LEGISLATIVE COUNCIL

Wednesday 3 March 1999

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.18 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 75, 93 and 121.

WOMEN'S AND CHILDREN'S HOSPITAL

75. **The Hon. T.G. CAMERON:** In relation to the current beds' shortage of the Women's and Children's Hospital and the new 'postcode' rule recently being implemented—

1. How much will it cost for the Government to create an additional 15 beds for gynaecological services at the Women's and Children's Hospital?

2. Will the Minister for Human Services intervene to abolish the new rule to exclude women from having their babies at the Women's and Children's Hospital depending on their postcode?

3. Has the Minister had any discussions with the management of the Women's and Children's Hospital to address the growing shortage of beds and the increased demand in services?

4. What is the Minister undertaking to redress the bed shortage at the Women's and Children's Hospital to accommodate the increased demand for services?

5. How much funding was spent on the gynaecological/maternity unit at the Women's and Children's Hospital in the years—

(a) 1994-95;

(b) 1995-96;

(c) 1996-97;

(d) 1997-98;

(e) 1998-99 (estimated); and

(f) 1999-2000 (estimated)?

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. On the basis of 1997-98 cost it is estimated an additional 15 beds would cost $3.1 million. The cost estimate represents operational costs including overheads, pathology, theatres and radiology for the inpatient occupants of those beds.

It should be noted this cost estimate does not include capital cost required to provide a physical location for the beds.

2. The Women's and Children's Hospital (W&CH) is no longer applying the postcode rule.

However, W&CH has advised general practitioners that appropriate high quality obstetric services for women considered to be low risk are available at Lyell McEwin Health Service and Modbury and that women should be informed of these options rather than considering only the W&CH.

3. I have not discussed this matter with the management of W&CH.

Officers of the Department of Human Services have been advised of all options considered by the management of W&CH.

While the pressure is on the W&CH because of its excellent facilities and the fact it is a teaching hospital, the birthrate in SA is not increasing and there is no justification on a population basis to increase services.

4. As discussed, the demand for obstetric services within the metropolitan area is stable, and is predicted to remain so. In this regard the level of obstetric services available in the metropolitan area has remained unchanged for some years.

The recent rise in demand for services at W&CH relates to changes in preferences of women to access services from this site, rather than across a number of sites. Generally there has also been some increase in the level of demand for public obstetric services in response to the decreased level of private health insurance in the community.

In order to ensure that clinical services across the metropolitan area are appropriate for future years, the Department of Human Services is conducting a comprehensive planning study which will provide detailed options for future developments in obstetrics. The review will incorporate information about best practice in obstetric care as well as trends in public access to services.

5. 1994-95 - Services were not available at W&CH at this time, with services provided by the Queen Victoria Hospital.
1995-96 - $10.8 million
1996-97 - $11.7 million
1997-98 - $11.8 million
1998-99 - (estimated) $12.8 million
1999-00 - (estimated) $13.5 million

In the timeframe mentioned, the share of services and funding of gynaecological and obstetric services provided at W&CH compared to the total level in South Australia, has increased from 24.5 per cent to 30 per cent of obstetric services and funding.

GOVERNMENT EMPLOYEES

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

1. Has the State Government undertaken any studies or research into the number of hours per week being worked by Government employees?

2. If so, how many Government employees currently work between—

(a) 40-48 hours per week; and

(b) 49 plus hours per week?

3. How many Government employees took time off for stress leave during the years—

(a) 1995-96;

(b) 1996-97; and

(c) 1997-98?

4. For the same years, how much did this cost the Government in lost wages and WorkCover compensation costs?

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

1. & 2. There is no State Government research into the number of hours per week being worked by Government employees. Individual employee's records of time worked are monitored and managed in each work group. The majority of Government employees have access to flexible working hours or "time in lieu" provisions. This enables staff to balance out the peaks and troughs in working hours by taking time off for hours worked above their standard working hours. Overtime payments may be made instead of taking flexitime or 'time in lieu'. Through enterprise bargaining, some agencies have made provision for staff to accrue more than the standard of a maximum of 10 hours a month. In addition work groups within agencies may have arrangements to suit their particular work demands especially where the workload fluctuates significantly.

3. The figures below report on the total number of employees with a compensable psychological injury who had any time off work during the reported year.

Employees with a new or ongoing compensable psychological injury who took time off work in the reported year:

Year	Number Employees Admin. Units	Number Employees Health Commission	Total Employees
1995-96	377	95	472
1996-97	466	79	545
1997-98	327	43	370

4. The expenditure on wages and other workers compensation costs is reported in the table below.

Expenditure for new and ongoing psychological injuries with time off work in the reported year:

Year	Administrative Units			Health Commission Units		
	Income maintenance	Other payments	Total	Income maintenance	Other payments	Total
1995-96	$3 254 712	$4 567 808	$7 822 520	$551 574	$483 019	$1 034 583
1996-97	$6 363 411	$5 297 895	$11 661 306	$440 707	$637 270	$1 077 977
1997-98	$6 078 797	$4 447 967	$10 526 754	$310 574	$491 233	$801 807

Year	Total Costs
1995-96	$ 8 857 103
1996-97	$ 12 739 283
1997-98	$ 11 328 561

EDS CONTRACT

121. **The Hon. CARMEL ZOLLO:**

1. What is the role of EDS involvement in the South Australian Government program to ensure Year 2000 date problem (Y2K) compliance?

2. Are information systems installed since EDS took over management of Government computing, Y2K compliant?

3. If not, will EDS be responsible to repair all non-compliant systems?

The Hon. K.T. GRIFFIN: The Minister for Information Services has advised that—

1. Whilst the infrastructure contract does not explicitly deal with the Year 2000 issue, its practical effect is that the commercial onus of addressing the Year 2000 issue at the infrastructure level is with EDS. EDS has a contractual obligation to refresh the infrastructure used to provide services to the State before 6 July 1999 so that it is, at that date, 'current proven technology' (CPT), and EDS has undertaken to address compliance of the infrastructure as part of its CPT project. It is an agency responsibility to ensure that the State's applications and any transferred (to EDS) database management system software not covered by a maintenance agreement are Year 2000 compliant.

2. The draft technology refresh proposal submitted by EDS identified a number of operating systems and equipment which are not Year 2000 compliant at this time.

3. See response to Question 1.

LEGISLATIVE REVIEW COMMITTEE

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

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay upon the table the tenth report of the committee.

REGIONAL DEVELOPMENT

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement made by the Minister for Primary Industries, Natural Resources and Regional Development in the other place on regional development.

Leave granted.

HAMMOND, Dr L.

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Government Enterprises in the other place on correction to a schedule in relation to payments to Dr Laurie Hammond.

Leave granted.

QUESTION TIME

ELECTRICITY TARIFFS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Treasurer a question about the Olsen-Lucas tax grab.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: Yesterday's media release by the Treasurer states that the tax will:

Help fund maintenance, repair and other capital expenditure on our generators and other electricity businesses.

The current capital works budget also states:

The budget has 'freed up' funding for infrastructure spending of $300 million. . .

At the same time, this Government underspent its capital works budget by almost three quarters of a billion dollars in its first four budgets. How can the Government justify using the pretext of ETSA capital works for the $10 million tax grab, given that the ETSA Corporation 1998 annual report states the following:

- In 1997-98 the corporation achieved a record operating profit after tax.
- a record operating revenue of over $1 billion and a
- 35 per cent increase in capital spending

The Hon. R.I. LUCAS: I am happy to talk about the Rann power bill increase. I am not sure what measure the Leader of the Opposition is endeavouring to talk about. For the benefit of the Leader of the Opposition, because she may well be one of the few people remaining in South Australia who is not aware, I inform her that since the last ETSA Corporation annual report something has changed in the Australian electricity market.

The Hon. L.H. Davis: Do you know what it is Carolyn? Have you worked it out?

The Hon. R.I. LUCAS: Guess. In December last year the national electricity market commenced, subsequent to the annual report about which the honourable member is talking. It might have slipped the attention of the Leader of the Opposition, as she scurried through the old reports of the ETSA Corporation—

The Hon. Diana Laidlaw: She might have been doing her Christmas shopping.

The Hon. R.I. LUCAS: She might have been Christmas shopping, exactly; she might have been Christmas shopping in December. In December the national electricity market started. Again, for the benefit of the honourable member if she cannot read the front page of the *Advertiser*—and I would be happy this afternoon to sit down and read to her yesterday's front page of the *Advertiser*—it indicated—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am not talking about today's front page but yesterday's front page, which highlighted the fact that probably ETSA's biggest customer is likely to be going to an interstate supplier in Victoria. That is an example of what has changed in the past few months. We have a national electricity market—a cutthroat national electricity market. Sadly, Labor Leaders such as Mr Rann, Mr Foley, the Hon. Mr Holloway and the Hon. Ms Pickles are members of a Party that was warned about the cutthroat financial market of the 1980s in which the State Bank and SGIC were competing. Sadly, from the taxpayers' viewpoint, Mr Rann,

Mr Foley, the Hon. Ms Pickles and the Hon. Mr Holloway ignored the warnings that were being given about taxpayer funded Government businesses trying to compete in a cutthroat market.

The Hon. T. Crothers: Our water prices have gone up, and that's—

The Hon. L.H. Davis: And why was that—because you didn't increase them for a number of years, did you?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Let's not talk about water; let's talk about the 1990s. Now a decade later we come to the 1990s and again, the same people—the same culprits—are being warned about the impact of the cutthroat national electricity market. Again, the same culprits are choosing to ignore those warnings. Sadly, the Labor Party in South Australia will never learn. Even more sadly, it is not the Labor Party that pays the cost of Labor mistakes: it is the taxpayers; it will be the power bill payers of South Australia who will have to pay the cost of Labor mistakes. That is the tragedy.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There is a simple answer to what was a very simple question. What has changed since that report? The answer to the Hon. Ms Pickles' question is simply that we now have a cutthroat, national electricity market.

The Hon. P. HOLLOWAY: Given the Treasurer's statement yesterday that the forward estimates on which the budget is based assume a budgetary deficit of $20 million in 1999-2000 and $100 million per annum thereafter from the sale of the electricity assets, will he say why the Government is raising $100 million in 1999-2000 to fill what the Treasurer himself claims is a $20 million hole? For what purposes will the $80 million excess in the next financial year be used?

The Hon. R.I. LUCAS: It is disappointing that even the shadow Minister for Finance cannot read the ministerial statement that was made yesterday.

The Hon. L.H. Davis: Have you read a bit, Paul?

The Hon. P. Holloway: I have; I have spoken from it.

The Hon. R.I. LUCAS: You quoted only part of it, though. Would you like to quote the bit that states that it will be used in part to fund the capital works funding needs of the generators and other power assets?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Did you read out that bit? Deception! Caught! What he chose to do was read just one bit of the ministerial statement. He deliberately and deceitfully did not read the other part of that ministerial statement, which referred to the issue that was the subject of the first question from the Leader of the Opposition. Perhaps the Deputy Leader should tick-tack Question Time with his Leader. I know it is a different faction, but you might at least talk to the Leader before Question Time so that you realise the questions the Leader asks. The Leader asked the question based on the statement that was made yesterday. At least the Leader had obviously read the ministerial statement. The Leader asked the question about the capital works funding needs, which I indicated yesterday had to be met from the Rann power bill increase.

So, at least the Leader had read the ministerial statement. Sadly, the Deputy Leader had not read it and had not discussed with his own Leader the question that she was going to ask, and he then comes in here and embarrasses himself and his colleagues by asking a question directly opposed to the direction of the question asked by the Leader. I will sit down quickly, because I am awaiting with delight what the other front bencher, the Hon. Mr Roberts, will ask—to see whether we get—

Members interjecting:

The Hon. R.I. LUCAS: I know it is another faction and there is some excuse in that the Duncan faction will not talk to these other two, but these two factions are at least meant to be the machine that is running the Labor Party at the moment. Clearly they cannot get together and coordinate their questions. I look forward with some pleasure to the question from the Hon. Mr Roberts. I hope that he has read the ministerial statement. He might even have understood it.

The Hon. T.G. ROBERTS: Mr President—

Members interjecting:

The PRESIDENT: Order! There is a member on his feet.

The Hon. T.G. ROBERTS: I thank the Treasurer for his anticipatory congratulations. I just hope that the answer he gives me is better than the answers he gave to my colleagues!

The PRESIDENT: Order! The honourable member has not sought leave to say anything yet.

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Treasurer a question on the Olsen ETSA tax.

Leave granted.

The Hon. T.G. ROBERTS: The Treasurer has claimed his budget black hole as justification for the $100 million ETSA tax, and that comes on top of the $250 million tax increase that was announced in the last budget. In his speech before Parliament on budget day in 1997, the previous Treasurer described the budget as a remarkable and historic turnaround, and we on this side of the Chamber have a lot of respect for the previous Treasurer's position. During the election, when there was no talk of any sale of ETSA on behalf of the Government, the previous Treasurer stated, 'I can assure you that we will get across the line.' That was reported in the *Advertiser* of 22 September.

The Hon. M.J. Elliott: Across the lie?

The Hon. T.G. ROBERTS: No, across the line. On 19 September 1997, the Treasurer told the media, 'There is going to be taxation adjustment, but we are not out to get an increase in the quantum of tax.' That was in the *Advertiser* of 19 September 1997. My question is: did the previous Treasurer mislead the people of South Australia in the Parliament about the budget brought down by the Olsen Government before the last election when he said that the budget for that year would have a small surplus and that the increase in the quantity of tax would not be needed and the budget was on track?

The Hon. R.I. LUCAS: The previous Treasurer was talking about the 1997-98 budget. This Government has to talk about the 1998-99 budget and the budgets leading through to 2002-3. Any statements that the former Treasurer made appertain to a budget of two years ago. We are talking about budgets of the present and the future. That is the reality.

Members interjecting:

The Hon. R.I. LUCAS: What has changed? Let us look at what is changing. We have the parliamentary Leader of the Labor Party, Mike Rann, standing on the steps of Parliament House supporting firefighters in 18 per cent pay increase claims when they are already the highest paid or second highest paid firefighters in the nation. We have the shadow

Minister for Health supporting the Nurses Federation in its 14 per cent and 15 per cent pay increase claim when this State and the taxpayers of South Australia do not have the money to fund those sorts of pay increases. That is the sort of pressure that Stephen Baker did not have to cope with in the 1997-98 budget setting.

If we had a responsible Opposition and a responsible Leader of the Opposition supporting the Government in trying to achieve moderate wage increases for public servants in South Australia instead of standing out on the steps of Parliament House and supporting 18 per cent pay increases, it might be a bit easier to run a Government in South Australia.

