LEGISLATIVE COUNCIL

Thursday 19 November 1998

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

GAMING MACHINES

A petition signed by 1 134 residents of South Australia praying that this Council will—

1. Support the passage of legislation to give local residents the power to object to the operation and availability of poker machines at venues on economic and social grounds; and
2. Support a ban on advertising and promotion of poker machines; and
3. Support the holding of a State-wide referendum to—
   (a) reduce or phase out; or
   (b) give power to local councils to reduce or phase out poker machines from hotels over a five year period

was presented by the Hon. Nick Xenophon.

Petition received.

A petition signed by 54 residents of South Australia praying that this Council will—

1. Support the passage of legislation that will give local communities through their local councils the power to restrict the operation and availability of poker machines at venues; and
2. Support the passage of legislation to give local residents the power to object to the operation and availability of poker machines on economic and social grounds

was presented by the Hon. Nick Xenophon.

Petition received.

A petition signed by 34 residents of South Australia praying that this Council will—

1. Support an extensive survey on the impact on the original live music industry in South Australia caused by the introduction of gaming machines to hotels and the 1997 changes to the Liquor Licensing Act; and
2. Support increased levels of Government assistance, including promotional support and assistance with access to venues for original live music in South Australia

was presented by the Hon. Nick Xenophon.

Petition received.

QUESTION TIME

FESTIVAL CENTRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Festival Centre.

Leave granted.

The Hon. CAROLYN PICKLES: I understand that the Adelaide Festival Centre Trust recorded $3 million losses on its major productions and up to another $1.25 million this financial year. I hope that the fantastic event of last night and the coming weeks will herald a better financial year for the trust for this year. Can the Minister explain why the Adelaide Festival Centre incurred million dollar losses on productions such as *Crazy For You* and *Showboat* (that did not even make it to Adelaide)? Is there any Government exposure in this loss, and does the financial loss represent future job losses at the centre? I notice that the Chairman's report mentions the Minister advising her intention to apply certain provisions of the Public Corporations Act to the trust. Will the Minister outline those provisions?

The Hon. DIANA LAIDLAW: During the Estimates Committee earlier this year I did provide some advice about some financial difficulties the Adelaide Festival Centre Trust was experiencing due to the two major productions to which the honourable member mentioned, *Crazy For You* and *Showboat*. The trust's investment in such productions was made at a time when there has been a general resistance by audiences across Australia—and I understand that this is occurring internationally—to the attendance of musicals. We did not stage a musical at the Adelaide Festival Centre last January, which is a traditional practice.

The trust has made the decision to stage the musical *Chicago* in January next year; and all reports show that the tickets in South Australia are selling better than in Melbourne and Sydney when *Chicago* first opened in those capital cities. Both *Crazy For You* and *Showboat* closed early in the capital cities in which they were showing because of low attendance figures, and that was the reason for the losses. The Government's exposure is only in the sense that the trust is a statutory authority and special funds are being made through the arts budget to cover the immediate financial difficulties that the Adelaide Festival Centre Trust is experiencing, and I did outline that in the Estimates Committee in, I think, June. At that time I indicated that, in terms of the Public Corporations Act, we were looking at a regulation which, I think, would now be before the Legislative Review Committee.

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: I have just been alerted by committee Chairman Hon. Angus Redford that that regulation has been given bipartisan approval. The honourable member would be aware of media comment by the General Manager on the restructuring arrangement within the Adelaide Festival Centre Trust. I understand that all but three of the senior appointments have now been filled and there is further interviewing on those last three major appointments. Certainly, the trust is keen, and the Government, too, that the restructuring and any cost savings be in the administrative management area and not in the performance and artistic area. We want to ensure that the trust's traditional role in supporting theatre and performance, whether by South Australians or by others, is continued. In particular, we want to make sure that the programs for audience building and focusing on young people are maintained, and we have undertakings that that will be so.

GOODS AND SERVICES TAX

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

Leave granted.

The Hon. P. HOLLOWAY: In last Friday's *Advertiser*—on the morning of the Premiers' Conference—it was reported that an analysis compiled and agreed to by the States showed that South Australia would be shortchanged $68.7 million in the fourth year and $3.5 million in the fifth year after the

introduction of a GST. In that report, the Premier was quoted as saying:

> The Prime Minister has given a commitment previously that States would not be worse off, and in the agreement we will be wanting to ensure that. That has to be on the table and agreed to. That is not negotiable.

In the agreement in principle between the Commonwealth and the States, reached at last Friday's Premiers' Conference, the Commonwealth has committed only to top up funding for the States for the first three years after the implementation of the GST package. My questions to the Treasurer are:

1. Will the Treasurer confirm that, following his Government's acceptance of the Commonwealth's GST package offer last Friday, South Australia could be $70 million worse off in the fourth and fifth years after the introduction of the GST?

2. Why did the Premier agree to South Australia's receiving less money when he earlier said that the position was not negotiable?

3. Will the Treasurer now release the analyses and submissions prepared by Treasury which reveal the impact of the GST package on this State's finances?

The Hon. R.I. LUCAS: I thank the honourable member for the slow, full toss on the leg stump that he has just delivered!

The Hon. T.G. Roberts: Don't swing too quick.

The Hon. R.I. LUCAS: No, you never take it too easy in this business. The Victor Richardson Gates are looking very attractive at the moment! The honourable member obviously thinks that he has stumbled upon some great flaw in the South Australian Government's argument when all he has stumbled on is his own calculations and his understanding of what occurred at the Premiers' Conference.

The Hon. L.H. Davis: And it took him six days to get it wrong!

The Hon. R.I. LUCAS: It took him six days to get it wrong, but it has taken him that long to get up the courage to ask in here a question on the Premiers' Conference and the GST—and then he asks this sort of question. I refer the honourable member to the various statements made by the Premier and by me since the Premiers' Conference and also what has been placed on the public record in the Parliament since the Premiers' Conference. As I indicated yesterday, credit should go to the Premier. I was talking yesterday about fighting off the evil gremlins from New South Wales in the guise of—

The Hon. L.H. Davis: Couldn't possibly be Kim Beazley!

The Hon. R.I. LUCAS: No, the evil gremlins from New South Wales in the guise of Messrs Carr and Egan. The other battle that the Premier fought and won for the State of South Australia was to ensure that we did not lose that $70 million which we might otherwise have lost in years four and five.

The Hon. P. Holloway: You show us where it's in writing, then.

The Hon. R.I. LUCAS: We don't have to show you anything in writing; I am telling you. It should be enough for the honourable member to believe the Treasurer representing the State of South Australia.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. George Weatherill believes me: I do not understand why the Hon. Paul Holloway is not prepared to believe. This is another prominent member of The Machine, the same faction to which the honourable member belongs, and the Hon. George Weatherill is prepared to believe.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Holloway!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway will come to order.

The Hon. R.I. LUCAS: I will be very happy, in very large print so that even the Hon. Mr Holloway can actually read it—

The Hon. L.H. Davis: Slow, large print.

The Hon. R.I. LUCAS: If it is possible to have slow, large print for the Hon. Mr Holloway, we will actually do it in slow, large print so that even he can understand it. I will make available my own time to sit down with the Deputy Leader of the Opposition, the shadow Minister for Finance, to indicate to him that this is an absolute complete misunderstanding of the highest order by the Deputy Leader of the Opposition in the Labor Party, who has stood up in this Chamber, six days after the Premiers' Conference, and asserted that the Premier had been done in the eye during the Premiers' Conference and, instead of protecting South Australia's position, had lost $70 million of hard earned taxpayers' money at that conference.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I just said that I will give you the information. I will sit down and even explain it to the Deputy Leader of the Opposition—

The Hon. L.H. Davis: Slowly!

The Hon. R.I. LUCAS: Very slowly. The Deputy Leader does not understand the point that has been made in a dozen articles in the local and national newspapers that the transitional arrangements were altered to enable the States to continue to levy a stamp duty on part of the business conveyances so that the transitional stage would be protected and the Prime Minister's original position of protecting the States in terms of their individual revenue positions would also be protected. The honourable member should know this and, if he does not know, he is incompetent and should not be the Deputy Leader and the shadow Minister for Finance.

The Hon. L.H. Davis: He is their most financially literate person; where does that leave the others?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: He is meant to be their most financially literate person. I will try to get my staff to get all the photocopies of the press articles that the Hon. Holloway either did not read or did read and did not understand.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Mr President, Cliff Walsh was not at the Premiers' Conference, and neither was the Hon. Mr Holloway.

The Hon. P. Holloway: That's true.

The Hon. R.I. LUCAS: That's true, says the Hon. Mr Holloway; Cliff Walsh was not there. I was, the Premier was and so were certain Treasury officers. I am very happy to provide the information. I will get a photocopy of all the press articles throughout Australia just to demonstrate how incompetent the honourable member is as a shadow Minister for Finance and how incompetent and ill considered was the question that he just asked.

Members interjecting:

The Hon. R.I. LUCAS: No, I'll get all those press articles. I suggest to the Hon. Deputy Leader that he do a bit of research before he stands up in the Chamber and asks a question such as that. He should do a bit of research and talk to some of his Labor colleagues in the other States. He should telephone Mr Beattie's, Mr Carr's and Jim Bacon's offices.

They are all the honourable member's colleagues—Labor Premiers—who signed off on this deal.

Members interjecting:

The Hon. R.I. LUCAS: And I am happy to. But you should do the research because you made the assertion that the South Australian Government had lost $70 million, contrary to what we had been saying. You did not ask the question; you made the assertion. That shows the incompetence of the Deputy Leader of the Opposition. So, the error is that the Deputy Leader was not prepared to do his research, to read the information to provide it in a number of public sources and outlets, or to read the information made available by the Premier and me in the Parliament on the overall protection of the South Australian Government's position in the Premiers' Conference. If the Deputy Leader—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I just said it; I've said it three times already. How many times do I have to say it for you to understand it? Will four be sufficient? I have said now, for the fourth time, that I am happy to get the information on the schedules in order to demonstrate how the South Australian Government's position has been protected. Is that enough?

An honourable member interjecting:

The Hon. R.I. LUCAS: That's the fourth time. Even George Weatherill understood it the first time. I am quite happy not only to get the information but also to sit down with the Deputy Leader—

The Hon. L.H. Davis: How long do you have?

The Hon. R.I. LUCAS: I have hours, weeks or months—whatever it will require—in which to explain to the Deputy Opposition Leader the background to that—

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, years then—and how the Premier of South Australia fought the good fight on behalf of South Australia and won. That is what sticks in the craw of the Deputy Leader of the Opposition and the Hon. Mike Rann—the fact that the South Australian Government fought the good fight. Not only has it fought off the evil gremlins from New South Wales but also it has won the battle about protecting that $70 million possible loss in years four and five which might otherwise have been inflicted on South Australia if there had not been a good fight from the South Australian Government and Premier.

RAW LOG EXPORT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question on raw log exports.

Leave granted.

The Hon. T.G. ROBERTS: I have received two replies, one from the Treasurer and one from the Minister for Government Enterprises, in relation to a question I asked as far back as July. I am not complaining about the fact that I have received two answers to the one question, because they are both the same, although they are printed on different letterheads. They correspond, so the answering machine is working. However, the answers to the questions that I asked disturb me, and I will explain. The first question that I asked of the Minister, which was passed on to the Minister for Government Enterprises, was:

> Is the Treasurer aware of the raw log export across the Portland wharf?

The answer to that was in the affirmative, but the substance in relation to the answers to questions 2 and 3 was a little astray, according to the information that I have been given. The second question I asked was:

> Is he aware that raw log is being exported in quantities that could keep the Nangwarry mill operational, thereby saving all those jobs?

The answer was:

> No. The log supplied to Radiata Exporters [one of the companies involved] was offered to the industry through an expression of interest process in December 1997. . . This log is a recovery cut from break trees in clearfelling operations.

They are trees left after clearfelling has taken place. The answer continued:

> The log specification is unacceptable to the local industry with sawmills unable to economically process log of this quality.

Question 3 asked:

> What is the relative revenue loss to the State and the nation if this policy of exporting raw log without value adding is adopted?

In good faith the Minister replied:

> I am advised that log provided to Radiata Exporters under the terms of their agreement is unsuitable for local processing. Previously, log of this specification was wasted and burnt during the clean up of clearfelling sites. Forestry SA has identified an opportunity to sell break log to Radiata Exporters and in doing so has increased the revenue obtained from its clearfelling operations.

It is true that, if those circumstances are met, the Government's obligations are met and the answer to that question is right. Unfortunately, again I have been given information that sawlog, that is, raw log of sawlog quality, is being assessed from clearfelling operations possibly, or the assessments have been wrong as to the quality of the log that is being assessed, and that saw quality log is being exported across the wharves of Portland without any value adding in the South-East or anywhere else in the State. The information on which I based the first question was given to me by a former employee who recognised sawlog on the back of a long truck heading towards what he thought was the local sawmill for processing. When it went past the gate he was interested enough to follow that sawlog truck to the border and reported that it was going interstate.

