LEGISLATIVE COUNCIL

Wednesday 25 November 1998

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

AUDITOR-GENERAL'S SUPPLEMENTARY REPORT

The PRESIDENT: I lay upon the table the Auditor-General's Supplementary Report on accounts of certain public authorities 1997-98.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1997-98—
Chiropractors Board of South Australia.
Guardianship Board of South Australia.
Nurses Board of South Australia.
Pharmacy Board of South Australia.
Physiotherapists Board of South Australia.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the fourth report of the committee and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay upon the table the fifth report of the committee 1998-99, and the annual report of the committee 1998-99.

JET SKIS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement on the subject of jet skis.

Leave granted.

The Hon. DIANA LAIDLAW: Jet skis—more correctly termed 'personal water craft'(PWCs)—have been around in one form or another since the late 1970s. However, their popularity has increased dramatically during the past five years. There are approximately 1 000 jet skis currently registered in South Australia, with numbers increasing by about 20 per cent annually. Experience interstate and overseas suggests that this rapid growth will continue well into the future. Much of this growth can be attributed to ongoing efforts by jet ski manufacturers to broaden the appeal of these craft and capture segments of the traditional boat market.

The early 'stand-up' type of jet ski was little more than an expensive toy for playing in the surf. It was virtually useless as a means of transport or for any mainstream aquatic activity like water skiing. Consequently, their appeal was limited. However, today the jet ski is a versatile and effective form of transport for up to three adults. They can tow water skiers with ease, and they cost considerably less to buy and operate than a more conventional boat. Consequently, sales have boomed and jet skis now account for around 20 per cent of all new boat sales.

The increasing popularity of jet skis has also resulted in some problems. By far the most common complaint about the use of these craft is the persistent noise they generate. Although these craft are well within legal limits for noise emission, unlike more conventional boats, jet skis tend to be used for extended periods. The constant buzzing is infuriating beach side residents and beach users generally.

The issue of swimmers' safety, particularly at metropolitan beaches, has also been a matter of concern to the Government. Although to date there have been no reported cases of a swimmer or other beach user being injured by a jet skier in South Australia, serious or fatal accidents have occurred interstate. Concern has also been raised with my colleague the Minister for the Environment and Natural Resources (Hon. Dorothy Kotz) over the growing use of jet skis in areas of high conservation value and the resulting impact this can have on wildlife habitats and populations. By virtue of their small number and manoeuvrability, jet skis can and do venture into environmentally sensitive creeks, lagoons and backwaters of the Murray River which have not previously been exposed to boating activity.

None of these problems is unique to South Australia; most other States, and, indeed, several other countries, have found it necessary to introduce controls over the use of jet skis in their waters. Earlier this year I established a Jet Ski Consultative Committee to investigate all these concerns and recommend appropriate measures to address them. The committee comprised representation from the Local Government Association, each metropolitan seaside council, all River Murray councils, the Metropolitan Seaside Councils Committee, the Boating Industry Association of South Australia and the Jet Sport Boating Association, which, incidentally, chose to be represented by the Boating Industry Association.

The committee has reported its findings, and I will now seek Cabinet approval for the following regulations under the Harbors and Navigation Act to be introduced before Christmas 1998:

1. The introduction of a 4 knot speed limit applicable to jet skis operating within 200 metres of the shoreline along the entire metropolitan foreshore from North Haven to Sellicks Beach. This regulation will provide for a limited number of exemptions, for instance, for rescue craft.
2. The introduction of a 4 knot speed limit applicable to jet skis operating in all off-river areas of the River Murray such as creeks, tributaries and lagoons connected to the River Murray, but not the River Murray itself, and excluding some specific areas identified by relevant councils.

In relation to the 200 metre zone limit, I note that the member for Kaurna has moved a motion in the House of Assembly proposing that jet skis be regulated, restricted or prohibited in specified waters within one kilometre of the shoreline adjacent to Adelaide and other coastal cities and towns in South Australia. This proposal is not consistent with the recommendations of the Jet Ski Consultative Committee. All councils along the metropolitan coastline agreed to the 200 metre zone. These councils also engaged in significant community consultation based on the 200 metre zone. The new regulations will be policed by marine safety officers from Transport SA, by authorised council inspectors and by the police.

Meanwhile, in addressing jet ski problems, I have asked for the effectiveness of the 4 knot speed limit to be monitored during the summer of 1998-99 and reviewed in time to make

any necessary or desirable changes for the 1999-2000 summer period. I should add that, while these changes will be applied to the operation of jet skis initially, the consultative committee has suggested that they be extended to all motor boats. I will explore this suggestion further as part of the review process.

The committee has also recommended, and I agree, that measures should be introduced to improve the visibility of registration numbers displayed on jet skis and other boats generally.

Finally, I take this opportunity to thank all members of the Jet Ski Consultative Committee for their participation and all the relevant councils for undertaking extensive consultation regarding the future operation of jet skis in South Australia. I am confident that the measures I have outlined will provide welcome relief to beach goers and nearby residents while still allowing the owners of jet skis to enjoy their activity.

WOODLEIGH HOUSE

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement made by the Hon. Dean Brown, Minister for Human Services, on Woodleigh House at Modbury Hospital.

Leave granted.

MENINGOCOCCAL DISEASE

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement made by the Minister for Human Services on the review of South Australia's response to the meningococcal disease 1998, as well as a copy of the reviewers' report on meningococcal disease.

Leave granted.

QUESTION TIME

MANUFACTURING INDUSTRY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Treasurer a question regarding manufacturing jobs.

Leave granted.

The Hon. CAROLYN PICKLES: Mr Webber AO, former head of the South Australian Development Council, has taken the extraordinary step of writing an open letter to the Treasurer raising his serious concerns about the Government's lack of support for Riverlink in favour of the construction of a new power plant at Pelican Point. In the letter, Mr Webber writes that while he supports electricity privatisation he is 'concerned that in taking steps to maximise sale value of these assets the long-term manufacturing competitiveness of this State will be compromised'. Mr Webber goes on to say that, without an assurance that the new plant will sell its power in unconstrained competition with electricity (and I quote again):

> I can only assume that the Government has placed a higher priority on maximising the proceeds from the ETSA sale than on the long-term competitiveness of manufacturing (and therefore growth of jobs in manufacturing) in our State.

My questions are:

1. Does the Treasurer agree with Mr Webber that the Government is risking jobs growth and the health of manufacturing in this State in order to boost the sale price of ETSA and Optima?

2. What is the Treasurer's response to the concerns of Mr Webber AO, one of this State's—

The PRESIDENT: Order! Members are out of their seats with their backs to the Chair. I would prefer that members move into the lobby or sit down beside whomever they want to lobby rather than be discourteous to the honourable member who is trying to ask a question.

The Hon. CAROLYN PICKLES: Thank you for your protection, Sir. I continue: what is the Treasurer's response to the concerns of Mr Webber AO, one of this State's most respected business leaders?

The Hon. R.I. LUCAS: I have generally warm regard for Mr Webber and on most occasions agree with his concerns in relation to the future economic development of the State of South Australia. As I have indicated on a number of occasions, and will indicate again today, there are a number of aspects of Mr Webber's questions which the Government and I certainly cannot accept. The first point to make, again, is that the South Australian Government has not stopped, is not stopping and will not stop Riverlink. It is a decision that must be taken by an independent national body called NEMMCO, and it is NEMMCO's responsibility to make a decision in relation to the establishment of Riverlink.

The South Australian Government's view is that if Riverlink can demonstrate to the broader South Australian community and to business leaders, particularly Mr Webber, and others, that there is to be a net benefit from the building of Riverlink, then the processes are already being pursued. Those processes are quite open and transparent for the supporters of Riverlink to prove their case and to make Riverlink part of the medium or long-term solution for power needs in South Australia.

Secondly, the State of South Australia, in advice provided to the Government, needs extra supply capacity by the end of the year 2000. I have sat in on recent meetings with some proponents for Riverlink, and one problem for the Government is that Riverlink cannot guarantee supply by the end of the year 2000. At the moment, as a result of the bookmark biosphere problems, the proponents are now having to look at 14 different routes, many of which traverse Victoria, to try to get around the environmental problems. No decision has yet been made but they must work through that environmental process; they must convince a third State in relation to access through Victoria; and they cannot guarantee that we will have power at the end of the year 2000.

Recently I met with some proponents for Riverlink and, as a representative of the Government on behalf of the people of South Australia, I could not accept one of their responses to me. The difficult issue was that South Australia might experience power blackouts in February 2001. They said that we could have blackouts for five days if we had hot weather. Perhaps if we experienced hot weather, as we did two years ago when we had 10 days of hot weather, we might have blackouts interspersed through such a 10 day period.

The view that was being put to this Government was that we ought to do the costs on the issue of supply and blackouts for that particular time and then make a judgment on whether or not we really need to have power during that summer. I am not sure what the position of the Opposition is, but the South Australian Government is saying that, if it is given advice that in sensible planning terms it should seek to prevent the possibility of blackouts during that particular period to the greatest degree that it can—certainly, no-one can ever

guarantee it—then it has to ensure that the supply needs will be met. The only option that we can state with a degree of certainty will guarantee supply is this fast-tracked option in relation to new power plant generation at Pelican Point.

The proponents of Riverlink cannot and will not guarantee that it will be ready by the end of the year 2000. All they say is, 'Well, if there are to be power blackouts in that summer, then you have to weigh up the costs of that against the costs of the various options.' I can see the position in February 2001 when we are sitting in the Parliament and we have just had two weeks of 40° weather. What would the Deputy Leader of the Opposition be saying if he knew that there had been advice to the Government which said that we had to have power at the end of the year 2000?

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Members would be standing up in this Chamber and attacking the Government for not having been a sensible planner in terms of sensible supply.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It does not matter when the honourable member raised it; we are solving it. The honourable member's leader is standing up now attacking the Government's decision: we are solving it. The honourable member does not have a solution for it; all he is doing at the moment is spoiling. The honourable member knows what he is doing; he is following the lead of the Leader of the Opposition. Anything to try to spoil at the moment is what the honourable member is trying to adopt. The Government has got a power; it will solve the problem in the way that it has now indicated and, if the honourable member does not like it, he can put down an alternative plan.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If the honourable member does not like the plan, he can put down an alternative plan.

The Hon. P. Holloway: It's too late.

The Hon. R.I. LUCAS: It is not too late.

Members interjecting:

The Hon. R.I. LUCAS: We are going ahead and we will meet the time lines. The only people trying to stop us is the Opposition because it can see political advantage in a couple of year's time, just prior to an election, in raising this issue. We can see through its transparent political objectives and we will not be diverted. That is a critical issue and, as I said, the proponents of Riverlink cannot and will not guarantee that we can meet that supply. As I said, some of the proponents of Riverlink just say, 'Well, you have to look at the possibility of those blackouts and, if you have them, weigh up the costs of that against the alternative programs, projects or processes that the Government has outlined.'

It is not clear from Mr Webber's letter, although from looking at the letter an inference might be drawn that in some way we are not strongly linked into the national market and therefore linked to what Mr Webber sees as the competitive prices in the Eastern States. I remind Mr Webber and members that between 35 and 40 per cent of our power is provided from the Eastern States through the Victorian interconnector. It exists. We are not like Queensland where we are not locked in and interconnected. We are quite different. Some 35 to 40 per cent of our power comes from the Eastern States through the Victorian interconnect.

Some of the analyses which have been undertaken in relation to the Riverlink proposal have been based on the old prices in New South Wales of about $10 a megawatt hour. For the past few months we have seen prices in New South Wales of between $20 and $25 a megawatt hour, more than double the prices of some of the older analyses which had been done pre June of this year.

The Hon. M.J. Elliott: And it will go up further.

The Hon. R.I. LUCAS: The Hon. Mr Elliott says, 'It has gone up further,' and some in the market will agree with the Hon. Mr Elliott. Some will say, 'Maybe not, it will stay at around about the level,' but members will not find too many people who will say that it will go back to $10 a megawatt hour. It might stay where it is; it might go higher; and that is the sort of ballpark about which the commentators are talking. As I said, I have a warm personal regard for Mr Webber and on most occasions I agree with many of his views in relation to economic development, but I reject most strongly that this Government would sacrifice jobs in South Australia to try to maximise the sale value of our electricity businesses.

The Hon. SANDRA KANCK: As a supplementary question, will the Minister advise what expected increases in greenhouse gas emissions will accrue as a consequence of Riverlink being built? Will that accrue to New South Wales or South Australia?

The Hon. R.I. LUCAS: I know of the honourable member's interest in these issues as I am sure she would know of my shared interest in them. As we have highlighted on a number of occasions, one of the great strengths of South Australian generation at the moment compared with the other States is our greater concentration of use of natural gas as opposed to coal and the important benefits in relation to greenhouse emissions.

One important benefit (for those members in this Chamber who are interested in the environment) is that the Government's proposition will employ local South Australians in local employment here in South Australia with a local plant and using natural gas, as opposed to employment in New South Wales via an interconnector and with the resultant problems that the honourable member has identified in relation to greenhouse emissions.

In terms of the exact numbers, I have seen the calculations but the numbers escape me. However, they are considerable. I am happy to take that on advice and bring back a reply for the honourable member. As the honourable member will know, it does depend on the assumptions you make about how much power will be flowing across that interconnector at any particular point in time.

HORIZONTAL FISCAL EQUALISATION

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

Leave granted.

The Hon. P. HOLLOWAY: Following the recent Premiers' Conference the Premier told the Parliament:

> What we have achieved is to protect what was always rightfully ours: a commitment that the principles of horizontal fiscal equalisation will remain in place and will govern the distribution of GST revenues.

The Treasurer would be aware that the distribution to the States as determined by the Commonwealth Grants Commission depends on State population and differences in disabilities that give rise to positive or negative needs. The needs depend on how the expenditure that a State would incur if it provided an average level of service compares with a

standard expenditure and the amount that a State would raise if it made an average revenue raising effort compared with the standard revenue.

Given that the introduction of the GST package will lead to the abolition of most forms of State raised taxation, what will be the base for determining the revenue raising effort by States in the future? What impact will this change have on South Australia's relative position? When will the new relativities next be determined by the Grants Commission? What principles will apply to that determination?

The Hon. R.I. LUCAS: A five year relativity review is being conducted at the moment. I think the results of that are likely to be made known some time in the first six months of next year. I will take advice on the principles, but broadly they will remain the existing principles minus, or with the amendment of, any changes as a result of the introduction of the GST and the removal of some of our—

The Hon. P. Holloway: No tax effort.

The Hon. R.I. LUCAS: It is not a question of there being no tax effort. We have considerable tax effort still left in terms of payroll tax, remaining stamp duty bases and so on. So, it is not correct to say that the removal of these State taxes means that the State will not be raising taxes through their remaining tax base. As I said, there is a relativity review going on at the moment. I am happy to bring back answers to the honourable member's questions in relation to the principles upon which that review will be based in the light of the recent historic national tax reform decision.

OLYMPIC GAMES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Minister for Transport and Urban Planning, representing Minister for Recreation, Sport and Racing, a question about the 2000 Sydney Olympics.

Leave granted.

The Hon. T.G. ROBERTS: I asked a question in August in relation to the coordination of effort and resources in this State, not only in Adelaide but also in regional areas—the coastal cities of Whyalla, Port Augusta and Port Pirie, the Mid North towns, the Riverland towns, the City of Mount Gambier and South-East regional towns—to encourage underdeveloped and third world nations to acclimatise in preparation for the Sydney Olympics.

The Sydney Olympics has been advertised as trying to get back to the original Olympic theme of goodwill and friendship. I would see this as a way that Australia could make it not purely a Sydney initiative but an initiative that could take place in most Australian regional areas. The symbolic outreach that the Olympic flame has enthuses many people. It does not particularly enthuse me, but I understand that people in the Riverland have had their nose put out by the flame's not going through there. This is one way in which the regional areas could participate in a meaningful way.

The Riverland, Barossa Valley, South-East and northern regions have a particular cultural acceptance of billeting and catering for larger groups of visitors and sporting groups, and I am sure they would all like to participate, but I fear they will not be encouraged to participate in any of the broader interests of the Games on the basis that they will not be invited. I have a reply to a question that I asked in August which states:

The South Australian Government through the Office for Recreation and Sport's 'Prepared to Win' program has already considered the issue of assisting overseas teams from developing countries who may wish to train and acclimatise in Australia in the lead-up to the 2000 Olympic Games. There has been liaison with the Australian Olympic Committee to ensure that the matter is addressed within the auspices of the Olympic guidelines.

Correspondence was recently forwarded to Mr Clive Lee, Coordinator, Solidarity and Olympic Training Centres of the Australian Olympic Committee, seeking his support to contact many of the developing nations to determine their training and acclimatisation needs.

It indicates that recent correspondence has been forwarded. I would be too modest to assume that it was my question in August that may have triggered that, but I ask another question in line with part of the explanation and hope that the Minister would take it up as a South Australian initiative, if no other regional centre in any of the other Australian States will take it up because I am sure, as I have said before, that Victorian regional centres would like to be involved as well.

My question is: will the Government liaise with the Australian Olympic Committee to examine a proposal that broadens participation in the lead-up to the Olympic Games for regional cities and country towns to involve themselves in programs such as I have outlined?

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

ROBE TERRACE

In reply to **Hon. IAN GILFILLAN** (24 November).

The Hon. DIANA LAIDLAW:

1. While no plans or definitive schemes have been developed at this stage for the upgrading of mid-block section of Robe Terrace, it is envisaged that concept options would be developed optimising the 40m wide road reserve, and therefore would not encroach onto the parklands. It is still too early to determine whether the parklands could be extended to embrace the 66kv line.

2.& 3. In relation to the possible cribbing of the parklands, the boundaries between the road reserve and parklands are not as definitive as is the case along the main stretch of Robe Terrace. Therefore, it is not possible at this stage to indicate whether there will be a need to undertake any minor cribbing at this complex intersection.

In the meantime, TransportSA surveyors are working closely with the Adelaide city council to ascertain, in a definitive form, the boundary positions.

It is anticipated that in April/May 1999, concept options for Robe Terrace will be developed and presented at a workshop to key stakeholders (which will include not only residents and councils but also representatives from the Parklands Preservation Society). After this workshop an agreed scheme (including any possible cribbing) will be developed.

CLASSIC ADELAIDE CAR RALLY

In reply to **Hon. J.F. STEFANI** (24 November).

The Hon. DIANA LAIDLAW:

1. Vehicles participating in the Classic Adelaide Rally were not exempt from the Motor Vehicles Act requirement to be registered and covered by Compulsory Third Party (CTP) Insurance.

However, the Motor Vehicles Act provides for the Registrar of Motor Vehicles to issue an 'unregistered vehicle permit', if he considers it would be unreasonable or inexpedient to require a vehicle to be registered. The permit includes CTP cover. Vehicles that were not already registered, or vehicles which came from overseas, would have been required under the provisions of the Motor Vehicles Act to be operated under an 'unregistered vehicle permit', and therefore covered by CTP.

2. The office of the Minister for Tourism has advised that Australian Major Events (a division of the South Australian Tourism Commission) has undertaken to provide $150 000 in cash sponsorship to the Classic Adelaide Car Rally organisers for the 1998 event.

3. An inspection of the intersection of Cudlee Creek to Lobethal Road with Fox Creek Road was conducted by TransportSA on 24 November 1998—and the following has been established.

Stop signs are installed on the Fox Creek Road approach, due to sight distance being restricted by the terrain. The general rural speed limit of 100 km/h applies and is considered to be appropriate for the prevailing rural environment. To specifically alert motorists to this curve, warning signs indicating an advisory negotiating speed of 65 km/h are installed on both approaches. Other T-junction warning signs have also been installed.

In addition, pavement surface is considered to be satisfactory.

Nevertheless, an investigation will be undertaken to consider immediate improvements to signs, linemarking and general delineation to raise the awareness of motorists of this junction.

TransportSA has provided the following statistics in relation to the accidents which have occurred at this intersection—

	Accidents	Injuries
1989-1992	6	3
1993-1996	3	3
1997	1	1
1998	4	1

No fatalities were recorded in this period.

There were 2 motorcycle accidents (both resulting in injuries) in this period.

In an effort to reduce the accidents, Transport SA installed an extensive amount of guardrail—and in the financial years 1996 to 1998, a total of 1500m of new guardrail at a cost of $150 000 was installed on the Cudlee Creek to Lobethal Road.

In addition, the type and nature of the above accidents will need to be investigated in detail to consider possible counter-measures and remedial treatment.

4. I have been advised that the event was operated under a permit issued by the Confederation of Australian Motor Sports (CAMS). This required participants to comply with the rules and regulations established by CAMS for the conduct of motor sport events. The permit included public liability insurance cover up to a maximum of $100m. In addition, participants licensed by CAMS received personal accident insurance cover. I understand the personal accident insurance also covered the event officials and service crew.

PROSTITUTION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General a question about prostitution.

Leave granted.

The Hon. SANDRA KANCK: The season of good cheer is almost upon us again, and many people are looking around for good ideas for presents. Gift vouchers for various goods and services are becoming commonplace, especially when the giver is not sure of the tastes of the receiver. As I was thinking about what goods and services could be procured using gift vouchers, it occurred to me that I had never heard of brothels or prostitutes selling gift vouchers. It certainly poses some interesting questions should some enterprising madam take up the idea.

As the law stands, section 28(1)(b) of the Summary Offences Act 1953 provides that it is an offence to receive money in a brothel in respect of prostitution. To circumvent the law, some brothels at the present time require customers to strip naked in a bedroom alone and to negotiate a price over an intercom. They do things such as passing money under the door so that prostitutes cannot be accused of receiving money. I can see that a gift voucher would be a godsend in brothels, as far as this law is concerned, so my question to the Attorney is:

If a prostitute or brothel owner were to offer gift vouchers for sale and if a customer who was the recipient of such a gift voucher were to redeem that voucher, could the provider of the services still be prosecuted under section 28(1)(b) of the Summary Offences Act?

The Hon. K.T. GRIFFIN: It is not the role of the Attorney-General to give advice to the honourable member or to those whom she represents.

GAS FIRED POWER STATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Treasurer a question about a gas fired power station.

Leave granted.

The Hon. L.H. DAVIS: There has been recent discussion about the electricity industry in this State, and I am prompted to ask this question of the Treasurer in view of the significance of the issue of Riverlink. I have had the opportunity of examining the letter from Mr Ian Webber. The Government has already put on the table the fact that it proposes to build a state of the art gas fuelled power station at Pelican Point, which will be highly efficient and cost competitive, which will provide some jobs for South Australians, and which will of course underpin peak demand for electricity in this State. My understanding is that in South Australia we have arguably the lowest reserve plant margin in Australia; that is, that we have less electricity available in peak hours, particularly on very hot days or very cold days than any other State. In New South Wales and Victoria there is some overcapacity.

To that extent, the proposed gas fired power station at Pelican Point underpins our self-sufficiency in the event of the existing interconnection not being available, for one reason or another, to provide power in crisis times. My questions to the Treasurer are:

1. Is it correct that South Australia does have the lowest or one of the lowest reserve plant margins of any State in Australia?

2. Is it not also true that a gas fired power station will not only provide an efficient supply of electricity but also underpin the electricity supply for South Australia, irrespective of the existing interconnector and the possible connection through Riverlink to New South Wales?