Members interjecting:

The Hon. R.I. LUCAS: If the firefighters have big signs saying that they have already got it, that is news to me. That is the sort of extravagant, extraordinary, irresponsible pay claim that this motley crew of an Opposition, led by the Leader of the Opposition, Mr Rann, are supporting. That is the sort of budget pressure that this State and the poor, long-suffering taxpayers of South Australia are facing. I am sure that the Hon. Mr Baker would defend the budget for his particular year, but equally I am sure he would acknowledge that the world does not stand still and that the budgets for this year and the next three years will have to look at the circumstances of those three or four years.

Members interjecting:

The Hon. R.I. LUCAS: If you want to apply the racing analogy, I would like to get the whip out on a few of the Labor Party horses and get them across the line on the ETSA and Optima sale because, as the Government outlined in the last budget, if we could sell ETSA and Optima we could make significant inroads into debt reduction; reducing the level of interest payments; improving the quality of services that we want to provide to South Australians; and reducing the level of risk with which taxpayers will be confronted in this cutthroat national electricity market.

I thank the honourable member for his question, and I hope there will be more to come. However, I indicate that the Deputy Leader of the Opposition may have seriously misled the Council in terms of his question. I will obtain a copy of *Hansard* as soon as I can, because I have a clear recollection that when the honourable member referred to my ministerial statement yesterday he alleged that I indicated a $20 million deficit. I have no recollection of ever saying that.

I have in front of me my ministerial statement which talks about a budgetary benefit of $20 million, but I cannot see the word 'deficit'. The honourable member purported to quote me exactly, so I will seek a copy of *Hansard* and, if the Deputy Leader of the Opposition has deliberately and deceitfully misled this Council by claiming to have quoted directly from my statement, including words which are not in that statement, that will be an issue for the Council to pursue in relation to the Deputy Leader.

ROAD FUNDING

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about road funding.

Leave granted.

The Hon. CAROLINE SCHAEFER: This morning, I and, I am sure, all members of this place were circulated with a letter from the RAA which makes numerous accusations regarding road funding and budgetary shortfalls by this Government.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: Amongst other accusations in this letter, the RAA says that there has been 'a 122 per cent hike in administration fees for vehicle registrations' and that 'the net result was a reduction in State revenue allocated to roads of $9.2 million.' The letter states:

> The Liberal Government continues to siphon moneys from the Highways Fund. . . In this year, South Australia received $119 million in excise revenue, but only $4.3 million went to the Highways Fund, with the State Government determining it would no longer allocate any of this fuel excise money to the fund. Hence, in 1998-99 it will divert $130 million in fuel tax direct into general revenue.

The letter states further:

> Parts of the State's road network have deteriorated considerably, where the road standard is no longer appropriate for the mix and volume of traffic. RAA members will be surveyed in the February/March. . . *SA Motor* to find out what they consider to be the worst 'red spots' in the road network.

I ask the Minister to comment on the accuracy of this letter and to provide details of roadworks and maintenance in this State.

The Hon. DIANA LAIDLAW: I thank the honourable member for her question and also for earlier today forwarding me a copy of the letter that the RAA had sent to her and, I assume, to members of Parliament generally. It is very important that the inconsistencies and inaccuracies in the letter are highlighted immediately. I can assure the honourable member that I will be writing at some length to the RAA, probably tomorrow, in terms of some of the detail in the letter, and I will circulate my reply to all members.

One of the difficulties that the RAA had in looking at the figures and in preparing this letter arises from its first claim about a lack of transparency and consistency. Members, and particularly the Treasurer, might be interested in the RAA, which is meant to be a business association that also deals with insurance (mine included), subscriptions for service, and the like. The RAA claimed that it had some difficulty in assessing the financial statements last year due to the merger of Transport SA with the Department of Arts, Urban Planning and the Office for the Status of Women, but its biggest difficulty seems to have arisen from the move last year by the Government to accrual accounting. It claims:

> These changes have markedly reduced the public's ability to measure the Government's accountability, a situation that must be addressed to ensure responsible and efficient Government.

I am assuming—and I suspect that the Treasurer would assume the same on reading this letter—that when the RAA argues that the changes to accrual accounting must be addressed it is suggesting that we reverse our processes of accounting in Government to the old way of doing business. The poor RAA does not seem to understand, or has not caught up with the fact, that all Governments across Australia are moving to accrual accounting; they have either done so, like South Australia, or will be doing so from this budget onwards.

There will not be a change back to the past. The RAA will just have to catch up with the change, and I would suggest that the RAA do its own insurance business by accrual accounting. If it does not, it should do so, and members should be demanding that it do so.

The RAA did receive an offer of a briefing from Transport SA at the time of the last budget. I outlined in length in

reply to a question, I think to both the Hon. Carolyn Pickles and the member for Spence, during the Estimates debate how Arts SA's budget for this financial year compared to those of past years, but perhaps the RAA did not choose to read that. However, it did receive a further briefing from the Government in September, and I am always available to do that if it wants to go through these sorts of issues because it cannot understand them. To demand change from the accrual accounting system is a lost cause for the RAA. The RAA also claimed that there has been a 122 per cent hike in administration fees for vehicle registration. That is just rot. There has been—

An honourable member: How much is it? More or less?

The Hon. DIANA LAIDLAW: It is nothing near that.

Members interjecting:

The Hon. DIANA LAIDLAW: No, because it suggested a 122 per cent hike in administration fees for vehicle registration. I understand that there is one new category of administration fee—not fees—and that it has generally been held at the same level to cover administration costs. As I said, I will provide a detailed reply, but I can assure members that that is a blatant exaggeration by the RAA.

I also want to say in that context that the RAA has double counted registration administration fees and included motor vehicle registration fees and driver licence fees, and, whether deliberately or otherwise, that has distorted the presentation of the work that it has provided to members.

Members interjecting:

The Hon. DIANA LAIDLAW: I assume that the RAA would not wish to mislead, but it has double counted figures, and I will be presenting that back to—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Well, even if it is an oversight, deliberately or otherwise, it does distort the tables it has presented and, therefore, the arguments it has provided to members of Parliament.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: There is no need to apologise for the RAA. I have indicated that I will provide a detailed reply. In terms of a further inaccuracy, the RAA has claimed that 'the Government maintains its policy of abolishing the Highways Fund'. The Government has no policy to abolish the Highways Fund. What is of greater interest to me is that the RAA acknowledges that fact, because on page two of its attachments it says that the 'Treasury has indicated its desire to abolish the fund'. In the same correspondence that the RAA has sent to us it claims that the 'Government maintains its policy of abolishing the fund', yet two pages later it says that 'Treasury has indicated its desire to abolish the fund'.

The Treasury may wish to be the Government, but it is not. Treasury has had a desire to abolish the Highways Fund since I suspect Don Dunstan's days as Premier and Treasurer through Liberal and Labor Governments to this Government. It maintains that position, but it is not Government policy.

I can indicate, too, that in terms of expenditure on roads the table provided by the RAA clearly indicates a $100 million increase in funds for roads in South Australia during the period of this Government. From 1992-93 to 1997-98 I acknowledge that includes Federal funds, but there has also been a strong increase in State funds over that same period. I also highlight, as I have done so in the past to members, that during the same period of Government we are getting more money for roads for every dollar collected by the department because, following the strategic review, we have considerably cut our administrative overheads.

Therefore, not only have we had an increase in dollar terms to roads but a greater proportion of the State Government allocation to Transport SA is going to roads because of administrative overhead savings within the department. For the benefit of the RAA I will again provide this detail to it, and in doing so I will certainly provide to all members who may have received such correspondence from the RAA today an accurate reflection of State Government support for the transport budget, roads, construction and maintenance in this State.

TUNA FARMS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Deputy Premier and Minister for Primary Industries, Natural Resources and Regional Development, a question about the establishment of tuna holding pens at Louth Bay near Port Lincoln.

Leave granted.

The Hon. IAN GILFILLAN: The Development Assessment Commission is due to consider next week applications for six new tuna farms involving at least 66 tuna pen rings or cages off Louth Bay, north-east of Port Lincoln. I understand that the applications were lodged in December last year. The Tuna Boat Association has been threatening that, if the applications are rejected, tuna farmers may be forced to go to interstate locations. However, irrespective of the outcome of these applications, tuna farming has been well under way off Louth Bay for some time. Seventeen tuna pen rings were installed off Louth Bay prior to December 1996. I am advised that the location of these rings was not publicly advertised, nor were local landowners officially notified of their existence.

One resident, Ms Madeline Schroder, upon becoming aware of the tuna pens offshore from her land, wrote twice in December 1996 to the State Government inquiring about these tuna rings. She feared for pollution of the popular local swimming beaches and the possible presence of sharks, given that the rings were only 1 kilometre offshore. Her letters, addressed to Mr Glyn Ashman, then Aquaculture Resource Planner, brought no reply. Upon making a telephone inquiry Ms Schroder was told that the cages were there temporarily. The word 'temporary' means different things to different people. Two years later, in December 1998, 12 of these cages or rings closer to shore were finally removed; five others further offshore remain.

The timing of the removal coincided with the lodging of applications for tuna farming on a bigger scale—the applications for 66 new tuna pens to which I have just referred. The existence of Ms Schroder's letters of December 1996 is proof that the Government was aware of the existence of the 17 tuna rings off Louth Bay. My informant in these matters spoke only last week to Mr Trent Rusby, Manager for Aquaculture Compliance. At that stage Mr Rusby apparently had no knowledge of the 17 rings which had been in the area for two years. However, he did say that all inquiries regarding the Louth Bay aquaculture development were being handled personally by the Director of Fisheries, Dr Gary Morgan, which he found surprising—and so do I.

In the meantime, while development applications are pending, there has been an unprecedented interest in land in the Louth Bay area. Tuna fisherman Laurie Gobin recently

purchased two packages of beachfront land, totalling 82 hectares. Elders at Port Lincoln has reported that other tuna farmers are actively seeking land in the same area for aquaculture purposes. I remind the Chamber that this is before the DAC has heard the applications. Most importantly, I am informed that in the past few days more tuna pens have appeared offshore. I am told that 20 rings or cages were put in place under cover of darkness over the last few nights in February and early March.

In response to my question of 17 November last year, the Government confirmed as recently as 9 February in this Chamber that would-be aquaculture developers in South Australia are required to obtain approval from the relevant planning authority. The answer provided by the Minister stated that marine aquaculture development proposals 'must be assessed against the provisions of the appropriate development plan'. They must also 'undergo an extensive and thorough agency and community consultation process'. My questions to the Minister, through the Attorney, are:

1. When, how and at what time did the installation of existing tuna rings off Louth Bay go through the process which has just been outlined?

2. Who, if anyone, gave permission for the initial establishment of tuna rings off Louth Bay prior to December 1996 for a so-called 'temporary' period, which turned out to be more than two years?

3. Under what conditions was permission granted?

4. Who, if anyone, gave permission for the 20 new rings which were installed in the past week?

5. When did this most recent installation go through the 'extensive and thorough agency and community consultation process' which the Government says is required?

6. What is the penalty for establishing aquaculture pens for which no approval has been granted?

7. In view of the unprecedented interest in land in the area, does someone have inside information about the outcome of next week's Development Assessment Commission hearing?

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

STATE DEBT

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about State debt.

Leave granted.

The Hon. L.H. DAVIS: In January 1999 Access Economics, arguably Australia's leading economic analysts, produced a comprehensive 72 page document titled 'State and Territory Budget Monitor'. This document examined State budget prospects and also State debt for each State and Territory of Australia.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: You just listen quietly, Trevor, and then you can cross the floor on this issue. On page 17 of this comprehensive document Access Economics lists the State debt for each Australian State and Territory as at 30 June 1998. It estimates that at that point South Australia's debt was $7.93 billion of a total of $42 billion of State and Territory debt.

In other words, South Australia, as at 30 June 1998, had 18.9 per cent of the total debt of all States and Territories, although South Australia had only 8 per cent of the nation's population. At page 17 of that same table, Access Economics projects debt for each State and Territory—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —as at 30 June 2003—in other words, in five years from that original table dated 30 June 1998. Access Economics projects that, without the sale of ETSA and Optima, South Australia's debt will be $7.25 billion as at 30 June 2003 of a total debt for all States and Territories of $33.14 billion, that is, at 30 June 2003. In other words, on Access Economics' forecast, South Australia's share of total State and Territory debt as at 30 June 2003 will have climbed from 18.9 per cent as at 30 June last year to 21.9 per cent.

However, if New South Wales were to privatise its electricity assets following the State election later this month, this will dramatically change the equation because New South Wales accounts for approximately 45 per cent of total debt for all States and Territories. If New South Wales does privatise its electricity assets, it will result in the elimination of all of its debt, which is currently $17.8 billion. It will mean that, on the figures from Access Economics as at 30 June 2003, South Australia will have a debt of $7.25 billion of a total debt for the States and Territories estimated at $16.839 billion. That will mean that South Australia, with just 8 per cent of the nation's population, will have 43.1 per cent of all State and Territory debt. My questions to the Treasurer are:

1. Will the Treasurer confirm that without the sale of ETSA and Optima South Australia will become the debt capital of Australia?

2. What are the implications for the Government and the community of South Australia's not reducing its debt burden as compared with other States and Territories in mainland Australia?

The Hon. R.I. LUCAS: I thank the honourable member for the research he has put into that question, because I think that he starkly highlights—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. Davis: I did that in about 30 minutes; it might have taken Sandra Kanck 1 000 hours.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The honourable member starkly demonstrates the dilemma that confronts this State and the taxpayers of this State. The honourable member has indicated that South Australia will already be in excess of 20 per cent of the total State and Territory debt within the forward estimates period by 2003. He also highlights, having done those calculations, the very strong probability that New South Wales will sell its electricity assets after the coming New South Wales State election. If it were the situation that South Australia had nearly half of all the State and Territory debt in Australia, which is the sort of situation the Labor Party, the Democrats and the Hon. Mr Xenophon are prepared to accept as the legacy to leave our children and grandchildren as we move into the next millennium, then it is a very sad indictment on their lack of vision for the future of South Australia and its taxpayers.

For a small State like South Australia to have almost half the total debt of all Australian States and Territories, as in the circumstances outlined by the Hon. Mr Davis, it clearly means that the rating agencies, the financial and economic commentators and the boardrooms that make the key business investment decisions would look on South Australia with some derision in terms of their investment opportunities. Access Economics already warns us, as indeed other commentators will do, that companies, businesses and rating

agencies will look at those States with large debt and large interest payments and make judgments that the level of taxation that those States or Territories will have to levy on their taxpayers and businesses will be at a level much higher than those other States and Territories which have got their debt under control.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: That impacts, albeit indirectly, on the state of the economy. The Hon. Mr Roberts does not appreciate that. The spending power of our consumers and households is obviously an important determinate in the health of South Australia's economy. If South Australia is the pre-eminent State in debt over this coming period and must spend its money paying off the interest, businesses, rating agencies and others which influence or make the investment decisions about where businesses will be established will make a judgment: why set up a business in South Australia when it does not have its debt under control and there is the potential for further and subsequent tax levies and rate increases being imposed on the community and businesses that operate in South Australia?