The second sighting of raw log going out of the State was by other interested parties in the sawmilling business who are concerned that they could lose good, sawmilling quality log if the policy is continued. My questions are:

1. Can the Treasurer give an undertaking to investigate the continuing reports that grade log is being exported through the port of Portland that is graded as break log as opposed to raw log of sawlog quality?
2. What method of return payment to the State exists for mistakes that might be made in grading sawlog timber as break timber?
3. Can the Treasurer give an estimate on the payments that are potentially lost to the State if this process continues?

The Hon. R.I. LUCAS: It should not be any surprise that the two answers the honourable member received were the same, because the answer was actually referred from me to the Minister for Government Enterprises. The letter would have said: 'Thank you for your question and I have been advised by the Minister for Government Enterprises as follows' and, as is my standard practice, I then repeat verbatim the response of the Minister for Government Enterprises. Therefore, that is not surprising. I am happy to refer the honourable member's question to the appropriate Minister, which is the Minister for Government Enterprises and not myself, and accordingly bring back a response—and the honourable member may well receive two copies of that as well.

All I can say is that, if the honourable member has information, then rather than using the general terms that he is talking about—that is, someone having a smoke and a beer out on their front porch saw something floating by on a truck late one night in the fog, the mist and the rain of Mount Gambier and it might have been this—he should provide it. The honourable member would realise that it is difficult when you are a Minister genuinely seeking to follow up information if that is the quality of the information or evidence that has been provided. If the honourable member is prepared to give the name of the people, the detail of when it was, the type of truck (or whatever else it is), a licence plate, or anything that might serve to identify whatever it is that the honourable member continues to claim, and where he was at the time when he heard it—

The Hon. T.G. Roberts: It wasn't the Somerset.

The Hon. R.I. LUCAS: It was not the Somerset because, if it was the Somerset, the honourable member might have been otherwise engaged and he might not have been seeing too straight as a result of whatever other activity he was engaged in. If the honourable member is prepared to provide some more detailed information, I will be only too delighted to take that information, provide it to the Minister and ask him to ask his officers to pursue it in great detail. However, when it is non-specific and general, it is very hard, save for employing an army of private investigators to trawl through the whole of the South-East for six months at a time to try to find these mystery trucks and discover what they are doing, or whatever it is that the honourable member thinks they might be up to.

I will be delighted to refer the honourable member's question, but I leave the invitation to him to approach either myself or the Minister and provide that further information—even the names of his informants would be of some use.

BLANCHETOWN BRIDGE

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

Leave granted.

The Hon. J.S.L. DAWKINS: Members may recall that on 18 August this year I asked the Minister for information relating to progress in the construction of a replacement bridge over the Murray River at Blanchetown. The Minister indicated on that occasion that the new bridge was scheduled for completion this month. Will she inform the Council whether the projected completion date will be met?

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I will say, 'Yes,' and that is this Sunday, the twenty-second, and I hope the honourable member has been invited and that he is able to attend. It is an extraordinarily wonderful project and has been warmly embraced by the local community. I understand that there will be community celebrations from 6 a.m. that day, with hot-air ballooning, line dancing and a whole range of things. It is an important bridge project, Mr President, and I am glad you recognise that this is a very serious question.

The Federal Government has invested $17 million in this project. The bridge is made by the same technique as was used at Berri, but is much longer and wider than that structure. The bridge that has been replaced was built in 1964, and ever since then there have been structural problems, and in 1994 we were told that it should be replaced. Since 1990 no over-width, over-mass or B-double vehicles have been able to use it. That has been a real handicap for people living in the Riverland in terms of their trade and market access to Adelaide and the ports.

With the opening of the Blanchetown Bridge from Sunday, B-doubles will be able to use that facility. I know that a lot of communities—for instance, Kapunda and Eudunda—are pleased that heavy vehicles will no longer detour through their towns. So there will be that type of advantage as well. York Civil has undertaken the construction on budget and on time in a partnering arrangement with Transport SA.

I hope that we will see further bridges built soon not only in connection with the Southern Expressway from early next year but also (and this the next major bridge I am keen to see built) over the Port River at Port Adelaide. We have to persuade the Federal Government to be generous in the access roads to that structure. In recent times there has been a lot of bridge building and we hope that there will be more in the future. I look forward to seeing the honourable member on Sunday.

MENTAL HEALTH

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about mental health services.

Leave granted.

The Hon. SANDRA KANCK: Throughout this month an ever-increasing picture of crisis in the mental health services has emerged. In today's *Advertiser* there is a report of a massive 70 per cent increase in demand for mental health services in the three years from 1994-95 to 1997-98. Crisis call-outs have risen by 65 per cent and patient bed use has gone up 40 per cent. In May the Minister announced that the Government would boost the mental health budget by $33 million over the next four years. The allocation of funds was to be used for new initiatives as well as meeting the increased demand on services. Yet, despite this promised increase in funding, the Department of Human Services has ordered the regional mental health services to cut back spending.

I have minutes from a meeting of the Southern Region Consumer Advisory Group of 14 October which states that the service is $500 000 over budget and that the Southern Mental Health Service needs to reduce expenditure by this amount. The service was given only two weeks to develop a strategy to achieve this. Further investigations by my staff have revealed that the Eastern and North Western Mental Health Services are also running over budget by roughly the same amount. This indicates a problem with existing budgets rather than poor management.

The Southern Mental Health Service states that there is no more excess fat to cut, that it is now a case of looking for a way to cause the least pain to the least number of people. The message given by the Department of Human Services has been 'work it out but come in on budget'. In effect, we have a massive increase in demand, an increase in funding yet continued pressure to cut back on expenditure. This begs the question of what has happened to the increased funds promised in May.

The recent resignations of Professor Bob Goldney, chosen by the Minister to be his adviser on mental health issues, and Dr Eli Rafalowicz, from the Southern Mental Health Service, illustrates the frustration being felt by those working in our

mental health services. In the *Advertiser* of 3 November Professor Goldney said:

> There was nobody with an overriding sense of responsibility for mental health.

Dr Eli Rafalowicz said that 'incorrect and inappropriate funding' was the main cause for his resignation. Tomorrow (Friday, 20 November) has been declared the Day of the Disadvantaged. There will be a march for mental health from Victoria Square to Parliament House with the aim of delivering a message to the Minister for Human Services. Although the Minister could not meet Professor Goldney for 12 months the organisers of the rally hope that he might be able to attend this rally and hear the concerns of those at the coalface. My questions are:

1. If the Minister has secured $33 million extra for the mental health budget, why has not that money been used to help the regional services to overcome their budget shortfalls?

2. If the extra funds are made available, does this mean that the regional mental health services will not have to cut services to meet budget constraints?

3. Can the Minister provide budget figures and registered client numbers for the Southern Mental Health Service for each of the past five years?

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

SOUTH-EAST WATER

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Attorney-General a question about South-East water.

Leave granted.

The Hon. A.J. REDFORD: In yesterday's *Australian*, an article by Matthew Abraham entitled, 'Police called in on water report claim' referred to allegations of Olsen Government corruption over a policy change blamed for spurring a pastoral water rush. In it he refers to so-called anonymous information about the alleged role of the Premier, and went on and said:

> It is alleged that the water allocation policy in the South-East pastoral district was changed while Mr Baker was still an M.P. last year so he could receive a financial benefit through his extensive vineyard management companies.

Indeed, last week in another place the shadow Minister for Environment, Heritage and Natural Resources made certain allegations about the change of water policy and said:

> We have been told that Dale Baker rang the then Minister Mr Wotton and informed him that the policy was not acceptable to him and he wanted it changed. I have been told that Minister Wotton was summoned to Premier Olsen's office the same day. Dale Baker was sitting in the room with Premier Olsen (we can only imagine the expression on his face), and at the meeting the Premier informed the poor, hapless Minister Wotton that the policy was to be changed. This raises a question about who is telling the truth and about how and why the policy was changed.

It would come as no surprise to you, Mr President, that I have a bit of knowledge of this issue. I attended a meeting on Friday 27 June 1997 at the Presidential Motel, Jubilee Highway West, Mount Gambier. The meeting was chaired by the now member for Gordon, Rory McEwen. Some 60 people were in attendance, and I had the opportunity to attend as did the then shadow Minister for Environment and Natural Resources (Hon. Terry Roberts). For a period of time we sat side by side as a lengthy discussion ensued about the change in water policy. I think it was Mr Roberts who drew my attention to the fact that at the back of the room staff members from the Department of Environment and Natural Resources were actually writing down the policy as various resolutions were moved, debated and carried. I am sure the Hon. Terry Roberts would agree with me that Dale Baker was nowhere to be seen.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: It would appear that immediately following that meeting there was a meeting with the catchment committee and, on the following Monday, 30 June 1997, the new policy was issued by the then Minister for Environment and Natural Resources, David Wotton. In the light of this information, my questions to the Attorney are:

1. Does the Attorney reject any implication that there was some improper influence brought to bear by the Attorney-General on the Director of Public Prosecutions in dealing with this issue?

2. Does the Attorney, in the light of this information, reject the assertion that any improper influence was asserted by the then member for MacKillop, Dale Baker, on the then Minister Wotton in relation to the change in water policy?

3. Can the Attorney-General suggest ways and means in which the Australian Labor Party can ensure there is a better form of communication between the former shadow Minister for Environment and Natural Resources and the current shadow Minister for Environment, Heritage and Natural Resources so the people and media of South Australia are not misled in such a shabby way for such a long period again?

The PRESIDENT: Order! There was far too much debate in the preamble of that question.

The Hon. K.T. GRIFFIN: I am certainly not aware of any impropriety on the part of anybody in relation to this or any other matter that might relate to water, either in the South-East or elsewhere. The interesting thing is that the provision of the material which seems to have been the basis upon which allegations have been made was done anonymously. One has to treat with great reservation anything which is of an anonymous nature. Of course, you cannot ignore it but you give it what weight it might deserve. There is always a smell about something which is anonymous, particularly if someone is not prepared to put their name to an assertion where it might involve allegations of impropriety.

But in relation to either the meeting which the honourable member attended or the issues which were the subject of discussion at that meeting, I am certainly not aware of any evidence which would suggest any impropriety. The honourable member refers to the Director of Public Prosecutions and his role in this. It is curious that I was at a press conference over the lunch period and one of the journalists did ask me a question—riding on the coat tails, I suspect, of the *Australian* report of this morning—about whether any contact by me to the Director of Public Prosecutions might be regarded as an attempt by me to influence the Director of Public Prosecutions.

I think that all arose out of the minute which the Director of Public Prosecutions provided to me yesterday and which I understand the Premier referred to yesterday in another place. It is unfortunate that anyone should try to interpret the provision of that minute as in some way subject to influence by the Attorney-General or anybody else. It also creates concern that, if the Director of Public Prosecutions has a point to make, he should find some other way to make it other

than through the Attorney-General who, of course, is ultimately responsible even though the Director of Public Prosecutions has, by virtue of the statute under which his office is constituted, independence from the Executive arm of Government.

Anybody who took the trouble to read the 1997-98 annual report of the director, or even the reports of preceding years, will immediately find that he refers to the fact of a cordial relationship with me as Attorney-General, and the fact that he has not been subjected to any undue influence. I certainly would vigorously deny any implication, imputation or consequence which might flow from the article which was in the *Australian* this morning, that in any way I sought to influence the Director of Public Prosecutions.

It is not open to me as Attorney-General to do that. It is not in any way something which I would wish to be party to. If anyone stopped to think about it, why would an Attorney-General ever want to try to contravene the statute which expressly prohibits that sort of interference, knowing full well that any director, if so minded, could immediately raise the issue either informally or formally, such that it became the subject of criticism of an Attorney-General?

As I said, I refute absolutely that there was any suggestion of influence over the Director. In fact, I think that he would find it equally offensive if that were to be suggested. The minute which the Director provided to me about the articles appearing in the *Australian* and the *Advertiser* on 18 November 1998 states:

> I am happy for you to use the contents of this minute in any way that you see fit to correct any misunderstanding that may have arisen from my reported comments in the above articles.

What the Director has clearly indicated in that minute, which is already on the public record, is that he did not believe that the information in anonymous material was sufficient to warrant any reference to the police or any further investigation.

I come back to this point: I would have thought that it was perfectly proper for a Director of Public Prosecutions to provide a minute to an Attorney-General through whom the material could be made public or otherwise provided to interested persons; that would be the proper course which the Director would feel disposed to follow to enable a misunderstanding to be corrected.

ETHNIC AGED

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for the Ageing a question about services for our ethnic aged community.

Leave granted.

The Hon. CARMEL ZOLLO: Many of us have taken the opportunity to participate in a parliamentary internship program. I asked for a report to be prepared on the needs of our ethnic aged. I thank the many service providers who took part and, in particular, Mrs Christine Wauchope for her diligence in preparing the report. Several major recommendations were made in the report and, I must say, some of them were not unexpected. It is already known that that group appears to be ageing more rapidly in the general community, which is not surprising given their circumstances.