The Hon. R.I. LUCAS: My recollection is that the honourable member's explanation to his question is correct, that is, that we are either the lowest or one of the lowest in terms of reserve capacity. I will be happy to check that for the honourable member and advise him if that is incorrect. What he says reflects the Government's view that we need to see extra capacity in South Australia. The Government's position has been that eventually we might see a 500 megawatt gas fired plant down at Pelican Point, but the point of view I put to some of the Riverlink proponents is that, whilst we need to get that first 150 of the 250 megawatts of stage 1 of Pelican Point up and going to have 250 megawatts by the end of 2001, the issue of the second 250 megawatts will be for the market.

It might be that the Riverlink proposal is successful in, first, getting a change in the benefit measurement through NECA and then ultimately getting approval through NEMMCO as a regulated asset. Ultimately, they might be able to negotiate one of the 14 routes through Victoria to resolve environmental issues in terms of connecting to the South Australian marketplace. If in addition to that they can demonstrate to South Australia that there are net benefits, then the South Australian Government will not be standing in the way of an interconnector that can demonstrate net benefit to the South Australian marketplace. If that were to occur—and I say that advisedly—then the second 250 megawatts of Pelican Point would perhaps be pushed out by two or three years. That would be a market decision for the operator.

Ultimately, with the growth in demand in South Australia we will see the need for new capacity. One of the points that

has been made before is that the new plant at Pelican Point is likely to operate at efficiency levels of between 50 and 55 per cent when compared to Torrens Island. This is not a criticism of the staff but a statement of the age of the assets of Torrens Island, where the efficiency level is of some 30 to 35 per cent. Clearly, in terms of competitive bidding into the market, if you have a plant that is able to operate at 50 to 55 per cent efficiency, it will have some degree of competitive advantage. At some stage we believe that the new entrant at Pelican Point will add to that first stage by another 250 megawatts or so.

Down at the site we are planning for, eventually, potentially up to 800 megawatts. We see that as enormously long term, but there is that capacity to add to the generation capacity of Pelican Point as the market in South Australia demands it. Again I state that if the Riverlink proposal meets those tests that I have indicated before and again today, then it can be part of the supply solution. But from the Government's viewpoint it can do that only when it meets those requirements.

GOODS AND SERVICES TAX

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to asking the Treasurer and Leader of the Government in this Chamber a question about the proposed GST.

Leave granted.

The Hon. T. CROTHERS: Recently, I directed a series of questions to the Treasurer on a statement made by one Mr Sturrock, who was said to represent a significant section of the Australian automotive industry. His statement asserted that the full cost savings to consumers would be 8.5 per cent should a GST be introduced, which he further attested would not be passed on in full to the consumer. This State runs a very large fleet of cars and other vehicles.

With that in mind, I pose the following question to the Treasurer: How much impact, particularly if the automotive industry is but one of many that will adopt the same principle of not passing on full cost savings, will this have on the models already done by State Treasury right across the range of goods and services purchased by this State, and on contract prices for services already entered into by the State Government each year?

The Hon. R.I. LUCAS: I am happy to take some advice on that question and bring back a reply as expeditiously as possible.

GAS POWERED BUSES

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 gas powered buses.

Leave granted.

The Hon. J.S.L. DAWKINS: In His Excellency the Governor's speech when opening this Parliament on 27 October this year, reference was made to 53 new low floor fully accessible compressed natural gas powered buses being in operation early next year. Given recent events regarding the stand-down of staff at Austral Pacific, will the Minister indicate what effect this will have on the delivery of new buses for public transport services?

The Hon. DIANA LAIDLAW: My office was contacted today by Mr Barry Loiterton from the Austral Pacific Group. He was able to confirm that a voluntary administrator will be appointed today. He also indicated his intention of getting the plant operating again as soon as possible to ensure that he retains the highly skilled work force. The jobs of 250 people are involved. He is holding discussions with various suppliers and the Government to consider various proposals, and the Government has indicated its intention to work through with officers at the Department of Industry and Trade and the voluntary administrator, as well as customers and suppliers. I am certainly concerned, as would be all members of Parliament, about the jobs of the 250 in the work force. I am also concerned about the future delivery of the buses for the metropolitan bus fleet.

I am able to confirm that the Government's contract with respect to these buses is with MAN Automotive Australia Pty Ltd, the principal subcontractor, and for body building it has contracted the Austral Pacific Group. So, our contract is not specifically with Austral Pacific, but it is a principal subcontractor to MAN. The contract with MAN Automotive is for the supply of approximately one bus per week for the metropolitan area bus fleet. MAN supplies the chasses, and Austral Pacific builds the body onto those chasses. We have two batches of buses remaining in that contract. There are 75 diesel powered buses in the first contract batch, 72 of which we have already received. The remaining three are in various stages of completion, either at MAN or Austral Pacific Group premises. Each bus is valued at $325 000. The second batch of buses is for 53 gas powered buses to which the honourable member made reference. They are each valued at $340 000. They are to be delivered from March 1999.

I have been advised today that, because of the voluntary administrator having been appointed today, and hopefully the company being able to start work again with most of its work force, there should be little delay, but some delay, in the delivery of these buses. Transport SA, which has the contract with MAN, has said that the target of 140 fully accessible buses should be reached by the end of June 1999.

In terms of the work force, I certainly consider their plight as a high priority, and I am keen to continue discussions through the Department of Industry and Trade but also directly, if that is appropriate, with Mr Barry Loiterton to ensure that these jobs are retained, because the work that they do is very good, as one can see on the bus fleet that has been purchased in recent times.

POLICE, CAPSICUM SPRAY

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about olio resin capsicum spray, otherwise known as OC spray.

Leave granted.

The Hon. IAN GILFILLAN: In January this year, the Commissioner of Police issued a media release headed, 'OC Spray gets the okay.' The gist of the release was that after a six month trial, the issue of OC or capsicum spray would be extended because it had been useful in protecting life and in disarming distressed individuals intent on harming themselves or others. The Police Commissioner determined, understandably, in the *Police Gazette* of 11 March 1998 that only those who have attained the required standard in training would be authorised to carry capsicum spray. On 23 September, the *Police Gazette* listed a comprehensive training program for use of the spray.

Over the months September to November, police officers based in country regions, from the West Coast to the

Riverland and the South-East, were to receive training. I was in the police headquarters at Whyalla on Monday and was approached by serving officers in that division who complained that the restriction of the use of the OC spray was seriously hampering their police work and seemed quite illogical. Understandably, they have been given a preference in training, quite often because of their remote working situations. However, the anomaly is that ordinary serving officers out on patrol control are not allowed to carry or use OC spray. If they confront a situation that requires the use of OC spray, they must either radio for a senior sergeant, sergeant or senior constable acting as a second in charge to come out with the spray and use it, or go back to base and get one of those people to come out with them. As they lamented—and I could understand this quite clearly—this is a totally fatuous way of implementing the use of OC spray in practical situations.

Many officers in the State are ready and trained to use what has been judged by the Commissioner as an effective tool for protecting life. As I have just pointed out, not only there but in many other places these officers are not allowed to carry it. In the *Police Gazette* of 11 March 1998, the Commissioner also restricted the use of capsicum spray to those officers—namely, senior sergeants, sergeants, and senior constables acting as second in charge. This means that most of the time an officer who believes that capsicum spray could be useful has to approach his superior officer to get it.

The *Police Gazette* of 23 September notes that, at the end of country training, consideration will be given to approve the carriage of the spray by more police 'up to one per crew to all trained members occupying operational postings'. So, although two officers in a patrol car might have been trained in its use and both might be attacked at the same time, the Police Commissioner is saying that, even then, he will consider permitting only one of them to carry the spray.

In contrast, Transit Squad officers are entitled to carry the spray currently without any restriction, if they consider that the situation warrants it. The other contrast is that now these officers who are deemed unsuitable to carry OC spray have Smith and Wesson .357 magnums on their hips, with the right to use their own discretion as to when they should be used. They are authorised to use batons and handcuffs but they are not allowed to use the OC spray.

I ask the Attorney to refer on to his colleague my question, namely, whether this policy of the Police Commissioner is one which has been forced on him by funding restrictions. Does the Government prefer police to use guns rather than capsicum spray in dealing with potentially violent offenders? If not, will the Police Minister consider issuing a directive to the Police Commissioner on this issue, pursuant to sections 6 and 8 of the Police Act 1998?

The Hon. K.T. GRIFFIN: I will be pleased to refer the questions to my colleague in another place and bring back a reply. In relation to the last question, it ought to be noted that very few directions are ever given to the Police Commissioner about operational matters.

The Hon. Ian Gilfillan: And rightly so!

The Hon. K.T. GRIFFIN: If the honourable member says 'Rightly so,' one must ask, 'What distinguishes this from those other circumstances in which it would not be appropriate to give directions to the Commissioner on operational matters?' I would be most surprised if the Government would consider that this was an appropriate case in which to give directions to the Commissioner. The Commissioner will have to make his own judgments about the appropriateness or otherwise of the guidelines that he has previously issued. However, in relation to the rest of the questions, I will bring back a reply in due course.

The Hon. IAN GILFILLAN: Does the Government consider that the use of the OC spray is a safety measure that is suitably and widely used in public and, if so, would the Government please make that opinion known to the Commissioner?

The Hon. K.T. GRIFFIN: The question will be considered by my colleague, and I will bring back a reply.

MAPICS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Information Services a question about the MAPICS project.

Leave granted.

The Hon. CAROLINE SCHAEFER: I was delighted at last to receive my personal computer today. As most members know, we have been promised computers for some time, and mine has arrived in my office, to my great delight.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLINE SCHAEFER: Yes, actually I have used a computer once or twice, Minister. However, we still have no Internet connection and we still have no intranet connection between offices, or any connection with *Hansard* or the Library. I was about to buy a computer myself before we were promised these computers some months ago, and each time I got a quote it included Windows 98. To my surprise, I find that these computers are equipped with Windows 95. My questions to the Minister therefore are:

1. When will the MAPICS project be completed so that we have the services that we are looking forward to?

2. Why is it that we are equipped with Windows 95 and not Windows 98?

The Hon. R.D. LAWSON: I thank the honourable member for her question. Her computer was delivered today as part of the Ministerial and Parliamentary Information and Communication Services (MAPICS) project, and a key aim of that project was to integrate and standardise the already scattered and fragmented computer systems operating in and around the Parliament and some ministerial offices and some members' offices. Those systems had varying standards of IT equipment and services, and it was considered appropriate that, as we seek to make information technology one of the keystones of this State's economic development, we in the parliamentary and ministerial network should have the latest systems available.

This system will provide members of Parliament and members of the public with easier access to parliamentary information. In particular, it will enable *Hansard* to be put on line, and I believe that will be of great benefit to the community, and it will also be of considerable benefit to members. Most of the information which is currently generated inside Parliament is paper based, which is becoming an inefficient, dated and costly way of distributing information.

The process was reasonably complex because there are 69 members of this Parliament with differing needs and with differing levels of familiarity with computers, computer systems and information technology. Members were given the opportunity of selecting appropriate hardware for their own use. They were offered personal computers, desktop models and subnotebook systems. I think that the Libretto model was offered to members as well as larger notebook computers. Those selections were made.

Somewhat to the surprise of the proponents, the largest number of members sought notebook computers, and the particular model which had been demonstrated and which was thought to be suitable was soon to be superseded. In view of the number of units required by members, there was a delay in obtaining that equipment. However, the desktop personal computers and the subnotebooks are in the course of being delivered to members.

It is not simply a matter of going around to members' offices, plonking down equipment and walking out of the room. It is appropriate that a delivery be made, that the equipment be installed and that the way in which it operates be demonstrated to members. In addition, training programs are being devised to ensure that people will get the best out of this new equipment, which will function in the manner it is intended.

I am pleased to say that all desktop personal computers and subnotebook computers will be delivered to members by the end of next week. The larger notebook computers will start being delivered after that and all will be delivered to members by the end of this parliamentary session, in other words, before the Christmas break.

The honourable member asked about connection to the Internet. The proposal went out to tender because it was thought appropriate that South Australian Internet service providers should be given the opportunity to tender for the job. That process of commercial tendering has been completed and negotiations are under way. In the early part of January, all members' offices will be connected to the Internet.

I believe it is important that *Hansard* be available to members as the roll-out occurs, and, although we are not able to put *Hansard* onto the Internet immediately, members will be issued with a CD version of all the South Australian statutes and also *Hansard*, which will enable them to familiarise themselves with the techniques of searching and using that information.

The Premier's and the Ministers' Web sites, which is an important issue from the public's point of view, will be launched by the Premier on Friday, which is Australia On Line Day. So, the network is progressing. I know that some members have been a little impatient as to the speed with which the roll-out is occurring. However, it is a project that requires a good deal of coordination and planning.

Members interjecting:

The Hon. R.D. LAWSON: Indeed. The honourable member asked why the computers are being delivered with the Windows 95 operating system preloaded. The preloaded software includes Microsoft Office 1997 Professional, Word, Excel, PowerPoint and Access. Windows 95 was selected rather than Windows 98 because presently across the whole of the public sector there are some 50 000 users of Windows 95, and the standard adopted across the whole of the South Australian Public Service is Windows 95. That is the operating system that is most extensively used. and it was considered after a good deal of research that it was appropriate to begin—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —MAPICS on Windows 95 so that the appropriate level of support would be available, rather than have support in the public sector available for the 50 000 users of Windows 95 and develop new mechanisms to support 69 members of Parliament with Windows 98. The research indicated that the most appropriate upgrade pathway was to look to the introduction of Windows 2000, which is due to be released in mid 1999.

Members interjecting:

The PRESIDENT: Order! This is the best explanation I have heard yet about MAPICS, and I think we ought to listen to it.

Members interjecting:

The PRESIDENT: Order! Members can ask supplementary questions.

The Hon. R.D. LAWSON: Windows 2000, formerly known as Windows NT, will be introduced in mid 1999, and the MAPICS computers will be upgraded at that time with the rest of the public sector to that operating system, which offers increased functionality and particularly offers increased security over the Windows 98 upgrade. In choosing Windows 95, the MAPICS team has adopted a strategy which is consistent with the whole of Government approach. Windows 98 is not as well supported or as ubiquitous as Windows 95.

The Hon. A.J. REDFORD: Will the Minister consider giving the Hon. Terry Cameron's installation some priority in order to avoid future interjections?

The Hon. R.D. LAWSON: The honourable member's requests for any particular priority have been considered by the MAPICS team. If he wants to make special application he can do it to them.

The Hon. G. WEATHERILL: When the Minister talks about security what does he mean? How secure are they? I would hate to be able to tap into the Hon. Legh Davis's computer!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The honourable member can be assured that security has been given a high priority by the MAPICS team because of the particular environment in which the parliamentary and ministerial network will operate. All due precautions will be taken to ensure that members' security is preserved.

The Hon. P. HOLLOWAY: Will the Minister give an assurance that control over the parliamentary computer network will be in the hands of officers of this Parliament and not Government employees?

The Hon. R.D. LAWSON: So far as I am aware, no decision has yet been made in relation to that matter; however, I will make further inquiries and bring back further information if it is available.

FESTIVAL CENTRE

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Festival Centre airconditioning units.

Leave granted.

The Hon. R.R. ROBERTS: On 9 July I asked the Minister a question about the asbestos that was reported to me to be contained in the airconditioning systems at the Festival Centre. I asked whether there was any danger to the public. I asked that question on 9 July. I note that on 9, 10, and again on 21 July, tests were undertaken. I received a response from the Minister dated 30 July 1998, the day before the twenty-fifth anniversary concert on 31 July. The

Minister's response was printed in *Hansard* on 4 August this year which, in part, states:

As a safeguard, monitoring procedures were carried out on 9 and 10 July in all areas even though there was no physical evidence of asbestos present. Immediately following the removal of the asbestos from the affected airconditioning ducts, air monitoring was carried out. The tests, conducted on 21 July have shown that asbestos has been removed and the independent consultants have advised that it is totally safe to operate the airconditioning units. Mr Jack Watkins of the UTLC and a member of the Asbestos Management Board has been actively engaged in monitoring the AFCT's actions and has indicated his total support with the action being implemented to date. At no time during the process to remove the asbestos from the airconditioning system has there been any risk to public safety. Accordingly, the theatre was available on the 25th Anniversary Gala Concert on 31 July 1998.

I understand that since that time another inquiry has been carried by the consultants PPK Environment and Infrastructure Pty Ltd during August and September. My questions to the Minister are:

1. Has the Minister received the PPK Environment and Infrastructure report and register of asbestos containing materials?

2. Does she intend to implement any or all of the recommendations of the report to ensure the future safety of Festival Centre patrons?

3. Will the Minister be providing Mr Jack Watkins, whom I note she quoted as an expert, with a copy of the report for his comments and recommendations?

4. Will the Minister provide this Council with a copy of the report, and can she still assure the Council that no dangers exist at the Festival Centre?

The Hon. DIANA LAIDLAW: The report was commissioned either by the Adelaide Festival Centre Trust or DAIS. I will raise the honourable member's questions with one or both of those agencies. Certainly, I would anticipate receiving the report myself, but I will follow up the inquiries.

ELECTRICITY, PRIVATISATION

In reply to **Hon J.F. STEFANI** (2 June) and answered by letter on 28 October.

The Hon. R.I. LUCAS: On 11 March 1998, ETSA provided NWW with a quote, which was subsequently accepted, for the retail supply of electricity to its New South Wales site at Macarthur. A contract has been signed by the customer.

The contract will run for three years with ETSA to supply NWW a fixed rate price, in terms of dollars per megawatt hours, for all electricity consumed by NWW at the Macarthur site and is not subject to 'rise and fall' adjustments to the price of electricity over the life of the contract.

To reduce price risks which might arise if ETSA were to buy directly from the potentially volatile NSW wholesale 'pool', ETSA has entered into wholesale 'hedge' contracts with market counterparties which serve to fix the purchase price of electricity against the fluctuating pool price.

ETSA has purchased wholesale hedge contracts for the expected consumption level and pattern of the entire portfolio of sales contracts in both New South Wales and Victoria, within limits set out in ETSA's approved Risk Management Framework. The NWW site at Macarthur is included in the NSW sales portfolio.

At present the third year of the contract, being the period 1 July 2000 to 31 March 2001, is not covered under hedge contracts, as the portfolio for this period is too small to hedge at this stage. As more customers are added to the portfolio, ETSA Power will purchase hedge cover to mitigate this exposure.

Currently, NSW electricity prices are higher than at the time the contract was negotiated. Whether ETSA incurs a loss in the period from 1 July 2000 to 31 March 2001 will depend upon the pool prices at that time (or pool prices when the exposure is hedged, if sooner).

SCOPING REVIEWS

In reply to **Hon. NICK XENOPHON** (28 October).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information.

The review of options regarding the Government's future arrangements and relationship with the SA TAB and the Lotteries Commission has been conducted in two stages. The first stage involved the preparation of an Initial Scoping Report which identified commercial options for the businesses and various issues that required more thorough analysis. The second, and current, stage represents a detailed study of the specific issues, and a substantial consultation process with key stakeholders, in order that the Government can decide upon the best course to pursue.

The answers to the honourable member's specific questions are:

1. The Initial Scoping Reports for the SA TAB and Lotteries Commission reviews were considered by Cabinet in May 1998.

The reports contain commercially sensitive information, which could adversely impact upon any sale process and, consequently, the value of the businesses if released publicly. Accordingly, the Government does not intend to release the reports.

2. The primary objective of the Initial Scoping Reports was to examine the financial and commercial risks to Government of ownership and operation of SA TAB and Lotteries Commission and to identify options to minimise those risks and to maximise value to the Government.

Upon review of the Initial Scoping Reports, the Government agreed to seek further information on a range of specific issues to facilitate final consideration of the options identified.

In conjunction with the commercial review, the Government recognises the social issues associated with various options and will continue to have regard to them as part of the review process.

3. In May 1998, the Government announced that it was considering a range of issues arising from the Initial Scoping Reports, including further investigation of the possible privatisation of SA TAB and Lotteries Commission. In so doing, it noted that a high priority during this second phase of the review would be to consult with various interested parties concerning a possible sale.

In relation to SA TAB, Government representatives have been meeting with Racing Industry representatives to discuss a range of preliminary issues. The Government recognises that the South Australian Racing Industry is a key stakeholder and looks forward to consulting more extensively with the Racing Industry in the period ahead.

The Government is examining a number of human resource issues raised by the Initial Scoping Reports. Very preliminary discussions have taken place with unions representing SA TAB employees. The resolution of these issues will involve consultation with all key stakeholders, including employees and their respective representatives.

The Government has established a project structure which enables SA TAB to contribute to the examination of options.

GOODS AND SERVICES TAX

In reply to **Hon. P. HOLLOWAY** (5 November).

The Hon. R.I. LUCAS: The Minister for Education, Training and Employment has lodged a submission on behalf of the State Government with the Commonwealth's Tax Consultative Committee arguing that the materials and services fee imposed in the South Australian public schools system be subject to GST-free treatment.

The South Australian Department of Human Services has also responded to a request from the Commonwealth Department of Health and Aged Care to supply information to assist the Tax Consultative Committee in its deliberations regarding the scope of health services to be subject to GST-free treatment. The States and Territories have forwarded a joint response in relation to the GST treatment of health services.

Given that the remit of the Tax Consultative Committee only incorporates issues associated with the GST-free treatment of education, health and charitable activities, no other submissions have been made by the South Australian Government to this Committee in relation to the other charges cited by the honourable member, namely, public transport fares and electricity charges.

With respect to these specific examples, the Commonwealth's stated tax reform proposals make it clear that their intention is that these charges would be subject to GST. Of course, price increases in some areas will be offset by price falls for other goods, the abolition of a range of State taxes such as FID and debits tax and income tax cuts and pension increases.

More generally there is a wide range of other State Government charges where the GST treatment in specific instances remains to be confirmed. The general principle is that taxes and other imposts in

the nature of taxes levied by the States, the Territories and local government will generally not be subject to the GST where they are compulsory charges attached to regulatory functions carried out by governments, or where they do not provide a direct entitlement to any goods, services or other property. State Treasury officials are engaging in ongoing discussions with their Commonwealth counterparts in relation to this matter.

The Premier's ministerial statement of 5 November stated that:

> The Commonwealth's plan offers us access to a constitutionally secure revenue source which will grow at the same rate as the Australian economy.

The sections of the statement immediately preceding this sentence noted that the States and Territories currently rely on a range of inefficient and *ad hoc* taxes and that some of these taxes were also vulnerable as highlighted by the High Court's findings in relation to tobacco franchise fees.

The background to these statements is that, under section 90 of the Constitution, the States and Territories are precluded from levying duties of excise. Basically, this has been interpreted to mean that the States cannot impose taxes on the production or sale of goods. There is quite a long history of challenges to the constitutional validity of the franchise fees that the States and Territories had imposed, until last year, on tobacco, liquor and petroleum products. This culminated in the High Court decision in *Ha and Lim* which ruled that the NSW tobacco franchise fee was invalid, which subsequently led to the States and Territories repealing all franchise fees.

As a result of the Constitutional limitations imposed on the States and Territories with respect to the taxation of goods, and the Commonwealth's domination of the field of income tax, the States and Territories are very restricted in terms of the range of options available to raise their own tax revenue. This, in turn, has resulted in a heavy reliance on Commonwealth grants to finance State and Territory expenditure requirements.