As I said, sadly, that is the legacy the Labor Party, the Democrats and some Independents want to leave the taxpayers of South Australia. Once again, I can only urge members to at least try to comprehend the enormity of the debt problem for South Australia in the future. It will not make it any easier for members of the Government, for members of the Liberal Party, in the early part of next century to be able to point the finger at people such as Mr Rann, Mr Foley and the Hon. Mr Holloway, the Hon. Mr Elliott and the Hon. Mr Xenophon and say, 'We told you; we warned you. You ignored those warnings and it is the taxpayers, the unemployed and the families in South Australia who will reap the benefit of the mistakes made in this Parliament in 1999.'

MOSQUITOES

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Minister for Transport and Urban Planning a question about mosquitoes.

Leave granted.

The Hon. T. CROTHERS: I refer to an article published in the *Advertiser* of Monday 1 March with the subheading 'New housing ban in mozzie plague zone'. The article states that, despite tens of thousands of dollars having been spent by the Salisbury Council and the State Government to eradicate the existing mosquito problem, mosquitoes are so rife in the Globe Derby Park area that any future developments are being ruled out.

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: I draw the attention of members to a photograph of a poor horse. If it got one more mosquito bite you would have to send it to the knackery. Claims have also been made that mosquitoes have increased health risks, including the risk of contracting Ross River fever, contributing to the death of pets in the area, forcing people to live like prisoners in their own homes and driving housing prices down. Salisbury's mayor, Mr Tony Zappia, described life for residents as 'unbearable'. A report on mosquitoes by University of South Australia lecturer Dr Michael Kokkinn recommended that authorities cease any further residential subdivision in the area.

Dr Kokkinn said that the only long-term solution involved research finding where the mosquitoes came from and attacking those areas. I might add for the information of members that Salisbury Council has enhanced and built two large swamp areas adjacent to Globe Derby Park. The article also states that the last major spraying a fortnight ago reduced mosquito numbers but failed to provide a long-term solution.

I have a confession to make. I first raised this matter of swamp enhancement with the Lord Mayor over an Adelaide council development some six to nine months ago at a Statutory Authorities Review Committee meeting chaired by the Hon. Legh Davis. Needless to say, I was pooh-poohed for my efforts. Oh, how times change! My questions to the Minister for Transport and Urban Planning (and they are by no means exhaustive in their format) are as follows:

1. Given that spraying has had limited success, what else does the State Government intend to undertake in order to alleviate the dilemma, especially in the short term?

2. What is the State Government's long-term solution for the eradication of this problem?

3. Have there been any reported cases of Ross River fever among residents in the affected area?

4. What is the total number of residents in the area being affected?

5. What have been the costs associated with the spraying thus far?

The Hon. DIANA LAIDLAW: I am aware that spraying programs have been undertaken, but I do not have access to the costs. Those programs are being conducted by the Health Commission as I recall, possibly in conjunction with the council. I will undertake to get an answer from the Health Commission and the Minister for Human Services. I read the same article to which the honourable member has referred. If life is as described, I agree that it would be unbearable. I believe that more work should be undertaken between Salisbury Council and the Government, whether it be the Health Commission and possibly Planning SA, if that would assist the council and the local residents to address this issue. I certainly would encourage Planning SA to look at some of these issues. I have no doubt that the wetland management issues with the stormwater flooding, and the like, may well have—

The Hon. T. Crothers: There have been areas of minor swamp, but the council has enhanced them, similar to what the Adelaide Council is suggesting.

The Hon. DIANA LAIDLAW: Yes, and we have certainly addressed the stormwater problem by enhancing the swamp areas as part of a wetland management scheme. We may well have promoted another problem, and I share the honourable member's concern and believe that we should have more discussion with council and residents about it. Whether as Minister for the Status of Women or Minister for Urban Planning, I will certainly take it further.

The Hon. SANDRA KANCK: As a supplementary question, will the Minister provide information to the Council about what species of mosquitoes they are, whether they are of fresh water or salt water origin, and whether they are likely to be disease carrying?

The Hon. DIANA LAIDLAW: The article to which we are referring certainly suggested the possibility of Ross River fever, so there is a suspicion that they are disease carrying. I will get a detailed reply for the honourable member.

STATE FINANCES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer a question about the Rann tax and the member for Gordon.

Leave granted.

The Hon. A.J. REDFORD: Today in a *Border Watch* article entitled 'McEwen initiates talks to stop ETSA tax hike', reporting the views of the member for Gordon on the ETSA tax hike, he made a number of comments. I know that the honourable member is currently suffering from what I have had described to me as 'PDS' or 'publicity deficit syndrome', but he makes some remarkable statements. The article states:

> High level talks between the member for Gordon, Mr Rory McEwen, and State Premier, Mr John Olsen, could culminate in a fresh look at how Federal taxes were distributed.

The article goes on to state:

> Meanwhile, Mr McEwen and Mr Olsen were gripped in lengthy talks on Monday night about the new tax slugs as Mr McEwen went into bat for 'the people'. Mr McEwen said yesterday the Government was forgetting 'the big picture'.

He goes on to talk about the ETSA sale, and the article further states:

> Now the Government is saying, 'If we can't sell ETSA, we will increase taxes' as a second solution. But you can't just keep taxing the same people who are already paying local, State and Federal taxes. The State Government needs to go back and look at the original problem of the revenue and see where all the tax is being paid. If the Federal Government is in the black, give it back.

He then goes on and offers a solution to the State Government. He states:

> Either the States give services like health back to the Federals or the Federals can give our money back to run the services.

He goes on to state:

> . . . we can't afford all this duplication and difference in services between the States.

The article continues:

> . . . Mr McEwen said the Federal Government only started collecting taxes during World War II and with a new century approaching, and the Prime Minister in Adelaide for a Cabinet meeting, it was timely to start debating some of these things. Mr McEwen said it was 'ridiculous' for the State Government to be looking at new taxes as an excuse for not selling ETSA. 'It needs to revisit the problem, which is revenue, and look at the big picture with the Federal Government and the redistribution of money,' he said.

I do not know where the member for Gordon has been over the past 12 months, except perhaps to support Tony Beck during an election campaign, but I should have thought it would be apparent even to the member for Gordon that the whole of the last Federal election was fought around a GST, which was and still is to be a State tax, assuming that the colleagues of the members opposite allow it to go through. In the light of that, my questions to the Minister are:

1. Has the Government looked at giving services such as health back to the Federal Government?

2. If we did, would the citizens of South Australia be likely to be better served by the health system if it were run from Canberra or the eastern seaboard?

3. Does the Treasurer acknowledge and support federalism and the fact that there will be differences between the States in service deliveries as States determine their own priorities?

4. Is the McEwen formula a recipe for the demise of States and having more of our decisions made on the eastern seaboard?

5. Will the Treasurer outline whether there has been a debate on tax recently or at any other time?

The Hon. R.I. LUCAS: I thank the honourable member for his series of questions. It is important to indicate that, contrary to part of the statement from the member for Gordon, probably the most comprehensive rewrite of Federal-State financial relations has been engaged in and, we hope, almost concluded.

The Hon. M.J. Elliott: Any extra money?

The Hon. R.I. LUCAS: The answer is, 'Yes; we did get extra money.'

The Hon. M.J. Elliott: How much?

The Hon. R.I. LUCAS: It is disappointing that the Hon. Mr Elliott has not kept abreast of this debate. The Hon. Mr Holloway can provide the Hon. Mr Elliott with the answer to a question which he asked in this Chamber, which is on the public record—it is in *Hansard*—and which outlines what this State will get in the transfer of revenue coming from the GST to South Australia as a result of the offset against the State taxes that this State will no longer collect. That commences at a level of about $60 million on an annual basis, admittedly not soon enough for States like South Australia.

The other point that I would make is that, as part of this debate, we saw Labor Governments like New South Wales try to do small State Governments like South Australia in the eye by getting rid of horizontal fiscal equalisation. South Australian taxpayers ought to be delighted at the success that Premier Olsen, to his credit, and the Government had during the debate, which saw the New South Wales Labor Government defeated in its attempt to get rid of horizontal fiscal equalisation, which is worth some hundreds of millions of dollars to South Australia over the period that we are talking about.

It is not correct to say that South Australia has been done in the eye in the recent debates. Indeed, we could have been done in the eye by the New South Wales Labor Government in another area, but I will not broach that subject. At the moment it is trying to do us in the eye again to its benefit, not to ours, because it does not have our interests at heart. It only has New South Wales taxpayers' interests in its mind. Its attempt to get rid of these hundreds of millions of dollars of much-needed Federal money that is collected and distributed to the States was defeated.

We now have another battle and I have made statements in the past 24 hours, as has the Premier, indicating that we will take the battle to Canberra at the next Premiers' Conference as a result of the most recent Commonwealth Grants Commission relativities review. Potentially for next year there is a $50 million differential between two options flagged by the Grants Commission. As I have indicated, and more importantly as the Premier has indicated, South Australia will be arguing strongly for the funding option from the Grants Commission which gives South Australia the maximum possible benefit. As I said, the difference just in the next financial year alone is worth some $50 million to South Australia and South Australian taxpayers. There has been a comprehensive debate on national tax matters. I will not go through all the detail of what has been achieved but it is comprehensive and it is significant.

In relation to giving Canberra responsibility for all our health services and hospitals, if that is what is being suggested, I am sure that the Minister for Health in South Australia will take the lead in any public debate on that issue. It is not the State Government's view that the residents of Mount

Gambier or any part of South Australia would get a better deal out of hospitals run by Commonwealth bureaucrats in Canberra as opposed to people located in South Australia who have what we hope would be a better appreciation of local needs and health needs in local communities. I imagine that the State Minister for Health will take the lead on any debate that Mr McEwen might want to have in terms of handing back to Canberra bureaucrats and politicians control over hospitals such as Mount Gambier and other health centres and health services throughout South Australia.

GAMBLING, CRIME

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General a question in relation to gambling-related crime.

Leave granted.

The Hon. NICK XENOPHON: Gambling counsellors to whom I have spoken in recent times are concerned at the increasing levels of gambling-related criminal offences being committed by a number of their clients, particularly in relation to poker machines. I also refer to 1996 research carried out by Professor Blaszczynski and others that found, after surveying 115 pathological gambling patients, that 58.3 per cent of the group admitted to a gambling-related offence and 22.6 per cent had been convicted or charged with such an offence. My questions to the Attorney are as follows:

1. Has any definitive research been carried out by the Attorney-General's Department on the link between gambling and crime in South Australia, including the costs to the criminal justice system in dealing with such matters?

2. Will the Attorney consider a process of consultation with the Courts Administration Authority to ensure that reliable statistics on gambling-related crime are kept?

3. Will the Attorney-General consider consulting with gambling counsellors in this State as part of that process?

The Hon. K.T. GRIFFIN: I am not aware that there has been any study. The Office of Crime Statistics conducts a number of research projects from time to time. I will make some inquiries about the issue raised by the honourable member. In respect of his other questions, I will take them on notice and bring back replies.

ELECTRICITY, PRIVATISATION

The Hon. P. HOLLOWAY: I seek leave to make a personal explanation.

Leave granted.

The Hon. P. HOLLOWAY: During Question Time today I quoted from the Treasurer, and the Treasurer queried what I said. I have not had a chance to read the *Hansard*, but I will read it again so there is no question again about what the Treasurer said. He said:

> The forward estimates on which the budget is based assume a budgetary benefit of $20 million in 1999-2000 and $100 million per annum thereafter from the sale of the electricity assets.

The Treasurer suggested that I may have used the word 'deficit' instead of 'benefit'. If I did, it was clearly a slip, because the question would then have been a complete nonsense. The point that I was making was that, if the Government expected to receive $20 million next year and it did not receive that money, that was the basis of its so-called black hole. If I misquoted the Treasurer I apologise, but it certainly does not change in any way the point of my question.

MATTERS OF INTEREST

INTERNET

The Hon. CARMEL ZOLLO: Yesterday I attempted to give some background information in a question I asked but I was unsuccessful because my question was a supplementary one. It was pleasing to hear so many members opposite try to assist me in the interpretation of Standing Orders. I await with interest the Minister's detailed response to my questions but I think it is important to place on record my concerns relating to the correspondence that I have received in the past few days on the roll-out of Internet and e-mail services for members and their staff.

We have been connected to the Internet at home for two or three years with several different providers. However, the terms and conditions used by the other providers do not appear to be as comprehensive or pervasive as those listed in the Ozemail Acceptable Use Policy. Unfortunately all the conditions deal with protecting the company's interests and make no mention of the consumer's rights.

It would be fair to say that I have indicated an interest in the issue of privacy measures for information technology by way of previous Matters of Interest speeches and questions. I have called for a coordinated national legislative approach to the issues of individual privacy, fraud and the information technology economy. The Federal Government is dragging its feet in this area and, like the State Government, is prepared to take what I think is a soft option of following directives issued at Cabinet instruction level or through the Federal On-line Council rather than legislation. I am pleased that the Victorian Government has introduced IT privacy legislation.

I am sure that all members, including myself, do not have any problems ensuring that the Internet or e-mail services are used for legal purposes only and that the necessary protocols and guidelines are adhered to. I accept most of the policy as far as it goes—the general principles, the acceptable and unacceptable lists, destruction of the network clauses and resale of services clauses. However, I am particularly concerned with clause 4 (what we may do to ensure that this policy is being followed) and I have some concerns with subclause 3.4 (soliciting subscribers to other services is not allowed).

Clause 4 tends to specify what Ozemail may do to ensure its policy is being followed. Subclause 4.1 states:

> We may monitor your account but will respect your privacy. . . to determine whether this policy is being followed. . . If we monitor your account we will safeguard your privacy unless to so would involve us in concealment of a criminal offence or inhibit the enforcement of this policy.

They then indicate in other sub-clauses that they will make an effort to contact us, that they may terminate our account and/or notify the authorities and reserve the right to delete any information stored in their system at their sole discretion.

Sub-clause 3.4, which does not allow the use of Ozemail services to solicit subscribers to other services, is also of some concern and appears to be anti-competitive. Does that mean that we are not permitted via e-mail to criticise Ozemail services or suggest to constituents the use of other services?

Of greatest concern, however, is that nowhere in the policy does it offer members any protection in terms of our privacy, or protection of our information, or illegally or unintentionally passing information on to other parties. My colleague the Hon. George Wetherill expressed similar concerns in his question yesterday.