A most important recommendation on which a number of other recommendations hinge is the urgent need to establish an accurate statistical database to identify and interpret correctly the needs of seniors in our ethnic communities. Such a database would assist in the coordination of services and enable a faster access of information and services from a central point. As to be expected, the absence of accurate statistical data also severely hampers our obtaining adequate and coordinated funding. Can the Minister say whether the need for a statistical database for seniors from our ethnic communities has been identified by his Government and, if not, whether he is prepared to support such an initiative?

The Hon. R.D. LAWSON: I thank the honourable member for her question, and I would be interested to read the results of the work done by the parliamentary internship program to which she referred. The Government does, through the Home and Community Care (HACC) program, support a number of organisations and programs specifically for particular sections of the ageing community, and particularly certain ethnic organisations within that community. Databases and information are collected under the HACC program. We have commissioned a number of research reports, and studies have been undertaken to determine the demand and need in this area.

I am not specifically aware of the suggestion that our databases and statistical information are so inadequate that we cannot plan for appropriate services. However, I will take that aspect of the honourable member's question on notice and bring back a fuller reply in relation to that matter.

SPINAL INJURIES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Disability Services a question about spinal injuries.

Leave granted.

The Hon. CAROLINE SCHAEFER: Spinal injuries are one of the most frequent forms of workplace injury in primary industries and, indeed, in most occupations that require physical work. Indeed, my own family has been affected by spinal injury on several occasions. On Monday this week His Excellency the Governor launched Spinal Awareness Week in this State, although it appears to have hardly rated a mention by the media. My questions to the Minister are:

1. What services and support are provided by this Government for people with spinal injuries?
2. Are any processes in place to reduce the incidence of this type of injury within our community?

The Hon. R.D. LAWSON: I thank the honourable member for her question. She was quite correct to say in the preamble that spinal injuries occur in work places. Indeed, about 30 per cent of all spinal injuries in South Australia occur in consequence of falls in work situations; approximately 45 per cent occur in road accidents (including drivers, passengers and pedestrians); and 5 per cent of serious spinal injury occurs as a result of diving accidents.

Each year more than 25 South Australians can expect to suffer permanent paralysis due to traumatic spinal cord injury. The consequences to the individuals concerned and to their families is, of course, severe, both emotionally and economically. Most of those who suffer permanent spinal injury in our community are young males aged between 15 and 24 years. It is therefore important that we have in place programs, first, to reduce the incidence of spinal injury and, secondly, to provide services to those who, unfortunately, suffer from these dreadful injuries.

One way in which we can promote awareness is, of course, through promotions such as Spinal Injuries Awareness Week which, as the honourable member said, the

Governor graciously opened earlier this week. On some occasions the media does take an interest in spinal injuries. When someone like the film star Christopher Reeves is injured there is a great deal of publicity and interest. When Neil Sachse, the North Adelaide footballer, was cruelly and permanently injured many years ago there was a great deal of public interest. It is a great pity that it is only as a result of injuries to high profile persons that the community seems to gain some awareness. Neil Sachse, I am glad to say, is serving the community by being the Executive Officer of the Spinal Injuries Research Foundation, which has done extremely good work, especially based upon Flinders University research into improving treatment.

We have in this State some very good services for those who are injured. The Hampstead Rehabilitation Medicine and Spinal Injury Rehabilitation Unit is a world renowned rehabilitation unit. Dr Ruth Marshall, the Director of that unit and Dr Jonathan Strayer, a staff specialist, are highly recognised authorities in this field. The Julia Farr Centre has, for many years, provided services and support for those who are injured and wheelchair bound in consequence of those injuries. Not only are there those formal supports but also informal supports are provided by organisations such as the Paraplegic and Quadriplegic Association, which provide a great deal of counselling and home-based accommodation services; and the Wheelchair Sports Association has been very active in promoting opportunities for those with spinal injuries to participate in sporting activities.

Last Sunday I attended the 100 year old Port Adelaide Sailing Club for the launch of a new program called Sailability SA. Sailability is a great national organisation which gives people with spinal injuries, and other people with disabilities, the opportunity to enjoy sailing in specially designed dinghies which are controllable by those with disabilities and which are uncapsizable, I was glad to see. The Crippled Children's Association donated a boat. Also, the Paraplegic and Quadriplegic Association donated a lift, enabling people to be lifted into the boats. The sailing club itself is very positive. The SPARC Disability Foundation and quite a number of other organisations are, I am glad to say, supporting people with these disabilities.

HIRE CARS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about the use of hire cars in the festive season.

Leave granted.

The Hon. T.G. CAMERON: A recent article in the *Advertiser* stated that hire cars will be able to be hailed like taxis during the festive season in an effort to reduce the impact of taxi shortages. The Government spokesman was reported as saying that permitting hire cars to be hailed on the street was one of the initiatives aimed at ensuring more cars on the road during this busy period.

I have received information that the Passenger Transport Board has advised hire car companies of only one extra night outside the legislated declared periods (that is, where hire cars can be hailed on the street) for 1998, that being only one night per year, New Year's Eve. This one extra night is from 4 p.m. on Friday 18 December until 8 a.m. on Saturday 19 December. The PTB has also not yet decided on whether hire cars will be allowed to be hailed during the 1999 Festival of Arts, nor the upcoming V8 500 road race—

The Hon. Diana Laidlaw: In 1999 there isn't one.

The Hon. T.G. CAMERON: When is the next Festival of Arts?

The Hon. DIANA Laidlaw: In 2000.

The Hon. T.G. CAMERON: I am sorry, I correct that. Thank you for bringing that to my attention, Minister. That tells members how closely I follow the arts—where interstate and overseas visitors to South Australia will be competing with locals for taxis. As it stands, hire cars have been allocated just one extra Friday night for all of December, including New Year's Eve. This means only two nights for the whole year—not exactly a great effort to increase the number of available vehicles. This is the busiest time of the year. Anyone who catches a cab can tell the Minister how difficult it is to get one during this period and, on occasions, how long you have to wait. Surely it is only sensible to permit hire cars to operate the four Fridays and Saturdays before Christmas.

We should also not forget about the safety aspects of this issue. The last thing we want is people drinking and driving over the Christmas period. We should be doing everything possible to encourage them to use taxis and hire cars. My questions to the Minister therefore are:

1. In the interests of road safety, improved tourism and customer service, will the PTB consider expanding the declared period during which hire cars are able to operate over the festive period to include every Friday and Saturday during December until New Year's Eve and, if not, why not?

2. When can we expect a decision to be made on the Festival of Arts and the V8 500 race with regard to declared periods for hired cars?

The Hon. DIANA LAIDLAW: I can certainly ask the PTB to look at this matter again, but it did so diligently, in my view, when coming to the decision about what extra vehicles should be permitted, in terms of taxis and hire cars, and their mode of operation during the forthcoming Christmas and New Year period.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. DIANA LAIDLAW: All taxis that are generally licensed just as stand-by vehicles, to be brought out only when the principal taxi is being repaired or is off the road for some reason, will be available for the latter part of December to operate full time.

The Hon. T.G. Cameron: They were last year.

The Hon. DIANA LAIDLAW: That's right, and it worked well.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It came in later than we would have wished. I understand that the use of the stand-by taxi system is to be introduced earlier this year, and that will be supported. Multiple hire of taxis with more than one person using taxis is certainly being strongly promoted through the PTB and the taxi industry and anything members of Parliament can do to promote that system. People can share the use and the cost of taxis, and that is a very affordable and good way of—

The Hon. T.G. Cameron: But you will ask the PTB to look at it; is that what you're saying?

The Hon. DIANA LAIDLAW: I did say that right at the outset, and I am just explaining what else the PTB has done. There are always accommodations that have to be realised by the PTB between the legislative operation of taxis and that of hire cars. From time to time there are many tensions between the different modes of operation, and I think the PTB is very wise to try to limit those tensions by being careful about what

it approves in terms of operating arrangements at special times. If we encourage multiple hiring and a few other things, we will find that this year, unlike last, it will be more satisfactory. I am disappointed that the honourable member did not also extol the virtues—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Of course; I have just acknowledged that we had difficulties, but the system came in later than I understand it is to apply this year. Also, the publicity was not given to multiple hiring that I understand the PTB and taxi industry will undertake this year. Furthermore, I would ask the honourable member, when he has such concerns in the future, also to publicise the benefits of using, and indeed to encourage people to use, public transport.

The Hon. T. CROTHERS: As a supplementary question, is the problem to which the Hon. Mr Cameron referred in his question not the position where there are several hundred older drivers who are using their taxi driver's plate as a superannuation nest egg and coming out in the taxi on the Friday and Saturday only? And is not the problem that the taxis are already complaining that the hire cars are being abused and not used for the purpose for which they were originally introduced?

The PRESIDENT: Order! The honourable member is getting very inventive with his supplementary question.

The Hon. DIANA LAIDLAW: That latter concern is a persistent complaint. The Legislative Review Committee has approved new regulations for the operation of hire cars and taxis in order more clearly to define and police the operating arrangements, and in more recent times I have not heard of such difficulties. But the honourable member is correct in saying that there are such tensions, and the PTB must be very careful, despite the Hon. Terry Cameron's enthusiasm, in trying to police and manage the difference in operating arrangements. I did not note fully the first question from the honourable member, so I will bring back a reply.

LEGAL AID

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing questions to the Minister for Justice on the subject of legal aid.

Leave granted.

The Hon. T. CROTHERS: The Minister to whom I am directing my question is appropriately named. One of the underpinnings of our society is the principle of justice for all on the premise of the equality of all citizens before the law. I realise that this question has been very heavily debated and that the view has often been put forward that a person of limited means has little or no hope of success in our courts against an opponent of considerable wealth. Be that as it may, the fact is that one of the reasons why legal aid was established here was to endeavour to ensure that defendants of limited means should not suffer the lack of trained legal counsel, particularly in more serious cases.

I must stress that I believe that the present Minister for Justice deserves great credit for his hard work, particularly against the Federal Government, in his not inconsiderable efforts to keep the system of legal aid still alive and breathing. Therefore, in the light of the foregoing, I direct the following questions to the Minister:

1. Does the Minister believe that the State legal aid system is so short of funds that it cannot cover all the costs placed on it by people who are under some form of legal distress here in South Australia?

2. Does the Minister believe that the ongoing continuous and, indeed, worsening state of legal aid financially will ultimately lead to a breakdown of respect for the system of justice, not only here in South Australia but nationwide?

3. Finally, but by no means exhaustively, has the Minister, with all the talents that I know he possesses, found some other way to increase the funding to our State legal aid body and, if so, will he share some of his views on this subject matter with members of the Council?

The Hon. K.T. GRIFFIN: I guess in answer to the first question one has to ask how long is a piece of string, because it is very difficult to know where to draw the line in relation to legal aid. A lot of people would like to have legal aid for civil matters, as well as for criminal matters, but the priorities are given very largely for criminal matters and for family law matters. Of course, some other advice is given through the telephone advisory service and through the interview system on matters which frequently can be resolved before they get to that point. A lot of assistance is given through the community through community legal centres in providing mediation services and advice, particularly in relation to neighbourhood disputes but also in relation to other disputes such as matrimonial disputes where it may not be necessary to provide for legal aid. Some fundamental questions have to be asked about the availability of legal aid and where one draws the line.

At the State level, we have been funding the Legal Services Commission quite extensively, and the honourable member has acknowledged this, but just for the record in the past four years, including this year, we have put in over $20 million. The previous Labor Administration had to find only $7 million over the past eight years. We have honoured our commitment and we have maintained our contribution, and we have not even required the 1 per cent cut which has been applied across other areas of Government funding. At the Federal level, they have made some reductions on the basis that they wish to more sharply focus the availability of legal aid and also to ensure that economies are introduced which they do not believe have been introduced. I have disagreed with that, because at least in this State the Legal Services Commission has demonstrated a very significant capacity to manage the delivery of legal aid using both in-house and private sector lawyers very capably. That does not mean to say that it cannot do better. I know that it is working on proposals to try to get even better value for the legal aid dollar.

So far as the Commonwealth Government is concerned, I am not in a position to really do much more than to say that we fought hard and we were not successful, except that we were able to reduce the likely loss to South Australia of Commonwealth funding from about $2.7 million back to about $900 000. So we were successful in achieving a fairly significant change in attitude by the Commonwealth Government. I will take the other questions on notice, and I will ensure that I bring back a reply to address those issues.

STATUTES AMENDMENT (RESTRAINING ORDERS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal

Law (Sentencing) Act 1988, the Domestic Violence Act 1994 and the Summary Procedure Act 1921. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the *Domestic Violence Act* and the *Summary Procedure Act* to ensure that South Australia's legislation dealing with restraining orders continues to operate effectively.

The Government recognises the importance of effective domestic violence legislation and considers that the current Act provides a practical approach to protection orders and enforcement. It is generally accepted that South Australia has demonstrated leadership in the domestic violence area and that the *Domestic Violence Act*, which was introduced by the Liberal Government in 1994, is very effective.