The Commonwealth's plan to provide the States and Territories with the revenue from the GST provides them with access to a revenue stream which will grow in line with the economy and will be large enough to deny the need for general purpose grants. It is constitutionally secure because, while the States and Territories are precluded from the taxation of goods, the GST will be imposed under Commonwealth legislation.

TOTALIZATOR AGENGY BOARD

In reply to **Hon. R.R. ROBERTS** (8 July).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information.

1. The Minister for Government Enterprises is responsible for the review of the Government's current relationship with the TAB which includes the investigation of a possible sale or privatisation. As no decisions have been made in relation to the sale or the contracting out of the TAB, there have not been any negotiations within the aforementioned review process.
2. See answer to question 1.
3. See answer to question 1.
4. During the review process, legal advice will be obtained on legislative amendments that might be needed if a sale of SA TAB were to proceed.

In summary, the Government is currently engaged in an extensive process of consultation and review of the options available for its future relationship with the TAB. The consultation extends to the various bodies responsible for the administration of the various racing codes. I have been advised by the Minister for Government Enterprises that he expects to receive a final report from the Principal consultant conducting the review by the end of the year. Final recommendations will then be assessed by the Cabinet.

ELECTRICITY, PRIVATISATION

In reply to **Hon. R.R. ROBERTS** (2 September).

The Hon. R.I. LUCAS: The Premier has provided the following information.

Professor Cliff Walsh was engaged by the Department of Premier and Cabinet to provide advice to the Government on Intergovernmental Relations until 30 June 1998. Professor Cliff Walsh was engaged to undertake work on intergovernment relations issues as required. The total maximum value of Professor Walsh's engagement was agreed at $60 000.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply to **Hon. SANDRA KANCK** (18 August).

The Hon. R.I. LUCAS: I am informed by the Minister for Local Government that the Adelaide City Council has received legal advice that there is no power under the Local Government Act for a Council to make a by-law prohibiting smoking in a street, in this instance, Kermode Street, North Adelaide, in the immediate or near vicinity of entrances to a hospital or any other premises.

The Minister for Human Services has advised that the Tobacco Products Regulation Act 1997 regulates smoking in buses, lifts, places of public entertainment and in enclosed public dining or café areas. The Act does not prohibit smoking in streets, roads or public places generally.

The Minister for Human Services will ask the newly established Ministerial Anti Tobacco Advisory Task Force to oversee the development of a State tobacco control strategy to consider and advise whether amendments should be made to the Tobacco Products Regulation Act to address the problem at the Women's and Children's Hospital.

HEMP PRODUCTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Human Services a question about hemp products.

Leave granted.

The Hon. M.J. ELLIOTT: Internationally the Body Shop has been selling a line of products made from hemp oil—skin lotions and soap being among those products. Those products, I think in the past couple of days, were launched in all other States except South Australia. They have not been launched in South Australia because they have been incidentally caught up in our Controlled Substances Act. I have not seen the legal advice but it appears that, because of the particular wording used within our Act and perhaps within the regulations, if the Body Shop stocks large quantities of this product, although it contains very low levels of THC—the active ingredient of cannabis—it would be deemed to have commercial quantities of a drug and as such could be prosecuted, and if it dared to sell soap to a person under the age of 18 it could lead to a fine of up to $1 million.

The Body Shop is not very keen on that and so it has held back on selling the products in South Australia which are being legally sold in every other State. As it appears that the Controlled Substances Act and regulations might need to be changed before the Body Shop can sell these products, is the Minister for Human Services prepared to change regulations in such a way as to allow a product to be sold that cannot possibly be of any interest in relation to drugs—a product that can be sold in every other State and, I think, in most overseas countries?

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

MATTERS OF INTEREST

WOAKWINE WIND FARM

The Hon. T.G. ROBERTS: I raise the issue of wind power and a proposal that is being put to the Government as it relates to the South-East but which has not been taken up

with much enthusiasm. If the opportunity is not grasped, it is quite possible—

The PRESIDENT: Order! I ask members not to stand around talking. I ask them to either go outside and do their talking or whisper.

The Hon. T.G. ROBERTS: If the offer is not taken up shortly the proposal may be lost to South Australia. We could find an innovative, non-renewable energy resourced power transmission program going begging. The proposal has been explained to all the local land-holders in relation to what is expected of them in the way of supply of land. The company has employed good PR people in the promotion of the project in the region and, unlike other projects, broad consultation has taken place with the local government and, as I said, with land-holders and conservationists, explaining the proposal. A public meeting held in the area was attended by about 150 people who endorsed the proposal.

I understand that there are confidentiality clauses within the agreements that have been negotiated. The company does not want to get into a public slanging match with the Government over the slow acceptance by the Government of its proposal—and I expect the Government will want to keep some of the negotiations under wraps. It appears that one of the sticking points is the inability of the company to get guarantees of forward supply with the Government, whereas in the case of the Pelican Point proposal, at least seven new forward supply guarantees have been given, if the proponents of that project come on stream.

Not only could the manufacture of a resource of electricity from a renewable resource such as wind be lost but also the benefits that come through having a project such as that centred in this State. The windmill towers have to be produced. The major companies in this State that I know are interested include Perry Engineering and Cowell Electrics, which is interested in becoming a major facilitator of the project and perhaps it can play some other role. I must congratulate Cowell Electrics, a small regional company, for becoming involved in a State, national and international project.

It could provide many jobs not only in the South-East region but certainly in the metropolitan area and other parts of the State. It would also be—and I have done it myself—a focus for regional tourism. I have visited unusual projects in other parts of Australia and other parts of the world out of curiosity. Many people would be interested in visiting the Woakwine area, that regional area in the South-East that is in need of some expansion in the tourist industry. As I said, a lot of jobs would be provided in the heavy engineering, light engineering and maintenance services.

Unfortunately, the project is being held up by some of the negotiations currently taking place within the Government sector. I would certainly like the Government to look at freeing up some of the processes and allow this contract to be put in place and to go forward to allow the benefits that would flow from such a project being put together in that area of the State.

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

SOUTH AUSTRALIAN COMMUNITIES

The Hon. J.S.L. DAWKINS: I rise today to highlight the way in which a range of South Australian communities (both rural and metropolitan) celebrate their milestones, achievements and uniqueness. First, I mention the performance by the entire Virginia Primary School at the opening ceremony of this year's Virginia Expo. All of the 300 plus students of the school, spanning some 38 nationalities, took part in this performance. Following on from the 1997 performance, which celebrated their diverse multicultural backgrounds, this year the students highlighted the varying occupations of their parents, ranging from market gardening and transport to service industries and white-collar jobs, and so on. This spirited and stirring tribute also featured efforts the parents make to allow these young Virginians to participate in many activities and sports.

One of the sports depicted was Australian Rules Football, and it is appropriate to mention the 1998 premiership win by the Virginia Rams in the Adelaide Plains Football League—a few short years since the demise of that club seemed certain. I congratulate all involved with the Virginia Primary School, particularly the principal, Mrs Maxine Panegyres and Mrs Lynn O'Brien, who coordinated the extraordinary performance.

I was also privileged to attend the opening of the new Blanchetown bridge recently. As well as the official opening performed by local Federal MP and new Speaker of the House of Representatives (Hon. Neil Andrew) and my colleague the Minister for Transport and Urban Planning, the community of Blanchetown and surrounding districts put on a great celebration of this event, starting the night before. In fact, the celebrations resumed early on Sunday morning with hot-air ballooning and line dancing and continued with an ecumenical church service just prior to the opening ceremony. Many local groups took the opportunity to erect stalls on the old bridge, creating a great carnival atmosphere. Many reminisced about the days before the original bridge when twin ferries (or punts) provided the only river crossing at this point on the highway to the Riverland, Mildura and Sydney.

On the previous day, I also attended the twenty-fifth anniversary of the Brahma Lodge Kindergarten. Although not as large and in a locality quite different from both Virginia and Blanchetown, this function equally celebrated a great community asset. This again was an excellent event which allowed talented local people to perform and demonstrate their pride in the milestone being celebrated. Congratulations should be extended to the President, Laurene Vale; Secretary, Monika Olds; Director, Annabel Price; and all involved in the kindergarten's community.

Not all the communities which I want to mention today are geographic communities. In fact, the community of those who support our network of national parks, being both professionals and volunteers, is one which has twice impressed me recently with the way in which it acknowledges and recognises outstanding contributions and long service. I have noted these efforts during October's Friends of Parks Forum at Meningie and at last week's National Parks and Wildlife SA award ceremony at Old Government House, Belair. I commend the few organisations I have mentioned and many others on their efforts to celebrate and highlight the positive aspects of their particular environment.

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

UNEMPLOYMENT

The Hon. T. CROTHERS: An article recently appearing in the *Financial Review* of 24 and 25 October this year and written under the name of Stephen Long and headed up 'The future of work—a fractured nation'—or to give it another title

which he called 'Costello's catastrophe'—had the following to say on unemployment on which I am about to speak today. The author says the following:

> Draw a map of Australia in 1998 charting the distribution of incomes and occupations, and you will see a nation fracturing along class, residential and ethnic lines.
>
> Globalisation has fragmented the Australian labour market, dividing its cities and regions into districts of success and districts of failure. The centrifugal forces of the global economy are tearing at the ties that bind the citizenry, bestowing greater wealth and privilege on the most skilled and educated, while scuppering the job prospects and living standards of the less skilled. Some peoples' boats are rising. Some peoples' boats are sinking. And the old solutions don't work any more.
>
> 'We are witnessing the uneven development, the marginalisation of localities and the unequal distribution of employment opportunities that are part of the dynamics of the global city,' says Mark Cole, Director of Employment and Occupational Research at the National Institute of Economic and Industrial Research.
>
> 'The economic gap between Australians from different parts of the city has widened to an extraordinary degree,' says Professor Bob Gregory, of the Australian National University, one of the country's foremost labour-market economists.

It goes on to talk about statistics, as follows:

> Statistics tell a story of winners and losers, of cleavages of wealth and dependence.

About Elizabeth it states:

> Unemployment at Elizabeth, on the industrial outskirts of Adelaide, has surged in the '90s from 17 per cent in 1990 to 28 per cent [as at the time of writing the article].

I have waxed profane, as have many others in this place and in other Parliaments in the nation, with respect to unemployment. Whilst it is true that nationally unemployment has dropped from around 11 per cent to 8 per cent, it is still far too high with respect to those matters not coming about and bearing fruit which are so succinctly dealt with in the article.

The role that Governments of both political Parties have played with respect to unemployment has seen a reduction in the tens of thousands of public servants in all States and Federally—tens of thousands of people thrown on the unemployment scrap heap. Because they are public servants and because they never had to have job-specific training relative to the task that they performed whilst in the Public Service quite a number of them were ill-trained to slot into any other element of the work force. Governments today have to admit that because of the way in which global capital has seized control of our global economic and fiscal destiny they can do precious little about their own unemployed, *vis-a-vis* the European Economic Community which has sat on a minimum of 30 million people out of work over the past 15 years or more.

It is the insatiable onward rush towards global economics and rationalisation and the computerisation processes that are being introduced at an obscene pace that have really damaged the social fabric of our society and have led to massive unemployment as much as or maybe more than, but certainly as much as, we saw in the depressions of the 1930s and the 1890s. Governments will ignore this at their peril because there is no doubt that because of the massive pace of change people are becoming more and more sceptical of Governments and their role in our society.

CRIME

The Hon. A.J. REDFORD: I rise today to talk about an issue which to some extent has been touched on regularly in our media, and that is crime and in particular crime statistics. I know that in this morning's media there was some discussion about fear and crime in Port Augusta and the suggestion that perhaps in South Australia we ought to change our loitering laws and respond in the manner that has been adopted in the United States.

My attention has been drawn to an article on this topic entitled 'Crime in America' which was reported in *The Economist* of 3 October 1988 and which sets out in detail some of the proposals that have been adopted in the United States. Indeed, it reports that between 1993 and 1997 in New York violent crime fell by 39 per cent in central Harlem and 45 per cent in the South Bronx. The article states:

> Why this has happened is anyone's guess. Many factors—social, demographic, economic, political—affect crime rates, so it is difficult to put a finger on the vital clue.

The article reports that some agencies had no idea why crime rates were falling so quickly. The article states:

> Politicians think they know, of course.

That statement sounds familiar after a number of discussions I have had both within and outside the Liberal parliamentary Party room. Rudi Giuliani, the Mayor of New York, claims that the issue of 'zero tolerance', which he adopted following an article entitled 'Broken windows' in the *Atlantic Monthly* of March 1982, was the cause of the dramatic drop in the crime rate.

That, however, is disputed by the New York Police Commissioner, William Bratton, who was subsequently fired by Mr Giuliani for claiming credit for the reducing crime rate in opposition to the Mayor. William Bratton believes that the falling crime rate in New York was caused because he reorganised the Police Department, restored its morale, gave his officers better equipment and guns, let them make more decisions and made them accountable for crime rates in their areas. Indeed, in a year, with this process of accountability, he had replaced more than half of his police officers.

In other areas of the United States where crime rates have reduced there are all sorts of claims about what caused it. In some parts of the United States, where community policing has been adopted, the cause has been attributed to that. Indeed, the Boston Police Department is widely credited with the most successful campaign in the country against juvenile crime. However, it has been criticised because it has adopted a more 'social work' type role and in some cases has been accused of being too soft, notwithstanding the fact that the crime rate has fallen.

Another argument in the United States is that crime is falling because all the criminals are in gaol. If we adopted the imprisonment rate of the United States in South Australia, instead of having some 1 500 to 2 000 prisoners in gaol we would have 9 030 people in South Australian gaols. If that is what the public wants, maybe that is the path we ought to travel.

It seems that the factors that have really brought crime rates down have little to do with policemen or politicians and more to do with cycles that are far beyond the control of either politicians or police officers. We have fewer young men proportionally in our population than we used to, and we know that they are a significant cause of violence. The drug market has stabilised—in other words, the growth that used to be there is not there. In an age of easy divorce and more casual relationships, men and women are less likely to murder their partners. There are also changing social trends in relation to property crime in that burglars tend not to steal television sets because almost everyone has one and there is not great value in it. Lastly, and not the least importantly,

people are going to greater lengths to protect themselves. In my view, I think we need to be cautious about adopting simplistic rhetoric in dealing with this problem of law and order and crime and we need to apply some intelligence and a sympathetic approach.

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

YORKE PENINSULA EMPLOYMENT

The Hon. CARMEL ZOLLO: During a recent visit to country South Australia I attended several community meetings on Yorke Peninsula. I also had the opportunity to meet with the Manager of Yorke Peninsula Employment, Ms Annie Payne, and the Economic Development Officer of the Copper Triangle Council, Mr David Cornish. I had previously asked questions concerning the Labor Exchange Program which was announced in early 1997 and took the opportunity offered to meet with the management of Yorke Peninsula Employment, which is now the job network provider on Yorke Peninsula.

Whilst I may not agree with the ideology of a public employment service being outsourced I am prepared to place on record the obvious competence and commitment of the management and staff of Yorke Peninsula Employment in servicing their clients in very difficult times. The unemployment rate in that area is regrettably one of the highest in the State.

Many people in the community have called for changes to the Federal Government's job network, with even our Premier reported as making comments such as 'the system has failed to help long-term unemployed' and 'it is a fundamental responsibility of Government—this matter is of serious policy nature', and concerns including 'possible cost shifting from the Federal Government to the States'. At this rate we might even see a consensus for a jobs summit.

The Copper Triangle has been involved with services to the unemployed for some time. With the cessation of the Copper Triangle SkillShare program, which the council had sponsored for over 10 years, Yorke Peninsula Employment commenced to provide services to the unemployed following its successful tender. Under this arrangement, which commenced in May of this year, Yorke Peninsula Employment provides case management, job brokerage, labour exchange and training. I visited the two premises of Yorke Peninsula Employment and met with Ms Annie Payne, the Manager of the service. The District Council of Copper Coast is the only local government body in South Australia involved in the delivery of this form of service to the unemployed in its area, and one of a handful in Australia. I commend the council for its initiative.

I was also pleased to meet with Mr David Cornish, the Economic Development Officer with the District Council of Copper Coast. He provided me with a copy of the council's 'Developing the Copper Coast for 2000 and Beyond', a very informative and well-written document which outlines the council's vision and development for the peninsula. The council is keen to welcome all visitors to promote the Yorke Peninsula.

The council has undertaken some very smart developments in the tourist area, including the Wheal Hughes Mine project. We had the opportunity to have a quick look at the project on the surface. I was pleased to hear that in excess of 2 000 people have already ventured below ground. The venture is a very important one, not only because it is a tourist attraction but because of its educational value, and I have no doubt that it will become both a major tourist attraction and education destination for many school children.

I noted with interest also that the visitor information centre has been designed and constructed by students from the University of South Australia. The initiative offered these students some very valuable experience in design and construction, with the council ending up with a unique and innovative visitor information centre.

Whilst in Kadina, I also took the opportunity to attend the Job Exchange Program and the Regional Task Force meeting being held there on the same day, as did the local member, of course, Mr John Meier, in another place. Whilst I have no desire to preempt the outcome of these meetings, it would be fair to say that the problems of the Yorke Peninsula are obvious, as are its strengths. The high unemployment rate it suffers from at the moment is, I believe, more to do with the withdrawal of both corporate and Government support.

The peninsula does have great strengths—its tourism and agricultural base to name two. But I do not think it will ever realise its full potential without planned infrastructure, whether it is the need to urgently upgrade its transport network or provide the necessary accommodation that the planned tourist expansion demands. I look forward to the recommendations of both these forums.

ITALO-AUSTRALIAN WELFARE ORGANISATION

The Hon. J.F. STEFANI: Today I wish to speak about the Italo-Australian Welfare Organisation known as ANFE. As an honorary life member, I was privileged to attend the ANFE annual general meeting which was held on Tuesday 17 November 1998. ANFE is an organisation which provides services to the elderly Italo-Australian community. Managed by a team of volunteers and staff, ANFE is also reliant on the many individual volunteers who run its social activities, day care and support services, as well as a very successful community visitation program.

ANFE receives funding from both the Federal and State Governments and, in addition, undertakes fundraising activities to meet its budget requirements. Numerous sponsors also provide financial support to ANFE to enable the organisation to carry out its work. ANFE's Ethnic Aged Care program is funded by Community Benefit SA through the Office of the Ageing. The program consists of several components: the Carers' Support Program, educational activities, home visiting, social activities and a church group.

The Carers' Support Program meets monthly for social interaction and for discussions on various topics. Some meetings include guest speakers, and visits are undertaken to places of interest. The home visiting program comprises a small and committed group of volunteers and is funded by the Community Visitors Scheme which is a Federal Government initiative for residents of approved age care facilities. The funding provided to ANFE enables the volunteers to visit isolated elderly Australians of Italian origin, on a weekly or fortnightly basis, in their nursing homes or hostel units to provide companionship.

Another successful program which has been conducted by ANFE for the past five years is the 'Da Noi' program which provides regular and structured recreational respite for carers or families from culturally diverse backgrounds, including people from Italian, Vietnamese, Chinese, Russian, Ukrainian, Polish, English and Greek origin. ANFE is also involved in employment training programs and job search

assistance. Unfortunately, funding has become more difficult to access, delaying the implementation of certain projects which would assist people with training and employment prospects. The ANFE Executive Committee is hopeful that a regular source of funding will become available to enable the specific employment and training courses to continue.

ANFE is also establishing working partnerships with other service providers, including the West Torrens and Charles Sturt councils, ARA Jobs, Women's Health State Wide and the Anti-Cancer Foundation. As an organisation, ANFE is involved in a radio program which is broadcast through ethnic broadcasters, 5EBI FM, and this program is conducted on a regular basis to promote the various programs and services provided for the benefit of the Italian community. The radio program has been an effective communication tool and is used on a regular basis to promote the day care program and to encourage listeners to become volunteers.

The Day Care Program, which is funded by HACC, is a major focus for ANFE. The program has an average weekly attendance of 80 participants, and aims to provide a culturally sensitive environment within which recreational activities are undertaken for the benefit of the participants. It allows ageing, frail and disabled elderly people to participate in activities which will overcome their isolation and provide the opportunity to interact with other participants from the same culture and linguistic background. The program also aims to assist carers of these frail elderly people to have some respite from their daily responsibilities.

Finally, I take this opportunity to pay tribute to the President of ANFE, Mr Alex Gardini, together with the members of the executive, the staff and the many volunteers who generously give of themselves for the benefit of our elderly citizens. On behalf of the South Australian Italian community, I express our sincere congratulations to ANFE for the valuable work which it undertakes for the whole community. In offering sincere congratulations for its achievements over the past 21 years, I wish ANFE and its committee, together with its staff and volunteers, continued success for the future.

ENVIRONMENTAL IMPACT PROCESS

The Hon. M.J. ELLIOTT: I want to touch, as I have so many times in this place, on the question of major projects and the environmental impact assessment process which has clearly failed again. The recent reports of problems of both sand and seaweed at the mouth of the Patawalonga come as no surprise to many people.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: And at what price will be the question. The Glenelg foreshore development has been around for a very long time, and when it was raised the first time, some 13 or 14 years ago, sand management was a particular concern of people. After the project eventually failed (and it was handled very badly by the previous Government), the then Premier, Mr Bannon, did the most sensible thing done in this State for a very long time, and he required an assessment of the whole of the metropolitan coast. That assessment then identified those sites suitable for marinas and those which were not. I might add it said specifically that there should have been nothing on the active sandy beaches of the central metropolitan area.

There were certain senior members of the public sector and certain senior people in the private sector who never did know how to take 'No' for an answer and continued to pursue a project, and did so in a particular form. I think everybody in Adelaide agreed that the Glenelg foreshore was ripe for redevelopment. There was a major opportunity from the Patawalonga right down to the Glenelg council chambers. There is no doubt that there would always be at some point a multimillion dollar development there. The only question about that development was the form it would take.

It is at this point that the EIS process has failed us. As it currently operates, it does not encourage developers to consider whether or not the form that they originally proposed was the most suitable form for the particular location. Until it enables developers to think about the location, the scale and the form of their developments, rather than thinking, 'Here is what I propose and nothing else will be considered,' the EIS process will let us down very badly. It will mean that some developments get up in a form, scale or size in which they should not. On the other hand, other developments that were capable of getting up if only that change of scale, form or size had happened will be rejected. We really need a situation which enables development but which does not mean that what was proposed in the very beginning is the development that gets up. We need something that will work for us in South Australia.

Again and again I have asked the Government, and indeed have attempted at times to amend legislation, to try to alter the way in which the EIS process works. The EIS process needs to be independent, to begin with; it currently is not. It needs to be transparent; it currently is not. It also needs actively to engage in conversation the proponents and people who may put up views that might even be contrary to the proponents.

There should be the opportunity very early in the process to identify the difficulties involved and for the developer to go away and then come back with a modification, and for the developer to do that before the developer has spent too much money and ultimately become totally committed to the particular form.

Instead, we started off at Glenelg with a sand and a water problem. The solution was to divert the water to somewhere else, to West Beach, although I understand that there are now difficulties with that proposal. In this respect, I am not just referring to the obvious difficulties of not wanting it to go out in another place, because I understand that they are having some trouble getting the pipes that have been proposed and for that whole system to work, even in design. As for the sand problem, they still have it.