As politicians, I suggest this is a very sensitive issue, not in the least because we are often entrusted with very personal information on behalf of constituents or involved in party political sensitive work or confidential areas or issues in which we are interested or pursuing at any one time, etc. What if information is leaked to our political opponents or our passwords are compromised without our knowledge and our accounts are used for illegal purposes? Could we see cases where politicians' computer Internet logs are leaked to the Opposition or could they be called to be produced in a court case in relation to purely political activities?

I appreciate that I asked the Minister several questions yesterday including what exactly is meant by monitoring our accounts, which may require some further discussions with the Internet provider. The Minister should also ensure that, once everyone is connected to the Internet, our VET antivirus software should be updated on a regular basis. I, for one, will not be signing my registration form until all these issues have been satisfactorily clarified by the Minister.

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

GREEK CULTURAL MONTH

The Hon. J.F. STEFANI: Today, I wish to speak about the activities of the Greek Cultural Month and the Expressions of Hellenism Exhibition which will be launched this evening. The exhibition will feature visual artworks from Eleni Kostoglou, Kathleen and Yerasimos Patitsas and Dee Astra. This exhibition is a forerunner to the festivities and celebrations of the Glendi Festival.

The Council for the Greek Cultural Month has been active in organising the Greek Cultural Month since March 1991. The aims of the council are to promote the spirit of Greek culture through art, theatre, music, film and dance. Over the years, I have been fortunate to share in some of these activities with many other South Australians.

As a nation, Greece has been a source of inspiration to many artists because of its ancient civilisation and rich cultural heritage. It is true to say that throughout the period of many centuries Greece has influenced the lives of many people. I feel very privileged that I am one of the many people who have been influenced by the deep Hellenic cultural experience during my three visits to Greece.

The exhibition to be launched this evening is an expression of Hellenism by each of the four artists reflecting their affection and attachment as well as their strong connection with Greece. They each have drawn from their experience and connection with Greece for the source of their human strength and determination as well as their spiritual and artistic inspiration to present a very special and exciting exhibition for the enjoyment of and appreciation by all South Australians.

However, beyond this, the launch of the Expressions of Hellenism Exhibition and the official opening of the Greek Cultural Month for 1999 have a much greater significance for many members of the South Australian Greek community, because they represent the celebration and promotion of rich and important cultural values which have originated from their homeland of Greece. The Expressions of Hellenism Exhibition also provides a great opportunity to promote and nurture the talents of South Australian artists who have shown a great affinity with the ancient Macedonian culture.

Finally, I would like to pay tribute to the outstanding contributions which members of the South Australian Greek community have made to the development of our State. I offer my congratulations to the President of the South Australian Council, for the Greek Cultural Month, Mr Costas Daskalos, and I wish the members of the Greek Cultural Month continued success for the future.

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

WORKER SAFETY

The Hon. R.R. ROBERTS: I rise today to raise the matter of security for employees who work after hours. Members will remember that last week I asked the Attorney-General a question about the security of employees who work in petrol stations in what is called in the industry the 'drag shifts'. I was concerned about the number of robberies, and I suggested to the Attorney-General that it was about time that this Government looked after the people in this industry before profits. The Attorney took some umbrage at my suggestion and said, in part:

> The employer owes a duty of care, not the Government. That is the problem with the honourable member and some of his colleagues: he tries to flick pass everything to the Government and say that the Government has to cure the world. Of course, that is the philosophical difference between Labor Party members and Liberal Party members. We believe in the right of the individual: they believe in the right of the collective State. They say: 'Go and tell them what to do. Regulate. Put the burdens on everyone.' That is not the policy or the philosophy of this Government.

I did not worry about putting out any press releases on this matter because the Attorney-General went on to say that he was relying on industry to regulate itself. He pointed out that where employers have security it does not work, that they do not change the tapes, etc. To use the vernacular of the industry, what happened with that story, despite the fact that I did not put out a press release, was that it went platinum.

I tell the Attorney-General that not very many people agree with him, that none of the talk-back hosts or callers to whom I spoke agreed with him whatsoever. I received a telephone call from a Mr Ian Gray of a firm called Fast and Fresh who advised me that his forty stores would train their staff in the defensive use of batons. Mr Gray and his company have also gone platinum: in fact, all the calls are in favour of Mr Ian Gray and his group.

Yesterday on 5CK the Attorney-General called Mr Gray a belligerent man, and the Police Commissioner said that he was using a weapon. This man is protecting his property and his personal well being. He has had five altercations on his premises, and I am happy to report that he won them all.

I would like to put some questions to the Attorney-General, and I hope he will take the opportunity to answer them. I put to the Attorney-General: is not what Fast and Fresh is doing what he advocated in his response to me on 18 February when he agreed with self-regulation? I believe that the Attorney-General was a little hypocritical when he told Fast and Fresh what it could or could not do: that is, the employer should do everything possible to provide a safe workplace for his employees and himself.

I also put to the Attorney: in the light of the common law amendments of last year, does he dispute the right of Mr Gray and Fast and Fresh employees to use reasonable force to protect life and limb and their property or does he now agree that the Government does have a duty of care to the citizens of South Australia and does need to regulate in some of these areas? Finally, is it the Attorney's view that you do not need to regulate multinational petrol companies but that you do need to regulate small businesses that are trying to protect themselves, their employees and their properties?

What we have here is a situation where the multinational corporations and the Motor Trade Association, the people who have donated $80 000 in the past eight or nine years to this Government Party, get one lot of treatment, but when small business owners are trying to protect themselves in line with the principles of the Common Law—that is, they use reasonable force to protect themselves and their property—the Attorney-General steps in and says, 'No, we will regulate you but we will not regulate the others.'

I think we are seeing double standards here. The Attorney may want to talk to all those people in small businesses who are already hiding things such as pickhandles and pieces of conduit—and, of course, we all remember the attendant who with a golf club struck an attacker holding a syringe. I also report that every security company in Australia is lining up to provide training for Mr Gray and Fast and Fresh.

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

YOUTH SUICIDE

The Hon. CAROLINE SCHAEFER: I wish to use my time today to bring to the attention of the Council an article in the *Time* publication of 8 February entitled 'Youth Suicide: Lessons in Survival'. I think that youth suicide is well-known to be endemic in Australia, particularly in country Australia, and the figures put forward in this article are no less depressing than many that we have heard before.

The rates of suicide in Australia among young men aged between 15 and 24 trebled between 1960 and 1990. Young women less frequently kill themselves but still do so at a far higher rate in their teens than either their mothers' or grandmothers' generations. In 1997, 510 young people killed themselves, and that was 103 more than in the year prior to that. Suicide rates in Australia are rising at over 10 per cent per decade, that is, 1 per cent every year. What is little known and certainly little publicised is that the number of deaths due to suicide far exceeds the number of deaths due to motor vehicle accidents.

No-one knows why Australia has one of the world's highest youth suicide rates, particularly as it is a developed nation with a relatively high standard of living and relatively high educational standards. Our rate is lower than New Zealand's but higher than those of the United Kingdom or the USA. Severe depression is considered to be a key risk factor, as we would all know, but depression is often dismissed in young adults as normal adolescent behaviour. In fact, a former belief of medicos was that young people did not suffer from depression.

Most of the studies that have been done on this issue have emanated from South Australia. The Flinders University psychiatrist who was interviewed in this article says that in university questionnaires young people are scoring in the adult range of severe depression. No-one has a reason they can put this depression down to or why it appears to be increasing in incidence, but hopelessness seems to arise from a general sense of isolation and diminished choices. Some 90 per cent of adolescent suicides are preceded by symptoms of mental illness, typically depression; and 15 per cent of adolescents with major depression eventually suicide.

As I said, what little has been done to isolate and predict this behaviour in time to save lives has in fact been done in South Australia. A GP whom I have known for many years, Dr Graham Fleming of Tumby Bay (and, incidentally, Tumby Bay, with a population of 3 000 people, has three times the average incidence of youth suicide in Australia) has been screening children in that area for four years. He studied 350 children and found that 35 had learning disorders, 20 had serious psychiatric illness and three of the 20 had suicidal thoughts, and, as I say, in a population of 3 000 people that is very alarming. The nearest adolescent psychiatrist to Tumby Bay is 600 kilometres away.

However, Dr Fleming believes that if children are reached before their late teens it is possible to defuse problems that can lead to suicidal behaviour. Children of schizophrenic parents have an increased risk of developing the disorder, and schizophrenic and related psychotic disorders cost Australian society almost $2 billion per year.

I am running out of time, but I want to say that a pilot study is being conducted in 18 South Australian schools in an effort to try to recognise the difference between 'a kid cutting loose and one suffering from mental illness'. I can only say that this is long overdue, and I wish them every success.

ELECTRICITY, PRIVATISATION

The Hon. SANDRA KANCK: Last week I addressed members of the Australian Institute of Energy, and I want to place on the record part of what I said to them about competition policy and the sale of ETSA. Once upon a time there were some influential lords who looked around for ways to reduce their costs, increase their profits and live off more of the fruits of other people's labours. They conferred amongst themselves and determined to employ the services of the magician Hill-Mer. Now, the mighty Hill-Mer had much knowledge, and they asked him to use his magic to give them what they desired.

Hill-Mer worked night and day, mixing strange brews in his cauldron, and in the fullness of time he invited the lords into his dungeon to reveal his new creation. It was a girl-child—yea, even a princess—but, lo, she was not very comely. The lords were sore afraid, but again conferred amongst themselves to devise a plan.

Now, because the lords were already rich they were frequently invited to the banquets of the ruler of the land, King Paul. They talked to King Paul and convinced him to introduce to his court the eligible, though not beauteous, princess. King Paul looked upon her and he saw that she was indeed quite plain. King Paul thought and thought until he, too, devised a plan: the princess could be made more desirable with the promise of a handsome dowry, and she could daub powder on her face to hide some of the imperfections. And to reflect that promise of wealth they all agreed to give their new princess the soft and delicate name of 'competition policy'.

With the help of King Paul and the Knights of Labor they offered inducements to the fiefdoms of the land. In the fiefdom of the south the invitations were offered first to

Baron John of Bannon, then to Lord Lynn of Arnold, next to Viscount Dean of Brown and, yea, even unto the Grand Duke John of Olsen, to blow the trumpet for Princess Competition Policy and to tell the known world how beautiful and desirable she was.

King Paul's felicitations did not fall on deaf ears and it was not long before Baron John of Bannon agreed to meet with the not so pretty princess. She was a precocious child and growing rapidly. Baron John, if not convinced by her looks, warmed to the dowry that was offered. And so, in just a few moons when Baron John of Bannon fell upon his sword, the poisoned chalice was handed on to Lord Lynn of Arnold. Lord Lynn, too, became mesmerised by the spell of Hill-Mer and told his loyal troops that Princess Competition Policy was indeed most fetching.

In the fullness of time, Viscount Dean of Brown ruled the fiefdom of the south. He looked upon Princess Competition Policy and the spell, which we all remember was woven by the powerful Hill-Mer, captured him and he believed her to be beauteous. So enchanted was he that he no longer wanted to own the pipe that carried the ether from the north.

But the people became restless, and to stem the restlessness, unless they should bring a pretender to the thrown, the Grand Duke John of Olsen told the people of the south that he would look after the trust, which is ETSA, and keep it for the benefit of all in the kingdom. So, too, did the lesser peers, Michael of Rann and Michael of Elliott.

But then, in a blinding flash of light, Princess Competition Policy appeared naked unto the Grand Duke John of Olsen and he was so bewitched that he went out unto the people of the land of the south and told them that he had changed his mind. 'We no longer want to have anything to do with the company of men which provides the light for our homes,' he said.

The people were shocked, but Duke John told wonderful stories of riches for all and told them how beauteous Princess Competition Policy was. The people murmured amongst themselves and asked questions. 'How is it', they said, 'that our leader told us he would retain the trust that is ETSA for all of us and now he has recanted?'

Remember, most of them had not met the magician Hill-Mer and had not come under his spell, and they thought that Princess Competition Policy was just plain ugly. So the Grand Duke John of Olsen wove them brightly coloured pictures and every citizen received one, and still those ungrateful serfs were not convinced. And the murmuring grew louder and louder until some in the crowd began to call out that Princess Competition Policy was indeed ugly. Duke John was exceedingly angry and ultimately told the people he would punish them.

The Hon. L.H. DAVIS: I wish merely to talk about Access Economics' State and Territory budget monitor. In Question Time I mentioned how projections from Access Economics suggested that South Australia would be placed in a perilous state without privatisation of ETSA and Optima; indeed, that by the year 2003 South Australia with merely 8 per cent of the nation's population may well account for 43.5 per cent of the total State and Territory debt. The Access Economics review was interesting. In fact, at page 43 it noted:

> South Australian output did better than many expected through much of 1998. Retail turnover lifted at about twice the national pace, new car registrations were at record levels, business investment held at a relatively high level of the State's output, and the focus of South Australia's exports on the US and Europe has been a short-term plus. That just leaves the conundrum of jobs, where the Bureau of Statistics suggests the State is lagging badly, although employment gains were made through the second half of 1998. It is likely the official statistics overstate the problem.

I note that point. I think there is some growing evidence that in fact there is some deficiency in the collection of statistics for unemployment in South Australia. Interestingly, that has been commented on not only by Access Economics but also by Professor Walsh. In looking at South Australia specifically, Access Economics notes:

> We have also included an alternative showing the implications for South Australia's net debt ratio if it proceeds with privatisation of its electricity assets.

Access Economics also notes:

> We have assumed receipts of $5 billion over two years.

Further:

> The result would reduce South Australia's debt ratio to around 6 per cent in 1999—2000 [that is, from a current net debt ratio of about 15 per cent].

Access Economics continues:

> This would be sufficient to deliver AAA status and sharply reduce the interest margin paid on debt. . .
>
> Assuming receipts of $6 billion would eliminate South Australia's debt by 2002-03 given ongoing budget surpluses on unchanged policies which would rise to over $400 million annually by the end of the period. . .

Importantly, Access Economics notes:

> Privatisation would give the State Government considerable flexibility to cut taxes below the State average or raise spending if it desired.

On page 69, Access Economics makes the following comment:

> South Australia on our projections will continue to run small headline surpluses and gradually reduce its net debt to output ratio. Its output growth performance is likely to lag the national average and it would find it difficult to compete with aggressive Victorian tax cutting without further privatisations. If it proceeds with electricity privatisation it could lift its financial rating sharply and steal a march on NSW and Tasmania. It would achieve a credit upgrade to at least AA plus and potentially AAA and be better placed to lower taxes to attract investment and compete with any Victorian tax cuts.