However, South Australia's protection order legislation can still be improved. A number of amendments in the Bill have arisen from suggestions by the former Chief Magistrate and the Police. The remaining amendments arise from consideration of the Model Domestic Violence Laws Discussion Paper released at the National Domestic Violence Summit in November, 1997.

The Bill is divided into several parts.

Part 2 of the Bill will amend section 19A of the *Criminal Law (Sentencing) Act 1988*. Section 19A, which was inserted into the Act as part of the *Domestic Violence Act* package in 1994, provides for the Court to initiate the issue of a restraining order where it finds a person guilty of an offence or sentences a person for an offence. During consultation it has been noted that, while it is important that the court may initiate the issue of a restraining order, it must be recognised that there are situations when a victim, for good reason, has not applied for an order. Orders made without the consent of the victim may have the effect of providing less, not more, protection by alerting the defendant to the victim's whereabouts. Consequently, it was suggested that the court should consider the danger or risk to the victim, if the defendant does not know the victim's whereabouts before making the court initiated order. Clause 4 of the Bill makes such an amendment.

Part 4 and Part 5 of the Bill make mirror amendments to the *Domestic Violence Act* and the *Summary Procedure Act* respectively.

Clauses 5 and 13 of the Bill will amend section 4 of the *Domestic Violence Act* and section 99 of the *Summary Procedure Act* to provide expressly that a court, when considering whether to grant a restraining order, can take into account any fear or apprehension held by the victim that is based on incidents that have occurred interstate, and can issue a restraining order notwithstanding the defendant is resident outside this State. The amendment arises out of the case of *Hogan* in which a Magistrate refused to grant a domestic violence restraining order on the basis that he could not consider interstate incidents in determining whether a complainant had an apprehension of violence. If this interpretation of the Act continues, a victim would need to obtain the order in the State in which the incidents raising the apprehension occur, and then register the order in South Australia. There are no reasons why the Court should not take account of fears or apprehensions of violence occurring in this State which are based on incidents that occurred interstate.

Clauses 6 and 13(b) of the Bill will give the Court the discretion to order that a specified weapon or article (other than a firearm) be confiscated or disposed of. A court will also be able to authorise a member of the police force to enter any premises, on which the weapon or article is suspected to be, to search for and take possession of that item. Currently, there is mandatory confiscation of firearms, yet there are situations where a defendant has used other weapons, such as a crossbow, samurai sword, or other exotic collectors items to threaten a victim. Mandatory confiscation of exotic collectors items is not necessarily appropriate. However, if threats are made with reference to such items, the Court should have a discretion to confiscate them. Obviously, this would not include kitchen knives etc, in relation to which confiscation and disposal would be unmanageable.

Concerns have also been expressed about the current provision dealing with 'out of hours telephone applications'. While the *Magistrates Court Act* is sufficiently flexible to allow a magistrate to constitute a court in his or her home, due to the provisions of that Act, 'out of hour telephone applications' to a court may raise questions of openness and public access to the telephone application proceedings. While this provision has not caused practical problems to date, it is preferable that section 8 of the *Domestic Violence Act* and section 99b of the *Summary Procedures Act* make it clear that proceedings conducted by telephone under those sections need not be open to the public. Clause 7(a) and clause 14(a) of the Bill make such an amendment.

The bulk, if not all restraining orders, are taken out in the absence of the defendant, whether personally or by way of a telephone application. Following the issue of the restraining order, the order must be served personally on the defendant (the order is not effective until done so) and the Court must promptly summons the defendant to attend the Court within seven (7) days of the issue of the order to show cause why the order should not be confirmed. The Police and the former Chief Magistrate have identified a number of problems with sections 8 and 9 of the *Domestic Violence Act* and sections 99B and 99C of the *Summary Procedure Act* which establish the procedure to deal with restraining orders issued ex parte whether through an application made personally, or by telephone. Clauses 7, 8, 14 and 15 of the Bill make a number of amendments to the respective sections to resolve the problems that have been identified. Those amendment are as follows.

Firstly, both Acts will be amended to clarify the procedure to be followed when an order is made ex parte, and to allow the Court to adjourn the hearing for a period longer than 7 days if a longer period is required to enable the summons to be served. Currently, if the summons requiring the defendant's attendance has not been served on the defendant by the date fixed in the first instance for the hearing, the Court may adjourn the matter for a period no longer than 7 days unless there is adequate reasons for a longer adjournment. It is uncertain whether difficulty in serving the order is sufficient to constitute 'adequate reasons' for the purpose of obtaining a longer adjournment. In the matter of *Police—v- Brenton John Henderson* a summons had been issued, but had expired before eventually being served on the defendant. The order was successfully challenged on the basis that the summons was not valid. This case highlights the difficulty when a defendant cannot be found immediately; namely a defendant can avoid being subject to a restraining order. The new provision will overcome this problem.

Secondly, the clauses will insert a provision in both Acts so that the Court may confirm an order if the defendant fails to attend the hearing after having been personally served with the order and summons. Currently, if the defendant fails to appear in answer to a summons the order continues unconfirmed, but nevertheless remains in force. For this reason, the ex parte order is not an interim order as it may not be necessarily be followed up and settled. The lack of provision for confirmation of orders affects the effective operation of section 68T of the *Family Law Act* (Cth). Section 68T, as amended in 1995, allows a court imposing a restraining order to discharge or vary a contact order issued under that Act. This provision allows for the Court to deal with inconsistencies which may arise when a restraining order is issued after a contact order has been made. However, under the Commonwealth legislation contact orders may only be suspended for a period of up to 21 days if the restraining order is issued on an interim basis. The fact that the State legislation currently does not provide for confirmation means that the court does not have the opportunity to suspend or cancel the contact order on a more permanent basis. The amendments remedy this problem.

Thirdly, the clauses will allow a court to confirm an order where the defendant disputes the allegations, but chooses not to show cause why the order should not be confirmed. The amendment arises out of the decisions of Justice Legoe in *Quicksilver—v- Liddy*. In that case, the Judge was critical of the apparent failure of the complainant, defendant, or the police to call evidence at the confirmation proceedings. The Judge held that the failure of the court to hear evidence from the complainant in the confirmation hearings when the defendant had disputed the allegations resulted in the order lapsing. If the defendant disputes the allegations but chooses not to produce evidence to show cause why the order should not be confirmed, then, subject to any other provisions in the respective Acts, there is no reason why the Magistrate should not be able to confirm the order.

Fourthly, the Bill will provide the Court with the power to confirm a restraining order with variations having heard evidence at the confirmation proceedings. The observations of a single Supreme Court judge in *Brunsgard-v-Daire* in 1984 supports the view that the Court cannot confirm an order with variations. However, once evidence has been led at the confirmation hearing, the magistrate is in the best position to see what protection is required. The terms of the restraining order given at the ex parte proceedings might not be

quite appropriate in light of the evidence provided at the confirmation hearing. This amendment will improve the ability of the court to make orders that are more suited to the particular situation in which a family finds itself.

Clause 9 and clause 16 of the Bill will amend section 10 of the *Domestic Violence Act* and section 99d of the *Summary Procedure Act* respectively in relation to firearms orders. The Bill will insert new provisions to provide that when issuing a restraining order the Court must also order that the Defendant must not carry a firearm in the course of his or her employment. Currently, section 10 and section 99D require the Court to issue a number of mandatory supplementary orders to:

1. cancel a licence or permit to possess a firearm,
2. confiscate a firearm,
3. authorise a police officer to search premises and take possession of a firearm, and
4. disqualify the defendant from obtaining a licence or permit to possess a firearm.

However, due to exceptions in the *Firearms Act*, persons who possess a firearm on behalf of the Crown (such as police officers) do not need to be licensed to carry firearms, and nor do they have continuous possession of them—the firearms are simply issued to the person while on duty. A few cases have arisen where restraining orders have been taken out against police officers. As a matter of practice, SAPOL has transferred the officer to duties that do not require the possession of a firearm. However, this causes tension internally as far as duties and careers are concerned. The amendments will make it clear that, by law, a person is prohibited from possessing a firearm in the course of his or her employment while a restraining order is in force.

Section 11 of the *Domestic Violence Act* and section 99e of the *Summary Procedure Act* will be amended in two ways by clauses 10 and 17 of the Bill. Firstly, the Bill will amend the sections to provide that if a domestic violence restraining order is varied before being confirmed, or at any other time, the amended order must be served on the defendant personally. Until the varied order is served, the variation is not binding on the defendant and the order continues in force as if it were unamended until the variation is served.

Secondly, the Bill will amend the sections to allow the Court, when making a firearms order, to order that a copy of the firearms order be served on a specified employer of the defendant if the Court has reason to believe the defendant may have access to a firearm during that employment. This issue was raised in the Discussion Paper referred to earlier. It is understood that on most occasions such an order for service will be unnecessary because the defendant will not have access to a firearm in the course of employment. This is why service of the firearms order will not be mandatory, but rather at the discretion of the Court. However, there will be some occasions where the employer provides an employee with the firearms for the purpose of employment, and therefore, without service, the effectiveness of the order may rely on the honesty of the employee in informing the employer that he or she cannot lawfully possess a firearm. This provision will make sure that the effectiveness of the mandatory order will not be compromised by a failure to notify relevant people of its existence.

Finally, clause 19 of the Bill will amend section 189 of the *Summary Procedure Act* to provide that costs will not be awarded against a complainant in proceedings for a restraining order unless the Court is satisfied that the complainant has acted in bad faith or unreasonably in bringing the proceedings. This provision is based on clause 19 in the Discussion Paper which was supported in a number of submissions received by the government. It is argued that by removing the inhibiting cost factor more domestic violence prosecutions and contested restraining orders could go to trial. Arguably, cost penalties are significant barriers to effective operation of domestic violence legislation. Queensland, Northern Territory, New South Wales and Western Australia to varying degrees have provided that costs will not be awarded against complainants in proceedings for a restraining order, except in certain circumstances. The primary benefit of this provision is that it removes costs as a disincentive for people who, as a matter of policy, should not be dissuaded from using the legislation; namely the people with genuine applications whether or not those applications are successful.

The Bill also contains a number of other minor amendments.

Victims of domestic violence are entitled to the maximum protection from harm and abuse. The Liberal Government believes this Bill enhances the protection afforded to victims of domestic violence and other victims of violence and intimidating or offensive behaviour. In fact, of the comments received to date, it is thought many of the provisions are to be applauded.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 4: Amendment of s. 19A—Restraining orders may be issued on finding of guilt or sentencing

Under section 19A a court may, when convicting a person of an offence, exercise the powers of a Magistrate to issue a restraining order against the convicted person. The amendment requires the court to consider whether, if the whereabouts of the victim are not known to the defendant, the issuing of the order would be counterproductive.

PART 3

AMENDMENT OF DOMESTIC VIOLENCE ACT 1994

Clause 5: Amendment of s. 4—Grounds for making domestic violence restraining orders

This amendment makes it clear that the court may, in determining whether to issue a restraining order, consider events that have taken place outside of the State and may make a restraining order against a defendant resident outside of the State.

Clause 6: Amendment of s. 5—Terms of domestic violence restraining orders

These amendments insert a power for a court, when issuing a restraining order, to also order confiscation of a weapon or article that has been or might be used by the defendant to threaten or injure a family member or to damage the property of a family member. Firearms are excluded from the provision because they are dealt with separately by means of a compulsory firearms order under the existing provisions.

Clause 7: Amendment of s. 8—Complaints by telephone

The amendments—

- make it clear that proceedings for a restraining order conducted by telephone do not need to be open to the public (as generally required under the *Magistrates Court Act*);
- alter the arrangements for adjournments by recognising that in certain circumstances the usual 7 day adjournment is insufficient to enable the summons to the defendant to be served and allowing the hearing to be adjourned for a longer period in the first instance;
- require, if a restraining order has been issued in the absence of the defendant or pursuant to a telephone order, a positive step of confirmation of the order at the hearing to which the defendant is summoned even if the defendant does not then appear. (Currently, the order simply continues without confirmation. The amendment is necessary as a result of provisions in the Commonwealth *Family Law Act* which only allow a contact order to be cancelled or suspended for more than 21 days if the restraining order is permanent rather than 'interim'.);
- provide that a restraining order may be confirmed in an amended form.

Clause 8: Amendment of s. 9—Issue of domestic violence restraining order in absence of defendant

This amendment applies similar amendments to those contained in section 8 in relation to telephone applications to the procedures applicable to ordinary applications for restraining orders set out in section 9.

Clause 9: Amendment of s. 10—Firearms orders

The amendment extends the compulsory firearms order that must accompany a restraining order to include an order that the defendant be prohibited from possessing a firearm in the course of employment.

Clause 10: Amendment of s. 11—Service

The amendments—

- require variations of orders to be served on the defendant personally before they become binding;
- enable the court to order that a copy of a firearms order be served on the defendant's employer;
- authorise the police, if they have reason to believe that a person is subject to a restraining order that has not been served, to detain the person for up to 2 hours to facilitate service.