The Hon. Diana Laidlaw: And we always knew that we would, and we—

The Hon. M.J. ELLIOTT: No, the problem has been sufficiently severe to hamper the operations of the Glenelg ferry. I do not think the Minister ever told the operator of that ferry that the problems would be this severe. And now a 50 metre extension of the northern part of the development is proposed as an experiment. I suppose we are lucky that it will go through some sort of environmental assessment process, so I am sure that they will get it right.

ADDRESS IN REPLY

The PRESIDENT: Order! I remind honourable members that His Excellency the Governor has appointed 4.15 p.m.

today as the time for the presentation of the Address in Reply to His Excellency's opening speech.

[Sitting suspended from 4.3 to 4.45 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this Council today, to which His Excellency was pleased to make the following reply:

Thank you for the Address in Reply to the speech with which I opened the Second Session of the Forty-Ninth Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

EDUCATION (GOVERNMENT SCHOOL CLOSURES AND AMALGAMATIONS) AMENDMENT BILL

The Hon. NICK XENOPHON: I move:

That the Education (Government School Closures and Amalgamations) Amendment Bill be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SELECT COMMITTEE ON OUTSOURCING OF STATE GOVERNMENT SERVICES

The Hon. R.D. LAWSON (Minister for Disability Services): I move:

That the time for the bringing up the committee's report be extended until Wednesday 24 March 1999.

Motion carried.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

The Hon. IAN GILFILLAN obtained leave and introduced a Bill for an Act to amend the Firearms Act 1977. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this Bill be now read a second time.

For as long as there have been firearms, there has been debate about who should own them, and what they should be entitled to do with them. Different communities around the world have addressed this issue in different ways over their history. We all know that in the United States the Constitution protects the right of citizens to keep and bear arms. That has produced what is commonly referred to as a 'gun culture' in the United States of America.

In Australia, we have not gone done that path. Although firearms are widely used and available in Australia, we do not have a 'gun culture'. Yet there are elements of the 'gun culture' existing here and, to the extent that guns have permeated our society, there is a legitimate source of fear and unease among a great many people, particularly women. That is because a gun which is kept for a legitimate purpose can easily be used for a sinister, criminal or tragic purpose at times of emotional stress, depression, anger or anxiety.

The gun lobby is fond of saying, 'Guns don't kill: people do.' That is trite. When people are depressed, angry, upset or otherwise unstable, they often try to cause damage to themselves, a partner or other associate. They may use their bare fists, a knife or a cricket bat and cause damage. But the potential damage will be so much greater if a firearm is close at hand.

Research shows that death is 12 times more likely in an assault involving a firearm. A firearm does not have to be actually fired to cause emotional and psychological damage, lasting years. I am indebted to Rebecca Peters of the International Alliance for Women for providing examples of how guns are routinely used in domestic situations to maintain power over partners (usually women) and their children. Ms Peters says there have been many examples of men:

1. Sleeping with the gun nearby and threatening to shoot the wife if she tries to sneak away;

2. Wielding the gun during discussions about custody of children;

3. Staging a mock execution, that is, holding an [unloaded] gun to a victim's head and pulling the trigger;

4. Getting the gun out and cleaning it during or after arguments.

Ms Peters continued:

When a woman has left an unhappy relationship, brandishing a gun may be a means of forcing her back into it or of obtaining access to the children. When she is still in the relationship, a gun can prevent her leaving.

I repeat that all this can be done without ever firing the gun. Arguments of this sort have gone back and forth in Australia for many years, but attempts to tighten control of guns always faltered, because each State Parliament saw the matter differently and imposed widely differing standards. Once and once only have Australia's nine various Governments come together and agreed to enact uniform national legislation to control the spread of guns throughout our community.

In May 1996, the Federal Police Minister and the Police Minister of each State and Territory Government reached an historic agreement: that for most Australians there was no need to own or use a gun. For most Australians, firearms would be outlawed because of the dangers they pose. Of course, all of us realise that this was in the aftermath of the tragic Port Arthur massacre.

They followed that general rule with a series of resolutions that, in effect, granted limited exceptions to certain people who had a legitimate need to own a firearm. They also imposed a ban on particular types of higher-powered or multiple-firing guns. Each Police Minister undertook to draw up legislation to go to their respective Parliaments to enact that agreement. That was in May 1996.

We hardly need reminding that the Police Ministers were called together at that time because of the event referred to only weeks before, at Port Arthur, Tasmania. The event was the single most horrific use of a gun on Australian soil this century. Yet it would be a mistake to view that 1996 agreement as a knee-jerk reaction to the tragic events of Port Arthur. It was, in fact, the culmination and end of a long campaign by the Australian people for greater protection in this area.

The Police Ministers' resolutions at that meeting had overwhelming support from the Australian population. Yet what has happened in the intervening 2½ years? There is no uniformity in Australian gun laws. The Premier, in his speech in another place on 24 March this year, acknowledged as much. Professor Kate Warner of the University of Tasmania has documented how, in the 12 months after the Port Arthur massacre, the attempt to achieve uniform national firearm laws has unravelled the following: several States have watered down requirements such as a mandatory 28 day cooling off period for obtaining second or subsequent

firearms; and we still do not have laws ensuring that people convicted of crimes of violence automatically lose their firearms licence and their gun.

So, it can be seen that Australian Parliaments have, in effect, defied the will of the people. They have found themselves unable or unwilling to act, as opinion polls show that people want them to act, to restrict the availability of guns—to turn back the 'gun culture' to the extent that it is already embedded in Australian society.

Members of legislative bodies such as this one no doubt have been furiously lobbied on this issue. But it is our duty, on occasions, to resist the loudest lobbyists and to act in the overwhelming interests of the quieter but much larger majority of our constituents who want to see the supply of guns restricted.

The Democrats are moving in two ways to address this situation. My Federal colleagues in the Senate have proposed that a referendum be held to have power over firearms transferred from the States to the Commonwealth. In my view, that should proceed only if, indeed, the States and Territories prove to be stubborn in implementing a good standard of relatively uniform firearms law around the nation.

In the meantime, the Democrats are seeking to establish South Australia as the first State to comply with the proposed uniform national restrictions that were agreed—and I emphasise 'agreed'—by Australia's Police Ministers in the wake of the 1996 Port Arthur massacre and for this to be an example for other States to follow.

While I am doing this, the very opposite is happening in Queensland. There, the parliamentary Leader of the One Nation Party, Bill Feldman, has advised me that he has already introduced amendments to Queensland's Weapons Act. As one would expect, the One Nation Bill is aimed at winding back or watering down restrictions on gun ownership and their use in Queensland.

It is time we faced the fact that uniformity is not an end in itself. As long as the State Parliaments continue to have jurisdiction over firearms laws, we must pursue the outcome which is best for the people of South Australia, not the pursuit of uniformity for uniformity's sake.

If the Democrat Bill is successful, our State's laws will become the model that all Australia wanted to pursue in 1996, rather than being merely uniform with States such as Queensland. The main points of my Bill are these: first, anyone convicted of an intentional act of violence (with or without a weapon) in the last five years will be ineligible to acquire a firearms licence; secondly, anyone so convicted will automatically lose their licence, and police will be empowered to search for and confiscate their firearm or firearms; thirdly, 'personal protection' as a justification will be specifically excluded as reason for acquiring a firearm, holding it or using it; fourthly, the Firearms Registrar—in this case the Police Commissioner or someone on his behalf—will be required to inspect proposed firearms storage facilities before granting a licence; fifthly, anyone under the age of 18 years will be unable to hold a firearms licence (but that does not preclude a person under the age of 18 years from being able to fire a firearm under certain limited circumstances, principally in the sporting firearm arena; quite obviously, for international and national firearm competitions there is justification for people younger than 18 years of age to be able to fire a firearm); and, sixthly, firearm games such as paint ball will be banned.

I will just comment briefly on that last point. Although not specifically identified by the Police Commissioners' conference, it is quite clear that this activity of paint ball is the use of a registered firearm to aim at and hit a fellow human with a missile. It is in direct contrast to the culture that Police Ministers want to inculcate in Australia; they do not want to encourage an activity that provides an opportunity to hit a person with a missile that has been fired from a registered firearm.

I have distributed consultative copies of this Bill to any parties who I believe would be interested. I extend that offer to anyone who would like to receive a copy of the Bill. I will happily send a copy to whoever gets in touch with me. I point out that the consultative copy that has been distributed has been changed already in one respect. Owing to an oversight in the drafting, the original version of the Bill included a provision that those under 18 were not to be allowed to use a firearm. That has now been changed to reflect my original intention, which I have just addressed, that those under 18 cannot hold a firearms licence. However, they can under restricted circumstances be legally able to fire a firearm.

Having said that, the rest of the Bill is the same as the consultative version that has been distributed to interested parties. It is my intention to allow this Bill to sit on the Notice Paper over the summer months and to receive community and parliamentary reaction to it, before what I hope will happen in constructive debate in the autumn session when I would like us as a State, through the passage of this Bill, to fully implement the recommendations of the Police Ministers and to set an example for other States and divisions to follow. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

GAMBLING, ELECTRONIC

Adjourned debate on motion of Hon. Nick Xenophon:

I. That a select committee of the Legislative Council be appointed to inquire into and report on the feasibility of prohibiting Internet and interactive home gambling and gambling by any other means of telecommunication in the State of South Australia and the likely enforcement regime to effect such a prohibition;

II. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;

III. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council; and

IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 4 November. Page 122.)

The Hon. CARMEL ZOLLO: On behalf of the Opposition, I move to amend the motion as follows:

In paragraph I, leave out the words 'the feasibility of prohibiting' and leave out all words after 'the State of South Australia' and insert 'and the desirability and feasibility of regulating or prohibiting such activities'.

Whilst I personally lean towards prohibition, the Opposition believes that it is important that, if a committee of review is to be established, that committee should not necessarily prejudge the issue. However, for the record, I make it clear that, as this matter is a social question, it is therefore deemed a conscience vote for Labor members and we will therefore all vote accordingly. The Opposition is of the opinion that a neutral position will enable a committee to look at the whole

problem in greater detail rather than one that strictly looks at prohibition. Such a select committee can look at the bigger picture.

As I indicated, I lean towards prohibition for a number of reasons. First, we often hear that other forms of gambling provide employment and generate wealth for the economy. Without too much doubt, Internet gambling generates very little wealth to the community as a whole and provides very few jobs, if any, because there are no flow-on effects to the general community. Unlike other forms of gambling addiction, which essentially require the involvement of the gambler at some public location, this insidious form of gambling can be indulged in the privacy of one's own home, so it is even more difficult to identify problem gamblers. The very real threat of children accessing gambling sites will pose a major problem, with many experts warning of breeding a newer, younger generation of gamblers.

It is possible for this Parliament also to make a stand, like the Tasmanian Government, which has decided to ban the site because it believes that there are enough gambling outlets for its community. Should this Parliament agree to prohibition, such legislation would at least dissuade involvement on the part of legitimate gaming operators and, as such, would go a long way to winning the battle. Having given my personal view, I am also mindful of the difficulty of legislation at an individual State level only. It would be difficult to close down every provider and prevent people from dialling either interstate or overseas.

However, I do not think that should stop our Legislature from looking at the social issue, hopefully either to provide a legislative framework or prohibit such activity. It is obviously preferable to implement a national legislative framework, indeed an international one, but the States have an obligation to look at the social issue when such Federal direction is lacking. I have placed on record several times in this Parliament the need for a national coordinated legislative approach to the issues of information technology, and Internet and interactive home gambling is a very pressing issue that needs to be discussed.

I believe that the Opposition's amended motion offers the opportunity for neutrality in this important social issue and allows for the committee to look at the bigger picture, rather than going in with a particular mind-set, and it can report on the whole subject at hand, including the desirability of prohibition.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

MOTOR ACCIDENT COMMISSION

Adjourned debate on motion of Hon. Nick Xenophon:

I. That a select committee of the Legislative Council be appointed to inquire into and report on—

(a) the activities of the Motor Accident Commission, its policies, financial affairs, board composition and the incidence and management of claims against the Compulsory Third Party Fund;

(b) the level of compensation payable to victims of road trauma in South Australia;

(c) the current and future roles and responsibilities of the Motor Accident Commission in relation to road safety and injury reduction; and

(d) any other related matter;

II. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;

III. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council; and

IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 4 November. Page 123.)

The Hon. M.J. ELLIOTT: The Democrats support the establishment of this select committee and, in so doing, I indicate that I am prepared to serve on the committee. If I ever saw a need for this select committee, it was during the processes in which we were involved in the last session during debate on the Motor Accident Commission. The Government sought to change the Act in a way that was morally reprehensible. With those amendments, the Government said, 'This is costing us too much. We will reduce benefits and payments to people who have been injured.' There was no debate from the Government about whether or not the level of benefits was reasonable. The debate was entirely about the fact that the Government wanted to lower the price of insurance.

If insurance covers the cost of one aspect of driving, it is user pays, which the Government has talked about on many occasions. However, the Government said that it wanted to reduce the cost of insurance and it did not enter into debate about what was a fair and level reasonable level of compensation. Indeed, it sounds like the workers' compensation debate that we have had in this place. Without entering into the debate about what is fair and reasonable for people who have been injured and who should take responsibility for it, the Government simply said that insurance costs must come down. The sorts of proposals it made were absolutely reprehensible.

The more I looked at it, the more I became convinced that the Government was failing in another area, and that is road safety. When talking about compensation, one is talking about injury, and the more important questions concern why people are being injured and what we can do to reduce the injury rate. Precisely the same questions should be asked in workers' compensation, but it is still not being adequately addressed in that area.

There has been no serious attempt in workers' compensation to reduce accident levels to a lower and achievable level, and I am not convinced that we have anywhere near scratched the surface in achieving what we can in terms of reduction of both the number and severity of the sorts of injuries that occur on the road. I was even more horrified to find that the Motor Accident Commission saw it as being irrelevant to its considerations. That was certainly the feeling that I got in discussions—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: 'It': the question of road safety.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I am sorry, the flavour and observations that I picked up from discussions I had were along the lines, 'We are receiving money from insurance and we are having to make payouts.'

The Hon. Diana Laidlaw: The Motor Accident Commission is part of the Government's Road Safety Consultative Group.

The Hon. M.J. ELLIOTT: It may well be but, as an organisation, I am saying that I felt—and I may be wrong and this committee might show something different—that road safety was not important to it and that it was balancing how much money was coming in with how much money was going out. The commission said, 'Look, we are paying out this much and we are not getting quite enough in. Either we have to increase the insurance or we reduce the payments.' There appeared to be no serious question being asked, such as, 'Is there something else we can do?' The most obvious answer should be 'Road safety.' The question then to be asked is: what role should the MAC play in road safety? It might turn out to be nothing, but I must say I would be surprised—

The Hon. Diana Laidlaw: It has now agreed to help fund taxi drivers attend a further training course.

The Hon. M.J. ELLIOTT: I am encouraged to hear that and I do not know how much of that came out of some things that were said in some meetings during that previous debate. If the Minister has played a role then I congratulate her for that, too. I hope this particular committee will not be one that meets for an extended period of time, but I believe there are some important issues. In response to the Hon. Nick Xenophon approaching me, representing the Democrats, and asking about my likely position, I would say, 'Look, I need another committee like a hole in the head', as is probably the case with other members in this place. However, by the same token, if large numbers of people are dying and being injured on our roads and the solution offered in this place is that we must reduce levels of payouts to people who either are injured or die, then clearly there is a problem that must be addressed. It is for that reason that I am supporting the motion to establish a select committee, and I am prepared to serve on it.

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

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 November. Page 124.)

The Hon. CARMEL ZOLLO: I support the general thrust of the legislation, which I believe will provide some balance in addressing a very serious social problem but which will still offer support to a South Australian industry which employs, according to the Australian Hotels Association, 1 700 South Australians. Like every other South Australian I want to see the creation of jobs. Like the Australian Liquor, Hospitality and Miscellaneous Workers Union I am acutely aware that we in this Parliament should not be passing legislation that removes employment opportunities.

However, I do think it is debatable just how much more our gaming machine industry can grow without a substantial growth in our population and without the social costs that come with such growth. One thing we would all agree on if this Bill is passed is the increased value of the existing 11 000 machines and the increased wealth of those who currently own them. Whilst this is regrettable, hopefully this in itself could offer the opportunity of more staff being employed. I certainly see no reason why this legislation would remove existing employment.

When the Hon. Nick Xenophon approached me to support this Bill I had yet to see the Bill and I raised with him the issue of transference of licences. I remember he replied that there was no such issue as, I guess it would be fair to say, he hopes to see the total abolition of gaming machines—or at least I assume he does. I have some concerns regarding the transference of licences in that I believe it should be clearly articulated that this Bill will in no way prevent the transfer of licences to approved clubs and hotels. However, I understand my more learned colleague on this matter, the Hon. Trevor Crothers, will be addressing this issue amongst others.

In supporting this legislation I am aware that the Hon. Nick Xenophon has previously indicated that he will be introducing a more wide ranging Bill next year, similar to that which he introduced earlier this year. I will not pre-empt my response but I am concerned that if this Bill does include the same provisions to ban gaming machines altogether within five years it will be difficult for me to accept such a provision. Put simply, I do not think South Australia could afford to remove them. We really cannot deny the benefits of the industry and the people working in that industry to South Australia.

Perhaps at this stage we should be focusing on the provision of enough support to addicts and families who are badly affected by addiction. Regrettably in my previous employment I have seen a few examples. Unlike other addictions, such as alcohol, helping problem gamblers is difficult because you do not really see the physical effects. In time you see the social effects ranging from suicide to loss of employment and family break up. Mr Vin Glenn, a gambling counsellor, recently said that 40 000 South Australians are already affected by problem gambling and he feared the situation would get worse as the next generation of gamblers would be exposed to high-tech gambling—an issue which this Parliament, I am pleased to say, is also looking at as a result of the Hon. Nick Xenophon's motion. Mr Glenn goes on to say that he fears that the figure could be nearer to 80 000 and says:

> As a counsellor I see it every day and the hidden factor is the effect on the children in these homes.

Regrettably I have also seen such reality in previous employment. I am certain that no-one could deny that poker machines have also attracted a whole new clientele who, in the past, would never have been exposed to gambling. I see no reason to disbelieve that South Australia has 7 000 problem gamblers and, as already mentioned, taking their families into account we are looking at a conservative figure of 40 000 people affected.

For this reason alone we do need to slow down to allow a breathing space, not only for families but for small businesses, including food outlets which are generally affected. Many might say that this is just competition and, of course, it is, but it still does not remove the sting of losing one's livelihood to large monopolies. I do not think that any of us is naive to believe that a freeze will assist existing addicts but it might create a few less in the first place and, hopefully, a few individuals and families may never need to go through the heartache of gambling addiction. As I said, I will support the general thrust of this Bill but I am unable to support its retrospective nature, dating back to 28 August 1998.

I do believe that it is inappropriate to penalise genuine investors who have entered into the process with one set of rules and then change those rules. If this legislation were to

succeed then adequate provision will need to be made for current approvals. I support the second reading.

The Hon. R.R. ROBERTS: I support the general thrust of the Hon. Nick Xenophon's proposition for a freeze on gaming machines. I understand the concerns of the Hon. Carmel Zollo as they relate to situations in which people have entered into contracts in good faith. I have argued repeatedly that every South Australian citizen ought to have the benefit of the law as it was on the day an incident took place or in circumstances where someone makes a decision, unless the change in law is actually advantageous to a citizen without disadvantaging other citizens.

I took the opportunity to accept a recent invitation to attend a meeting of community groups and local Government in Port Pirie which the Hon. Nick Xenophon also attended. I was able to listen to community groups, people in the front line, trying to address the problems associated with the introduction of poker machines in South Australia. I note that the Premier at a meeting (I think it might have been at Lobethal) recently reiterated his belief that there ought to be a cap on gaming machines.

Having made my opening remarks, I need to qualify my position. Having said that I believe that citizens of South Australia (or people engaging in business in South Australia) are entitled to make decisions, I believe that, having made those decisions, they should be protected from unilateral action to take away all those rights and destroy their investment and, in the long-term, send many of them broke. However, at public meetings I have also heard the concern of welfare groups and local governments about the effects of gaming machines. It has been put to me by people lobbying, I might say, for the hotel and club industry and the gaming industry that we have gone too far and we cannot stop the free trade, if you like, and the expansion of the pokie industry. I think the anecdotal evidence is quite clear in South Australia: there has been an effect of poker machines.

Now as someone who participates in the trotting industry and who likes to have a bit of a punt on a very rare occasion, I am not hypocritical enough to say that it is all right for me to have a punt on the trots and someone else cannot have a bet on the gambling medium of their choice. History now shows that, since gaming machines have come into general use in society, there are effects and, if you listen to the welfare groups, they will tell you quite clearly that there is an effect. I take this particular motion of the Hon. Nick Xenophon as a sensible breathing space to say, 'Stop now and let us look to see whether we need to readjust'. I believe that people who advocate that we not do anything about the proliferation of gambling machines in South Australia do not understand what legislation is all about and what responsibilities of Governments are all about. What they are proposing is that, because we legislated for it and it is having an adverse effect on society, Parliament should not make adjustments from time to time. What is being proposed in this motion is some adjustment.

At the public meeting I attended at Port Pirie, I pointed that out to those people who were very keen, I might add, to ban poker machines and to take them out of all pubs and clubs. My understanding is that this motion does not intend to do that at the present moment, although there is some retrospective nature about it. I do not take the view that we should ban all poker machines, but it is time for us to blink and say, 'Stop; let us have a look to see where we are going.'

Other motions before this Council talk about addressing the problems in an overall sense. However, what we are saying here is, 'Yes, there is a response to the proliferation of gambling machines. All the people who are in the front line say that there is a problem.' I realise immediately that, if we put a freeze on gambling machines in South Australia, the very next step will be that people will want to have property rights on those licences.

The Hon. Carmel Zollo in her contribution said that she supports the transferability. At least while we are undertaking these investigations, I do not support transferability because, as soon as you put property rights on these particular products, you create a false economy in that particular product.

The Hon. M.J. Elliott: Like the fishing industry.

The Hon. R.R. ROBERTS: Like the fishing industry and, obviously, the more classic example is the taxi plate industry, whereby it costs about $10 to produce a plate but much more to buy a licence, which is transferable. What we have created with the taxi industry is a haven for investors to invest their money in a taxi licence and, in many cases, we see the exploitation of casual drivers. If we do nothing but, say, freeze the proliferation of poker machines, or the number of poker machines in South Australia, clearly the next move will be to do what the Hon. Carmel Zollo agrees with and with which I disagree, that is, to have transferability. What we will see happen is that clubs and pubs that have taken the option to have a number of gambling machines in country areas will be bought out somewhat like Woolworths does with service stations in country areas. It takes them over and then shifts the licence from one site to the other. What we will see happen is that in highly populated areas where there are many gamblers, they will have the right to buy poker machines and transfer them from one part of the State to another.

I am not in favour of creating another false economy. If we are to have a freeze, the people who are employed in the industry now under the rules that applied when poker machines were installed have a right to have their employment protected. What we are really saying is that we have legislated to provide a number of poker machines today. However, there are two sides to the argument: first, the welfare groups say that it has imported social problems; and, secondly, people involved in the industry say that it has imported massive amounts of jobs into South Australia and provided security of employment to a whole range of people. Both sides have some credibility in their argument.

What we are proposing today is to protect the jobs that have been created and not to disadvantage the people who have invested their money. Let me say this: the people who have approval for the introduction of poker machines on their premises ought to have the right to conclude those contractual arrangements, even when the freeze is on.