Finally, it concludes on page 70:

> New South Wales, Tasmania, South Australia and Western Australia have already reacted to this threat [of privatisation by other States] by trying to improve their financial positions via privatisation, but more pressure is likely. Tasmania and South Australia are clearly worst placed to compete in any tax cutting competition.
>
> Because most State taxes fall in the first instance on business, the Victorian Government lacks taxes to cut with a major hip pocket impact and may be tempted to increase spending. Cutting State taxes on business can boost investment and employment in the longer term.

GAMBLING

The Hon. NICK XENOPHON: I refer to gambling. I hope that that will not surprise too many members. In particular, I refer to the contribution of the Canadian intellectual John Ralston Saul to this debate.

The Hon. T.G. Roberts: Are you going to do it in verse?

The Hon. NICK XENOPHON: No; I don't think he is a poet. John Ralston Saul is a well known philosopher. He has written three critiques on western society: his 1993 best seller, *Voltaire's Bastards*, 1995's, *The Doubter's Companion* and the 1997 tome *The Unconscious Civilisation*. I am indebted to an article that appeared in the *Sydney Morning Herald* of 9 January 1999, written by Mark Riley, headed 'Thoughts of a Rational Heretic'. John Ralston Saul refers to

a number of issues involving contemporary western society, but he has a particular interest in the question of gambling. He has been referred to as a *laissez faire* rebel.

As a result of that piece I was recently contacted by a constituent who gave me a copy of a speech that John Ralston Saul made at the Vancouver Writers' Festival which he entitled 'Gaming and the Corruption of the Citizen'. It is worth noting some of the things that John Ralston Saul said during that speech. I will quote from that and reflect on the implications of that. John Ralston Saul said:

> In 1950, the taxation of corporate income financed almost half of the public interest—that is, the Government. Why? Because the major source of real wealth was, and is, corporate wealth. Today that source contributes less than one-tenth of the public interest's income. A passive or complicit approach to the globalisation of industry and commerce has led Governments to turn increasingly to other sources of income. To the rich, who said they would leave town, so Governments backed off. To the middle class, until they could pay no more. To the lower middle class. To indirect taxation, in the hope that the middle classes wouldn't notice their Governments were taxing them twice. But all of these measures still left Governments far short of the necessary moneys. So, they have turned increasingly to ever more marginal sources of income. Their greatest winner has been gambling.

John Ralston Saul goes on to say that he does not understand why there is no real serious debate about State sponsored gambling in our country. Further, he states:

> Where are the intellectuals and the tenured professionals and the writers? Some are speaking out, I know, but I am talking about the great weight of this enormous group of people concentrated on the subject. Where are they?

John Ralston Saul's plea is particularly apposite and relevant in Australia, given that we have a much higher rate of gambling losses in this country, and given that gambling losses exceed the number two nation, the US, in terms of per capita losses by more than a 2:1 margin; and in Canada I understand that it is an even greater margin. He also reflects on the philosophical basis of looking at gambling policy and says that it is an important issue for philosophers to get involved in. This is an issue which we know so little about, where there has been so little discourse and so little research. He also makes the point:

> In Burma, for about a thousand years. . . when a King started raising money through gambling, he was about five years away from losing his head.

This is what he said at the writers' festival. Further, he also says:

> He had lost sight of why he was King and what his obligations were. Gambling run by the State has always been a sign of the intellectual and ethical degeneracy of those running the State.

They are very strong words. It is not necessarily language that I would—

The Hon. Carmel Zollo interjecting:

The Hon. NICK XENOPHON: No, I am not saying that I necessarily endorse his language, but I think it does indicate a growing degree of frustration at the impact gambling has had on communities. Whilst the language of John Ralston Saul is not what I would choose, it does indicate that there is a pressing need to look at the issue of gambling at a philosophical level, at a level where we can dissect a number of the public policy issues. That is why I think it important that we consider establishing a school of gambling studies in one of our tertiary institutions. Unlike other schools interstate, it should not be funded by industry moneys because, when we begin to have that level of qualitative and quantitative research, we will then begin to tackle some of the serious problems that the gambling explosion in our community has brought.

WINGFIELD WASTE MANAGEMENT CENTRE

The Hon. SANDRA KANCK: I move:

That the following be referred to the Standing Committee on Environment, Resources and Development—

1. The economic, social and environmental impacts of the closure, at various heights, of Adelaide City Council's Wingfield Waste Management Centre;
2. The economic, social and environmental impacts of transporting waste to alternative near metropolitan and rural waste depot sites as a consequence of the closure of the Wingfield Waste Management Centre; and
3. Any other related matter.

Since the Minister for Transport and Urban Planning and the Minister for Environment and Heritage announced in January their intention that the Adelaide City Council's Wingfield Waste Management Centre be closed at a height of 27 metres, I have attempted to get to the truth of this matter. I have met twice with the Minister and, on the second occasion, that included representatives of the EPA. I have met twice with Adelaide's Lord Mayor, once with the mayor and CEO of the Port Adelaide Enfield Council, and once with Peter Munt of Path Line, which is the proponent of the Inkerman dump; and, because the closure will result in other dumps starting up in near metropolitan and rural areas, I have also met with the Dump Coalition and Dublin residents.

There have been numerous phone calls, including talking with the opponents of the Medlow Road and Inkerman proposals, as well as copious amounts of reading. I have been on an escorted tour of the Wingfield Waste Management Centre, and I anticipate taking a boat tour of the Barker Inlet in the not too distant future. The Minister may be upset to hear me state that I am not impressed with the Government's so-called 'waste strategy'. When we have a system that is working, why close it down? And why close down one landfill to replace it with another landfill when landfills *per se* are out-dated technology? Might it be a case of the devil you know in relation to Adelaide City Council's management of waste?

I find it disturbing that we will be moving off to the country the rubbish that we in Adelaide are collectively responsible for creating. For the record, when I use the word 'rubbish' I use it advisedly because, in the future, I believe that we will consider what is in these dumps to be a resource. While those rural residents who are opposing the new dumps which are adjacent to their properties might be accused of the NIMBY (Not In My Backyard) syndrome, it is equally fair to accuse those of us living in the metropolitan area of suffering from the OOSOOM (Out Of Site Out Of Mind) factor.

The Minister has argued for certainty. She says that local government needs to plan ahead in respect of its waste disposal needs; and the private developers will not go ahead with developing their proposals until they are certain about when the Wingfield Waste Management Centre is to be closed. What about certainty for the nearby residents of Inkerman, Dublin and Medlow Road? They, too, made plans, purchased land, built houses and set up their businesses based, for almost all of them, on no knowledge of dump proposals. Do they not deserve certainty also? What the

Government is doing at the moment is to ensure escalating dumping costs for industry in a shorter period of time than they were previously expecting, and that is a form of certainty that they can probably do without.

On the first occasion that I met with the Lord Mayor to discuss the closure of the Wingfield Waste Management Centre, I mentioned to her the difficulty I was having sorting out the conflicting information. She told me that, in talking to the various protagonists, I probably felt that I was talking to people from a different planet. She was not wrong. There are very few parties in this argument that do not have a vested interest. Adelaide City Council, for instance, relies on the Wingfield Waste Management Centre to provide 13 per cent of its revenue. So, clearly, it is in the council's economic interest to keep the waste management centre open as long as it can.

I have found that there has been some longstanding enmity between the Port Adelaide Enfield Council and the Adelaide City Council. It has resulted, I guess, in a war of words. It makes me wonder, for instance, whether the Port Adelaide Enfield Council stands to collect more in rates if land close to the Wingfield Waste Management Centre is able to be developed into an industrial park, which is what I have been told the Port Adelaide Enfield Council wants to do. Certainly the information that has come from these protagonists has been quite different. Port Adelaide Enfield Council, in information it faxed to me on Friday, suggested that Adelaide City Council has made no contribution to that area, but when I checked with the Adelaide City Council I was told that it is paying rates of $34 000 per annum to the Port Adelaide Enfield Council.

Path Line has an interest in the land because it wants to use the flatter land at the Wingfield Waste Management Centre for a transfer station to be used prior to taking out its rubbish to the Inkerman dump. The opponents of the Medlow Road, Dublin and Inkerman dumps obviously have a vested and probably justified interest in stopping Adelaide's rubbish from being imposed on them. The Conservation Council is probably the one group that does not have any self-interest, but its proposal was to shut the whole thing down now and remove everything that is on the site. I am aware that this just cannot happen. It is a sort of pipe dream; and where would you put all that fill once you removed it?

I think that, as nice as the Conservation Council's view might be, it does ignore the greenhouse implications of carting Adelaide's rubbish out to the country. Adelaide City Council has calculated that this carting of rubbish out to the country will result in an extra 11 000 tonnes of CO_2 being admitted into the atmosphere each year. So, from a greenhouse point of view, it is not a positive. As I read the various reports and heard the varying opinions, I found out that, to date, Adelaide City Council's position is by far the most thoroughly researched and argued.

The technical diagrams that have been prepared by some others for a closure height of 29 metres or less do not give me confidence, and I am fearful of the potential for damage from leachate if the dump is closed at this lower height. Yet, the Port Adelaide Enfield Council has argued to me that the weight of the extra material that the Adelaide City Council wants to put at this location could result in the bottom of the dump being squashed out sideways with slippage occurring. Path Line has said to me that the process of capping at the end of the dump site could result in greater methane concentration in the dump, with no way out except sideways, which would poison the roots of the plants put there as part of Adelaide City Council's revegetation program.

Peter Munt from Path Line told me that their experience at Highbury has shown them that the methane, when it is squashed out sideways, carries a condensate which will then go on to contaminate fresh water in the area. The terms of reference I formulated will allow those residents in the near metropolitan and rural areas who are likely to have their livelihood and property value impacted by dump proposals to have a direct say for the first time in the governmental processes surrounding this issue, and I know that they find this to be a very welcome development.

Under the third term of reference the Environment, Resources and Development Committee may well decide that it will look thoroughly at the Bill we have before Parliament to close the waste management centre by 2004. Should the committee decide to do that, as the mover of the motion, I indicate I would welcome that. I chose not to refer the Bill directly to the committee as that may have limited the committee in its deliberations, and the Minister would probably have regarded it as a provocative action.

If the committee is won over by the Minister's sense of urgency, which the Minister says is very much needed, the committee might even decide on a two-stage process so that the Government's Bill might be able to be progressed. While the Minister is insistent that we must pass her Bill quickly because she fears that the Adelaide City Council might take legal action, I should draw members' attention to the fact that the Adelaide City Council's previous application to the Environmental Protection Authority was held up by the EPA for 21 months, and Adelaide City Council did—

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Adelaide City Council's previous application to the EPA was held up by the EPA for 21 months.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Adelaide City Council, and during that time Adelaide City Council did not take any legal action against the EPA. So, if it did not do it then, why is it likely to do it now after a three month delay? Having already conducted an inquiry on waste management, the Environment, Resources and Development Committee has accumulated knowledge which should allow it to cut through any misinformation and hype surrounding this issue. I will certainly be spending some time in the gallery listening to the evidence if the ERD Committee is able to take on this reference. I urge members to support this motion, as it is probably the best way to sort out the competing interests on this issue—economic, social and environmental.

The Hon. DIANA LAIDLAW: I will say a few words before seeking leave to conclude. The honourable member should be aware that the ERD Committee is already taking evidence on this matter. The honourable member referred to the fact that some two years ago the ERD Committee reported on the issue of waste and landfills, and that committee is now using that earlier reference to look at this issue again.

Certainly I have met with the committee informally. I understand that the Adelaide City Council and the Port Adelaide Council have met with the committee and that the committee has also had an inspection of the site. So, I believe that this motion is unnecessary if the ERD Committee wants to take this matter further to the reports, questions, visits and advice that it has already sought and received on this subject.

The honourable member has raised a number of matters. I appreciate the time that she has given to me with respect to the Wingfield waste issues. I certainly appreciate the honourable member's concern about the figures that have been put before her and the Parliament. Certainly, in the period of time that I have become associated with this debate, a great deal of common ground has been reached regarding the height. The Port Adelaide Council has come from a position of supporting 15 metres and the Adelaide City Council from 40 metres in height. On consultants' advice Port Adelaide Council is now supporting 27 metres and, on consultants' advice, Adelaide City Council wants 35 metres, settling at 32 metres.

There is essentially little difference between the parties, and I believe that in this Parliament at this time we can look at the matters, set an upper limit and leave it to the EPA, which has the expertise and authority in this area, with reference from the agency, to make the final determination on height as part of the licensing process and land management plan. At this stage I seek leave to conclude my remarks, indicating, however, that the Government would not support this formal reference to the ERD Committee.

Leave granted; debate adjourned.

ROAD TRAFFIC (NOTIFICATION OF USE OF PHOTOGRAPHIC DETECTION DEVICES) AMENDMENT BILL

The Hon. A.J. REDFORD obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. A.J. REDFORD: I move:

That this Bill be now read a second time.

It seeks to amend the Road Traffic Act in relation to speed cameras. The simple purpose of this Bill is to require the operators of speed cameras to place a sign not more than 300 metres past a speed camera notifying road users that they have passed through a camera. The Bill also prevents the successful prosecution of a road user in the event that a speed camera operator fails to comply with the signage obligation.

I should at this juncture declare an interest. I recently received an expiation notice indicating that I had travelled at 70 km/h in a 60 km/h speed zone on West Terrace on 2 February 1999 at 9.45 p.m. There was no sign on that occasion.

Since speed cameras were introduced by the Labor Government in the early 1990s, this topic has been raised in this Parliament on many occasions. Indeed, the Hon. Julian Stefani, the Hon. Terry Cameron, the Hon. Graham Gunn, the Hon. Wayne Matthew, the Hon. George Weatherill, the Hon. Ron Roberts, the Hon. Diana Laidlaw and Mr Murray De Laine MP amongst others have all made references to speed cameras over the past few years. That probably reflects a degree of community concern in relation to their use.

Lately I have noticed that on occasions there is absolutely no indication to a driver that he or she has passed through a speed camera. In my view that is wrong. Speed cameras are devices that are used as part of a war against our appalling road toll. They are designed to slow drivers down. Unfortunately, there are some in the community who see them as a revenue raising method—a sort of random taxation measure—rather than a road safety measure. They might even be forgiven for thinking that.

This Bill addresses this unfortunate perception to some extent. I say that, because when a driver is apprehended for a driving offence by a police officer that driver is normally asked to acknowledge their misconduct by the police officer at the time of apprehension. The purpose of that is to remind the driver of the road rule and to ensure that there is no repetition of that misconduct. I know from my own experience that I feel chastened when that occurs and I acknowledge my misconduct.

However, when one receives a notification of a fine through the mail, the normal human reaction is not to feel chastened by the misconduct but to resent the imposition of a monetary penalty by another authority. In other words, the reaction is directed at the payment of the sum of money and not at the misconduct. It is my view that the deterrent effect of the actual road conduct is minimised if the misconduct is not brought to the attention of the driver as quickly as possible after that conduct.