Clause 11: Amendment of s. 12—Variation or revocation of domestic violence restraining order
This amendment is of a technical nature ensuring that the variations referred to do not include variations made on confirmation of a restraining order.

Clause 12: Amendment of s. 15—Offence to contravene or fail to comply with domestic violence restraining order
The amendment removes the reference to a divisional penalty.

PART 4
AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 13: Amendment of s. 99—Restraining orders
Clause 14: Amendment of s. 99B—Complaints by telephone
Clause 15: Amendment of s. 99C—Issue of restraining order in absence of defendant
Clause 16: Amendment of s. 99D—Firearms orders
Clause 17: Amendment of s. 99E—Service
Clause 18: Amendment of s. 99F—Variation or revocation of restraining order
These amendments correspond to the amendments made to the *Domestic Violence Act*.

Clause 19: Amendment of s. 189—Costs
This amendment provides that costs will not be awarded against a complainant in proceedings for a restraining order (under the *Domestic Violence Act* or *Summary Procedure Act*) unless the Court is satisfied that the complainant has acted in bad faith or unreasonably in bringing the proceedings.

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

ROAD TRAFFIC (ROAD EVENTS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 18 November. Page 216.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have replies to questions asked by the Hon. Carolyn Pickles. She asked whether the Minister was able to advise of any accidents that have occurred to date as a result of vehicles unexpectedly pulling out into roads in similar circumstances. I advise that a major motivation for the amendment is to facilitate the Tour Down Under cycle race. It is not possible to compare this event to previous road events held in South Australia. The Tour Down Under is to be world class cycling race, conducted over 150 to 160 kilometres. Where a long length of road has been closed previously, such as the route for the Christmas pageant, fixed barriers have been installed. The role of the marshals is to reduce the necessity for such barriers, not the number of accidents.

The Hon. Carolyn Pickles also stated that she hoped that motorists would be given advance notice of sporting events. I advise that it is proposed that marshals be authorised to display stop signs during a road event as defined in section 33 of the Road Traffic Act. Section 33(3) currently requires that at least two clear days before an event an advertisement must appear in two newspapers, one being a newspaper circulating generally in the State. It is the clear intent that the public be advised of road closures. Section 33(4) allows conditions to be imposed. This may include the obligation to give advanced warning, but this will depend on the size and location of the event.

When the Grand Prix was held in Adelaide and roads were closed for lengthy periods, there was considerable publicity and signs were installed advising of a disruption. Classic Adelaide is a road event that is being held at present—in fact, I am participating tomorrow—that will involve the closure of up to 30 sections of roads for lengthy periods. The approval to close the roads is subject to council consent, with the race organiser being asked to negotiate with councils to provide well signposted detours. The Tour Down Under will differ significantly from both the Grand Prix, the classic car race or any other previously held race in South Australia, as there will be no necessity for lengthy closures of roads.

The use of traffic marshals will allow only short sections of road to be closed at any one time and will greatly reduce the time that the road is closed. Because of the length of the racecourse (150 to 160 kilometres), it would be very costly to install the number of signs or barriers required. Instead, there has already been extensive publicity of the race, and closer to the event there will be increased publicity with the route also promoted. However, through the use of marshals, the disruption of traffic will be minimised.

The Hon. Terry Cameron asked a number of questions. He sought clarification of the penalty for disobeying a traffic marshal, and I advise that it is proposed that disobeying a traffic marshal will attract the general penalty as contained in section 164A of the Road Traffic Act. The maximum penalty prescribed under that section is $1 000. That is the same maximum penalty that applies to a significant majority of other offences under the Act. There are a small number of offences where a higher penalty is imposed and there is a lesser number again of offences where a lower penalty applies. Should Parliament approve the amendment in the Bill, it is proposed that, as with the majority of offences, it be possible to expiate an offence and the necessary amendment will be sought to the road traffic regulations.

The Hon. Terry Cameron asked whether there had been any discussions with the Police Union. I advise that there have not been. This initiative came from the Police Commissioner. On 23 July I received the following memo from the then Minister for Police, Correctional Services and Emergency Services (Hon. Ian Evans). It reads as follows:

> The Commissioner of Police is proposing amendments to the Road Traffic Act to enable authorised persons to be appointed to perform limited traffic duties when sporting events are in progress on public roads. The amendments reflect the need to provide SAPOL with the ability to properly fulfil its traffic control type duties and has my support in capacity as both Minister for Police and Recreation and Sport. Should you endorse the proposal, this office [his office] is available to arrange for the preparation of a Cabinet submission for your consideration.

The draft Cabinet submission was prepared by the South Australian Police and forwarded to Transport SA for consideration. The initiative came from the Commissioner of Police and it was on that basis that we did not seek discussions with the Police Union.

The Hon. Mr Cameron asked whether the proposal devolves the power to non-police. I advise that the proposed legislation does not devolve police powers to non-police personnel. When attending a road event in addition to stopping traffic, police may also give directions to traffic. That is considered an essential aspect of police responsibilities during a road event. While it is proposed that marshals be empowered to display a stop sign and thereby require drivers to stop, marshals will not be empowered to give directions to traffic. The intended use of marshals is an alternative to the installation of barriers, imposing minimal disruption to traffic as the race proceeds past that point. Installation of barriers would require considerably more resources and would result in a greater delay to other road users.

I was asked to provide examples of failure to comply with police directions during a road event and, having received advice from the police, I advise that during the course of a

road event, there are a few situations when persons are reported for disobeying the direction of a police officer. Police are occupied controlling traffic and that would be significantly affected if large numbers of persons were to be reported. Those situations when persons are reported are when persons deliberately disobey a physical direction of a police officer. Statistics are not readily available and would require a manual search. If required, the Minister for Police, Correctional Services and Emergency Services may be requested to obtain these statistics.

I was also asked whether the proposed amendments imposing demerit points for offences against section 33(9) and section 34(4) are necessary to comply with national initiatives. I advise that the proposed amendment resolves an existing anomaly in the Road Traffic Act. The police have a number of similar powers under the Road Traffic Act to direct traffic under section 33(9), the proposed section 34(4), and most commonly section 41(1). All provisions attract the same maximum fine but only section 41(1) attracts demerit points. The proposed amendment is merely to address this anomaly and it is noted that it is not inconsistent with national initiatives. The reference to the national demerit points scheme in the report to Parliament simply clarifies that South Australia is entitled to make this sort of amendment under the scheme.

I was asked who will pay for traffic marshals, and I advise that, for road events that have been held previously, the race organiser is responsible for providing race marshals. There is no proposal for the Government to pay for traffic marshals. For the Tour Down Under, it is anticipated that volunteers from cycling groups will be used. In non-metropolitan situations, people from service groups may be similarly used. Police advise that no record is kept of the cost of providing police for road events as there is no policy of user pays. Police do not consider that providing support for a road event is an additional responsibility. Police have a responsibility to control traffic.

I was further asked whether we could eventually authorise marshals for the Entertainment Centre, for the football, for the races or whatever. I advise that the proposed amendment is limited to road events conducted under section 33. This applies to an organised sporting event conducted on a road, not in the Entertainment Centre, sporting grounds or racetracks.

The Hon. Sandra Kanck asked me some questions, some of which I suspect I have answered in part but, out of courtesy to her, I will specifically refer to her questions and answer them in full. She asked whether it is envisaged that there will be any further events in the near future. I am advised that a number of further events will require the proposed amendment in order to minimise the inconvenience to other road users. Great care is being taken in the preparation of the Tour Down Under by the organisers, the police and others because I understand that there is some considerable interest in having this as an annual event and they want to make sure—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Tour Down Under.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: No, it is not going to be, but the organisers are very keen for it to be, and they are taking considerable care, as are the police and others, to make sure that this is handled with great efficiency—indeed, with the same efficiency with which we know that we can host Grands Prix and other events. They want this to reflect well on the State and, if it does, there would be greater cause for international teams to indicate an interest in coming back on an annual basis. This has not been considered formally by the Government and I do not know whether it has been considered informally by the Minister for Tourism. I only know that, through its work with the organisers, Transport SA is aware that there is a general wish for it to be an annual event. Everyone is taking enormous care, including the police, in asking for this legislation so it can be conducted well.

I am also advised that provisions will be suitable for other events which, as with the Tour Down Under, are conducted over a long distance and where there is no necessity to close a road for a lengthy period. As noted by the Hon. Sandra Kanck, the Tour Down Under is conducted over a long distance (150 to 160 kilometres). Unlike the Grand Prix, sections will only need to be blocked for a short time as race participants pass that point. The use of marshals instead of fixed barricades will ensure minimal disruption to traffic. It will also keep the costs down overall.

Other events for which the provisions may be suitable include Classic Adelaide, which is being held at the present time, and fun runs such as the City-Bay and City-Port. The honourable member also asked: who will the marshals be, how will they be recruited and what training will they be given? I advised in answer to the Hon. Mr Cameron's questions that the marshals for the Tour Down Under event will be recruited from established cycling groups. In areas more distant from Adelaide, such as Victor Harbor, the marshals will be sought from local service groups such as Rotary. I can advise that there will be a training session organised for marshals, if this amendment is passed.

The Hon. Sandra Kanck: Will they be paid?

The Hon. DIANA LAIDLAW: No, it is voluntary. That is probably another reason why we did not consider its going to the police, because this is not a taking away of jobs that police may normally wish to undertake, and they certainly do not have the police functions and duties in respect of controlling traffic. It is voluntary and it is simply for temporary closure of that road so the cycles can go by and then the roads can be reopened again for general use. I am advised that the briefing sessions for marshals for the Tour Down Under are to be conducted jointly by the police and the race director, Mr Michael Turtur.

Bill read a second time.

In Committee.

Clause 1.

The Hon. SANDRA KANCK: I listened to the Minister's summing up with interest. I feel that a lot of my concerns have been placated in the light of the responses she has made. It appears that the legislation will be something that will be used for a number of different instances. As I listened, I toyed with the possibility of a review of the Act being conducted within 18 months or two years. If the legislation is passed, would that be done as a matter of course?

The Hon. DIANA LAIDLAW: I can answer, 'Yes,' because, as I mentioned in respect of the organisers of the Tour Down Under, they are being exceedingly diligent, even to the extent of calling for these marshals so that the event is conducted with the highest level of performance and community support. I think the general community response to the Tour Down Under, the way in which it is organised, will be the first review of the legislation. If it does not work well, questions will certainly be asked of the organisers and it will certainly handicap them in looking to have further international cycling road races, and the Government would

also be wary of supporting these provisions for other events. So, it will be the community response in January to the Tour Down Under which will be the first very large review of the effectiveness of these measures in practice.

The Hon. SANDRA KANCK: When that review is done, will the Minister be reporting the result of that review back to the Parliament?

The Hon. DIANA LAIDLAW: Yes, I am prepared to do so.

The Hon. T.G. ROBERTS: In relation to the protection that might be provided to the media in similar sorts of events in Europe, the riders and their crews get protection in the way in which the Bill is drafted, but what protection does the electronic media get? Does it get the same protection as provided to the rest?

The Hon. DIANA LAIDLAW: I would like to say, 'Yes,' but I do not know how that works. I would think again the care for which South Australians are known in conducting these events—the fact that whenever we hold them we seem to get a lot of credit for the State and people want to return to the State—would mean that the international media must have been well cared for. If the honourable member is prepared to wait, I can get more information and return that information to him, but not necessarily hold the Bill up at this stage. However, it is in his interests, and certainly in mine, to ensure that the media is protected.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill read a third time and passed.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 18 November. Page 213.)

The Hon. NICK XENOPHON: I rise in support of the motion and thank His Excellency the Governor for his speech. I wish to focus on two aspects in my Address in Reply speech today. The first relates to reference made to the Government's program, that the Government is concerned to deliver quality of life and job security to all South Australians. I am sure there is not a person in this Chamber, or indeed in the other place, who would disagree with those objectives as being important objectives which are worth pursuing. However, it appears that we have a Government that is becoming increasingly reliant on gambling revenue in this State. Something like one in every eight State tax dollars are now obtained from gambling revenue.

We have a situation where gambling losses in South Australia have gone from $355 million prior to the introduction of poker machines into pubs and clubs in this State in July 1994, to an estimated $700 million in the past financial year. We have a situation where the levels of problem gambling in South Australia have risen exponentially. Even on conservative figures based on figures from the Australia Institute study released in April of this year, an estimated 10 000 to 15 000 South Australians have fallen off the edge because of problem gambling, problem gambling brought about because of the aggressive introduction of new forms of gambling, particularly poker machines in this State. It is a situation which appears to be anathema to the Government's objective of improving and delivering quality of life and job security to all South Australians.