My view is that, if we are to go down the track of having the freeze and having an oversight, there are two ways in which we can do that. What the Hon. Nick Xenophon has done in relation to another matter on the Notice Paper today is say that he wants to have a select committee. We also have the facility of the Social Development Committee to look at these matters and we can do one of those two things. At this stage, I do not proffer a preference for one or the other, but I say that as a Government we have a responsibility to say, 'Yes, we have legislated for a matter and there is a problem.' In my view, to say that we do not have a duty to reassess that legislation and to make corrections, if that legislation allows

that problem to occur, is a nonsense. It is a responsibility that we have to undertake. I believe that, if members talk to people in the community, they will find that the majority of people to whom they speak will agree that we ought to stop and look at what we are doing.

I also raised another issue at the public meeting I attended with the Hon. Nick Xenophon, and I am happy to say it has received favourable response from local government in particular. Given the history of poker machines and the collection of moneys, a community development fund has been established. Members who were here at the time when the poker machines legislation was introduced will know that my preferred position was that a hypothecation of a percentage of the revenue from poker machines should be put into a community development fund and that ought to be administered by local government. My reason for saying that at the time is still relevant today. For instance, when the local brass band, croquet club, or whatever, can no longer raise funds because they cannot run their bingo or their raffles, their first port of call is always local government. They want local government either to provide them with a loan or secure a loan on their behalf.

History has shown that since the introduction of poker machines a system has developed—which is a political system—that allows a certain percentage of the profits to be put into the Community Development Fund. When that system was first introduced it contained a proposal that local members could nominate a charity or an organisation in their electorate that would be a beneficiary of the Community Development Fund.

A lot of Lower House members in particular were very enthusiastic about it until they found out that it was a bit like judging a baby show: if you gave money to one organisation and denied the other 10 organisations that wanted to access the money you had one mother who loved you and nine mothers who hated you. That was what the Lower House members found when they supported particular organisations in their electorates. Very quickly they woke up that it was not a good idea and allowed the Community Development Fund to be administered by bureaucrats in Adelaide.

The effect of that was that the community organisations that had people within their ranks who were very good at writing out applications and filling out forms were able to access the funds and the more deserving groups in the community who did not have access to those skills were again denied those funds. This fund is not new: it already exists. Two days ago I noted, in an inquiry into gambling in Victoria, that the advocate representing local government put a similar proposition that there ought to be a hypothecation of a percentage of the funds of gambling revenue put into the Community Development Fund and administered by local government.

I put this proposition to the Hon. Nick Xenophon and was pleased with his response. This proposal holds no fears for the hotels and clubs which run gambling machines in South Australia because that money is already being collected by the Government, has been hypothecated into this fund and is implemented in a purely political way. If there are to be gambling machines in South Australia and adults over the age of 18 have the right to use them, and they are causing some damage to society, it is a fair and equitable proposition that some of the funds generated by that industry go back to help develop those communities.

However, there is the danger that some local councils may become gambling addicts themselves. When we start to talk about the distribution of funds we also talk about local government. Local government has the ethos that its decisions are made according to the number of ratepayers or the number of contributors that it has. My suggestion takes into consideration the history of the gambling industry and the monitoring processes, which I think are very good. We can work out how much each machine generates and we know exactly how many machines per 1 000 people there are in each community. In my own community of Port Pirie there are some 19.6 machines for every 1 000 people—the highest in country areas.

We know what amount each machine produces and the Independent Gaming Commission can monitor that. It can tell how much each machine makes a day and monitor whether there is a breakdown or interference with a machine. We have a sophisticated system. My proposition is that, out of the moneys that are collected, there should be a hypothecation of a certain amount of that money, and I suggest that it ought to be higher than it is. I am not saying to take it out of the pockets of the hotels and clubs because this Government has seen a bonanza of taxation come from these machines. It is collecting an enormous amount of tax from them; some 50¢ in every dollar that goes through them goes to the Government.

The Government has a responsibility to the community and a responsibility to correct the problems that its legislation causes in the community. In my view the Community Development Fund ought to be expanded and administered by local government which knows the problems in its community. The beauty of my proposition is that it allows local government to operate in the manner in which it is used to operating. It is not an extra cost burden on the industry and it will not cost the jobs of the people who currently work in that industry.

I support no alteration to the way in which gaming machines operate in South Australia today. I advocate that it is time for us to say, 'Stop, let's have a look at it', and see whether we can do it better without disadvantaging those people who have spent millions of dollars upgrading their premises and upgrading the opportunities for people to socialise. In some instances, people who stayed in their homes and did not socialise have been taken into community groups. Strange as it may seem, in many cases a community has been created to get people who have been housebound for years involved in social activities.

Many of these people do not gamble. They go there, have a cheap meal and might put $5 through the gaming machine, but they meet neighbours and friends they have not seen for years. I know that the Hon. Nick Xenophon has a mandate to go further than this Bill, but it holds no fears for me. It should hold no fears for the industry because those who have invested and who have been provided with a licence under the proposition that I support will be able to continue with those activities. It has the advantage of enhancing the social fabric of all those communities.

It has been put to me that Vini Ciccarello in the electorate of Norwood would love this idea because she has more gambling machines than most and, therefore, her percentage of the take would be much higher. So be it: that is the formula that local government works on, and I am happy for that to continue. However, if the select committee looking into gambling or the Social Development Committee come up with a better or a more appropriate formula, I am prepared to look at it and give it my support if it meets with my approval.

I could talk for some time on this matter but a number of issues are under consideration. I, like all members of Parliament, have been heavily lobbied over these matters. I have been lobbied by some people who I think have a vested interest and no real social conscience in these issues, and I have also been lobbied by people of the highest integrity. Therefore, at this stage I indicate my support for the Bill. I make the final point that I am continuing to monitor the activities in this area. When this Bill gets to the Committee stage I will utilise that opportunity to have further input into its deliberations as regards the information that I am being provided with over the next few weeks. I support the Bill.

The Hon. M.J. ELLIOTT: Most members in this place would be aware that I very vigorously opposed the introduction of gaming machines at the time they were introduced. I am not one who seeks to control people's behaviour. In fact, people will have heard me debate issues such as prostitution, drug laws, etc. I am one who believes that the State can play a role of minimisation of harm, but to try to control people's activities absolutely at the end of the day is an exercise that will not work. I could go into quite lengthy arguments about why I believe philosophically it is wrong. However, I do not intend to have a major philosophical discussion here at present.

While I do not have any particular problems with people making a decision to gamble (and I have gambled and played poker machines from time to time), I certainly believe that poker machines as they operate in this State and elsewhere are a particularly addictive form of gambling. As such, I believed that, with their introduction, they were going to create particular problems. At that time I also rejected the economic arguments.

I never rejected the argument that a lot of jobs would be created in the hotel and club industry, but I did argue that for every dollar you spent there a dollar was not spent somewhere else. If you have a dollar in your pocket, there is no magic formula that allows you to spend it twice. Although jobs have been created in the hotel and club industry, there is no doubt in my mind that we lost jobs elsewhere. We have to face the present, and we now have a somewhat scrambled egg in front of us, and the question is: what do we do?

I guess we have two choices: either we throw the whole scrambled egg away and start again, or perhaps we look at it and put a bit of spice and a few other things in and see if this particularly unpalatable scrambled egg can be made a little more palatable. Those are the choices. As a matter of urgency we need to decide what we are going to do in this State. Will we simply allow the status quo to remain? The status quo will not mean the same number of poker machines. It will mean a steadily increasing number of machines. That is the first choice. Or will we ultimately say that we will remove them?

Perhaps there is a third choice. The one option that I do not support is the 'do nothing' option. The 'do nothing' option means that we get more poker machines operating the way they are operating at present and increasing the amount of harm they are doing within society. This Bill gives us breathing time. The big question is: how much breathing time do we need? I appreciate the arguments that come from the hotel industry. They cannot live in a position of uncertainty for a lengthy period of time.

The first thing we need to do, if we support this Bill, is establish a reasonable time frame during which we will make a decision about the three options that we have. The three options are that they must go; that we will not do anything, and will just let it continue; or that we will find some other way of reducing harm. My current thinking is a freeze which would operate for a period of approximately six months, until about the middle of next year, should be sufficient time for the people of this State and members of this Parliament to make that decision as to which of those three courses is the preferred option.

What I do not want to see is the avoidance of having to make that decision by doing nothing now. To reject this Bill is to say there is an acceptance that there will be more poker machines and expanded harm. I will be appalled by members who take that position. At least they should acknowledge that there is a possibility, even if they are not prepared to accept the notion that we will have no poker machines, that we might be able to do it better.

The problem we have is that for every poker machine we allow to come in during this six month period, if we set about trying to change the way things operate, the harder it is to change it. I am sure that is one reason why the hotels are opposing a freeze. I first thought that hotels would accept a freeze because those who already have a licence have got themselves into a position of advantage.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Or having been granted a licence, and I tried to understand why they would oppose further expansion. One reason is that they realise that the more machines there are, the harder it is to do anything. That is the only counterbalancing argument I can find to understand their position at present.

I have not made up my mind finally whether or not I will support an abolition of poker machines, which means some sort of phase-out or whatever, or whether or not to follow another route. I have been putting a lot of thought into how those two options would work. When the Government established a public inquiry into gaming machines very early on, and it was looking at tax rates and a whole lot of other things, I appeared before the committee because I heard some people suggesting that, if you want to discourage people from gambling, you increase the tax rate. I do not agree with that. I put an argument before that committee—

The Hon. R.R. Roberts: It makes the Government richer.

The Hon. M.J. ELLIOTT: Yes. But if you are serious about reducing the harm of gaming machines, you actually reduce the tax rate. In fact, I do not know the exact figure, but approximately half the amount of money lost by these problem gamblers, these people out there who have lost up to $30 000 (in fact, I know that one person has lost close to $100 000 in gaming machines already), goes to the Government. This compassionate, caring Government has got half of it. The tax is responsible for a substantial part of the losses being suffered by these people with this gambling problem.

You could make a decision to allow gaming machines largely as a form of entertainment. Yes, the gaming machines would give you a win, although not a big win, but they would also have very small losses. The one way of controlling losses is controlling how much money comes out of each bet. On average, about 10 per cent of every bet is lost, and the Government gets about half of it. You could actually halve the losses on every bet by simply removing the tax.

The Hon. J.F. Stefani: Won't they stay there longer and bet more?

The Hon. M.J. ELLIOTT: I wouldn't suggest that you would do it in isolation. I would suggest that a suite of changes be made. Any Government that was serious about

reducing harm, rather than grabbing any tax dollar it can get its grubby little paws onto—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: No, let me finish. I also put forward other arguments—and I put them forward again in this place—that we should look at the games that are being played and the structure of those games. If you go into a hotel now, you will find that a very large number of the machines are 1¢ and 2¢ machines. It is remarkably difficult to find a coin to put into it, but they are 1¢ and 2¢ machines. The hotels put them in because they actually found out that the profitability of those machines is greater. They would not put them in for any other reason. They installed them because the 1¢ and 2¢ machines are the most profitable. Why are they the most profitable? It is because you are not making 1¢ and 2¢ bets. The person goes to that machine to start with because it is the cheap one.

I have seen that mentality. As a South Australian, having gone to a few clubs in New South Wales in the past, you think, 'I am not a gambler,' so you go to the 5¢ machine, as that was the smallest denomination machine available. You were going there for entertainment and the 5¢ coins were almost tokens, and you were just playing a game with these machines. Many people, mindful of their purse, think, 'I will go to the 1¢ and 2¢ machines.' What happens is that these machines allow you to bet not on one line, not on three lines but up to five lines now, and you can have multiple bets. I do not know what the maximum bet now is on these 1¢ and 2¢ machines, but it is running into many dollars. The machines are seductive in that they are potentially a low bet machine, but the size of the bets made on them is significant. However, it is not as significant as it is for someone who goes to the races and says 'I will put $1 000 on something,' but in terms of the way poker machines work you are having a bet every couple of seconds, and you pump through those bets at an incredible rate.

When I had someone come to me quite early in the piece saying, 'My aunty has lost $30 000,' I said 'How could you lose $30 000 on a poker machine?' I think that at that time they were 5¢ and 10¢ bets. I sat down with a piece of paper and realised that, whilst they might have been on a 5¢ machine, they were doing multiple bets on multiple lines. Suddenly we discover that there are enough hours in the day to lose enormous sums of money, assuming an average loss of 10 per cent every time you bet. The amount of money you can lose on a poker machine is quite prodigious, despite the minimum size bet that is possible.

If hotels are serious about wanting to keep poker machines, they will need to think very seriously about their own responsibilities. They have taken some steps so far, in terms of advertising campaigns and leaflets that they provide, etc. But the problem they have at the end of the day is that it is, in part, their living. It is very hard to get anyone who is making a living to say, 'I am prepared to make a little less.' Who puts up their hand to say that they are prepared to earn less? Nobody will, and no association that represents them will put up its hand and say, 'We are prepared for our people to make a little less.' You can plead morality, social conscience and other things, but it gets pretty difficult. I say to them that I have not yet made up my mind about which way I will go, whether I will support poker machines going or whether or not they might stay, although in a more socially responsible form.

My challenge to those people who represent the hotels is to look at how that might be done. As a person who is involved in debates, in the argument about the economics of this State and about the budget, I can say that I am prepared to see the Government forgo money—and significant amounts of money—because of the harm that is done through poker machines. I would be asking the hotels to say, 'We are prepared to play a part in it.' I know that they have made significant investments, that they cannot do things overnight and that they will need to take their time.

The Hon. J.F. Stefani: Some have mortgages that will take them through for five or 10 years.

The Hon. M.J. ELLIOTT: I have not suggested time frames or anything else at this stage: I have said that there needs to be a change. In fact, I would argue that it could be done in a phased manner. The most important thing to me is that, to start off with, the maximum size of bets should be confronted. If you put a limit on the size of a bet, you immediately put a limit on how much money a person can lose, because you can only push the button so many times in an hour. A couple of simple changes that you can make can still guarantee a very nice income without effectively having the electronic link between their Mastercard and your bank account, because that is almost what is happening in some cases.

I have raised this matter in meetings with the Hotels Association on a few occasions. If, when a person has lost $30 000 in a place and is still coming back betting, and you are buying them birthday presents and giving them a free lunch because you value your customers, it is not immoral, I do not know what is. I have seen nothing so far to suggest that there has been a genuine attempt to tackle people who are gambling to that extent. No-one will convince me that people are not aware of who the big regular losers are within their own places. The big regular losers are those who are there all the time, because that is the way mathematics, statistics and chance work: that, on balance, every bet you take you can average 10 per cent, and if you are there for a long time you are losing 10 per cent every time you push the button.

I have no doubt that the hotels have a very clear idea of who the biggest of their losers are; perhaps the middle size losers are a bit more difficult to pick out. But I am looking for evidence of a genuine attempt at harm minimisation. On my recent trip to the Netherlands and Switzerland, where I was looking at drug issues, I sat down with one fellow who was getting out education program materials. He got out a booklet on cocaine, a booklet on heroin, and a booklet on amphetamines; he pulled out five or six on drugs, and the next one he pulled out was one on gambling. The Dutch are treating gambling in exactly the same way as they treat all those drugs: their education programs are of the same structure.

In fact, two of the people to whom I spoke and who were experts on treating the drug addiction issues had previously been (and still were) experts in the areas of gambling addiction. It appears that the nature of gambling addiction is not dissimilar to the nature of drug addiction. Obviously, there must be some differences in that one involves ingesting a substance and the other does not, although it is quite possible, knowing that people often react in social situations by the production of a whole range of chemicals internally, that perhaps people are on some sort of natural drug, if you like, in terms of the excitement or whatever other reactions it creates internally. But the nature of the addiction apparently is not dissimilar.

I have approached these people and am expecting a fair bit of material to come from them with more detail about their approach to gambling and gambling addiction. It was not a

matter that I went there to study. However, having made the contacts with people, I said that I would follow up on this and get more information. But I raise that matter, which interested me. I have adopted the philosophy of harm minimisation in relation to drugs, and it may well be that one can take a similar sort of approach in relation to gambling, including gambling by way of gaming machines. Under that notion, one does not try to ban the substance or the behaviour. Rather, one tries to set up mechanisms that minimise the harm done to those people who have problems with that behaviour.

Having said that, I think I have clearly indicated that what I am seeking long term is change. I am prepared to consider what form that change might take, but I am not prepared to accept the status quo. While the Parliament engages in a period of consideration as to where to go from here, I support this move for a freeze. I think the freeze should be of a limited duration: the middle of next year should be sufficient.

I do not have problems with the transferability of licences for gaming machines, so far as they remain on the same site as the hotel or club they are currently in, as this would enable people to buy and sell their business and buy and sell their poker machines on the site they currently occupy, but I would oppose any transferability between sites. That concession, in terms of attachment to site, means that if anyone is currently wanting to sell their business they will be able to do so and know that the poker machines are staying with that business.

In terms of the timing of the freeze, I do not think we should be going back to August. The debate in Parliament is now in full swing, and you cannot wait to apply a freeze when the legislation passes some time next year. That is a bit like Governments: when they introduce a new tax, for instance, they introduce it from the date on which they announce it. They do not allow people to do a big buy-up of cars or whatever it is on which they are changing the tax level. Similarly here, if we wait until next year, the people who are counting numbers could say, 'It looks like this one will get up; we had better get an application in straight away, just in case.' I believe that a date in the new year will be too late, but a date around now or last week, when the debate really got under way, would be an appropriate date on which a freeze should apply. With those words, I support this Bill.

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

[Sitting suspended from 6 to 7.45 p.m.]

DOGS, WILD

Adjourned debate on motion of Hon. Ian Gilfillan:

That a select committee be established to inquire into and report upon wild dog issues in the State of South Australia, specifically—

I. The method of raising funds for the maintenance of the dog fence with a view to making collection more equitable, ie—

(a) whether any change in collection method is justified and, if so, what changes would be necessary to make collection more equitable; and

(b) to recommend any consequential changes to the Dog Fence Act.

II. Issues associated with control of wild dogs inside the dog fence, ie—

(a) to what extent wild dogs are causing problems inside the dog fence, particularly in parks such as the Ngarkat Conservation Park;

(b) how those problems can or should be fairly addressed;

(c) how the presence of wild dogs inside the dog fence affects the equity of dog fence payment collection; and

(d) to recommend any consequential changes to the Dog Fence Act.

III. Describing and/or quantifying other significant benefits and costs associated with maintaining the dog fence, including but not limited to the effect of the dog fence upon other native species.

IV. That Standing Order 389 be suspended as to enable the Chairperson of the committee to have a deliberative vote only.

V. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

VI. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 4 November. Page 111.)

The Hon. K.T. GRIFFIN (Attorney-General): There has been some consultation with the Minister for Primary Industries, Natural Resources and Regional Development about this motion. He is the Minister responsible for the Dog Fence Act. He has indicated to me that he is aware of concerns with the current method of raising funds for the maintenance of the dog fence and supports the development of a more equitable method to collect the funds. He points out that the current rating system was developed by the Dog Fence Board in consultation with the South Australian Farmers Federation, and the system that was developed relies on charging levies set by the board on all properties south of the dog fence which are more than 10 square kilometres in area.

The Minister acknowledges that the current system may be inequitable because many of these rated properties do not carry livestock, while other properties that carry livestock are not charged because they are smaller than 10 square kilometres in area. The Minister discussed the issue with the South Australian Farmers Federation, the Department of Primary Industries and Resources and the Dog Fence Board and then approached the Local Government Association with a proposal for councils to collect the levies on an equitable basis. It must be remembered that section 27A of the Dog Fence Act does provide for the collection of the levies by local government.

However, member councils of the Local Government Association have refused to collect the levies, mainly on the ground that they assert that they are not rate collection agencies for the State Government. The Minister has formed a committee within the Department of Primary Industries and Resources to review the Dog Fence Act, and that will include a review of the need for the dog fence and the collection of levies to maintain it. The process for the review during 1999 is currently being developed and will involve a series of public meetings throughout the State and meetings with relevant peak agencies prior to the production of a green paper. The green paper will then be circulated widely for public comment.

The control of dingoes inside the dog fence is the responsibility of the Animal and Plant Control Commission, under the provisions of the Animal and Plant Control Act. Much of this control occurs in pastoral areas and is supported by funds collected from all landowners-lessees in the State having properties greater than 10 square kilometres out of local government areas. The funds are matched by the State Government. However, the commission contributes funds and provides technical expertise for the control of dingoes coming from the Ngarkat and Billiatt Conservation Parks through a local prescribed control body under the Animal and Plant

Control Act. The Minister also informs me that the Government's review of the Dog Fence Act will also address the cost benefit of the dog fence, including its effects on native animals.

With that background, I indicate that the Government opposes the establishment of a select committee into this matter. As I have noted, the Minister has acknowledged that a review of the situation is required, but a select committee, in the Government's view, would only duplicate and complicate the extensive review process that has been initiated by the Department of Primary Industries and Resources—a process that is proposed to involve extensive community consultation.

The other point to make is that we already have a number of select committees. As a Parliament we have a number of standing committees. If the matter is to be the subject of inquiry by a parliamentary committee, it would be preferable, in the Government's view, for that to be the Environment, Resources and Development Committee, rather than yet another select committee that will have to be separately serviced. In conclusion, the Government opposes the motion.

The Hon. P. HOLLOWAY: I am rather disappointed that the Government has chosen to oppose this motion. The Opposition will be supporting it, because we believe that it has some merit. The question of wild dogs, and in particular the problem in the Upper South-East region of this State, has been around for some years. As a matter of fact, this was an issue that the Opposition raised during the Estimates Committees of the Parliament in another place earlier this year. My colleague Annette Hurley raised this matter, and I would like to refer to her questions because they underline the problem in relation to wild dogs in the Upper South-East region. Her question was:

> The Minister would be aware that many Upper South-East land-holders have expressed objection to paying levies towards maintenance of the northern dog fence. These land-holders are currently not able to access dog control funding in their area. The concerns have been heightened by recent attacks on sheep by Ngarkat dingoes adjacent to the Billiatt Conservation Park. Litigation by the Dog Fence Board against an Upper South-East grazier for non-payment of levies last year failed, and this may be used as a precedent for other land-holders to refuse to pay. About 12 months ago the South Australian Farmers Federation raised the issue with the Minister. What action has the Minister taken to resolve this issue since it was raised with him last year?

The Opposition asked that question because it had been brought to our attention that there were a number of problems in that region. There is a lot of dissatisfaction, particularly from those graziers who live very close to the national park. Some of those areas are not particularly productive yet, because their properties are greater than 10 square kilometres, they have to pay for the dog levy. However, their sheep have been subject to attacks from this species of dingo.

Some months ago I spoke to the local member, the member for Hammond (Peter Lewis), about this matter because it had been discussed at some length in the *Stock Journal* at the time. He informed me that this species of dingo is black in colour but that it is a genuine dingo species, and the dogs have been causing many problems for graziers who live in the vicinity of these parks.

The Hon. T.G. Roberts: Particularly at night.