This Bill will cause two reactions in the mind of drivers. First, those who have travelled through a speed camera zone below the limit will pat themselves on the back and acknowledge their own good conduct. Secondly, it will ensure that they are not tempted to break the speed limit on subsequent occasions. For those who go through the camera above the speed limit they will immediately know of their breach of the law at the time they broke the law. It is no different from the way in which we treat our children. We all know that, if we immediately discipline our children for wrongful conduct, it is more likely to have a chastening effect than if it is done at a considerable period of time after the misconduct.

This Bill seeks to implement the policy announced by the Minister on 26 November 1998. In that regard, I refer to the following exchange that took place in the House of Assembly on that date. Mr Clarke asked:

> I have passed several of your speed cameras of late and I have not noticed the signs. When will they be erected?

The Minister responded:

> I have been advised (and I ask you to let me know if this is not the case when you drive past a speed camera) that as from this Monday (23 November) a sign will have been put in place at the end of every speed camera zone. That is being evaluated, which I support. Some new signs had to be painted up and I understand that they have now been in place with every operating camera since last Monday.

I am also mindful of the exchange between Mr De Laine, MP, and the then Minister for Police, Hon. Wayne Matthew MP, on 8 March 1994. Mr De Laine asked:

> Will the Minister for Emergency Services inform the House of the rationale behind the decision to erect speed camera signs for motorists to see after they have passed through radar units? How will this innovation prevent people from feeling that the radar units are not merely revenue raising devices?

The then Minister (Hon. Wayne Matthew) responded:

> Along with other Government reviews of previous Government inefficiencies, we have had a look at exactly how speed cameras have been used in South Australia. In Opposition, I continually claimed, as did many of my colleagues, that speed cameras were not being used effectively for road safety purposes. On coming into government and discussing the ways in which cameras could be better utilised with the Police Commissioner, it seems that those cameras were not being used effectively to bring down the road toll.
>
> As a consequence, at the request of the Commissioner and in consultation with me, the Police Department has been developing a more effective way of utilising speed cameras to ensure that they are not used for revenue-raising purposes but as an effective and efficient road safety method. When that review is completed and decisions have been made by the Commissioner, I will bring back to this Parliament the details of how speed camera operation will occur in South Australia.
>
> If the honourable member has seen a sign in any location in the metropolitan area of the nature that he describes, it is there because

the sign is part of a trial and, when the trials are completed, the department will be in a better position to make a decision and henceforth a recommendation.

Following that trial the then Minister, through the Commissioner of Police, implemented a policy of signs after speed cameras. On 21 September 1994 the then Minister said:

It has been indicated on a number of occasions that two forms of signs would be in place: those signs after the camera as a final warning to motorists that they have passed a speed camera, to get them to slow down, if in the first instance they did not see the now up-front vehicle and camera. Also at this time, signs have been put in place on a number of black spot roads indicating that police surveillance of those roads actively occurs through both red light and speed cameras.

There are fixed signs that remain in place on black spot roads indicating cameras on those roads. . . Secondly, vehicles have been placed out in the open so that they can be easily seen by the public. Thirdly, signs have been placed after the vehicle if people still have not seen those other two earlier warnings to slow down. . . I have said publicly time and again that the Police Department is not perturbed by the drop in revenue collection from speeding fines.

I fully support the comments of the then Minister for Police. This Bill will go some way towards removing the perception that speed cameras are simply a revenue-raising measure. It is a small reform to the law which reflects current policies and community expectation. I urge everyone to support the Bill.

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

SHARES AND SECURITIES

Order of the Day, Private Business, No. 1: Hon. A.J. Redford to move:

That the rules under the Local Government Act 1934, Superannuation Board, concerning shares and securities, made on 21 September 1998 and laid on the table of this Council on 3 November 1998, be disallowed.

The Hon. A.J. REDFORD: I move:

That this Order of the Day be discharged.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. A.J. Redford:

That the annual report of the Legislative Review Committee, 1997-98, be noted.

(Continued from 9 December. Page 425.)

The Hon. R.R. ROBERTS: This matter was covered comprehensively by the Chairman of the Legislative Review Committee (Hon. Angus Redford) on a previous date. I make one comment that shows up in that report—the preponderance of the use of section 10AA(2) of the subordinate legislation regulations. We have discussed this matter at length in this Chamber, and we passed a Bill, which we have dispatched to the Lower House. However, the committee noted, and the report states, that once again Ministers are still using section 10AA(2) and not providing on many occasions sufficient explanation, not only for the change in the regulation but as to why they recommended that section 10AA(2) of the regulations be imposed. I support the proposition moved by the Hon. Angus Redford that the report be noted.

The Hon. A.J. REDFORD: I thank members for their contribution. In some respects what the Hon. Ron Roberts said on this occasion is unanswerable.

Motion carried.

DRUGS

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council notes the drug policies of the Netherlands and Switzerland and their impacts, and therefore—

I. Supports the separation of the cannabis market from the market of other illegal drugs; and

II. Calls on the Federal Government to allow the heroin prescription trial to proceed in Australia.

(Continued from 4 November. Page 120.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): In responding to the Hon. Michael Elliott's motion, I acknowledge his longstanding interest in the issues of drug law reform and promoting a range of approaches to the drug problem. As the Hon. Mr Elliott contends, there is no single solution.

In speaking to the motion today, I want to thank and acknowledge the work undertaken on my behalf by officers in the Human Services area, particularly the Minister's office, as much of the research and background has come from that source. With regard to cannabis, the Hon. Mike Elliott has proposed the separation of the cannabis market from the market for other illicit drugs.

I consider that it would be useful to canvass a little of the background of the work that has been done in Australia to look at such issues. In 1994, the National Task Force on Cannabis released its reports, which included an analysis of the various legislative options for cannabis, such as total prohibition, prohibition with civil penalties, and regulated availability. It was pointed out that the regulated availability model does not have a working example in practice anywhere in the world.

The approach of the Netherlands is similar to the regulated availability model in that personal cannabis use is not prosecuted by police and cannabis is available from approved outlets such as 'coffee shops'. However, the Netherlands approach is unique in that the policy of not prosecuting cannabis users is not written into the law; rather, it is due to a directive to operational police not to pursue personal cannabis offences.

It is argued by proponents of this approach that this system has been successful in achieving separation of the cannabis market from the other illicit drug markets with the benefit of reducing opportunities for cannabis users to come into contact with other drugs as well as eliminating the negative impacts on cannabis users that result from their coming into contact with the criminal justice system.

The expiation approach in South Australia (the CEN scheme)—which, incidentally, I supported when legislation was introduced into this place—was, in fact, introduced with similar goals to the Netherlands approach, that is, to reduce the negative social impacts of 'criminalisation' on cannabis users and to lessen the likelihood of association with other drugs. In 1987, South Australia was the first jurisdiction in Australia to change its approach to minor cannabis offending through the introduction of the Cannabis Expiation Notice scheme. This scheme is an example of a 'prohibition with civil penalties' approach to dealing with minor cannabis offences.

As members would be aware, this scheme involves the issuing of on-the-spot fines to individuals detected for minor cannabis offences by police. Similar expiation schemes have now been adopted by the ACT and the Northern Territory. In 1994, the National Task Force on Cannabis recommended that the expiation approach to minor cannabis offences be further evaluated. This led to further research being commissioned to examine in detail the social impacts of the CEN scheme in South Australia.

The findings of this research were presented to the Ministerial Council on Drug Strategy in May 1998. In essence, the research showed that the CEN scheme had been well accepted in the law enforcement and criminal justice sectors and the community at large and had had no untoward impacts on the level of cannabis use in the community.

Whilst the evaluation has shown that a high proportion of expiation offenders are still receiving criminal convictions due to non-payment of expiation fees, the CEN scheme has the potential to realise greater social benefits, given some enhancement of the operational parameters of the scheme. Some recommendations have been made, including the provision of public education to improve awareness of the health impacts of cannabis use and the financial and legal consequences of failing to pay expatiation fees. The South Australian Controlled Substances Advisory Council has considered the findings of the study and a submission is under consideration by the Government.

A further issue which is often raised is that the availability of cannabis for recognised medical conditions should be through prescription by medical practitioners. In May 1998 researchers from the Drug and Alcohol Services Council and the University of Adelaide presented a discussion paper to the Ministerial Council on Drug Strategy, which reviewed the evidence on therapeutic uses of cannabis and synthetic forms of the active agents of cannabis. This paper concluded that there remains insufficient published controlled data to form a view one way or the other as to the therapeutic value of cannabis and synthetic cannabinoids but that there are indications of potential therapeutic value.

The paper gives some attention to suggestions that cannabis is more effective therapeutically than the pure preparations of synthetic forms of the active agents (cannabinoids). One of these synthetic preparations, Dronabinol or Marinol, has been used in the USA and was until recently available in Australia on a trial basis for the treatment of an AIDS related wasting condition. However, its use has been associated with lethargy, sedation, psychoactive effects and variable absorption. Clearly, further research is needed to confirm whether there is a difference between cannabis and the synthetic preparations and, if so, the reason for that difference.

Of course, if cannabis itself were to be used for medical purposes attention would first need to be given to the safe and efficient delivery of therapeutic doses and associated practical issues to do with classification, production, etc. Much has happened internationally with regard to the medical use of cannabis in the past year. In the USA, during November 1998 six states (Alaska, Arizona, Colorado, Nevada, Oregon and Washington State) plus the District of Columbia passed initiatives to enable the use of cannabis for medical purposes.

In the UK, a 1998 report by the House of Lords Science and Technology Committee recommended allowing doctors to prescribe cannabis for medical use whilst maintaining the ban on recreational use. Major clinical trials of medical uses of cannabis are now under way in the UK and the USA looking at its use in the management of post-operative pain, the muscular rigidity of multiple sclerosis, and as an appetite stimulate for AIDS patients. The UK trials are supported by the company, GW Pharmaceuticals, which is producing the cannabis and examining mechanisms for efficient and effective delivery for therapeutic purposes.

Therapeutic use of cannabis should be distinguished from the more general social use of cannabis rather than being caught up in the same debate. Decisions on the therapeutic use of cannabis must be based on scientific and clinical evidence of efficacy.

Advice to the Government is that at this point of time insufficient evidence is available to make an informed decision on regulatory mechanisms to support the prescription of cannabis. Rather, we should await the outcomes of trials overseas and any complementary work that might be done in Australia.

Turning now to the second part of the Hon. Mr Elliott's motion, which seeks to call on the Federal Government to allow the proposed heroin prescription trial to proceed. I am sure all members would have noted in recent days that the Prime Minister has reaffirmed his stance against heroin trials proceeding. Members will also be aware that on 10 December 1988 the House of Assembly appointed the Select Committee on a Heroin Rehabilitation Trial with the following terms of reference:

> To investigate and report on whether the Government should conduct a scientific medical trial to determine if the provision of injectable heroin as part of a program of rehabilitation improves the community's ability to attract and retain into abstinence treatment drug misusers who are committing crimes, at risk of transmitting HIV or at risk of death or serious injury as a consequence of their abuse.

The committee's terms of reference will require an examination of the impact of the current prohibition regime, the effect of current programs of drug education and rehabilitation measures, trial models (for example, the ACT proposal and overseas experience, such as the Hon. Mike Elliott has referred to), legislative aspects and Australia's international obligations. The findings of the select committee will inform further debate in this area.

We cannot forecast what the select committee's findings will be. It may be that they will support a renewed approach to the Federal Government. However, it has been suggested to me that at this stage, taking into account recent pronouncements by the Prime Minister, it seems that a further approach to the Federal Government would not be particularly productive.

In the meantime, we will continue in this State with trials into alternative pharmacotherapies—buprenorphine, tincture of opium, LAAM, and rapid opiate detoxification and naltrexone maintenance—in an attempt to find a range of therapies to assist people with drug problems.

In summary, while noting the drug policies of the Netherlands and Switzerland, neither the Minister for Human Services nor I support the motion moved by the Hon. Mr Elliott for the reasons that I have outlined. We support the further exploration of these issues through the select committee of the House of Assembly.

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

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 770.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for this Bill, some support being more fulsome than others. It is an important piece of legislation where there has been vigorous debate in the public arena for several years, and at times it has created a great deal of confusion rather than light. As far as I can see, members have not raised any additional issues that require further clarification. In those circumstances, if there are issues which I have overlooked addressing in this reply, I will be pleased to endeavour to deal with them during the Committee consideration of the Bill. I should point out that there are some amendments of a technical nature which have been drawn to my attention. I will explain those in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 1, lines 21 to 25—Leave out the definition of 'consciousness' and substitute:

'consciousness' includes—

(a) volition;
(b) intention;
(c) knowledge;
(d) any other mental state or function relevant to criminal liability.

This is a drafting amendment designed to ensure that the rules to be enacted in the Bill conform to the well established common law directions to juries and confirmatory decisions by appellant courts. The Bill at present defines the crucial element of consciousness in terms of the capacity to form listed, mental states. It is the use of the word 'capacity' that is the cause of the problem. The courts have consistently maintained that the point of intoxication is whether the defendant had the loss of volition, intention or other mental state relevant to criminal liability and not whether the defendant lost the capacity. The latest example in which the proposition is really stated as self-evident is *Cutters* case in 1997, 94 ACR, page 152 at page 155. That was a decision of the High Court. This point was made in a late submission by the Law Society. I have formed the opinion that the Law Society is right about this and, hence, the amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried.

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

Page 2, line 9—After 'intoxicated;' insert 'and'.

This is also a drafting amendment. By oversight it was not made clear that the two paragraphs were intended to be cumulative. This error was pointed out by the Supreme Court after consultation.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

SHEARERS ACCOMMODATION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 739.)

The Hon. T.G. ROBERTS: This Bill, as with the previous Bill we passed yesterday in relation to the Manufacturing Industries Protection Act, is a repealing Bill. According to the stakeholders, the legislation is no longer necessary. The National Farmers Federation, the AWU, the Shearing Contractors Federation and WorkCover all have agreed that the Bill can carry out the function of repealing the section related to shearers accommodation as it is now picked up under the shearers accommodation regulations and is covered under the occupational health and safety regulations. All the stakeholders agree that the Shearers Accommodation Act can be repealed and that adequate cover and protection will be given to shearers under the Occupational Health and Safety Act guidelines.

There are some of the old school who would prefer legislative cover rather than a set of guidelines covering anything in relation to wages and conditions in terms of industrial acts, but the stakeholders are quite happy to walk down this path. It does show that as we move towards the new millennium a maturity has developed that has not been there for some considerable time. In fact, some of the more recalcitrant farmers who provide accommodation probably still have not been able to bring themselves up to be covered by the current Act; but they are only a minority.

