bill in principle. We will address some matters in relation to it in Committee but, as an Opposition, we will be pleased to see a body put in place to deal seriously with these very important issues of making our use of energy more sustainable.

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

AUSTRALIAN FORMULA ONE GRAND PRIX (SOUTH AUSTRALIAN MOTOR SPORT) AMENDMENT BILL

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

The Hon. R.I. LUCAS (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.

This Bill proposes to amend the *Australian Formula One Grand Prix Act 1984* to more accurately reflect the function of the Act in the absence of a Grand Prix. The name of the proposed amended Act will be the *South Australian Motor Sport Act*.

With the staging of the Sensational Adelaide 500 Group A Endurance Race it is proposed that this amended Act be utilised as the statutory authority responsible for staging the event.

The Australian Formula One Grand Prix Act was passed in 1984 to provide the legal basis for the establishment of the Australian Formula One Grand Prix Board for the purpose of staging Formula One Grands Prix in Adelaide.

The Australian Formula One Grand Prix Board has effectively been dormant since the conclusion of the 1995 event.

However, since that time an interim Board has had responsibility for the administration of the Australian Formula One Grand Prix Act, because the Board has continued to hold assets and incur certain liabilities resulting from the finalisation of Grand Prix matters.

On 1 September, 1998, the Government announced the conclusion of successful negotiations with the Australian Vee Eight Super Car Company Ltd (AVESCO) for the staging of 'Sensational Adelaide 500', a Supercar Endurance Race for a period of five years with an option for a further five years.

The subsequent contract with AVESCO was taken out in the name of the Australian Formula One Grand Prix Board as the Board was considered the most appropriate body to manage the event.

Sensational Adelaide 500 provides the Government with a unique opportunity to recreate a high profile carnival in Adelaide, featuring a 500 kilometre V8 Supercar Endurance Race.

This event is consistent with the Government's objective of attracting high profile events to South Australia that will provide Adelaide and South Australia in general with significant promotional exposure.

The staging of the event will return significant economic benefits to the State.

As the Australian Formula One Grand Prix Act provides the most efficient legal basis for staging Sensational Adelaide 500 the Act requires some modification to remove its connection with Formula One Motor Racing Events.

However the modifications would not prevent the Board from staging Formula One Racing Events in the future.

This Bill seeks to remove all references to Grand Prix and Formula One within the Act and to retain the necessary special powers of the Act, which are necessary for the staging of a successful motor sport event on an Adelaide street circuit.

The amendments in this Bill seek to change the Australian Formula One Grand Prix Act into the South Australian Motor Sport Act. The purpose of such an amendment is to create the South Australian Motor Sport Board which will be empowered to stage motor sport events in South Australia.

The Australian Formula One Grand Prix Board is the contracting party for the contract with AVESCO for the staging of the Sensational Adelaide 500 for the five year period from 1999 to 2003, with an option for a further five year period. This is the motor sport event that will be staged by the South Australian Motor Sport Board following the amendment of the Act.

The Bill will also amend the financial year of the Board to conclude on 30 June in any one year. Previously the Australian Formula One Grand Prix Board operated on a calendar year basis from January to December, however such a financial year is not appropriate for a major event to be staged in April.

As a result of this amendment the current financial period of the South Australian Motor Sport Board will be eighteen months to 30 June, 1999.

Under this Bill the method of establishment of the declared area and declared period under section 20 of the Act will not change. This mechanism enables the Minister to declare an area consisting of public road or parklands or both, in Adelaide, on the recommendation of the Board, in respect of a motor sport event, by notice published in the *Gazette*.

The Minister may also declare a period, not exceeding five days, in Adelaide, to be a declared period under this Act.

The Bill provides that the Board may, if it so determines, conduct its operations under a name not being the South Australian Motor Sport Board, for example 'Adelaide 500 Board' or 'Sensational Adelaide 500 Board' or any other name prescribed by regulation.

The Bill provides that the following official titles be declared - Adelaide 500, Sensational Adelaide 500, Adelaide Alive, Classic Adelaide, Race to the Eagle or any other name declared by the Board by notice in the *Gazette*.