The Hon. P. HOLLOWAY: Yes. Many of these properties are mixed wheat and sheep properties, and because these graziers have been paying their levy, they believe they have not been getting their fair share in terms of protection from the dog problem in their area. The protest of not paying the fees is their way of drawing attention to it. As I said, that problem had been around for well over 12 months when this question was raised by my colleague in another place in June this year. I would like to read a little of the Minister's answer. Rob Kerin said:

> I probably lost hair or went grey over this one. It has been an ongoing issue. SAFF has been negotiating with the Local Government Association on whether local government could collect the producer part of the levy within incorporated areas. Under the current rule no-one pays unless their property is 10 square kilometres or more. It is felt there may be a more equitable way to do it. Local government recently told SAFF that it is not prepared to collect the levy, so we are back to square one to some extent.

The Minister later concluded his answer by saying:

> We are currently talking to SAFF on how we may be able to change the current system. There has been a lot of misinformation.

Unfortunately, despite this issue being a longstanding one even at the time the Minister spoke of this in June, there has been no progress. If anything, there has been a breakdown. I note from a recent issue of the *Stock Journal* that the Farmers Federation has lost confidence in the Government's ability to solve the problem, and I should like to quote from the *Stock Journal* of 22 October last. The Chairman of the SAFF wool and meat section, Mr Ian Rowett, is quoted as saying that:

> . . . his organisation was 'not interested' in a proposed Government inquiry into the dog fence. 'We're supporting the select committee and are determined to get a resolution,' he said. 'I am not at all happy with the way the Government has handled the matter. . . they've failed to deliver before so we're supporting the bipartisan select committee.' Mr Rowett said the use of collection agencies [to recover payment] was also a major concern.

The article also commented that among the local graziers who are affected by this issue there is now a hard core of graziers who are facing court proceedings rather than pay levy notices. Clearly, this issue has blown up yet again in the South-East.

It is my view that, given that there is a lack of confidence within the major farm organisation that represents these graziers about the Government's ability to deal with it, given that there is clearly a stalemate, given that this issue has been going on for so long—well over two years—and given that there is widespread support from those people who are affected in the capacity of a select committee of this Parliament to contribute to the issue, the Opposition believes there is no other choice but to go down this path. I am disappointed that the Government has chosen another internal inquiry rather than the more open process that a select committee offers.

I congratulate the Hon. Ian Gilfillan on putting this matter forward. I believe that he has tapped into an area of concern in the community. We in the Opposition will work constructively to find a resolution to what has clearly been a very vexed problem in this area. From speaking to several of the graziers who are affected, I believe that they are realistic and they accept that they may not get everything. All they want is a proper, fair hearing that a select committee would give them, and proper and due consideration given to the problem. Again, I commend the Hon. Ian Gilfillan for bringing this matter forward. The Opposition is pleased to support it.

The Hon. IAN GILFILLAN: I thank the Hon. Paul Holloway for his clear and unequivocal support for the motion. I am disappointed at the Government's attitude and think that it may live to regret it. It is bizarre to recollect that, when this matter was discussed earlier, and it was referred to

by the Hon. Paul Holloway in his contribution, the Minister did not appear to have any solution, certainly none that he was prepared to offer to me. He gave no indication that there was to be an internal committee, and that was in spite of the fact that I went to him directly with the request from the Farmers Federation, which had despaired of being able to find an answer and leapt on the suggestion that there be a select committee.

There are many advantages of a select committee, but the one that stands out for people who have not felt satisfied with the contribution by Governments for some years in trying to solve this problem is that a select committee, particularly this one, is clear of any governmental control or direction and should be able to come up with an impartial and acceptable solution.

The Hon. T.G. Roberts: And intelligent.

The Hon. IAN GILFILLAN: Very intelligent, especially as I see the names that have been proffered to serve on the committee. The Hon. Terry Roberts predicts a very intelligent outcome. Moving aside from prejudgment of how the committee will hand down its report, it is appropriate that I acknowledge that I have had a communication from the officer who is either convening or heading the Minister's committee, offering total and open cooperation with the select committee. I respect that. Whatever smallness there is in the Government's mind towards this select committee, thank goodness it does not extend to the members of the department who will be working on the committee.

Without labouring the point, I have every confidence that the members who are nominated to serve on this committee from the Government side will contribute free of any prejudice or pettiness and will give it their best. I hope that we, as a committee and through this Parliament, can put to rest this ulcerating sore that has bothered quite a large proportion of the rural sector, particularly the sheep husbandry section, for many years. I expect that we will have majority support in the Chamber to set up the select committee and I have had indications that both the Independent members support the motion, so there is a substantial majority in favour of it. I thank the Chamber for supporting it.

Motion carried.

The Council appointed a select committee consisting of the Hon. J.S.L. Dawkins, the Hon. Ian Gilfillan, the Hon. P. Holloway, the Hon. A.J. Redford and the Hon. R.R. Roberts; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 24 March 1999.

CRIMINAL LAW CONSOLIDATION (JURIES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act 1935. 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 sections 246 and 247 of the *Criminal Law Consolidation Act 1935* in order to fortify the principle of confidential jury deliberations and juror identities.

Section 246 and 247 ('the Sections') were inserted in early 1992. Section 246 prevents the disclosure of information that is likely to lead to the identification of a juror or former juror for 6 months after the conclusion of the proceedings, while section 247 makes it an offence for a person to harass a juror, or to give, offer, or agree to give a material benefit to a juror, for the purpose of obtaining information about jury deliberations.

In the 1992 Annual Report the Supreme Court Judges requested amendment to these sections of the *Criminal Law Consolidation Act 1935*. They argued that the Sections did not go far enough to protect the confidentiality of jury deliberations. They suggested there should be a general prohibition of disclosure and solicitation of disclosure of proceedings in the jury room.

The matter was subsequently included on the agenda of the Standing Committee of Attorneys General ('SCAG') for the purposes of developing effective legislation to protect the confidentiality of jury deliberations and jurors' identities. SCAG took the view that because of the national nature of the media, consistent legislation in all Australian jurisdictions was desirable.

SCAG developed and approved a Model Bill ('the SCAG Bill') dealing with the protection of jury deliberations and jurors' identities. The SCAG Bill was accepted as a minimum standard for the protection of the confidentiality of jury deliberations and jurors' identities. The Bill introduced into Parliament adopts the provisions in the SCAG Bill. Victoria, Queensland, the Australian Capital Territory and the Northern Territory have already enacted legislation adopting these provisions.

The Bill, to a large extent, abolishes the distinction between the protection of jury deliberations and jurors' identities. The proposed provisions will create offences for improperly disclosing, soliciting, or obtaining information relating to jury deliberations and jurors' identities for the purposes of publication, and will create an offence for the publication of such material. However, the provisions will not prevent the disclosure and prosecution of improper conduct by a juror to appropriate authorities, or fair and accurate reporting of proceedings dealing with improper conduct by a juror. Nor will the provisions prevent appropriate research and public discussions of jury functions.

Subsections (1) and (3) of section 247 will be retained. These provisions operate above the minimum standard that is proposed to be implemented nationally. The retention of these provisions will mean that it is still an offence to harass a juror for information about the deliberations of a jury.

The effect of inserting the proposed provisions in the *Criminal Law Consolidation Act* will be to strengthen the protection of the confidentiality of jury deliberations and juror's identities by making the disclosure, solicitation and publication of this information an offence. The provisions strike an appropriate balance between protecting the confidentiality of jury deliberations without sacrificing the ability to ensure that improper juror conduct is disclosed, and that the system is scrutinised to assist in the development of the jury system and the judicial system as a whole.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Substitution of s. 246

The new section is a uniform measure. It makes it an offence—

- to publish information about jury deliberations or information that may identify a juror;
- to disclose such information knowing that it will, or is likely to be published;
- to solicit or obtain such information with the intention of publishing or facilitating the publication of the information.

Various exceptions are specified relating to disclosure to a court or Royal Commission, disclosure to the DPP or police for the purposes of an investigation of certain offences and disclosure to a researcher authorised by the Attorney-General.

Clause 4: Amendment of s. 247—Harassment to obtain information about jury's deliberations

The amendment deletes the offence in subsection (2) (offering a material benefit for information about jury deliberations) and increases the penalty for the offence in subsection (1) to match that included in the new section.

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

SUPREME COURT (RULES OF COURT) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act 1935. 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 concerns the power of the Supreme Court to make rules regulating the Court's pleading practice and procedure. It is designed to put beyond doubt that the Supreme Court's rule-making power extends to enable the Court to make rules requiring disclosure and exchange prior to trial of copies of any experts' reports and other relevant material.

The Supreme Court Rules presently require parties to make full pre-trial disclosure of any expert reports relating to any matter in issue in the action. Such disclosure is an integral part of the ordinary conduct of litigation and ensures that each party knows the case which he or she must meet at trial. It helps to focus litigation on the issues that are genuinely in dispute and promotes early settlement. It is thus a highly desirable power and one which helps to contain the cost and length of litigation, for the benefit of the parties and the Court.

As a result of a legal challenge, a similar provision in the District Court Rules was held to be invalid for want of a specific reference to such a power among the rule-making powers listed in the *District Court Act, 1991*. As a result of this decision, the *District Court Act, 1991,* was amended to provide specifically that the Court had power to require pre-trial disclosure of the contents of expert reports or other material of relevance to the proceedings (s. 51(1) (ca).

To avoid any similar doubts arising in respect of the validity of the Supreme Court Rule. it is proposed to similarly amend the *Supreme Court Act,* 1935. This amendment will not make any difference to the day-to-day practice of the Court or to the extent of disclosure currently required of parties, but will simply preclude any technical argument that this useful aspect of the Court's ordinary practice is technically beyond its power.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of s. 72—Rules of Court

This clause inserts paragraph IIaa in section 72 of the Act. Paragraph IIaa imposes mutual obligations on parties to proceedings in the court to disclose to each other the contents of expert reports or other material of relevance to the proceedings before the proceedings are brought to trial.

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

The Hon. R.I. LUCAS (Treasurer): Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

SELECT COMMITTEE ON THE ESTABLISHMENT OF A SPECIAL COMMITTEE AND THE HOLDING OF A REFERENDUM ON THE SALE OF ETSA AND OPTIMA ENERGY

The Hon. R.I. LUCAS (Treasurer): I bring up the report of the Select Committee on the Establishment of a Special Committee and the Holding of a Referendum on the Sale of ETSA and Optima Energy, together with minutes of proceedings, and move:

That the report be printed.

Motion carried.

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

That the report be noted.

I intend to speak only briefly. As members will note when they look at the select committee's report, whilst the intentions were noble in relation to the select committee—that is, an intention to try to forge a consensus from amongst the disparate views reflected in this Chamber on the issue of the sale of ETSA and Optima—sadly that noble objective was unable to be achieved, although many of us tried valiantly through meeting after meeting to convince the other views that were held in the Chamber of the correctness of the Government's view.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: It will not take long, even for you, Ron. I can offer the Hon. Terry Roberts to read it to the honourable member, if he would like, and that might make it even quicker. The committee of eight was unable to achieve a unanimous view on the two terms of reference for the committee. Sadly, that became apparent after many hours of hard work from those who attended the meetings in trying to come to a consensus in relation to the two terms of reference.

Rather than waste any more of the members' time, the select committee decided to report to the Parliament that, given the diversity of views, the floor of the Parliament would have to be the forum within which not a unanimous view or a consensus view was established, but that a majority view of the members would be required to see the passage of the legislation in one form or another. That decision applies to both issues; that is, to the notion of the establishment of a special committee and also (but perhaps not as strenuously) to the notion of a referendum. If we had left the reporting of the select committee for another day or two, there may well have been a different view from the members, in terms of the majority being expressed by some members of the select committee.

The Hon. R.R. Roberts: Is this the full report, not a summary?

The Hon. R.I. LUCAS: This is it. There are some of us who do not have to fill in space with words; we leave that to the honourable member. We can make our mind up very concisely and summarise where we have arrived. The point I make is that some members on the committee had a particular view in relation to a referendum but, if we had waited perhaps another day or so, we would have seen a completely different view, as has been publicly announced by the Labor Party and the Democrats in the past 24 hours. Perhaps if we had sat longer and had a few more meetings and perhaps if all members had turned up, we might have been able to see a different balance. It still may not have been a unanimous view but, nevertheless, it would have had a different majority view.

As I said, the Government supported the noble intentions of the mover in the establishment of the committee. What it did do was enable members to continue to talk about this issue and for other options to be explored. Not all of those were necessarily directly part of the terms of reference of the committee, but the results of those discussions may well be apparent when the Bill is finally passed through this Parliament in one form or another. In that respect, it possibly did have a benefit, albeit an indirect benefit, in the potential resolution of what has been a vexed and controversial issue for the Parliament since it was first announced on 17 February of this year.

The Hon. P. HOLLOWAY: I indicate that the Opposition supports this select committee report. It is one of the few issues in relation to electricity on which the Opposition has

seen eye to eye with the Government in recent times. The first conclusion was:

> The committee agreed that it had not been possible to achieve the objective of reaching a unanimous view on the two terms of reference for the committee.

We can certainly agree with that. The second conclusion was:

> The committee agreed that these issues would eventually be resolved via the means of a majority vote of the Parliament when debate on the legislation resumes.

We are yet to have that vote. It needs to be mentioned in discussing this report that, while it had no outcome, clearly it was a tactical ploy on behalf of the Government, via the mover of the amendment, to buy time. I think that point was really brought out during the debate last night, but let us go over it again.

We all know what happened at the second reading stage when the electricity sale Bill was discussed before the Parliament. The Hon. Nick Xenophon supported that second reading and, as a result of his voting for that Bill, it was carried by one vote at the second reading stage. However, the Hon. Nick Xenophon had indicated at the time that his support for the sale was conditional on a referendum being held, and at that time the Hon. Nick Xenophon had tabled an amendment to the commencement clause of the Bill, clause 2, which effectively said that the Bill could not come into force until a referendum had been held.

The Government could have proceeded to discuss the matter. At the time of the second reading vote I think two or three weeks were still scheduled on the Notice Paper. However, the Government decided that it would not proceed with discussion on the Committee stage of the Bill, and it is pretty obvious to see why: had it done so, the first amendment to be discussed would have been the referendum clause.

Had it been carried, that would have locked the Government into proceeding with a referendum, and it was not prepared to do so. Even though it had clearly promised before the last election not to sell the Electricity Trust, it was not prepared, in breaking that promise, to seek the endorsement of the public for its actions in breaking that election promise. So, the Government came up with the idea of the select committee via the Hon. Terry Cameron, who moved it, to try to keep the Bill alive and to buy time so that it could pressure the Hon. Nick Xenophon.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: That's right, there have been all sorts of rumours as to who was the author of the committee's terms of reference. Nevertheless, it was clearly a strategic exercise to buy time so that the Hon. Nick Xenophon could be worked on. We are yet to see the outcome of that, but perhaps we will see it within the next 24 hours or so. Clearly, the Government believes that it has been successful in buying that time.

I would like to repeat a couple of sentences that I uttered on 2 September when we established the select committee. I said:

> But I stress again that, unless the Hon. Mr Xenophon changes his position, it will not provide for the sale of ETSA unless the Government opts for the referendum. And the Government does not need this committee to bring on a referendum.

What the Government needed was time to put pressure on the Hon. Nick Xenophon, and we all know what has happened over the past two months. It is true that the Opposition members who spoke to this motion said that it was a waste of time. We pointed out how it could not possibly reach a resolution. We were vindicated in that by the two sentences I have just read out from the conclusion of the committee, and those two sentences were the entire conclusion of the committee—that we could not reach agreement. We knew that from the outset, but it was clearly designed to buy time to put pressure on Nick Xenophon to get him to change his mind.

I want to make only one other comment in relation to the select committee report, and that is how we learnt of the cancellation of the penultimate meeting. We had decided to meet every Wednesday. We were due to have a meeting on that Wednesday, but in that morning's paper we read that the committee would no longer be meeting because the Treasurer thought that he had made a deal with the two Independents to get the Bill through. So, that is how we learnt about the cancellation of that penultimate meeting, and I think that was, if nothing else, a discourtesy.

Let us dispatch this exercise. I do not think that it will go down in the history of this Parliament as one of its more savoury episodes: let me put it that way. Clearly, it was nothing more than a tactical ploy by the Government to put pressure on the Hon. Nick Xenophon, to buy time and to avoid the referendum question. Within the next 24 hours or so we will finally see just how successful the Government has been in its tactics.

The Hon. SANDRA KANCK: Looking back at what I said when I spoke against the establishment of this select committee, a number of the things that I said either in the Parliament or via media release have proven to be so. I indicated that I felt that the committee would be a waste of time, and that truly did prove to be the case. I was unable to attend all the meetings because they were held during the Federal election campaign, and I was somewhat busy at the time in the seat of Mayo. I considered that to be a much more important task than a select committee that I had considered to be a waste of time in the first place. When I spoke against the select committee's being established—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —I said that very few people had anything to gain by this motion being passed and, indeed, that it would not have any impact at all—and this report has shown that. I suggested at that time that the Government was buying time, and again I think that is all it has achieved—it allowed the Government to keep the issue alive when it might have died, and I think it allowed the Government more time to lobby Nick Xenophon, amongst others. As a result, the Government has achieved its aims.

I also suggested back on 2 September that the people who had the most to gain from this issue being kept alive were the Government's advisers because, as long as the whole thing was kept alive, they were being paid.

The Hon. L.H. Davis: Of whatever nationality?

The Hon. SANDRA KANCK: Of whatever nationality. They can be whatever nationality they like.

The Hon. L.H. Davis: How did you dare have a Senator in Tasmania with an American accent?

The Hon. SANDRA KANCK: He was an Australian citizen. I have no problem at all with the Treasurer's taking advice from anyone else. In fact, if I use the words that the Hon. Terry Cameron uttered last night, an Afghan camel driver could be advising the Treasurer—and it probably is, looking at the quality of the advice that he is getting.

The Hon. L.H. Davis: Excuse me!

The Hon. SANDRA KANCK: Excuse you for what?

The Hon. L.H. Davis: The comment you just made.

The Hon. SANDRA KANCK: You don't have to be excused. I'm telling you that the quality of the advice that the Government is getting is lacking and biased.

The Hon. T.G. Roberts: It is an insult against Afghan camel drivers!

The Hon. SANDRA KANCK: Do you know any Afghan camel drivers, Mr Roberts?

The Hon. R.R. Roberts: We'll get letters about this.

The Hon. SANDRA KANCK: I am sure you will. Anyway, when I concluded my remarks on 2 September I said that the setting up of this select committee was a farce, and it has proved to be so. When I was able to attend the meetings after the election was over, it was all I could do to sit there and not laugh at what was happening. On numerous occasions, because of the farcical nature—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —of the committee, I had to look at the ceiling so that I did not burst out laughing; it was just so funny. So, it has proved to be a farce. This report shows that it was a farce and vindicates the Democrats decision to oppose it in the first place.

Motion carried.

CITIZENS' RIGHT OF REPLY BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 207.)

The Hon. A.J. REDFORD: The object of this Bill, which was introduced by the Hon. Terry Cameron only last week, is to provide a right of reply to persons who are adversely referred to during the proceedings of a House of Parliament. I note through some design that the Hon. Michael Elliott immediately spoke, following the introduction of the Bill, with a degree of alacrity that I have not seen in relation to any other Bill with which he seems to have come into contact in the five years that I have been a member of this Parliament. I hope that the Hon. Mr Elliott is setting a new precedent and that he will deal with all Bills, including Government Bills, with the sort of speed and alacrity with which he chose to deal with this Bill. However, I will return to the contribution of the Hon. Michael Elliott in some detail later in this contribution.

This Bill has a number of aspects to it. First, it provides that a person who has been referred to during proceedings of either House of Parliament and believes that they have been adversely affected in reputation or in respect of dealings or associations with others, or that they have been injured in their profession or occupation or trade, or that their privacy has been unreasonably invaded, may by written submission to the Presiding Member request that an appropriate response be included in the parliamentary record.

I understand that the procedure set out in this Bill is that, if someone who is aggrieved feels that way, they refer the matter to the Presiding Member, who may either refuse to allow the matter to proceed or refer the matter to the Standing Orders Committee. It does not say what the position might be should the Presiding Member decide to take a certain course of action and should the Parliament or the Chamber itself choose to differ with what that Presiding Member might choose to do.

An example might be that a Presiding Member feels that no further action should be taken, yet the majority of the Legislative Council might believe that that was an incorrect decision. There is nothing in the Bill to indicate what might occur in that situation. I hope that the Hon. Terry Cameron, when he sums up the debate, can explain what his view is should that circumstance arise.

Following that, if the matter is referred to the Standing Orders Committee, the committee will then deal with the matter. According to the Bill, I understand that the committee will confer with the person, any proceedings are to be kept secret, and the committee can make a recommendation one way or the other. Ultimately, if the recommendation is to incorporate a response in *Hansard*, the ultimate decision is to be resolved by the House.

I should also be interested to know whether the Hon. Terry Cameron suggests that, in any resolution adopted by the Legislative Council to incorporate something into *Hansard*, we all ought to make a contribution or at least be entitled to make a contribution on that decision. Indeed, if we are all entitled to make a contribution, it may compound the very mischief that the Hon. Terry Cameron is seeking to remedy.

At the end of the day, it is always important to note that we are elected members of Parliament and, as such, are accorded a privilege that is not accorded to any other citizen. Whilst I have sympathy for people who are wrongfully aggrieved and wrongfully defamed in Parliaments, I do think there are opportunities for those people to seek redress in the event that they are unfairly referred to. Later in this contribution I will give some examples of that. I think the prime example was given by the Hon. Michael Elliott on the last occasion.

Yesterday, I wrote to Parliamentary Counsel—I must say I have not done this with any support of my Party room, but as a Liberal member of Parliament it is my right to do so—and asked if he could draft some amendments to this Bill in the event that it is likely to succeed at the second reading stage. I have asked Parliamentary Counsel to draft amendments in two categories.

The first set of amendments would be to the effect that if a person has a response published in the parliamentary record, or the *Hansard*, that response should be reported by any media which reported the earlier reference in terms directed by the Standing Orders Committee. In other words, in the unlikely event that the Hon. Terry Cameron might defame somebody and the *Advertiser* should carry such a story, the Standing Orders Committee, in these circumstances, if it feels that something should be incorporated in *Hansard*, shall and should have the power to direct the *Advertiser*, if it is that paper, to place that response on the public record.

If the Parliament felt that it should be incorporated in *Hansard*, it would be unfair to a person aggrieved in those circumstances if the *Advertiser* did not carry an article of the same weight and the same prominence. I am sure that the Hon. Terry Cameron will join with me, and I note the honourable member has quoted the *Advertiser* editorial of Saturday 7 November. For those who were not in the Chamber when the Hon. Terry Cameron made his contribution last week, he quoted the editorial, which states:

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

I must say that some people might think that the media fall into the same category as parliamentarians in this case, and I hope that the Editor of the *Advertiser* would be big enough to write an editorial saying, 'Fair cop, Guv; if it is good enough for parliamentarians, it is good enough for us.' I look forward to seeing an editorial in the *Advertiser* in the not too distant future something to the effect of, 'We agree that people aggrieved ought to be able to respond on the basis of "a concept of a fair go".'

I hope that the *Advertiser* would go on and say, 'This publication, in adopting this viewpoint, will add to the perception of newspapers, journalists and other publications thinking themselves different from, and better than, everyone else.' I think that what is sauce for the goose is sauce for the gander. I note opposite that the Hon. Terry Cameron is vociferously interjecting in his agreement with me.