Members interjecting:

The Hon. T.G. ROBERTS: Members interject by saying that the conditions of the cockies who employ the shearers at this time might be worse. That is possibly the case because of the diabolical circumstances in which the wool industry finds itself. As the industry is made up of sheep, shearers and farmers, some of the farmers probably find themselves in a worse plight than the shearers and the sheep.

The sheep have the animal liberationists to look after them; the shearers have the AWU to look after them; but the farmers, unfortunately, have not been able to unite into a strong group to ensure that the product they are selling maintains its place in the market. There has been a move by the Federal Government to place a retired member of Parliament in charge of reviving the wool industry. I hope that he is successful, but some of the contributions by Lower House members—particularly Mr Lewis and Mr Venning—certainly did not indicate to me that they understood the whole of the problem faced by shearers and some of the circumstances and conditions in which shearers find themselves.

Shearers had to fight tooth and nail to get accommodation that suited their circumstances and that covered them adequately while carrying out very hard, dirty and uncomfortable work often in geographically isolated locations and in very hot, dry and trying conditions. It appears that that is now all behind us; that we are all living in an enlightened period; and that all wool producers, shearing contractors and shearers now have an understanding that adequate accommodation needs to be provided so that the productivity levels of those working for farmers are maximised for the returns that are required.

The Hon. IAN GILFILLAN: The Democrats do not oppose the Bill. It does not appear to us to be of any particular moment, but it is reassuring to know that the Hon. Terry Roberts feels that there will not be dramatic infringement of human rights of the shearers if this Bill is repealed. My somewhat half-hearted remarks about the Bill are

prompted partly by my difficulty in getting a briefing from the staff of the Minister (Hon. Dr Armitage). I do not lay particular blame; it is just that it has been difficult to get the time to get the briefing.

However, I have had an opportunity to read observations from the Farmers Federation and the Australian Workers Union. Both organisations do not see any difficulty in the repealing of this legislation and, in fact, support it. Shearing is arguably the most arduous still existing physical activity. It has become increasingly better paid but, in relative terms, I would say that it is still far from being even close to an overpaid occupation when one considers the actual time and distances involved and the obligation to spend a lot of time away from home on some of the pastoral properties.

Although we have made an observation that probably the conditions laid down would have outlined better living conditions than a lot of sheep farmers are able to afford currently, it has been a battle. I do not want to indicate that there has not been a need for the shearers to fight for adequate and comfortable quarters. I believe that pastoral families, several of them at least, were ruthlessly opposed to surrendering any ground to the comfort of shearers. I have known some of those families and I have had first-hand accounts from some of those who were ashamed at the attitude that was taken in years gone by; and, without legislation and union action, it is possible that that would still apply.

It is with that caution that the Democrats do not say, with a great hooray, 'Yes, let's abolish this Act.' I cannot see that it was doing any harm, but still the move is there to repeal it. As I said, the Democrats will not oppose it. It is, I think, a timely occasion to observe that the wool industry is at a critical stage. It is actually at crisis point because nowhere in Australia is there a price for wool, except in some of the particularly superfine, very specialist locations. Very few areas, if any, would be covering cost, if cost were accurately calculated. With that reflection it is, I think, a gloomy time for what has been a magnificent industry. It is a reflection on past arrogance and ignorance by those who were at the head of the industry.

I have been involved in the industry for all of my working life, so I have experienced the ups and downs. I do not hold any great hopes for a quick and rapid revival, even if Ian McLachlan, to whom, I think, the Hon. Terry Roberts was referring, does put his very considerable gifts and ability into working to improve the situation in the wool industry. However, I am an optimist for what is one of the best, if not the best, natural fibres which is available with remarkable qualities and which is often undersold. I believe that wool will return as a treasured commodity and that the wool industry will thrive. I hope that those who have hung in will get their due desserts, including the Gilfillans on Kangaroo Island!

Members interjecting:

The Hon. IAN GILFILLAN: It is fair enough to indicate a passing interest in the industry and, as in most of the inside country, live-in shearers always shared our accommodation. Therefore, the legislation did not have any particular relevance to us. I indicate that the Democrats certainly do not oppose the second reading but support it with muted voice.

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

EVIDENCE (CONFIDENTIAL COMMUNICATIONS) AMENDMENT BILL

In Committee.

(Continued from 2 March. Page 763.)

Clause 4.

The Hon. T.G. CAMERON: It is my intention to not proceed with the first of my amendments; that is, the amendment to clause 4, page 2, after line 19. However, I will be proceeding with my amendment to clause 4, page 3, after line 27. I would like to speak to the amendment I am about to withdraw and then I will deal with my further amendment.

The CHAIRMAN: The Committee is considering only your amendment to page 2, after line 19.

The Hon. T.G. CAMERON: As I have indicated, it is my intention not to proceed with that amendment. I will not be formally moving it. However, that and the other amendment on file seek to provide the same protection for victims of domestic violence as victims of sexual offences. There I am referring to the amendment which I will not move today.

It is clear from the debate on this Bill that both issues of domestic violence and sexual assault are emotive and arouse people's sensitivities. However, in the light of the recent public trial regarding allegations of domestic violence, our office has had many calls and letters from people asking why the justice system allowed an alleged victim to be put on trial.

Domestic violence is an endemic problem in this community. It is violence of a private nature that thrives in the quietude of the family home. It is gender specific violence directed primarily against women and children. It has a significant relationship to male alcohol consumption and addiction. Extending the proposed change about which I am now speaking to the Evidence (Confidential Communications) Bill 1998 to include domestic violence or violence perpetrated in a domestic or private relationship (as opposed to a public relationship), as well as sexual assault, does appear to have major implications in relation to the Criminal Law Consolidation Act 1935.

The implications that it has for that Act were drawn to my attention by the Attorney-General when I had a discussion with him about the intention of the amendments that were standing in my name, but as I indicated earlier it has significant consequences to the Criminal Law Consolidation Act. Following discussion with the Attorney, I indicate that at this stage I do not intend to proceed with my amendment until such time as I have had an opportunity to have a further discussion with him about the detail of the implications for the Criminal Law Consolidation Act and to discuss the matter with other legal people.

The simple fact is that the Criminal Law Consolidation Act contains specific provisions and sets out procedures in relation to sexual offences, assault and assault against the likes of magistrates, clergymen, seamen, etc. However, the Criminal Law Consolidation Act does not contain specific provisions or procedures for dealing with violence of a private and domestic nature—violence, I might add, which is most often perpetrated toward or against women.

There is one provision under section 39(1) dealing with common assault which sets out increased penalties for the commission of this offence against a family member, spouse or child, providing for a penalty of imprisonment for a term not exceeding three years, as opposed to imprisonment for a term not exceeding two years for other forms of common assault. I reiterate the point which I made earlier that only

30 per cent of all sexual assault cases proceed to trial. In the case of domestic violence I believe the statistics are even worse.

I commend the Government on its record to date in taking steps in addressing the prevention of domestic violence, and specifically there I am referring to the Criminal Law Consolidation (Stalking) Amendment Bill 1994, the Domestic Violence Act 1994, in setting up the Office for the Prevention of Domestic Violence in the same year and, most recently, the Restraining Orders Bill. However, it is plainly clear that there are inadequacies in the law which prevent the full protection for victims and the provision of justice. It is certainly the view out there in a large section of the community that there are inadequacies in the law and that the law is simply not working.

Correct me if I am wrong, but I believe that this Bill is an attempt to eliminate victims of sexual offences being persecuted or discredited during the court process. Put simply, in many cases of sexual assault it is the victim who is on trial. Over the years Governments have tried to eliminate this archaic application of the law in such circumstances. This is the very reason why confidential communications should be seen by the least number of people possible. The very reason why many cases of rape never proceed to trial is that often it is the credibility of the woman that comes under fire. At times you would wonder who is on trial—the rapist or the victim.

I believe these same reasons apply in cases of domestic violence. It is clear that my proposed amendment to the Evidence (Confidential Communications) Act to extend it to include matters of domestic violence is a little premature and cannot be enacted until there are substantial changes to the law in relation to domestic violence. I believe that changes to the law relating to domestic violence, and in particular to the processes and procedures that govern and control the way that such matters are pursued and prosecuted, requires urgent review. The Clarke-Pringle case I believe further undermined the public's confidence that domestic violence issues can be satisfactorily dealt with by a court and legal system. There is widespread consternation about the issue of domestic violence in our community.

The law does need to be changed. A total review of the law in relation to domestic violence is required. Either the provisions of the Criminal Law Consolidation Act 1935 must change in relation to domestic violence or an entirely new jurisdiction needs to be created to deal with this endemic gender-specific problem of violence in private relationships.

I take this opportunity to applaud the work that has been done in the violence intervention program which is under trial at Elizabeth. For members who may be unfamiliar with this trial, Mr Michael Frederick, the court's magistrate, chairs this program, which looks at domestic violence in an holistic manner. The new approach, a national first, uses a dedicated domestic violence court and an interagency support team for women and children. The court currently deals with 50 cases a week.

As a result of this new approach, an increase in both women and children accessing counselling is reported; granting of restraining orders has reduced from five days to 48 hours, and the waiting time for violent men has been reduced from 300 days to 30. This program deals primarily with the physical and psychological consequences of domestic violence. I am pleased to be able to advise the Council that real progress appears to be made with this program.

Again, I state that I have strong reservations that the current law is sufficient to protect victims of domestic silence and to deliver justice. Irrespective of the legal and legislative direction taken in relation to domestic violence, the evidentiary requirements must change and the victim afforded all the protection that this community can muster. The current system of justice is patently unjust for all those women who come before it or fear that one day they may be on the receiving end of it.

The intent of the Bill before us is to protect victims of sexual assault from having their personal therapeutic notes adduced or accessed in court. I believe this same protection must be given to victims of domestic violence. If we are to be serious in protecting victims of both sexual assault and domestic violence and the provision of justice, the current law need urgent change.

As I have said, in view of the discussions I have had with the Attorney-General I will not be proceeding with this amendment. However, this does not mean that the issue will go away. We need to develop a course of action, which needs to be defined in order to address the complexities that have been identified regarding the law and domestic violence.

I guess I could ask some questions. Is it a matter for the Government or the Attorney-General to develop legislative reforms in this area after wide consultation has taken place with all the stakeholders? I do not really see it as a situation where an individual member of Parliament such as I or an Independent should seek to move a private member's Bill in this area, Mr Attorney; I think that might only further confuse and befuddle the issue. I believe that the Government really has a responsibility to move in this area.

I ask whether we need to examine in more detail some of the success that the magistrate at Elizabeth appears to be having in a more quantitative and qualitative way. As the Attorney is aware, I am not a legal practitioner, nor (and I admit this) do I have a great deal of experience in this area of domestic violence. However, I do ask the question: does domestic violence need to be included under a separate jurisdiction or does it need to be lumped into the same jurisdiction as cases dealing with sexual assault? I do not really know the answer to that question but it is one that I would like the Government to consider. I believe that recent events have made it incumbent upon the Government to undertake a thorough review of this area.

If these questions are not dealt with, justice will not be seen to be served to all sections of the community. Everyone in this room would appreciate that questions of domestic violence or sexual assault can become very complex, and I do not want to propose a knee-jerk solution to what is being seen in the community as more of a problem today than it was, for example, three months or six months ago. It is not my intention to traverse the reasons for that; I will allow that to be done by others. Quite clearly, it is an issue of concern in the community. It is an issue of real concern to women, particularly women living in a domestic situation in which, for a whole range of complex reasons, they tolerate the domestic violence to which they are being subjected.

The issue of love for a spouse and domestic violence is one that we men do not properly appreciate. I for one, having never been on the receiving end of domestic violence or of handing it out, find it extremely difficult to put myself in the place of a woman to try to imagine how one would feel about copping a backhander or two every night after dinner; yet they have children that they love, a husband that they love, and they are confronted with the dual problem of wanting to

maintain the family, particularly for the children's sake. Initially one would be shocked at what some women tolerate. Their reasons are more than honourable and well intentioned, but I think it is difficult for we men to properly appreciate the emotional trauma that a woman goes through when she is confronted with the problem of what to do about a husband who is abusing her and what to do about holding a family and children together.

What I am certain of is that these complexities and this issue need detailed examination by the Government. The laws need changing. One of the most urgent reasons for saying that is because they need to be changed to restore the public's confidence in the way justice is being delivered to victims of domestic violence. In conclusion, I have a number of questions to put to the Attorney-General. Will the Attorney-General, representing the Government, look at the issues I have raised, particularly the questions of a separate jurisdiction? Is he prepared to provide me with a report or, at some future point, sit down and let me know what the results of those investigations are?

The CHAIRMAN: Before calling the Attorney-General, I want to clarify with the member what he intends to do with his amendments.

The Hon. T.G. CAMERON: I am withdrawing one and I am proceeding with one.

The CHAIRMAN: I am advised that the only one remaining concerns clause 4, page 3, after line 27. Are you withdrawing all the others?

The Hon. T.G. CAMERON: Yes. The only one that remains is the one to which you referred, Mr Chairman.

The Hon. K.T. GRIFFIN: I want to briefly respond to the honourable member's contribution. I take the opportunity to commend him for his concern about the issue and also to commend him for not proceeding with the amendments as he proposed because they raise some fairly fundamental questions about the distinction between evidence in relation to sexual assault cases, where the issue of consent is of particular relevance, and issues of domestic violence, assault and other areas of assault and the criminal law generally, where issues of consent are not relevant. I do not want to deal in detail with the amendments. I indicate that I will have the issues raised by the honourable member examined and provide him with some responses.

I draw the honourable member's attention to the last part of the ministerial statement that I made the week before last on the issue of domestic violence in which I identified some of the programs that the Government and the community are pursuing in relation to prevention of domestic violence, as well as the support of victims of domestic violence and the assistance provided to perpetrators to overcome their propensity to violence in a family situation. There are many programs, not all of them Government programs, which address issues of domestic violence in the community.

The focus of the Government is particularly on prevention. When I made the ministerial statement, I mentioned that we have a high level ministerial forum on the prevention of domestic violence which comprises six Ministers whose portfolios directly impinge on the areas of domestic violence working in conjunction with representatives of non-government agencies to develop appropriate strategies and to coordinate programs dealing with prevention of domestic violence, recognising that in the longer term the real benefits to society come in prevention.

I indicated also that, through our crime prevention program, both at large and in local communities, there is a special emphasis on prevention of domestic violence, particularly working with young males in both the sporting environment and in their families. I mentioned also the work that is being done by police, particularly so with the restructuring of police into local service areas where each local service area will have the capacity to provide support to victims. I also draw attention to the fact, as the honourable member already indicated, that we have enacted the Domestic Violence Act and amendments to the Criminal Law Consolidation Act dealing with stalking. There is also the restraining orders legislation, which we passed in the last day or so. All of those measures are directed to upgrading the processes by which we deal with victims and provide support in the criminal justice system as well as in the civil enforcement area.