The opportunity has also been taken to attend to another matter concerning the Adelaide Entertainment Centre and the Grand Prix Board. The Australian Formula One Grand Prix Board managed the Adelaide Entertainment Centre, as an operating division of the Board, pursuant to a contract with the Premier for the period from 1991 through to 1996. During this period certain contracts have been entered into in the name of the Australian Formula One Grand Prix Board on behalf of the Adelaide Entertainment Centre.

Consequently the Crown Solicitor recommends that the Act be amended so that by instrument made under the Act, the Minister may transfer assets, rights or liabilities of the Australian Formula One Grand Prix Board to another agency or instrumentality of the Crown.

Amendments to this Act will facilitate the necessary transfer of certain assets and liabilities relating to the Adelaide Entertainment Centre from the Australian Formula One Grand Prix Board to the proposed Adelaide Entertainment Corporation. This Corporation will be established as Ministerial Subsidiary, and as a discrete legal entity it will have the sole responsibility for the Adelaide Entertainment Centre's management and operation.

The Bill contains a provision which will exempt activities of the Board, to be renamed the South Australian Motor Sport Board, from the requirement to implement the principles of competitive neutrality. Competitive neutrality, and the review of restrictions on competition contained in legislation, are obligations the Government has accepted as part of the National Competition Policy. However, the principles of competitive neutrality do not need to be implemented where it would be inappropriate to do so. Similarly, a restriction upon competition is justified if the public benefits outweigh the anticompetitive detriments.

Based upon experience with the Grand Prix, it is expected there will be significant economic spin-offs for businesses in the State and consequent growth in employment. There will be infrastructure development associated with the staging of the event. The Board's activities will retain and build upon the international recognition of the Adelaide street circuit and the City as a location for major motor racing carnivals.

These same economic benefit objectives form a significant public benefit for the purposes of legislation review that outweighs any anticompetitive detriment that might be considered to arise as a result of the inclusion in the Bill of the provision that exempts the Board and its activities from the competitive neutrality review mechanism under the *Government Business Enterprises (Competition) Act*.

I commend this Bill to the House.

Explanation of Clauses

General comments

The Australian Formula One Grand Prix is no longer run in Adelaide. However, it is proposed that the body corporate currently in existence under the name of the *Australian Formula One Grand Prix Board* will continue in existence but under a different name (the *South Australian Motor Sport Board*) and that the Board will be charged with the function of running other motor sport events in South Australia. Thus, many of the proposed amendments to the *Australian Formula One Grand Prix Act 1984* (the principal Act) are consequential on this change.

Clause 1 : Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of long title

The long title is amended so that, instead of the purpose of the principal Act being to establish the *Australian Formula One Grand Prix Board*, the purpose of the Act will be to make provision in relation to a corporation to be known as the *South Australian Motor Sport Board*.

Clause 4: Substitution of s. 1

1. Short title

As a consequence of the change to the long title of the principal Act, the *South Australian Motor Sport Act 1984* is proposed as the short title for the principal Act.

Clause 5: Amendment of s. 3—Interpretation

This clause contains amendments to definitions consequential on the deletion of references to, and any connection with, the Australian Formula One Grand Prix. In particular—

a declared area is defined to mean an area declared by the Minister by notice under Part 3 to be a declared area under the Act;

a declared period is defined to mean a period declared by the Minister by notice under Part 3 to be a declared period under the Act.

Clause 6: Amendment of s. 4—Continuation of Board

The Australian Formula One Grand Prix Board continues in existence as the *South Australian Motor Sport Board* (the Board).

Clause 7: Amendment of s. 5—Membership of Board

It will be expressly provided that at least one member of the Board must be a woman and one member a man.

Clause 8: Amendment of s. 10—Functions and powers of the Board

This clause contains amendments necessary to enable the Board to carry out functions of negotiating and entering into agreements under which motor sport events may be held in the State, for promoting

such events and to do all things necessary for or in connection with the conduct, and financial and commercial management, of such events.