I refer to the second part of the amendment that I would like to move. Is this in fact an evil that is so serious, and bearing in mind that the *Hansard* can hardly be said to have a wide circulation. At last count it had a circulation of a bit over 2 000. But when one looks at the principle that the Hon. Terry Cameron is alluding to this ought to be applied quite broadly. If one accepts and adopts the principle that everybody should have a fair go in publication and that sort of thing then I think it ought to be extended generally to the news media. In that regard I have asked Parliamentary Counsel to draft amendments to this Bill such that, if a person is defamed or indeed falls within the category set out in clause 3 of this Bill, then they, too, can approach this Parliament, and if an order is made by the Standing Orders Committee then the publication, the *Advertiser* or the *Australian*, ought to give equal prominence. Again, based on that principle I know that the Editors of the *Advertiser* and the *Australian* will endorse, consistent with their earlier endorsement, those amendments.

There is one point that concerns me about the draft of the Bill and, again, I hope that the Hon. Terry Cameron does not mind me referring to that. He was not here earlier when I asked the first question about this Bill. In his second reading speech he says that this Bill is to give a right of reply to people defamed in Parliament. Yet if one looks at the text of his Bill it actually goes further than that. I would be interested to know why, if it is a question of defamation, he wants to take the Bill further than just defamatory comments. I think there is a risk, if you take it too far, that we are going to have *Hansard* forever clogged with all sorts of responses from all sorts of interest groups on all sorts of occasions. I think that if this Bill is to succeed it ought to be kept within a very narrow confine.

In that regard I invite the Hon. Terry Cameron to have a closer look at clause 3, because it is wide. One can imagine all sorts of interest groups feeling that their position has been adversely affected in respect of dealings with others and submitting substantial documents and making substantial submissions in relation to what should or should not go in *Hansard*. At the end of the day I think we need to be careful and cautious that we do not devalue *Hansard* and what it is.

The Hon. Michael Elliott fell over himself to jump up and make a speech on this topic. Indeed, the Hon. Terry Cameron said I should be in here to listen to his contribution and the Hon. Nick Xenophon, probably the last time I have seen him smile in fact, said, 'Angus, I think you ought to be in here. This is one that you want to listen to—Mike Elliott.' So, I can sense a bit of an ambush when it comes, and when the Hon. Mike Elliott rose to his feet it did not come as a great surprise that he singled me out as someone who, in his terms, had abused parliamentary privilege.

Poor old Michael Elliott does not understand the laws of defamation. If one looks at the contribution that I made on Wednesday 28 October not one word in it was defamatory. Indeed, in his contribution he did not allude to anything that was defamatory. Indeed, in his letter to Mr Elliott, Mr Beck did not say anything other than that he did not like what I said. He did not deny that there was an arrangement between he and the member for Gordon for his support at the last Federal election campaign. I had almost forgotten this: when I went back and looked at my speech I in fact challenged the member for Gordon to issue a statement denying any association with Mr Beck. The one thing I have noticed is that neither Mr Beck in his letter to the Hon. Michael Elliott nor the member for Gordon has at any stage denied what I said. They have expressed very strongly that they did not like what I said, but neither of them has denied what I said. Indeed, nobody but nobody has suggested that I have defamed anyone in any of the contributions that I have made.

I must say that Mr Beck is a rather unusual fellow. He rang me a number of times and I had a number of conversations with him and I found on every occasion following a conversation or following a statement I would make to him that he would come back and misinterpret what I had said. It is not the first occasion that Mr Beck has got things wrong and I am not the only person that he has had a conversation with and then gone out into the public arena and spoken to others and misinterpreted and misstated what he said. I was not going to say this but Mr Beck invites me to do it—

The Hon. T.G. Cameron: Just happen to have it with you.

The Hon. A.J. REDFORD: Yes. I recall a statement made by Mr Beck in the *Border Watch* on Tuesday, 15 September 1998. Members might recall that this was in the middle of the Federal election campaign when Mr Beck was the Independent candidate for Barker, who I understand was being strongly supported by the member for Gordon. He said in the *Border Watch* on 15 September the following, and I quote:

> The South Australian Farmers Federation has calculated that two-thirds of Mount Gambier district fuel bills are used for private purposes and therefore are ineligible for a GST rebate.

He went on and made a number of other comments about what the South Australian Farmers Federation said. After reading that I waited a day or two, because I thought if he has been misquoted he will quickly get a letter into the *Border Watch* and ask them to correct the report. In the absence of that letter I rather assumed that they had reported correctly what Mr Beck had said. So I wrote to Mr Cameron—

The Hon. L.H. Davis: Which Mr Cameron?

The Hon. A.J. REDFORD: Mr Sandy Cameron of the South Australian Farmers Federation. I wrote to him and said:

> As you will see from the attached article the South Australian Farmers Federation has calculated that two-thirds of Mount Gambier district fuel bills are used for private purposes and therefore are ineligible for a GST rebate. Could you please advise me on what basis this assertion was made?

Lo and behold, immediately faxed back to me was the response. I must say, looking back on my dealings with Mr Beck, I am not surprised by the response. But Mr Cameron said this, and I quote:

> The information in the article in relation to fuel was based on research conducted by a community services committee into private versus business use on small farms. The information was not

authorised for publication and we will be contacting Mr Tony Beck to express our disappointment that he has used it to support his campaign.

Again Mr Beck has got himself into trouble. I think it would do Mr Beck some good if he went back to his previous occupation, contemplated his lack of success in politics and perhaps looked at occupying his time better.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Cameron interjects: it is on the record; I have said it, and I am sure it brought a smile to those at Trades Hall on election night, as it did to those of us who were celebrating a very strong performance of the Liberal Party, following the Federal election.

Members interjecting:

The Hon. A.J. REDFORD: It was less than that; he got 5 per cent in the seat of Gordon and he just managed to scrape in and get—

Members interjecting:

The Hon. A.J. REDFORD: No, he got his deposit back; but he got more than that. He actually got his vote money as well. So he did not do badly in that regard. But then, it was the sort of election where everybody got their money back. Certainly, One Nation out-polled him quite significantly. That puts it in perspective. I see that he still gets quoted regularly in the *Border Watch* on all sorts of interesting issues. Someone—he will not listen to me—ought to write to him and tell him that the election is over, he can go back to his farm, he can work on it and perhaps come out of his box somewhere leading up to the next election campaign.

The Hon. L.H. Davis: Terry Roberts was very confident that they could win.

The Hon. A.J. REDFORD: The Hon. Legh Davis makes an important point: he was confident. It is disappointing that the Duncan Left gets it so wrong so often. Is it any wonder that the machine has become so dominant in the Labor Party when you get that sort of ability to count coming from the Hon. Terry Roberts? Mike Elliott did go to some trouble to single me out, so I thought I would have a look at the Hon. Michael Elliott's and the Hon. Sandra Kanck's record, because they do on occasions come in here and—dare I say it—pretend to be better than the rest of us, and in some cases—and dare I say it—I have heard people call them sanctimonious.

The Hon. Michael Elliott might be shocked to hear that that is his reputation around this place, and I know that some people might ask why should we not listen to the Hon. Michael Elliott (the man with such high morals and the one who can pick out me and others for abuse of parliamentary privilege) every time he rises to his feet and gives us his sanctimonious nonsense? I have quite a range of examples that show why we should not listen to him. One of the best examples was a question asked by the Hon. Carolyn Pickles in September 1987 on the issue of child sex abuse. On that occasion the Hon. Carolyn Pickles said:

> Mr Elliott suggested that an extract from what he described as a transcript of evidence could indicate that the Department for Community Welfare officer was involved in an emotional coercion or bribery of a six year old child.

That is a pretty serious allegation on the part of the Hon. Michael Elliott. It is interesting to see the response from the then Minister Dr Cornwall, and I will quote a couple of his answers. In this regard Dr Cornwall was pretty right. He said:

> Mr Elliott appears to have indulged in headline seeking.

He goes on:

> By selectively quoting from the transcript, under the guise of concern for the community, this self-styled health teacher for five years smeared the department and the officers concerned.

He continues:

> Mr Elliott, who was full of protestations when I outlined the damage his behaviour could cause, said during his personal explanation that he was worried by a case determined by the courts in which some innocent people who have been found not guilty have been denied access to the children. This is patently false.

This is a man who found one example on one occasion to say that I have it wrong. Dr Cornwall continues to talk about the sanctimonious Hon. Michael Elliott. He said:

> I am prevented by the legal constraints I have mentioned from explaining to members and the public why the magistrate reached this conclusion.

That did not stop the Hon. Michael Elliott from coming in and defaming the officers from the Department for Community Welfare. He must have known—because he knows everything—that Dr Cornwall, back in 1987, was constrained in what he could say. In any event, having had a full explanation given to him through the auspices of Dr Cornwall and the now Leader of the Opposition (Hon. Carolyn Pickles), he gave a personal explanation. Does this not sound familiar? I draw members' attention to that extraordinary contribution he made earlier last year about the Hon. Jamie Irwin and his family in relation to some high moral ground that he was attempting to lay.

The Hon. T.G. Cameron: Disgraceful!

The Hon. L.H. Davis: It was a low point in the Legislative Council.

The Hon. A.J. REDFORD: I hope that both those interjections go on the record. The sanctimonious Hon. Michael Elliott went on—and does this not sound familiar? He said:

> When I raised this matter, I was attempting to raise the issue of the need for protocols which determine behaviour.

Does that not sound familiar? That was the sort of response he gave when he tried to smear not only the Hon. Jamie Irwin and his family but also the Chairman of the Development Assessment Corporation, Doug Wallace—a planner well respected throughout this State who has served successive Liberal and Labor Governments over many years. Indeed, I have been fortunate to have dealings with Doug Wallace. The Hon. Michael Elliott said—and this is how seriously he takes parliamentary privilege:

> I said at the time that it was not clear whether or not there had been misconduct.

It was not clear, so he comes into this place and does it—Mr Sanctimonious himself.

The Hon. L.H. Davis: That would have been $100 000 outside the Parliament.

The Hon. A.J. REDFORD: And the rest! He defamed a number of people. The then Minister for Health, the Hon. Dr Cornwall, had every right to be disgusted at his behaviour. That was drawn to the attention of this place by the Hon. Carolyn Pickles. In that case, what was even more despicable was that these people had no right of reply in any way, shape or form. It was not as though people could come in and defend themselves, because the matter was before the courts. They were restricted not because of any rules of defamation—because Dr Cornwall was pretty well protected; he was on strong ground on this case since he was telling the truth—but because no-one could defend. He did it because he just

wanted to raise it as a point of public discussion. How familiar you, Mr President, would be with that sort of utter nonsense from the honourable member. In February 1986—

The Hon. Carolyn Pickles: Are you supporting it or opposing it?

The Hon. A.J. REDFORD: I have to wait for the Party to decide. In 1986, he defamed Barton Vale House. In 1995, he gave a very lengthy speech about Du Pont, and we have not heard anything about it since. I am picking only some of his highlights. He made certain allegations about police corruption in 1988. In 1992, he named the Tandanya development and a person by the name of Mr Dawson, and a Mr Jeffrey. In July last year—and I referred to this earlier—he referred to the Hon. Jamie Irwin and his family, and to Doug Wallace. These were the sorts of words he used, this sanctimonious member of Parliament who purports to come in here and lecture us about standards: I do not believe and have no evidence to believe that any corrupt behaviour has occurred in relation to any of these examples.

I would have to say that it was one of the most disgraceful performances I have ever seen. In fact, I cannot say it any better than my colleague the Hon. Legh Davis did immediately following that contribution, when he said:

> We have heard a new low from the Australian Democrats tonight. I was appalled.

I must say that these examples do not lend any support to this Bill, for these reasons. The Hon. Jamie Irwin was able to respond personally and was able to secure, without any caucusing, positive responses from people such as the Hon. Terry Cameron, the Hon. Legh Davis and me. Indeed, the Minister responded on behalf of Doug Wallace. So, each of those people had an opportunity to respond. The point I will make a bit later in this debate will go further than that.

On another occasion the honourable member sought to imply that there was a certain principal in a certain part of Adelaide who caned the whole of his class, without naming him. That defames a whole group when a member goes down that path and I am not sure how the Hon. Terry Cameron would react if someone said that there is a principal in the southern area of Adelaide who has been beating up kids. Are we expected to receive responses from every principal saying, 'I have been collectively defamed. I need to put in a response.'? He has named Adelaide and Wallaroo Fertilisers in this place and he has named a funeral body and the Strathmont Centre. However, this sanctimonious rubbish does not begin and end with the Hon. Michael Elliott.

There is one other example of the sort of conduct that belies this sanctimonious and holier-than-thou attitude that we are often subjected to on both sides of politics from the Australian Democrats, and in that regard I allude to another low point in the political career of the Hon. Sandra Kanck. She rolled into this place and, on the basis of someone who told her, she proceeded to say:

> I have received information alleging that South Australia's largest strata title management company, the Whittles group, has inflated insurance premiums and maintenance costs on the unit owners whom it represents.

She went on to severely defame the Whittles group. The Hon. Trevor Griffin, who has far higher standing than the Hon. Sandra Kanck, said:

> I am not aware that the honourable member has brought these matters to the attention of the appropriate authorities before raising them under parliamentary privilege.

She bowled into this place without any reference to the Attorney, without taking it to any appropriate authority, and sought to defame Whittles. What really strikes me about this stunning, sanctimonious performance from the Australian Democrats is that the complainant was a former employee who had been sacked and was now a competitor of Whittles. That was the honourable member's informant. Having put up with these unsubstantiated allegations, the Attorney did what the Hon. Sandra Kanck should have done without protecting herself with parliamentary privilege and referred it to the appropriate authorities without any publicity and without any fanfare. Given that the Hon. Sandra Kanck had come in without any reference to any authority, without in any way seeking to check the allegations, the Attorney-General gave this response:

> OCBA (which is the Office of Consumer and Business Affairs) has investigated whether there has been any breach of the Fair Trading Act.

He indicated that there was no evidence to support the allegations made by Sandra Kanck. He said:

> There is certainly no evidence of corruption, as required by the South Australian Secret Commission Prohibition Act on the information so provided. There is therefore no evidence of any breach of that Act.

Well done, Sandra, you got it wrong again! This sanctimonious performance from the Hon. Sandra Kanck continued. Having been absolutely blown out of the water—

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: The Hon. Sandra Kanck interjects. The response was given on Tuesday 5 November 1996. So she was blown out of the water, and that is where some people would think that discretion was the better part of valour, but in July 1997 she bounced back and had another go at Whittles.

The Hon. Sandra Kanck: There must be some substance to it.

The Hon. A.J. REDFORD: This is how the Hon. Sandra Kanck develops substance. She talked to a sacked, former employee who was a competitor, took that person's complaint, mentioned it in Parliament and it was reported in the *Advertiser*. The Hon. Sandra Kanck then said:

> The report that appeared in the *Advertiser* the next day generated considerable correspondence.

That is how the Hon. Sandra Kanck gets her support: by quoting media reports that report herself. That is unbelievable.

It was interesting to hear the response of the Hon. Trevor Griffin, and he is one person who has considerably more import, authority and reputation than the Hon. Sandra Kanck. He said:

> I reflect on the earlier occasion when the honourable member raised the issue about Whittles and the information which I subsequently provided to the Council. It was clear that the information that had been made public in the Chamber had misrepresented the position. I do not know whether that is the case now but I will have the matters examined.

That was the last we heard of the Hon. Sandra Kanck: she has gone away. When the electors of South Australia see her next time, one would hope that the Legislative Council is reformed in such a way that we do not have to listen to the sanctimonious nonsense from the Australian Democrats—'We are better than you, we know better than you, we are perfect.' They know that they will never sit on the Treasury benches and that they will never be held accountable for the decisions that they make. Tonight I have gone a little way towards making the

Australian Democrats accountable for some of the sanctimonious rubbish that we have had to put up with in terms of allegations of breach of parliamentary privilege. Unlike the Australian Democrats, I am not sanctimonious. I think that parliamentary privilege is very important.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: No. I think parliamentary privilege is very important and I think that there are existing opportunities. During the contribution of the Hon. Michael Elliott, the Hon. Ron Roberts so astutely observed this point when he said, 'Isn't Michael Elliott proving the case against the Bill? Isn't Mr Beck getting his right of reply through the Hon. Mr Elliott?' While there are gullible politicians in this place who will read out anything that is given to them, and we have at least three in the guise of the Australian Democrats, anybody has an automatic right of reply in any event in the way this place is treated. Why do we need all this stuff if people choose to respond? We can hardly say that there is a high hurdle to jump, given the low standards that the Hon. Sandra Kanck will stoop to before rushing into Parliament and naming people under parliamentary privilege.

The Hon. L.H. Davis: Look at her contribution on the electricity Bill last night when she quoted the World Bank. Lovely stuff!

The Hon. A.J. REDFORD: That is another example, and that is the problem. That is why we do not need this sort of stuff, because if anyone does feel aggrieved, no matter how flimsy the evidence, the Hon. Sandra Kanck will rush in here and name them. There are occasions when parliamentary privilege is not used in the best and most appropriate way and there have been occasions when it has been abused. When I think back on the five years that I have been in this Parliament and the occasions when I have been accused of abusing parliamentary privilege, I recall one thing that sticks in my conscience. I thought I was very unfair when I made a speech in November 1996.

I was provided with certain information in relation to a candidate for the City of Adelaide elections which were taking place at about that time. I made some allegations about Roger Rowse and, with the benefit of hindsight, I would have to say that I was wrong. I should not have done it and, indeed, if I see Mr Rowse I will apologise to him personally.

The Hon. R.R. Roberts: I don't think we will get the election reopened at this stage.

The Hon. A.J. REDFORD: He won anyway so it did not do him any harm. He is a candidate for this election and, given some of the comments he has made, in some respects he certainly does make an important contribution to the City of Adelaide. In that regard I wish him all the best. We are not all perfect when we come here and occasionally we make mistakes, but there are opportunities for those mistakes to be corrected. We rarely have situations where allegations that are made under parliamentary privilege are not responded to.

I well remember the Hon. Legh Davis making a very valuable contribution on the Port Adelaide Flower Farm.His contribution took some considerable period of time and the Hon. Terry Cameron responded. I must admit that he did not appear to have his heart in it but he did respond.

The Hon. L.H. Davis: He went through the motions.

The Hon. A.J. REDFORD: Yes, he went through the motions, but those people allegedly defamed had their side of the argument answered. I remember making a few comments about some people from the Gas Fitters Union. I was savaged with a series of wet lettuces by the Hon. Terry Roberts who responded on behalf of those people from the Gas Fitters Union. However, as I understand it, the union did very well financially out of that because some poor mug of a journalist—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The honourable member should interject from his seat.

The Hon. A.J. REDFORD: The union did very well out of it because some poor unfortunate journalist misquoted the union and it received a significant damages award. In any event, we see many occasions where, under the existing system, people get the opportunity to respond. I trust that the Hon. Terry Cameron will take on board some of the constructive comments I have made in relation to his Bill. I would be happy to discuss with him in private any improvements that might be made in the unlikely event this Bill reaches Committee.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

RING CYCLE

The Hon. DIANA LAIDLAW (Minister for the Arts): I move:

That all members of the Legislative Council applaud both the State Opera Company of South Australia on the sensational staging of Wagner's *The Ring* and the Adelaide Symphony Orchestra, conducted by Maestro Jeffrey Tate, for its world class performance of the opera, regarded as one of the most influential works in the history of western culture.

Fortunately, over the last week, the music of Wagner's *Ring* cycle has been far superior to the singing that we just heard from the Hon. Ron Roberts and that is why I have moved this motion. I have been particularly thrilled to see the number of members of Parliament who have attended performances over recent days, and more will be attending in future because it is important that they see not only the Adelaide Symphony Orchestra play in such sensational form but it is outstanding to see this State Opera stage a production with such confidence and to such rave reviews.

Before the event commenced on 18 November the Chairman of the *Ring* cycle board, Mr Donald McDonald, spoke at the South Australian Press Club and he mentioned that the initiative to stage Wagner's *Ring* cycle in Adelaide was brave and brilliant, and this is so. Adelaide has a reputation particularly in the arts of doing things that are brave and brilliant, and I am sure that that confidence has come from our long association with the Adelaide Festival. We have seen the best over many years. We have been introduced to new works and bold ventures. We have also been introduced to performances that are staged over many hours, and that is so with Wagner's *Ring* cycle which is staged over 16½ hours.

I acknowledge the efforts of Mr Tim O'Loughlin who is now CEO of Arts SA but who, approximately four years ago, was Chairman of State Opera and Mr Bill Gillespie, the then General Manager and Artistic Director of State Opera. Together they put a proposition to me which I was able to take forward to Cabinet. After some discussion over some months I was able to get Cabinet's agreement to invest in this production. The proposition for this $8.6 million production was that State Opera's annual contribution through State funds of $1.3 million would be contributed fully to the staging of the *Ring*, with no other major performance undertaken by State Opera this year.

In addition, the AME agreed to underwrite by $1.5 million costs of the production. I also acknowledge the Chairman, Mr Donald McDonald, who was asked to take on this role when a separate *Ring* cycle corporation was established to undertake the responsibilities of staging the *Ring*. All State Opera board members were asked to join the *Ring* Corporation board with a number of new members, including Mr McDonald. That group has been absolutely excellent in keeping an eye on all of the details, artists, funds and the like.

I acknowledge Bill Gillespie who became the Artistic Director of the *Ring*. It is he who has been so clever in selecting the artists from overseas and around Australia to perform. Anyone who has had the opportunity to attend has praised the strength of singing and the quality overall of the voices and the performance, and certainly the reviews confirm this. There may not have been one shining star but, overall, the quality has been outstanding and there has been no poor performer. This is important because when one hears from people who have followed Wagner's *Ring* cycle around the world one will learn that the booing of poor performances is something quite common.

During the production last year in Wagner's own home town apparently four singers were booed quite loudly for what was regarded by the audience as poor performances and that has not happened in Adelaide. I also want to acknowledge Stephen Phillips, who has taken over the responsibility as general manager of the *Ring* cycle and who has been outstanding in terms of his administration, enthusiasm and his refusal ever to get flapped by any situation, whether it be artists' drama, staging difficulties or administration and ticket sales. He has undertaken everything with confidence, as has all his staff.

I also acknowledge His Excellency the Governor and Lady Neal. Sir Eric has agreed to be patron of the *Ring* cycle and from the start he has undertaken this with enormous enthusiasm, hosting very profitable and enjoyable luncheons in both Sydney and Melbourne which I attended, in terms of attracting sponsorship for this event. Today, I highlight that the sponsorship gained so far has been $1.2 million, including $250 000 from the Federal Government, the sum of money that the *Ring* Cycle Corporation sought from the Federal Government for this event.

The generosity of the private sector has continued, and today the Premier was able to announce that the Adelaide City Council, together with Clipsal, Faulding and Santos, have each contributed $50 000 so that the third cycle can be a pre-event for people who will be able to see the event broadcast live to the Space Theatre and the Playhouse. That will give 3 600 South Australians (or interstate visitors) an opportunity to see free of charge a live performance of this extraordinary opera. It is estimated that the cost benefit is some $14 million.