I think it is worth referring to Professor Robert Goodman, the author of the seminal text on the economics of gambling entitled *The Luck Business*, which has a subheading 'The Devastating Consequences and Broken Promises of America's Gambling Explosion'. What has been said about the gambling industry in the United States can apply equally and may be even more appropriate for Australia, where our level of gambling losses on a per capita basis are more than double those of the United States. Professor Goodman in his preface says:

> While proponents [of the gambling industry] exaggerate the benefits of gambling expansion, they downplay and often refuse to acknowledge its hidden costs, which, as our research indicates, can be immense—running into the hundreds of millions in a single state. These costs are showing up in a variety of ways. Huge portions of discretionary consumer dollars are being diverted into gambling, resulting in losses to restaurant and entertainment industries, movie theatres, sports events, clothing and furniture stores, and other businesses. In addition, police departments, courts and prison systems must contend with a whole new range of criminal activity, much of it caused by addicted gamblers. Along with the devastating human tragedies of problem gambling come additional private and public costs, ranging from money lost by people who make loans to problem gamblers and aren't paid back, to the cost of treating, prosecuting, or, in some cases, incarcerating problem gamblers who turn to crime to pay off their mounting debts.

Professor Goodman goes on to say:

> The proliferation of gambling perpetuates the flawed logic of these discredited public policies. It helps to shape a society that harvests short-term profits, while accumulating a large residue of costs for the future. By turning to gambling expansion for economic development, Governments are creating a legacy that will make long-term solutions even harder to realise. As new gambling ventures drain potential investment capital for other businesses, as existing businesses lose more of their consumer dollars to gambling ventures, more businesses are being pushed closer to decline and failure, more workers are being laid off, and enormous public and private costs are incurred to deal with a growing sector of the population afflicted with serious gambling problems.

Professor Goodman lectures in economic development and town planning at the University of Massachusetts. He is not an anti-gambler. He is a person whom I have met and for whom I have a great deal of regard, and who tells me he enjoys the occasional gamble with poker. But he is a person who has analysed the gambling industry, and what he says about the gambling industry in the United States applies here in South Australia. It is an industry that, on the face of it, superficially, as the Australian Hotels Association tells us constantly and *ad nauseam*, may have created something like 4 000 jobs in the hospitality industry in relation to gaming rooms. But the fact remains that there is a lack of economic research and a lack of economic data on the true costs and benefits of the gambling industry in this State, particularly poker machines.

The Small Retailers Association, an organisation for which I have a great deal of regard, as a result of a comprehensive survey carried out of its members, has extrapolated figures that for every job gained by gambling in this State in poker machine venues two jobs have been lost in the retailing sector. If we look at overall employment trends in this State we will see that there has not been an explosion of employment opportunities in this State. We have seen a very difficult employment market, and that difficult employment market and that diversion of discretionary income have been brought about by the proliferation of gaming machines in particular and the aggressive expansion of other forms of gambling, including the TAB and lotteries.

I must say that the TAB and Lotteries really seem to excel themselves when it comes to aggressive and irresponsible advertising. I note that the TAB now has a TAB credit card betting facility. I publicly called the TAB corporate cannibals

for implementing that facility, with the clear increase and problems that that will inevitably bring with respect to problem gambling, and I stand by that.

That brings me to the issue of the impact of poker machines in this State and the words used by the Premier last year in what many have called the 'enough is enough' speech given on 9 December 1997, where the Premier said in a very powerful contribution in the other place:

> There is a sound argument today that, if the Bill had been different, if it had been confined to machines in clubs, thereby controlling access to them, we would be without many of the gambling social ills facing South Australia today. It is fact that easy access to gaming machines has led to a level of gambling in this State that no-one foresaw; it is fact that easy access to the machines has led to a level of compulsive gambling that was not, and could not have been, foreseen—and that has certainly shocked me. Even those who rail against the concept of the nanny State, which legislates to protect people from themselves, must be shocked at what this gambling freedom has, in fact, created within or economy and our society.

They are very fine words by the Premier. It is disappointing that the Premier now believes that it is too late to do anything about the proliferation of poker machines. He believes that we will need to pay a compensation bill of the order of $1 billion if machines are progressively gradually removed from hotels in this State. I have asked in a question without notice to the Premier, via the Treasurer, for a response concerning the basis of the legal advice for compensation. My legal advice indicates that compensation is not necessarily payable if sufficient notice is given.

What makes the Premier's statement of last year even more outstanding in the context of the Government's program is this: the Government has announced that it intends to introduce legislation to regulate and control gambling offered by the Internet or by other telecommunication means. Ostensibly the Government says that this is to provide protection for players and an inter-jurisdictional scheme which will ensure that gambling offered electronically meets stringent technical and probity standards. It will enable—and the Government has made reference to this—South Australia to receive tax revenue collected from interstate jurisdictions where South Australians have used interactive gambling products.

I find the Government's program with respect to Internet and interactive home gambling extraordinary in the context of the Premier's remarks less than a year ago on the issue of the damage caused by poker machines. If the Premier was concerned about the social and economic damage caused because of the ready accessibility of poker machines then he ought to be doubly concerned over the accessibility that will occur if every living room in this State can be turned into a virtual casino with the advent of new technology, particularly digital TV, which all of us will have to have in years to come with the phasing out of our current television technology.

I find it extraordinary that the Government is prepared to go down that path. I hope that there are sufficient members of the Government acting in good conscience who will support the establishment of a select committee to look at the feasibility of prohibiting Internet gambling so that we can at least limit the amount of exponential damage that I believe will occur if that is introduced and becomes widespread and receives the sanction and imprimatur of the State.

I could spent considerably more time on the issue of gambling being anathema to policies of job security and quality of life in this State. My contributions on this issue are reasonably well known to members. I think it would be sufficient for me to say that Governments relying on gambling revenue are really relying on fool's gold in the long term, if one looks at the analysis of Professor Goodman who states that for every dollar a Government gathers in gambling revenue there is a negative social and economic cost of at least $3 in terms of increased business bankruptcies, the cost to families that break up, the costs to the criminal justice system and the like. That is the sort of context that I think the Government should consider when it considers the framing of its gambling policy.

I turn now specifically to a part of the Government's program which appeared near the beginning of His Excellency's speech, and that relates to the Bill with respect to the sale, long-term lease or public float of the State's power utilities. My position on the sale of the utilities is already on the record of this House, and I do not propose to restate it. However, I am concerned about the level of risk to taxpayers that the national electricity market will bring with it.

On that note, it is appropriate to refer to a comment piece by the *Age's* Business Editor, Stephen Bartholomeusz, published in yesterday's *Age*, headed, 'Brave? Maybe. But gas sell-off decision clearly sensible.' Mr Bartholomeusz refers to the decision of the Kennett Government to sell the State's gas industry. I note parenthetically that our State's gas industry was privatised or sold by, interestingly, a previous Labor Government. What Mr Bartholomeusz says is worth noting. He states:

> The energy sector is increasingly contestable and competitive and increasingly the competition is occurring on a national battlefield. Competition involves risks—like those inherent in market trading of energy—that State enterprises are ill-suited to take and where the political ramifications of a mistake can be calamitous.
>
> The energy distribution sector is also increasingly characterised by a pursuit of retail customer mass within and without the sector as the players attempt to build and exploit their brands and systems to generate scale benefits from the billing and customer service elements of their businesses.
>
> In electricity, the competition crosses State boundaries. Queensland and New South Wales's State-owned distributors are selling energy to Victorian customers and leveraging off their own large customer bases to do so. There is an expectation that over the next few years the big retailers—Coles and Woolworths—and perhaps the banks and telecommunications companies will be branding and selling energy to the household.
>
> There are opportunities and risks in the sector that are more appropriately sought and assessed by private sector organisations, with government ensuring that the benefit of the reforms flows through to consumers in terms of both prices and services.

I find myself substantially in agreement with what Stephen Bartholomeusz has said. If we are to go into the unchartered waters of a national electricity market and the competition, I am concerned that there ought to be some true competition, not a Clayton's market as I fear this Government may be heading towards.

I am concerned that the Government has not given adequate consideration to the Riverlink interconnector proposal, although I note that the Government will be giving further consideration to that next week, as I understand it. I am concerned that, with Pelican Point, for instance, under the transitional provisions of the national electricity market, the Government may well tie us up into expensive, long-term power contracts that will be totally at odds with the whole concept of a national market. That is something I am very concerned about. If the Government goes down that path, I question its motivations in the context of a national market and looking after the best interests of consumers in this State.

At the end of the day, the national market is supposed to deliver significant benefits to the consumers of this State, and I would be bitterly disappointed and will consider it appalling if the Government goes down the path of locking this State into expensive power prices and inherently anti-competitive power contracts. I hope that the Government can clarify its position in the not too distant future with respect to those issues.

My view is that there is merit in substantially reducing the risk to taxpayers that a competitive national market will bring with it. One way of reducing that risk may be by way of a lease, and many would say a 25 year lease is by no means the de facto sale that a 99 year lease would be. With such a 25 year lease, it would need to be demonstrated clearly and objectively that such a lease would deliver an unambiguous net economic benefit to the State.

In order to determine that, information would need to be provided on a whole range of issues relating to ETSA and Optima, and I look forward to the Government's making that information available for a reasoned objective assessment on the viability of a 25 year lease to be made. I believe that the Government is capable of providing the requisite information. However, there is a good deal of public disquiet over the manner in which the Government has conducted its commercial dealings in the past.

The criticisms made of the apparent secrecy surrounding the contracts involving EDS, the water outsourcing and the Modbury Hospital contract appear to be founded on a number of reasonable concerns. The more recent and continuing controversy involving the Motorola contract also begs a number of important questions over the way in which this Government conducts business involving contracts with significant financial and public policy implications.

Whilst I am not suggesting any impropriety on the part of the Government in relation to any of the contracts referred to, I am suggesting that the commercial-in-confidence approach—some would say 'fetish'—of the Government, and all the associated secrecy and inherent difficulties of public accountability that such secrecy brings with it, is clearly unacceptable to an increasing number of South Australians, many of whom feel they are being treated like mushrooms in relation to the way in which the Government handles its major business dealings.

Given the possibility of commercial transactions involving this State's largest remaining group of assets, its power utilities, I for one would not wish to be part of a process of leasing these assets unless the Government adopts and embraces a spirit of openness and public accountability that we have not previously seen with those other contracts into which the Government has entered.

The public is entitled to accept nothing less than an unequivocal level of openness in relation to our common ownership of ETSA and Optima, and I look forward to the Government breaking new ground in this regard if it wishes to gain the confidence of the public and, indeed, this Parliament in any lease proposal for our power utilities. I commend the motion.

The Hon. T.G. ROBERTS: I rise to address His Excellency the Governor's speech, and make some comment, although not on the presentation of the speech, because that was delivered in a clear, succinct way, and His Excellency did it on behalf of the Government in power. The context in which the Government has put forward its policies for the next financial year does offer me some cause for concern in relation to the context in which the budget has been framed.

Traditionally my contribution in the Address in Reply debate has been to look at the international scene, particularly those trading partners that impact on our exports and, consequently, our standard of living, look at the national economic picture in which the State program is delivered, and then try to make some predictions as to whether the Government's framework for its expansionary budget can be met. Hopefully, those who read *Hansard* will see whether the position that I have put makes any sense to them in comparing it with the Government's deliberative position, given that it has all the expertise available to it through Treasury and the bureaucratic services that are required to make its deliberations.

It is a little over 12 months since John Howard made a statement that gave me cause for concern in relation to whether the Federal Government actually knew which direction it was to go in, other than a planned fiscal policy that was based on Friedman's theories that obviously have been discredited around the world.

The Hon. R.D. Lawson: Are you a mate of Milton's?

The Hon. T.G. ROBERTS: I am certainly not a mate of Milton's. I couldn't be any further away from an economic theorist than I am from Milton Friedman. However, I notice that the newly elected member for Barker, Patrick Secker, is a member of the Milton Friedman fan club. I would have thought that the Liberal Party might adjust its preselection processes to preselect, particularly in a country and rural seat such as Barker, someone who might have believed a little in the interventionist forces of Keynesian economics rather than a Friedmanite.

Rural and regional areas need cross-subsidisation where the daily lives of people are affected. For an economic purist to be preselected into a seat such as Barker, following in the footsteps of another Friedmanite (although not declared publicly in anything that I have read), Ian McLachlan, is an unusual choice, given that three or four other members were lined up for preselection who were slightly on the damper side of dry than Mr Patrick Secker.

I read a little of Mr Secker's maiden speech as it was reported in the local *Border Watch*. I understand that he made a very long speech and the *Border Watch* broke it down into segmented pieces. Mr Secker may be able to come back at me for misquoting or misdirecting my comments in terms of his contribution, but it appeared to me that he was espousing the rights and freedoms of individuals to be able to pursue their quality of life without the assistance and freedoms that most democracies provide, and no-one has any complaint about that.

However, it appeared to me that he was almost advocating the law of the jungle, that is, he was referring to those in society who start off with opportunity or who have opportunity thrown their way. They are the people who, under his system, would certainly benefit much more than those who were born in difficult circumstances. The social Darwinism of the philosophical position of the Friedmanites certainly appeared to flow through Mr Secker's contribution. I would hope that constituents who live in seats such as Barker, and other rural areas, look closely at their elected members to see whether their public utterances and the way in which they vote are consistent with the needs and requirements of the electorate.