Clause 9: Insertion of s. 10AA

10AA. Non-application of Government Business Enterprises (Competition) Act 1996

New section 10AA provides that the *Government Business Enterprises (Competition) Act 1996* does not apply to the Board or to any of its activities.

Clause 10: Amendment of s. 11—Board may control and charge fee for filming, etc., from outside a circuit

This is consequential on changes associated with references to motor sport events.

Clause 11: Amendment of s. 19—Reports

The Board currently must report on its operations to the Minister before the end of April in each year. It is proposed that the Board will coincide its operational year with the financial year and so, as a consequence, the Board will now report to the Minister on or before 30 September in each year on its work and operations for the previous financial year.

Clause 12: Substitution of heading

The amendment is consequential.

Clause 13: Amendment of s. 20—Minister may declare area and period

New subsection (1) provides that the Minister may, on the recommendation of the Board, in respect of a motor sport event promoted by the Board, declare—

- a specified area (consisting of public road or parkland, or both) in Adelaide to be a declared area (*see s. 3*) for the purposes of the event; and
- a specified period (not exceeding 5 days) to be a declared period (*see s. 3*) for the purposes of the event.

New Subsection (3) continues the legislative policy that there may only be one such declaration under the Act per year.

Clause 14: Amendment of s. 21—Board to have care, control, etc., of declared area for relevant declared period

Clause 15: Amendment of s. 22—Board to have power to enter and carry out works, etc., on declared area

Clause 16: Amendment of s. 23—Board to consult and take into account representations of persons affected by operations

Clause 17: Amendment of s. 24—Certain land taken to be lawfully occupied by Board

Clause 18: Amendment of s. 25—Non-application of certain laws

Clause 19: Amendment of s. 27—Power to remove vehicles left unattended within declared area

The amendments contained in clauses 14 to 19 are consequential on the new definitions of declared area and declared period.

Clause 20: Substitution of s. 28

The current section 28 is obsolete and so it is proposed to repeal that section.

28. Board may conduct activities under other name

New section 28 provides that the Board may conduct its activities or any part of its activities not under the name the *South Australian Motor Sport Board* but under—

- the name 'Adelaide 500 Board'; or
- the name 'Sensational Adelaide 500 Board'; or
- any name prescribed by regulation.

28AA. Declaration of official titles

New section 28AA provides that the following are declared to be official titles (*see s. 3*) for the purposes of the Act:

- *Adelaide 500*, *Sensational Adelaide 500*, *Classic Adelaide* and *Race to the Eagle* where the expressions can reasonably be taken to refer to a motor sport event;
- *Adelaide Alive* where the expression can reasonably be taken to refer to an event or activity promoted by the Board;
- with the consent of the Minister—any other name, title or expression declared by the Board by notice in the *Gazette* in respect of a particular event or activity promoted by the Board.

Clause 21: Amendment of s. 28A—Special proprietary interests

New subsection (1) provides that the Board has a proprietary interest in its name, any name adopted by the Board pursuant to a determination under new section 28 (*see above*) and all official insignia (*see s. 3*). Other amendments proposed to current section 28A are consequential.

Clause 22: Amendment of s. 28B—Seizure and forfeiture of goods

The proposed amendments remove any reference to 'grand prix'.

Clause 23: Insertion of s. 29

It is expedient to give to the Minister the ability to transfer an asset, right or liability of the Board to another agent or instrumentality of the Crown.

Clause 24: Amendment of s. 30—Regulations

These amendments are consequential on the new definitions of declared area and declared period (*see s. 3*).

Clause 25: Repeal of schedule

The schedule of the principal Act is to be repealed as the logo set out therein was in respect of the Australian Formula One Grand Prix and is, therefore, obsolete.

Clause 26: Transitional provision

The transitional provision is required for the changeover in respect of the Board's operational year from a calendar year to a financial year.

Clause 27: Statute law revision amendments

The schedule of the amending Act sets out further amendments of the principal Act that are of a statute law revision nature.

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

ADJOURNMENT

At 5.45 p.m. the Council adjourned until Thursday 19 November at 2.15 p.m.