What I am appreciating more than anything is benefits that do not have a price tag. The growth in the Adelaide Symphony Orchestra has been bewildering and exciting to witness and to hear, and all credit must go to every one of the players but also to Maestro Jeffrey Tate, the British and international conductor who has been here 3½ months and will be here for another two weeks and who has brought a small orchestra (until last year) of only 68 players, augmented to 120 for this performance. He has brought them so far in such a short time and each one of them has gained personally and professionally. The delight on their faces and in their confidence is just wonderful to witness, and certainly their playing has been talked about as one of the spectacular successes of this event.

What the orchestra has achieved will also be of lasting benefit, in terms of the orchestra's quest at the moment to seek a new conductor on a more permanent basis. As word gets around, many more people will now be interested in working with the orchestra than would have been the case even two weeks ago—and that is a great credit to the orchestra and to the future.

Samela Harris in the *Advertiser* today commented on the fact that this production reflected a cultural cringe because it is not a homemade production, in the sense of all the sets being made in Adelaide. I would say very strongly that we would not have had an opportunity at all to have witnessed the production of the *Ring* over the past week, or over the next two weeks, if we had had to cost and fund our own homemade production.

The world is littered with opera companies that have sought to fund their own productions of the *Ring* cycle, known as the olympics of the opera, and failed. It was important that we concentrated on the things that we knew we could do extremely well within the price that we could afford—and even then it was a gamble—and we have succeeded beyond every expectation in the staging of this opera and with the orchestra.

I was always told that our aim should be for a credible production. To see the papers from interstate, locally and overseas, and to meet with people who have followed this event on many occasions and who can make comparisons, and to hear them all talk about this production in such glowing terms is an outstanding experience. The standing ovation last night went for some 15 minutes.

I know that performers have just been celebrated in the streets. For instance, when David Hibbard walked into a coffee bar in Unley last week people stood and cheered him and recognised him as the giant. Kate Ladner has received a discount for some of the shopping that she was doing in Rundle Mall because the woman who owned the shop recognised her and appreciated the fact that so many visitors had come to Adelaide for the *Ring* cycle and had spent money in her shop.

There are more and more good stories about how the company has worked, how Adelaide has embraced them and how extraordinary the production has been in every sense. Certainly for me it has been a privilege to be associated with securing this event for Adelaide. It has been an even greater privilege to have had the opportunity to attend the first cycle and to see South Australians stage, and perform as singers and as musicians, one of the very best of Wagner *Ring* cycles that has been performed to date.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I am very happy to support the resolution moved by the Minister for the Arts. Certainly it was a very great privilege for me to be able to attend the first cycle of the *Ring* cycle. It is the first time that I have ever had the opportunity to attend this epic opera. Although I have heard many recordings and I have seen some TV excerpts from it, it is the first time that I have attended it live. One of the things that struck me is my great pride in being a South Australian. Although not born in this State, I certainly feel very much a South Australian.

The Hon. Caroline Schaefer interjecting:

The Hon. CAROLYN PICKLES: Well, I'm not. I am naturalised, but I am still a British citizen. I felt very great pride indeed in being a South Australian—great pride that our orchestra and our opera company could rise to the occasion.

There might have been a few little snipes from interstate that we would not be able to do it but, as always, South Australia demonstrated that we can do it, and when we do it we do it brilliantly.

From the first moment that those beautiful new curtains in the newly renovated Festival Centre drew aside and we saw the wonderful set from the *Theatre du Chatelet* production, Pierre Strosser's production, I thought we were in for a real treat. I must say that I did not agree with Samela Harris's comments. I feel, having watched this very minimalist production, that my whole concentration was on what was happening on the stage and with the music and the singing and I was not diverted by sort of traditional Wagnerian horns, helmets, spears and pyrotechnics. It was a brilliant production. The starkness of it I think reflected the rather sombre story. One of the scenes when the whole chorus was moving on the stage was very reminiscent of marching Nazis during the war. Perhaps I am misinterpreting Pierre Strosser but I felt the elements of Nazism were very apparent in that production.

It was a brilliant cast and a brilliant production. There are many to be congratulated. I do not particularly want to single out people, but I feel that I cannot let it pass. I congratulate Stephen Phillips, Robert Clarke, Bill Gillespie and the conductor, Jeffrey Tate, who I think was brilliant. I think the whole audience warmed to the way in which he brought a very much augmented orchestra together as an entity.

Congratulations certainly go to the sponsors, to the State and Federal Governments, and to the corporate sponsors, which I think have been very generous. We have not finished with their generosity yet. I hope it will be possible by some means to make a recording of the cycle, and I understand that this is in place. Great thanks go also to Di Ramsay, who was responsible for the surtitles. For those of us who are not fluent in German, it was very helpful to have some inkling of what the language was all about.

I was very pleased to have a conversation last night with a woman from the United Kingdom who was asking why we do not do what they do at Covent Garden and put up an outside screen, because it would be wonderful if people could sit out on the lawns and watch a video recording of the whole cycle. Having taken this idea to Stephen Phillips, I think I was given a little bit of a preview of what the Premier announced today—that a third cycle would be available free to the public by way of a video recording. I think that is a very good step forward.

I was very fortunate to be able to attend the opera. There is a huge cost for this production and the tickets are very expensive and not generally available to the public. In a sense, it is always a dilemma for any company putting on an opera of this mammoth proportion to try to make it as available as it can be. I understand that some 70 per cent of the audience was from interstate and overseas, and that is wonderful. I believe it is the largest number of interstate and overseas visitors at any kind of event and that it even exceeds the Festival.

The Hon. Diana Laidlaw: You're saying all the good things I should have remembered to say if I had had the time to write my speech.

The Hon. CAROLYN PICKLES: This is a fairly collaborative motion. When people criticise the cost of the tickets, I think they have to put in perspective the fact that it is an enormous undertaking to bring something of this type to South Australia. I am sure that we will have another *Ring* cycle, and I would support having another one in four or five years' time.

The Hon. Diana Laidlaw: And an Australian production then, hopefully.

The Hon. CAROLYN PICKLES: Maybe we might manage to get a little bit of extra funding from the Federal Government, which seems to have more money available than we do in South Australia. We might be able to explore ways of making the tickets more accessible to the general public, such as the method that has been used by the State Opera and the sponsors—and the Minister mentioned the Adelaide City Council, Fauldings, Clipsal—

The Hon. Diana Laidlaw: And Santos.

The Hon. CAROLYN PICKLES: —and Santos—which have made it more publicly available. This involves not just the opera itself but the people you meet and the interchange of ideas that goes on over the four days of the cycle. Unfortunately, I did not have the time to attend some of the lectures that were held leading up to the cycle. I think we should also congratulate Peter Bassett, who has written what a lot of people are saying is a very accessible book about the meaning of the *Ring* cycle. I am very happy to make available to people a copy of the program, which explains it in great detail. Of course, it does not have photographs of the South Australian production, which I think would be wonderful to have.

It was a great privilege to be able to attend the performance. Wagner's *Ring* cycle is one of the great productions in theatre. It is a very difficult piece of music, but I think the production lent itself well to concentrating one's attention just on the music. Often when I attend the opera I have not been quite so entranced by the production and I often end up closing my eyes and listening to the music. But in this case I think it was so riveting that one wanted to see every single item of it.

The Minister has also explained the economic flow-on to the State. This is always a fairly difficult thing to gauge. I know that my colleague in another place, Lyn Breuer, has explained that she was unable get a room in a hotel this week because they were all booked out with visitors attending Adelaide. Talking to overseas and interstate visitors, it involves not just coming to the opera but going to other events outside of Adelaide—visiting the wine growing areas, taking in the Art Gallery and looking at the kind of things that Adelaide has to offer. I heard nothing but bouquets for Adelaide.

I think everybody thought it was a beautiful city. We turned on the weather beautifully. All in all, it was a wonderful event. As members of Parliament, we must be very proud of the artistic effort that we can maintain in South Australia. On behalf of the Opposition, my congratulations go to everybody involved. May there be more of it. We hope to see them all again in four or five years' time.

The Hon. SANDRA KANCK: When I was at high school, I studied elective music, and when I was 16, which was in my third year of study—

The Hon. T. Crothers: How long ago was that?

The Hon. SANDRA KANCK: A few decades ago. In my third year of studying elective music I studied Wagner. It was really my first introduction to him. Although I had grown up listening to Radio 2NB in Broken Hill, the sort of classical music that was played on that station was more of your Johann Strauss type of music. So, I had not really been

exposed to what I would describe as the voluptuousness of Wagner.

I know that a lot of people do not like Wagner and find it too heavy, but the moment I heard it I was smitten. That is the only way I can describe it. I learnt about the *Ring* cycle and the extraordinary effort that is required performing it. I was told by my music teacher at that stage that it was a performance that could make or break a singer, and in some cases singers were never able to return to singing afterwards. I remember being told that once someone has sung through three cycles of *The Ring* they need to take six months vacation from singing in order to recover. Obviously a momentous sort of performance is required.

I will seek leave to conclude my remarks because I have not yet seen it. I did decide at the time I was studying Wagner that one of the things I did in my life would be to see the whole *Ring* performed. For me it is a marvellous opportunity and I always anticipated I would have to go overseas. Given that I have saved myself an air fare and accommodation, I have seen fit to spend $1 000 on tickets to see it. I will be seeing the first three in the second cycle and the last performance in the third cycle, so by the time we get back to this in a fortnight, I will be supporting the motion and be able to tell you then just how effusively I am supporting it. At this stage, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

PETROLEUM (PRODUCTION LICENCES) AMENDMENT BILL

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

GUARDIANSHIP AND ADMINISTRATION (EXTENSION OF SUNSET CLAUSE AND VALIDATION OF ORDERS) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of my colleague the Minister for Transport and Urban Planning, 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.

The Guardianship and Administration Act and the interdependent Mental Health Act 1993 came into operation on 6 March 1995. The two Acts were introduced following an extensive policy development process from 1989 to 1993.

The Guardianship and Administration Act provides a number of options for substitute decision making for people who are mentally incapable of making their own decisions due to conditions such as dementia, intellectual disability and brain damage. The legislation also created the position of Public Advocate for the first time.

At the time of passage of the legislation, a sunset clause was inserted to give Parliament the opportunity to review the new arrangements, particularly in relation to the Public Advocate. The legislation, which came into force on 6 March 1995, was originally due to expire on the third anniversary of its commencement. Honourable Members may recall that last year Parliament extended the sunset date, so that the new expiry date became 6 March 1999.

The reason for that extension to the sunset date was that a review had been established to advise on any changes which should be made to the legislation and it had not at that time completed its task. It was necessary to protect this significant legislation from expiry in the meantime.

Subsequently, an operational review was established to consider matters which were more of an operational than legislative nature.

While the process has taken longer than anticipated, the reports of both reviews have now been completed and are under consideration. I thank all of the consumers, interest groups and service providers who have contributed to the process.

As the guardianship system and legislation has not been changed significantly since its inception, the Government is keen to ensure that the reports are given full and detailed consideration and that any ensuing action is undertaken without haste.

The Bill therefore seeks to extend the sunset clause by another 12 months.

A second matter dealt with by the Bill relates to the validity of some orders made by the Guardianship Board.

At a recent appeal against an order of the Guardianship Board, a Judge of the District Court indicated that he had some doubts about the validity of the order under appeal and would hear argument about it at a later date. An examination of a number of orders made by the Guardianship Board was undertaken. It would appear that some guardianship or administration orders made by the Board while constituted by a single member sitting alone may be invalid, although the Court would need to interpret the regulations under the Act in a particular way to reach such a conclusion. It is also the opinion of the Crown Solicitor that a number of single member orders, particularly those made on a review, could have been invalidly made.

If this were so, a number of people who have acted as guardians and/or administrators for protected persons may be at risk. Guardians and Administrators have acted in good faith on the basis of their appointment by the Guardianship Board and, should the Court find that the Guardianship Board was improperly constituted when making the appointment, may be at risk through no fault of their own. The Public Trustee administers approximately 2 350 administration orders and there are a number of private administrators also operating under Guardianship Board orders.

The amendment will make valid all those Guardianship Board orders over which there is any doubt and will protect those guardians and administrators who have acted in good faith in accordance with those orders.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 6—Establishment and constitution of the Board

This clause inserts a new provision that validates orders purportedly made by members of the Guardianship Board, when sitting alone, granting guardianship or administration and provides that any such order will be taken to have always been valid, provided that it could have been made by the Board when properly constituted.

Clause 3: Amendment of s. 86—Expiry of Act

This clause delays expiry of the Act until the fifth anniversary of the commencement of the Act, ie., until 6 March 2 000.

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

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the Shop Trading Hours Act 1977, to provide for a relaxation of the restrictions that apply currently to the permitted trading hours of certain non-exempt shops.

Retail trading hours have been subject to regulation in South Australia since the passing of the Early Closing Act in 1900. Significant changes to the regulation occurred in 1911, 1923-24, and 1940. In 1970, a referendum asked all metropolitan area voters whether or not they were in favour of, or against, shops in the metropolitan area and Gawler being permitted to trade until 9.00pm on Fridays, and consequent to that result, a further extension to shop trading hours was legislated. In the early to mid-1970s various legislative attempts were made to amend trading hours.

A Royal Commission to look at the issue was conducted by Commissioner Lean of the South Australian Industrial Commission

in 1977. As a result of his recommendations, the Shop Trading Hours Act 1977 was enacted. This led to the introduction of late night trading in the suburbs of Adelaide from November 1977, and in the Adelaide city area in December 1977.

The Act has since been amended in 1980 (weekend and public holiday trading for hardware and building material shops and a lessening of the size restriction to be classified as an 'exempt' food shop), and in 1990 (Saturday afternoon trading until 5 p.m.). Under the provisions of the Act, the Minister of the day has extended trading hours in 1986 (24 hour trading by service stations), in 1988 (weekend and public holiday trading by furniture and floor covering stores) and in 1989 (further extension for hardware stores).

In October 1993, the former Labor Government gave Ministerial certificates of exemption on application to supermarkets to allow trading until 9 p.m. on weekdays. Following election to office in 1993, this Government revoked the supermarkets' exemptions and established an independent Committee of Inquiry to undertake a thorough review of the Act.

The Committee of Inquiry gave its report in June 1994. The Committee considered that it should not be necessary to regulate shop trading hours in the longer term. The Government did not follow the recommendations of the Committee of Inquiry. The Government announced in 1994 that it would, by certificates of exemption issued by the Minister, allow Sunday trading in the city and an extra weeknight to 9 p.m. for suburban trading on either Wednesdays or Fridays.

A High Court decision in 1995 held that this could not be done and the Act was amended again allowing regulated shops to trade from 11 a.m. to 5 p.m. on Sundays in the city only. The Act defines three kinds of Shopping Districts; Central, Metropolitan and Proclaimed (in country areas). The Act only regulates shops which lay within one of those Shopping Districts.

The Act excludes certain shops from being covered by the Act—including shops below a certain size, and those exempted because of the types of goods they sell (e.g. bookstores, pharmacists, plant nurseries, hairdressers). The Act also provides the power to make proclamations to alter trading hours on a Statewide or regional basis. Proclamations are usually made because of temporary changes to general trading hours during times such as Christmas,or to allow extended trading during events of local significance.

Shops in the Central Shopping District, other than those selling motor vehicles, caravans, boats or trailers, may be open Monday to Thursday until 6 p.m., Friday until 9 p.m., Saturday until 5 p.m., and Sunday from 11 a.m. until 5 p.m.

Shops in the Metropolitan and Proclaimed Shopping Districts, other than those selling motor vehicles, caravans, boats or trailers, may be open Monday to Wednesday and Friday until 6 p.m., Thursday until 9 p.m., and Saturday until 5 p.m., though some variations are permitted in Proclaimed Shopping Districts. Shops which predominantly sell motor vehicles, caravans, boats and trailers may be open Monday to Wednesday until 6 p.m. Thursday and Friday until 9 p.m. and Saturday until 5 p.m.. Shops which predominantly sell hardware/building materials, furniture, floor coverings, or motor vehicle parts and accessories may be open certain additional hours.

The Premier announced on 17 March 1998 a Review of the Shop Trading Hours Act 1977. To ensure that all interested parties were afforded the opportunity to express their views to the Review, advertisements were placed in the *Advertiser* on Thursday 26 March 1998 and Saturday 28 March 1998 alerting the public to the Review and inviting their written submissions by post, fax or to an e-mail address. Additionally, an independent consumer survey was commissioned to gauge consumer views on shop trading hours in South Australia. Around 700 written submissions were received by the Review, and meetings were held with key stakeholders.

The Review considered that there is consumer demand for extended or different trading hours, and strong support for traders to have the choice of opening their stores outside of standard hours. The Review considered that technological changes, such as increased opportunities for television shopping and buying goods through the internet, have meant that the application of the Act has been reduced to some degree, and that it is probable that these technological changes will reduce the Act's impact in the future.

It was evident to the Review that there is no consensus on an 'ideal' structural framework for the regulation of shopping hours. The Review found other options for the legislative regulation of trading hours to include the establishment of a shop trading hours tribunal to determine hours or allowing local councils to determine the trading hours to apply within their districts. Except for 'full' deregulation models, other legislative frameworks for this area are complex in both implementation and interpretation. Accordingly, the Government considered that the current regulatory provisions of the Act relating to the type of retail facility (ie based upon the goods sold) and the size of retail facility should be maintained.

If the Act was repealed, it would in all likelihood alter the dynamics of the retail industry to the detriment of some existing, mainly smaller, retailers. Accordingly, a fully deregulated approach has not been supported by the Government at this time. Rather, to increase the potential shopping hours available to the general public the Bill provides for closing times for non-exempt retailers in the Metropolitan Shopping District to be extended to 7 p.m. on Monday, Tuesday, Wednesday and Friday with existing late night shopping on Thursday nights to 9 p.m. remaining.

There is a clear and valid concern that immediate deregulation of trading hours in the suburbs could have a significant detrimental effect on the City of Adelaide. In this respect, the Government has recognised that the health and prosperity of the city centre are important indicators for the metropolitan area and the State as a whole. The Government is committed to the regeneration and revitalisation of the city centre which has been identified by Adelaide 21 and other projects. The Bill provides that the closing time in the Central Shopping District be extended to 9 p.m. every weeknight to provide a further opportunity to support retailing in the city. Such an extension also could enhance the potential benefit in the area of tourism.

There was little support within submissions for any extension to Saturday trading, with opposition to any extension from key small retailing groups and by a number of individual retailers. The Government has proposed that there be no change to existing Saturday trading arrangements.

The Review found no significant pressure for re-regulation of Sunday trading. Abolition of Sunday trading would meet with strong retailer and consumer resistance. The application of Competition Policy principles makes such a position unsustainable as the Government would be increasing regulation with no definable benefit to the community. Additionally, allowing Sunday trading in the suburbs would run counter to the Government's commitment to develop the Central Shopping District. The Bill provides no changes to current arrangements of Sunday trading from 11am-5pm for non-exempt retailers situated in the Central Shopping District, but provides for trading for non-exempt retailers in the Metropolitan Shopping District to be allowed from 11am-5pm on six Sundays per year, four before Christmas. Two other Sundays per year across the Metropolitan Shopping District will be prescribed following consultation with the retail trade industry.

There was relatively little put to the Review in relation to public holiday trading, other than a strong lobby on behalf of workers to protect existing public holiday opportunities. This position is accepted by the Government, and it has not proposed any extension of existing trading arrangements, other than for non-exempt retailers in the Central Shopping District. The Bill provides for non-exempt shops in the Central Shopping District, from the Year 2000, to open on Easter Saturday (the Saturday immediately following Good Friday) with closing at 5 p.m.. This arrangement will provide additional opportunities for the city to capitalise on tourism benefits over this extended holiday period. The Government will continue the current process of declaring Easter Sunday a non-trading day so that non-exempt traders are not permitted to trade in the Central Shopping District on Easter Sunday.

Representations were made to the Review on behalf of motor vehicle retailers that they should be treated separately from the general retail industry in any discussion on the regulation of trading hours. The motor vehicle industry currently does have trading hours which are different to general retail hours, providing for two late nights during the week (but no trading on Sundays). A contrary position was also put to the Review by other motor traders who wished to trade on Sundays to compete with the private sales market which currently dominates weekend trade in motor vehicle retailing. The Government considers that these traders are different from some areas of the general retail sector, in that small business operators in motor vehicle retailing do not enjoy a privileged position against their large competitors—all motor vehicle traders are faced with the same limits on trading hours and the competition policy imperative to deregulate trading hours for motor vehicle retailers is less pronounced. Accordingly, the Bill provides that the proposed extension of trading hours outlined in this Submission not be made available to retailers selling motor vehicles (ie closing time will remain at 6 p.m. on Monday to Wednesday, 9 p.m. on Thursday and

Friday, and 5 p.m. on Saturday). Following further discussions with representatives of the boating industry, the Bill provides a similar provision for boat retailers.

In addition to boat and motor vehicle retailers, the Act currently prescribes special closing times for shops selling caravans and trailers, irrespective of the Shopping District in which they are located. It is considered that shops selling caravans and trailers are different from general shops, in that they are principally a component of the leisure market. Accordingly, the Bill provides for the addition to the existing list of exempt shops of those shops which predominantly sell caravans and trailers.

The Act currently contains a provision which states that a term of a retail shop lease in the city cannot require the shop to be open on a Sunday (and is void if it does so require). A similar protection is provided for employees from having to work on a Sunday in the city. The Bill extends those provisions to the Sunday trading days in the Metropolitan Shopping District.

There are a number of minor drafting amendments in the Bill which do not alter the operation of the current Act but which have been recommended by Parliamentary Counsel to address drafting anomalies in the current Act. For example, following Local Government amalgamations the current definition in the Act of the Metropolitan Shopping District requires updating.

The Government thanks all those who contributed to the Review and to the overwhelmingly positive response these proposals have received since announcement. We consider that this proposal is to the benefit of customers, retailers and the State.

Explanation of Clauses

Clauses 1 and 2:

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause amends the definition section of the principal Act. The amendment made by paragraph *(a)* makes shops selling caravans or trailers exempt shops. Paragraph *(b)* makes a consequential change. Paragraph *(c)* updates the definition of the 'the metropolitan area'. The purpose of paragraph *(d)* is to bring the drafting of subsection (2) of section 4 into line as far as possible with the drafting of similar provisions in the principal Act—*see* sections 4(3) and 13(5f)*(a)*.

Clause 4: Amendment of s. 11—Proclaimed Shopping Districts

This clause makes an amendment to section 11(2) of the principal Act which is consequential on the substitution of subsection (6) of section 12 by previous amending legislation.

Clause 5: Amendment of s. 13—Hours during which shops may be open

This clause amends section 13 of the principal Act. The paragraphs of this clause make the amendments to shopping hours already outlined together with necessary consequential amendments. The purpose of paragraph *(g)* is to further standardise the drafting of the three provisions comprised in section 4(2) and (3) and 13(5f)*(a)*.

Clause 6: Amendment of s. 13A—Restrictions relating to Sunday trading

This clause makes a consequential amendment to section 13A and updates the references to the 'Retail Shop Leases Act 1995' in that section.

Clause 7: Amendment of s. 16—Prescribed goods

This clause makes a consequential amendment to section 16 of the principal Act.

Clause 8: Insertion of Schedule 1

This clause inserts a new schedule specifying the Metropolitan Area for the purposes of the principal Act.

Clause 9: Insertion of heading

This clause inserts a heading to the existing schedule of the principal Act.

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

ADJOURNMENT

At 9.50 p.m. the Council adjourned until Thursday 26 November at 11 a.m.