Certainly at a State level, members of the voting public in regional areas did look closely at the credentials of their local

members and challenged the free marketeers whose time was obviously taken up in the pursuit of interests different from those of the people living in rural and regional areas in difficult times.

The program before us is framed under slightly more difficult circumstances than perhaps has the previous Government's program, but the message that is carried through His Excellency's speech does not appear to take into account the difficult circumstances into which we will be moving, particularly in the next financial year and perhaps the one after that.

All the international commentaries and national economic commentators who are looking at the circumstances in which we will find ourselves in the next 12 to 18 months certainly indicate that we are coming into more difficult times and that tax receipts, and therefore the ability to distribute wealth and income throughout a State or a nation, will become tighter and tighter. As I said, with the Friedmanites on the Government side, the only thing that people on lower incomes, fixed incomes and those who have no incomes at all, other than Social Security, can look forward to is more of the same, only a bit worse.

I do feel a little pessimistic about the representation that the seat of Barker will get from Mr Patrick Secker if he sticks to his own personal political philosophy, follows a dry Friedmanite position and expects a regional area and all its constituents to stand on their own feet and to fight to maintain their standards of living over the next period for which he is elected.

I understand, again from reading the same paper, that Mr Secker was invited to the opening of an environmental program in the Upper South-East which will reduce and, hopefully, eliminate salinisation of the land in that particular area. I remind the honourable member that that program was made possible by a Federal Government grant. I am not quite sure how that lines up with the honourable member's economic beliefs. Perhaps he has made the first compromise of his political career by being there and applauding the project and the way in which it was funded.

I also applaud the project if the achievements outlined by the proponents occur. I make no apology if grants made by the Commonwealth Government from time to time, either for environmental protection or for the benefit of constituents on the land, find their way into South Australia. One of the ways in which our receipts can be managed and improved is by attracting as much Commonwealth funding as possible.

But what did Mr Secker do in his maiden speech? He attacked the power of Canberra, stating that it had too much power, and said that more power should be given to the States and to local government. The first lesson in politics is that Canberra does have a lot of power and that Canberra does hold the purse strings. I should have thought it made good sense to know that if your electorate and State are to benefit from any of the work that you do as a local member of Parliament you should be able to work with your fellow members of Parliament on various committees and with various Ministers to observe the way in which grants are made, as well as the availability of special grants for special purposes. One can then make as much noise as possible to try to attract as many of those grants to one's particular region.

I make those comments on the basis that I hope there will be a change of attitude in relation to the individual member's personal, political and economic beliefs. Perhaps he can look at the ways in which he can represent the interests of the electorate of Barker, which does not have an even economic plan which benefits all its constituents throughout its length and breadth. Barker has some pockets of wealth, it has some pockets of poverty and it has what one could regard as average employment opportunities, average wages and, indeed, average conditions. It is not an area where everyone is born with a silver spoon in their mouth and is able to have a standard of living exceeding the national average.

It is true that some sections of the electorate have benefited from the expansion of the wine industry, but my understanding from anecdotal evidence given to me by many people in the wine industry is that all their investment programs are on hold; they are taking stock of any expansion programs they may have been looking at for the next 12 months; they have postponed many of their expansion programs; and we can expect a slowdown (or it could even be a stop) in the expansion of that industry. It is true that the Riverland, the Padthaway area and the Coonawarra area were beneficiaries of expansion programs that were catering in some cases for the national expansion of wine drinking by Australians, but much of the product was being put together for expansion of export programs to near regional areas and Europe.

One of the immediate problems of the Asian crisis is that the growth in that market for wine will be curtailed, if not dry up completely, and I am afraid that many of those growth programs that have been put together in the wine industry will be put on hold or stopped. I think the honourable member in his description in Canberra advised people that 42 per cent of the State's wealth was drawn from the Barker electorate. The mistake that many conservative members make in relation to drawing the economic and financial powers of the South-East and the Barker electorate, in this case, lies in not recognising that it is an electorate that can be hit very hard and very quickly by the rise and fall of commodity prices, particularly in the primary industries area. I would be very interested to read the honourable member's contribution in relation to the budget papers when the next budget has been framed, or after he has been in Parliament for 12 to 18 months, to see exactly what the economic climate will be after a Howard Government has been in power for 12 months.

Not only the member for Barker but many other South Australian Federal members of Parliament will have trouble explaining why they were so enthusiastic about endorsing the GST. The goods and services tax that had some consideration in the lead up to the last election is now well and truly on the platform for the Government to introduce. The Government says that it has a mandate: I am not quite sure how it defines a mandate, although John Howard has gone out of his way to tell us that the mandate that he has is governed by a majority of people supporting his Government. If we look at the way in which the Federal Government was elected and the composition of the peacetime coalition by which the Government is formed, which is a coalition unusual in western democracies—

The Hon. T.G. Cameron: The Liberals are hypocrites on this mandate issue.

The Hon. T.G. ROBERTS: The honourable member says that the Liberals are hypocrites on this mandate issue.

The Hon. T.G. Cameron: What about 1989, when we won the election with 48 per cent of the vote? They put on such a turn that they virtually rewrote the Act. Now they're complaining about it: they want it changed again.

The Hon. T.G. ROBERTS: Yes, the Act was rewritten and boundaries redrawn. The honourable member to whom I have referred and many Liberals who are now saying that

there is a mandate for the GST ought to examine just what mandate they have. The two-Party preferred vote is less than 50 per cent: I think it is about 48.7 or 48.8, which is in my view less than 50 per cent. Anything less than 50 per cent is not a mandate. If you look at the number of seats that the National Party won, many of the National Party members, for unity's sake, kept quiet about their position on the GST. Some were outspoken and were told to go quiet and easy on it.

A couple of rogue members in Queensland spoke out against the GST; two members of the Federal Liberal Party here in South Australia spoke out against the GST; and rural members of the Liberal Party who are not members of the National Party spoke out against the GST locally, quietly, while getting around the traps, but made no public examinations of the GST.

The Hon. P. Holloway interjecting:

The Hon. T.G. ROBERTS: This was all in the lead up to the election, and then after the election, as the honourable member interjects, a member of the Liberal Party in the Senate in Tasmania came out to make sure that he was going to reflect the concerns of his constituents in his State, by saying that he had concerns about the GST. So, a mandate for the GST? I do not think so.

The Government is going to try to get a GST through a Senate in which it does not have the numbers. In terms of a mandate, these numbers have been drawn from a previous election: it is not a mandate from this election in 1998. Half the Senate component was not elected at this election and, when members come to take their seats in Parliament, it is the Prime Minister's intention to have the debate and try to formulate a policy program negotiating with Independents in the Senate, to put forward a policy with a mixed mandate, which is the best you could call it, based on a previous election and a composite of Independents and people who have axes to grind against Governments and Oppositions for personal reasons, no more than that.

The Hon. T.G. Cameron: If he's so convinced that he has a mandate, why doesn't he wait until June next year?

The Hon. T.G. ROBERTS: The honourable member asks: if he is so convinced he has a mandate, why does he not wait until the new members take their seats? That is a good question. The reason is that he will not have the numbers to be able to put through a GST. What do we have now? We have Premiers' meetings based on revenues to be raised by a GST and we have a tax system that will be put in place in the year 2000. In the housing sector and whitegoods industry, and particularly in the motor industry, the foreshadowing of the GST for the year 2000 is now starting to have an impact on sales. The slow down in motor car sales will be positive, and the acceleration of applications for housing and extensions will be manic in the lead-up to the cut off point for the application of the GST.

So, hot and cold spots will be introduced into the economy over the next two years at a time when we would want some stability. We have an international crisis in our region. We have a slow down in both major economies—in Europe and America. It is almost comical, if you were able to laugh at it: we have a Government that is hell bent on bringing in a disruptive tax that will test the patience of everyone in this country because they will become the taxing agents, the collecting agents, for the Government. I spoke to owners of small business, and many of them were ambiguous about their support for the GST on the basis that they did not have enough detail on how it was to apply. When they found out that they were to become the tax agents and about the work they had to do in terms of collecting that tax, they were certainly opposed to it. Many of them did not vote against the conservatives because they voted on different issues, but when they find out what the impact is on their small business you can add them on to the total number of people who are opposed to that particular tax.

You would not want to be in Government in the year 2000. If this tax gets through the Senate, you would not want to be putting it into effect in the year 2000, given that the millennium bug will be stalking most computer systems within the nation at that particular time. The tax itself relies heavily on the use of computers, not only at State and Federal level in terms of the bureaucracy—

The Hon. P. Holloway: Wayne will fix those.

The Hon. T.G. ROBERTS: Millennium man will fix those; Wayne Matthew has been given the task in this State to iron out all these problems. But people in the community will have the added confusion of setting up their computer and database and software to become tax collectors on behalf of the Government while, at the same time, they will also be wrestling with the problems associated with the millennium bug. Also, given that the manic programs will be running in relation to the Olympic Games, we are in for an exciting time in the year 2000.

The Hon. P. Holloway: Not so exciting in the year 2001.

The Hon. T.G. ROBERTS: True. The Chinese are very philosophical and have many philosophical sayings and, if they want to impose not a blessing or a curse on you, just a greeting they wish you not well with, they say, 'May you live in exciting times.' We will certainly be living in exciting times and I think those exciting times match the Chinese philosophical expression.

The GST itself has been subjected to a lot of examination in some areas and in some board rooms in relation to the benefits it will bring, and it was those people who put pressure on the Government to try to get a slant on the GST that advantaged their own position. Those who were opposed to it or who wanted to make adjustments to it were not heard. They were heard after the decision was made when people were raising their objections to the tax to try to get exemptions for certain areas, and they were given short shift. They were not given much time to get their plans and objections together.

The largest group representing those people on fixed incomes and social security certainly made a lot of noise but were not heard. Now the Democrats and the Opposition will be looking at those areas in which exemptions can be made on a tax that really does not work with exemptions. It will be a hot time in Canberra over the next few months. I would like to see what deals are being struck with Mal Colston at the moment to try to bring that Independent Senator to endorse the Government's position—

The Hon. Diana Laidlaw: He's doing what Mr Beazley wants him to do.

The Hon. T.G. ROBERTS: Well, if he is doing want Mr Beazley wants him to do, he will not be voting for a GST—hopefully.

The Hon. Diana Laidlaw: That's not what Mr Beazley is saying.

The Hon. T.G. ROBERTS: Well, we will have to look at the final outcome in relation to the Government's position. We have a weakened Government trying to put through a revolutionary style tax in an economic climate that will be questionable. There will be little or no growth in the econ-

omy; certainly, in the South Australian economy there will be little or no growth. A lot of the economic experts are predicting that the growth indicators that were factored into most economic analysis positions some three months ago are now being heavily weighted down.

Whereas the economic financial experts are putting into place growth figures of 2.5 and 3 per cent, many of them are just adjusting their growth down to 1.5 and 1 per cent, with some saying that we would experience negative inflation and negative growth. If this occurs, certainly the South Australian economy will be severely impacted upon in relation to the platform that has been put forward. The platform itself hides behind the need for the sale of a major utility, that is, ETSA. It would not have mattered whether we were moving into a period of 4.5 per cent growth or into a period of negative growth: the same platform would have included the sale of ETSA in it. Regardless of whether we are moving into difficult economic circumstances or a period of rapid growth, the arguments for the sale of ETSA do not change for me.

The growth figures predicted for the next 12 months for various States will have to be adjusted according to our export position in the marketplace. The 'Outlook for international economies' paper that has been put together by National Institute of Economic and Industry Research Pty Ltd examines the crises that developed in many of our trading partners' economies. I point out that 20 per cent of our exports are into Indonesia, and Indonesia's position is critical. For those of us who have been watching the evening news of late, the position in which the current President finds the country will be watched closely over the next few weeks. There has been a promise of reforms that have been put forward by President Habibie, which the general population do not accept. They do not believe that the democracy they fought for in the first tumultuous days of their internal revolution in the streets, so graphically exposed by the electronic media, has been met. They believe that general elections must be held within a short period, and they want a full-blown democracy and not democracy as determined by an imposed President.

We can see that Indonesia's ability to be in any way, shape or form an economy with growth over the next 12 months will be almost impossible as they wrestle with the democratic processes. On 8 October, the Government asked the IMF, the World Bank and the Asian Development Bank for advice, and President Suharto put together a package of $37 billion, which was the second largest deal after Mexico. Soon after that, some of the banks were closed and Moodys', the United States credit rating agency, downgraded Indonesia's credit rating to junk bond status. Its rupiah collapsed, and the IMF announced that it would return to try to negotiate a new deal.

The economic forecasts that were put together for Indonesia, Thailand, Malaysia, Singapore, Hong Kong, South Korea and Japan, although different in form and structure, have a general theme: their economies are in a diabolical state. So, you would expect our Federal Government to indicate that there will be some difficulty in our economy in the year 1999-2000. However, statements emanating from Canberra are that there is a slight hiccup but that the economies will move back into growth. I forgot to mention China which has readjusted its position from 8 per cent growth to 6 per cent growth.

The Hon. T.G. Cameron: You're taking us on a tour of South-East Asia.

The Hon. T.G. ROBERTS: Well, it's a bit of a geographical tour. In this day and age, for State members of Parliament to get their economies and programs right in preparation for government, because of the internationalisation of our economy they must look at their neighbours to find out exactly where we will sit in the whole of this program. The point I make is that our leaders in our august Parliament in Canberra and this State have rarely mentioned the difficulties that our newfound trading partners and friends in the northern regions are experiencing and how they will impact on our economy.

We should prepare ourselves for growth that will have to be adjusted downwards. We should try to put in place a structure that will allow our economy to adjust to these difficult circumstances in which we find ourselves. There should be some bipartisan discussion of how the State can prepare itself to try to come to terms with wrestling with a conservative economic mandate, which includes the imposition of a GST, and the problems that we will have in adjusting our taxation receipts in a shrinking national and State economy, and at least to try and prepare South Australians for that position so that we have some policies that we are able to work towards in a bipartisan way. Unfortunately, that is not possible because most of the positions put forward by our leaders in high places are unrealistically optimistic and do not face up to the realities of economic life.

The picture that I paint in relation to where we will be in six to 12 months' time, as opposed to the Government's program, gives cause for concern for the Government's position of trying to put together a package of programs that will change our economic direction once we find ourselves in a position of negative or little growth. What will happen is that the Government will turn to the New Zealand framework for its reform program. I will read into *Hansard* the messages that can be received from that.

New Zealand has been placed on a pedestal as the economic direction in which to go. I must say that New Zealand's economy has shrunk faster and probably with more zest than any country in the OECD group because it is further down the track in relation to economic rationalism than other countries. They did basically what the Federal Government is doing now, that is, removing the funding from a number of publicly funded areas—health, education and the old CES (Centrelink)—and then saying to the public of South Australia—or its national efforts in relation to Centrelink—that these programs do not work, that we now need to privatise them and that, once they are privatised, these systems will be up and running and we will receive a lot of benefits from them.

Centrelink is now almost totally anarchistic. It is unable to deal with the problems and the programs that it was set up to assist with. We have a Federal Minister who keeps saying that no more finance is required, no more money is required and that if people just went away, Centrelink would work well. What is happening out there is that, with the underfunding of Centrelink, young people are given the run around to a point where they no longer want to deal with Centrelink. They are unable to get any satisfaction at all.

As I mentioned before, in this period, when we have had reasonable growth in the economy and when the domestic economy has been ticking over reasonably well, there has been no growth in the economy for young people. In some areas, unemployment is running at 30 per cent to 40 per cent for young people—and 'young' is now determined to be

under 25. We now have a system, supposedly set up to help them, not offering any service or help at all.

I suspect that we will move towards the New Zealand or the Canadian situation and turn over Centrelink to Drake or to one of the large service providers, which will try to act as an agent for the unemployed. There will be no linkages back to the advice services that the old CES and Centrelink used to provide. By privatising these services, the Government washes its hands of the matter and takes no responsibility for the outcomes of privatisation.

I note that Sue Vardon has been quoted in the *Australian* as saying that she has been given the job, I guess, of trying to build up the propaganda program for Centrelink. The article in the *Australian* states:

> But Centrelink Chief Executive Sue Vardon, who said the cuts. . . which would be achieved by voluntary packages or retirement—

this is after they cut the number of jobs, 5 300, from Centrelink—

> claimed a restructuring of Centrelink's work practices meant it could deliver more services with fewer staff.

I know Sue Vardon from the time that she worked here in South Australia, and I would have hoped she had a few more lines in the *Australian* to explain how for those people, for those members of Parliament, who have tried to assist young people to make contact with Centrelink services but who have been unable to get past the recorded messages. If you are lucky enough to speak to someone who is able to return your call or who is able to talk to you on the phone, in most cases, they will tell you that they are unable to help you with your query on behalf of your constituent, as they have only been in this part of the Centrelink service provision for a short time and will not be able to proffer any advice. So, their ability to do their job has been cut.

The morale at Centrelink is nil and, despite Ms Vardon's promises of fewer people being able to provide better services, we can see that the Canadian-New Zealand experience will be offered inside the Centrelink services, which will be put out to tender and privatised. The same can be said about our health and education services, and we have seen it in water management in this State. I am afraid that we are heading towards having a New Zealand style structure imposed on us in this State. With those misgivings about the structure of the Government's program, I note His Excellency the Governor's speech.

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

PASSENGER TRANSPORT (SERVICE CONTRACTS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 October. Page 49.)

The Hon. T.G. CAMERON: Apparently this Bill is the result of a recent review of the operations of the Passenger Transport Board. The Act provides that service contracts for the provision of public transport services should not require the use of more than 100 buses. This limit has been a critical factor in determining the size and delineation of contract areas, in many cases with negative results. Some of the examples of this are that the 100 vehicle limit takes no account of the different size of public transport vehicles, and their capacity can vary from 13 to 75 seats.

It does not make it clear whether buses that are undergoing mechanical service should be counted or, if a bus operates between two contract areas, whether the bus is counted in each of those areas. TransAdelaide is exempt from the constraint, giving it an unfair advantage, according to the ACCC. The limit applies only at the time of awarding the contract and no sanction applies should the limit be breached in the course of the contract. The contract area required to meet the 100 vehicle limit has led to the elimination of through-linking.

The 100 vehicle limit was originally introduced following amendments moved by the Hon. Sandra Kanck and the Hon. Barbara Wiese in 1994. According to the information that we have been provided with, the 100 vehicle limit poses some problems because it has not proven to be an effective means of providing opportunities for small local operators. Wherever possible I support attempts to create favourable conditions for small business and, in particular, for small local business.

Contracts requiring 100 vehicles are very large by comparison with the size of most private bus companies. Apparently most of these have about 10 vehicles, and the 100 limit does not prevent a single operator from dominating the market. A single operator could bid for and potentially win every contract put to tender. The Government's proposal, and its approach, is to strengthen the intent of section 39 by providing more explicit guidance to the Passenger Transport Board regarding the contract system.

This Bill amends the Act so that the board, in awarding service contracts, must take into account the following matters. Service contracts should not allow a single operator a monopoly or near monopoly, and I will come back to that issue. Competition must be developed and maintained. The integration of public transport services should be encouraged and enhanced and service contracts should promote innovation and services for customers. The Bill also amends the Act by deleting section 39(3)(a)(ii) which requires TransAdelaide to provide not less than half of public transport services until 1 March 1997. The transitional period is now over and it appears that the subparagraph has no effect and is to be deleted.

My office contacted the PTU, as it does on all these transport matters, and the Secretary, Rex Phillips, advised my office that he has no objections to the Bill. I have a few questions that I would like to put to the Minister. New section 39(3)(a) provides:

> in any case involving a contract or contracts for the provision of regular passenger services as part of the operation of the public transport system within metropolitan Adelaide—must take into account the following principles (and may take into account other principles).

What other principles is the Government, the PTB or the Minister considering that may be taken into account when service contracts are awarded under this section? It appears to me that, whilst the Minister has clearly defined under new subparagraphs (i), (ii) and (iii) what principles must be taken into account, there is no suggestion anywhere in the Minister's second reading explanation of what the other principles are that may be taken into account.

I also understand that in awarding these contracts other factors are taken into account which probably fall outside the 'must' and 'may' principles which the Minister uses in the legislation, such as service delivery, cost and so on. I cannot recall them off hand, but the Minister outlined them on one

occasion in response to a question that I asked about how much money was being saved by awarding these contracts—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: And price. How will these new principles that must be taken into account interact with the other principles, which, I understand, the PTB and the Minister's department take into account when awarding these contracts? Could the Minister further elaborate on what other principles she has in mind that they may take into account? Another query relates to new section 39(3)(a)(i) which, in part, provides:

> service contracts should not be awarded so as to allow a single operator to obtain a monopoly, or a market share that is close to a monopoly. . .

I may well have overlooked it, but I cannot find where the Minister defines what she means by 'monopoly' or 'a market share that is close to a monopoly'. If the Minister does not intend to define what she means by 'monopoly' or 'a market share that is close to a monopoly', could she outline what they mean to the Chamber so that, in future, when these contracts are awarded and we want to try to pick holes in them, we will have some idea what that section of the Act means? I indicate that at this stage, provided that a satisfactory explanation is given to the questions I have asked, I see no problem with this legislation at this point.

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

CRIMINAL LAW CONSOLIDATION (CONTAMINATION OF GOODS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 145.)

The Hon. CARMEL ZOLLO: The Opposition agrees that this Bill is a necessary and responsible response to some unfortunate events which, although few in number, could have had much more tragic and widespread consequences. These events regrettably are becoming an ever threatening reality in our mass consumer and service dependent society.

The Bill is the consequence of action requested by the Standing Committee of Attorneys-General from the Model Criminal Code Officers Committee. It reflects an appropriate national approach to this serious problem, drawing on the Australia-wide knowledge of that committee. The Opposition agrees that unlawful and criminal acts of goods contamination, or other acts that prejudice the health or safety of the public, should not be tolerated and welcomes this Bill.

Arising out of the increasing centralisation of production and supply of many of our goods and services, the potential for threats against supply and contamination in this process could become more common and could have widespread disastrous consequences. A serious risk to public safety and wellbeing can occur, as illustrated by the Attorney-General in his second reading explanation.

The present status of the South Australian law does not sufficiently provide for the recourse necessary in dealing with offenders who are motivated by malice or other non-pecuniary interest. Whilst not wishing to repeat previous examples, I wish briefly to comment on the recent infamous case of the threatened contamination of Arnott's biscuits. The threat to poison an Australian icon like the Monte Carlo cream biscuit, as well as other biscuits, led to a complete withdrawal of all the products.

Despite very high costs, Arnott's in this case kept paramount its responsibility to consumers, as well as minimising the impact of the threat on its shareholders and the long-term viability of the company. The demands made to prevent the threatened poisoning of Arnott's products were unrelated to Arnott's in a direct way, as far as can be ascertained. The demand appeared to be in relation to a police matter involving murder. The letters of demand and the associated scare caused a residual effect not only with Arnott's biscuits but also on consumer confidence in general, well beyond the period of product recall.

Our society totally depends on the integrity of goods and services. If the supply of a major service or utility, such as a water supply, was threatened with contamination, imagine the disastrous effect it could have on the wellbeing of a community and industries dependent on its safe supply.

One could also only begin to imagine the destruction that a malicious criminal threat could cause against our information technology infrastructure. With our society and technology becoming increasingly more complex, sometimes the greatest threats are seemingly simple. Massive damage and havoc could occur to our economic interests or property by the sabotage, or threatened sabotage, of public infrastructure, both physical and electronic. Imagine the possible impact if threats were made or carried out, such as introducing a major computer virus over the Internet or a threat to contaminate the computer systems in one of the increasingly common call centres.

What damage could a criminal hacker cause in an area such as a national bank or telecommunications call centre? It is important that authorities have the ability to prosecute individuals or groups who have a motive much wider than the scope of simple blackmail or extortion, because their actions could result in everything from economic loss and bankruptcy for that enterprise to the loss of employment in other areas.

In the Government's addressing the area of deliberate contamination or threat of contamination of goods, I am also reminded of the pressing need by Government to address the issue of negligence, particularly in relation to food, and introduce the appropriate changes to the Food Act.

The Opposition supports changes to the criminal law to deal more effectively with criminals who may prejudice public health and safety. These crimes may not necessarily provide a direct benefit to the perpetrators but can cause massive social disruptions and economic cost. It is hoped that this Bill will address the deficiencies in the current legislation and clearly legislate for offences which can widely impact on our community and which are motivated by hatred, revenge or malice. The Opposition supports the second reading of 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 18 November. Page 215.)

The Hon. T.G. CAMERON: I support this Bill, which is in response to the recent Victorian Supreme Court decision regarding Coles-Myer which held that transfers associated

with share buy-backs were not strictly transfers and that therefore no stamp duty was payable on these transactions. I believe that this legislation will close that loophole, which allowed companies that buy back shares to increase their sale value and to be exempt from paying stamp duty on them. As I understand it, this legislation will not change the current situation but will put the matter beyond doubt.

I note that the Labor Party supports the Bill. I believe that it is in South Australia's interest to ensure that big business—it is mainly big corporations that are involved in these share buy-back propositions—pays its fair share of tax and that these amendments, provided that some other lawyer does not find a loophole around them, will ensure that in these situations they pay their stamp duty.

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

TRANSPORT SAFETY COMMITTEE

The House of Assembly agreed to the resolution contained in the Council's message No. 6 without any amendment.

NON-METROPOLITAN RAILWAYS (TRANSFER)(NATIONAL RAIL) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Tuesday 24 November at 2.15 p.m.