A huge amount is happening. Society is now very much more aware than it was even several years ago about the crime of domestic violence and it is embracing innovative ways to endeavour to prevent it from occurring in the first place. As I indicated when I made the ministerial statement, I give every assurance to those who may be victims of domestic violence that they will find support in Government and the private sector and that we are committed in a bipartisan way to ensuring that domestic violence is prevented.

As I said, in the longer term our only real hope is to place a great deal of emphasis upon programs which deal with prevention. A huge amount can still be done in relation to that. As far as the honourable member's requests are concerned, as I have indicated I will have them looked at and give him a considered response.

The Hon. CAROLYN PICKLES: I am pleased that the Hon. Mr Cameron has withdrawn his amendment, because I believe that, although his sentiments were spot on, this amendment was moved in an inappropriate place as this Bill does not actually deal with that issue. However, the issue of domestic violence is serious, and I think the Attorney is right that there has been a bipartisan view on this matter in another Bill on restraining orders.

I congratulate the Government on its initiatives in this area, and I will continue to work with the Government as I work with my own Party on the issue of domestic violence. I agree with the sentiment expressed by the Hon. Mr Cameron that there might be a more appropriate jurisdiction to deal with domestic violence. It has always seemed to me that the issue of domestic violence would be better placed in a less adversarial system, perhaps in a more inquisitorial system rather than a judicial system which deals with this issue in a most adversarial way.

I chaired a select committee on the issue of child sexual abuse, and one of that committee's recommendations was that that issue would be better served by being dealt with in a judicial system which more mirrored the French inquisitorial system rather than the adversarial system which I think often places the alleged victim in a vulnerable position. So, I welcome any moves by the Attorney-General in this area, although, when making inquiries about people's views on the domestic violence legislation and the system we use in South Australia, I have been told that most people think we have a very good system in South Australia. In fact, I understand that it is being copied by other States.

So, I am absolutely in favour of trying to improving the situation if we possibly can, but I think we must recognise that, unfortunately, there are still many people in our community who think it is okay to slap the little woman

around a bit (to use the vernacular), something which most members of this place would consider totally unacceptable.

The Bill is, in the main, gender specific, but we must recognise that often young children are involved in issues of domestic violence: children who are abused by parents (male and female)—and that is a horrifying situation. There is no amendment before the Committee at this stage, and we have probably talked overlong on this issue, so I think it is best if these issues are left to another day to explore. I move:

Page 3, lines 16 to 19—Leave out subsection (3) and substitute:

(3) A public interest immunity arising under this section may be waived by the victim or alleged victim of the sexual offence but cannot be waived by the counsellor or therapist or any other party to the protected communication.

This is a straightforward amendment which enables complainants to waive protection. In the process of seeking public consultation on this Bill, the Opposition has been heavily lobbied by both the Women's Legal Service and the Law Society. In determining our own position, we gratefully obtained advice and clarification from the Attorney-General's Department, to which I will refer in a moment. I thank the Attorney for making that very good advice available.

The Women's Legal Service argues the following in relation to a complainant's ability to waive public interest immunity. It states:

The rationale for protecting counselling communications is that it is in the public interest that: a person's right to confidentiality is protected; and victims of sexual offences are able to seek effective counselling and also to report the offences without fear that private information may have to be disclosed against their will. Therefore, the grounds for this particular public interest immunity attach to the person who has suffered a sexual offence and who has received counselling. The public interest is directly connected to that person's interest in maintaining control of information which [he or] she has disclosed with her consent [and] will not deter victims from reporting offences or from seeking counselling. Consequently, the public interest is not compromised if the person who has received counselling is free to consent to the disclosure of counselling communications.

I also acknowledge the comment made by the Attorney-General's Department as follows:

. . . a principal, if not the principal, rationale for having the immunity is to safeguard the integrity of the counselling process, not just for one individual but for the benefit of all victims in the future, for the benefit of case workers and the integrity of the counselling system as a whole.

The Opposition has seriously considered the differing views. It believes that it is in the best interests of the public and alleged victims for women to be able to control their own communications in this instance. For the Opposition, the emphasis is on ensuring that women can retain some control over their own communications at a time when they are experiencing trauma and all the other anxieties associated with sexual assault. I urge members to support the amendment, but I will not call for a division.

The Hon. K.T. GRIFFIN: The Government opposes the Opposition's amendment—and opposes it strongly. The effect of the amendment sought by the Opposition is that the public interest immunity granted to the communication between the alleged victim of an offence and the counsellor should be capable of being waived by the victim or alleged victim. In short, the evidence can be used in favour of the prosecution but not in favour of the defence. This amendment is opposed, not only because it weights the criminal process against the defendant in such an obvious way but also because it is contrary to the whole of the principles of law and philosophy behind the Bill and the general doctrine of public interest immunity.

In general terms, the position taken in the Bill is that the victim cannot waive the immunity but the court can take the wishes of the victim into account in determining whether the immunity applies on the facts of any given case. Enabling the victim to waive the immunity misses the point of the legislation. A principal, if not the principal, rationale for having the immunity is to safeguard the integrity of the counselling process, not just for one individual but for the benefit of all victims in the future, for the benefit of case-workers and the integrity of the counselling system as a whole. That being so, the interests to be protected should not be capable of waiver by one individual, whether it be the victim or the counsellor. That is why the Bill is drafted in terms of an immunity (which is of general public interest importance) rather than a privilege (which is rather like the property of the person who confers it).

Whilst it is so that a large part of the reasons for enacting this kind of legislation is the protection of the personal interests of the victim, it is not the case that these are the sole interests at stake. In *Cossins and Pilkington*, 'Balancing the Scales: The Case for the Inadmissibility of Counselling Records in Sexual Assault Trials' ((1996) 19 UNSWLR 222) the authors list the following factors as well:

The lack of relevance of such records to court proceedings; ethical dilemmas and the conflict between legal and ethical obligations; adverse effects on the counselling relationship; reduction of reporting of sexual assault to sexual assault services; adequacy of methods of file-keeping; impairment to the administration of justice; re-enforcement of a de facto presumption of guilt on complainants; unreliability of counsellors' notes as evidence; encouragement of a policy of disobedience to court orders; infringement of the public interest in protecting victims of crime; and prevention of the reporting of sexual assaults.

While all of this may not necessarily be agreed upon and there is overlap between the categories, there is here an argument that the policy to be pursued is not just one of privilege personal to the victim but that there is also a series of manifestations of the public interest asserted which should not be capable of waiver by the victim. If one accepts the need for the legislation one must pay attention to the major arguments made in favour of it, and in this case those arguments include some or all of the foregoing.

In *Smith and Haigh*, in an article entitled 'Valorising the Subjunctive: the Unfortunate Judicial Contribution of *R v Carosella*' (1998) 32 University of British Colombia Law Review 127, the authors add another ground: it is that to the extent that the admission of marginally 'relevant' counselling notes serves to perpetuate myths about rape and its victims, so too does admission by waiver by the victim. If such records are, as asserted, for the most part hearsay, inherently unreliable or not probative as prior consistent statements made by the complainant, then they should be excluded whatever the complainant's view about their admission.

That is also true of the assertion in the Cossins' article, 'Contempt or Confidentiality': that this tactic is another way around the enactment of rape shield laws in all Australian jurisdictions. That assertion was repeated by the Leader of the Opposition in her second reading contribution. Both this article by Cossins and the article by the two other authors, Bronitt and McSherry 'The Use and Abuse of Counselling Records in Sexual Assault Trials: Reconstructing the Rape Shield', amount to an argument that the use of these records should be prohibited absolutely.

The Government does not accept this radical argument, but it necessarily follows that they should not be used even with the consent of the victim. There is, of course, another line of argument here, and it is best represented in an article by Alderson, '*R v O'Connor and Bill* C-46: Two Wrongs Do Not Make a Right', in which it is argued that by giving a 'right' to the alleged victim to use this material while trying as effectively as possible to deny it to the accused one would be reinforcing the power of the State over the accused.

As the Leader of the Opposition has said, this Bill, including this clause, seeks to strike a middle course. In this instance, and importantly, it does so by taking the wishes of a victim into account without making them determinative. The position of the Government, which is strongly held, is that viewing the protection as a personal privilege at the discretion of the victim not only contradicts and compromises a number of the public policy arguments advanced in favour of the legislation in the first instance but also has reverberating consequences in relation to other aspects of what has been proposed in the Bill.

To take but one example, it may be that the absolute ban on seeking to produce the records at the committal stage is no longer maintainable. If the victim wants the option to have them produced and used as part of the prosecution case, then the general policy in favour of prosecution disclosure, which forms the basis of the structure of committals which we now have, comes into play and the ban on production at an early stage disappears. So, for all those reasons the Government strongly opposes the amendment. It is contrary to the whole point of the Bill.

The Hon. IAN GILFILLAN: I oppose the amendment and support the Bill because the counselling notes will be free from the perceived risk of being misused or inadvertently published and therefore the exchange between the counsellor and the victim can be as free of restraint as can possibly be encouraged. The downside of this is that, if the counsellor is aware that the notes may be used as supportive evidence drawn on the effect of this amendment by the victim waiving the matter of public interest immunity, there is a very real risk that the notes will be cast with that bias and that material will be selected and emphasised to be, at least subconsciously, favourable to the victim in the light of possible court production.

Although it may appear on the surface to be a freedom that the victim should be able to exercise, in the light of how we are by this Bill taking quite a substantial step in keeping material confidential (and the Law Society has put a very comprehensive argument opposing the legislation in its entirety), I believe it is appropriate to leave it unamended so that there will not be a risk of misrepresentation in the presentation of the counselling notes and a factor coming into the exchange between the counsellor and the victim that I believe ought not to be there. In other words, that is the main reason why we are supporting the Bill in the first place.

We are supporting the Bill to protect that material so that it will be a freer written record of the interview and be more productive, but this amendment would have swung the pendulum the other way and added the risk of the bias and other forms of restraint coming into the free communication and recording of the counselling session. I repeat that I oppose the amendment.

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

Page 3, line 19—after 'offence' insert:
or the guardian of the victim or alleged victim

This is a drafting amendment resulting from an omission that was noticed after the Bill was introduced. Members may note that proposed section 67f(6)(c) refers to the victim or alleged victim and the guardian of the victim or alleged victim as well. This addition should be consistent throughout the Bill. The amendment adds the guardian phrase, which was inadvertently omitted.

Hon. Carolyn Pickles' amendment negatived; Hon. K.T. Griffin's amendment carried.

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

Page 3, after line 27—Insert:
and
(c) is not liable to discovery or any other form of pre-trail disclosure.

Under close examination of this legislation I believe that there are two issues which underpin the workability of this Bill—those of accessibility and deducibility. I believe the issue of deducibility, that is, whether confidential notes should be adduced in court, has been dealt with adequately in this Bill. However, as it currently stands, issues of accessibility have not been adequately addressed. New section 67e removes the subpoena of a confidential communication, such as counselling notes, by the defence and grants public interest immunity automatically unless a judge on preliminary examination is satisfied that the applicant has a legitimate forensic purpose for accessing the notes.

Although I believe the strengths of the test for adducing the notes is evidence, I believe accessibility to counselling notes is still an issue if this Bill passes unchanged. Protection in the pre-trial period is an important aspect if victims are to feel they have the full protection of the law, as I have stated previously. Simply the thought of knowing the accused is likely to see some of their most intimate and personal thoughts is enough for them to decide not to proceed to trial. Technically, as this Bill stands, the defence could still access counselling notes without ever admitting them as evidence in a court of law. My amendment will seek to prevent any disclosure of confidential communications at the pre-trial stage. Does the definition of 'counsellor' or 'therapist' include a social worker? What criteria will a judge use to decide whether notes or parts of notes meet the legitimate forensic purpose?

The Hon. K.T. GRIFFIN: If one looks at the definition of counsellor or therapist, it means a person whose professional work consists of or includes providing psychiatric or psychological therapy to victims of trauma and includes a person who works voluntarily in that field. So, it is possible for a social worker—not in every instance—to fall within that category, because if you look at psychiatric or psychological therapy it includes counselling. If a social worker is providing counselling, the social worker's notes will be included. I think that is a fair position to have, too. In terms of the second question, I do not think I can answer it, except to say that every case will be a different—

The Hon. T.G. Cameron: Can you provide an example?

The Hon. K.T. GRIFFIN: I am not sure that I can give you one off the top of my head, but an example could be where some very dubious psychological therapy is provided to a child which has contaminated that child's evidence. In those circumstances it may be appropriate to admit the counselling notes. That is the only example that we can give at the moment, but every case will of course depend on its own circumstances. Where there is at least a plausible argument that the therapy, for example, or the counselling has contaminated the evidence given in the court, it may be that

in those circumstances the judge will believe it appropriate to say, 'We want to admit the counselling notes to determine really whether it was contaminated and to a material extent.' However, I support the amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

The Hon. NICK XENOPHON: For what it is worth, I also support the amendment. It strengthens the provisions of the Bill, and I commend the Hon. Terry Cameron for moving it.

The Hon. IAN GILFILLAN: As usual, the Democrats will go with the crowd.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC (MISCELLANEOUS NO. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 643.)

The Hon. SANDRA KANCK: The Democrats support the principle of national road transport standards. I note that the stalking horse of national competition policy is employed to bolster the justification for this legislation; some might call it a bribe. I have no doubt that the Commonwealth thinks that the $1 billion that will be paid in competition payments to South Australia is money that will be extremely well spent. I constantly wonder about the inordinate level of taxpayer assistance provided to the road transport industry *vis-a-vis* the rail industry and whether or not that might be in breach of competition policy. It seems that competition is something that is in the eye of the beholder.

I take this opportunity to reflect upon some matters that are not covered in the Bill. I note that it regulates the mass and loading provisions for heavy vehicles, the standard of road worthiness of light and heavy vehicles and the conditions for the safe travel of oversize and overmass vehicles. These are definitely issues worthy of uniform regulation, but I wonder why as yet we do not have a provision imposing uniform regulations governing other more pressing safety issues. I suggest that the total period of time a driver spends behind the wheel during a 24 hour period and how the total period of driving must be broken into sections is particularly worthy of uniform legislation. Uniform penalties for the failure to fill in log books or to do so inaccurately would be an extremely good idea. Given that in the industry log books are known as 'lie' books, those penalties should be very harsh indeed. There are a couple of questions I will ask the Minister in the Committee stage, but the Democrats do support the Bill.

The Hon. CAROLINE SCHAEFER: I, too, would like to add my support to this Bill. The Hon. Sandra Kanck seems to believe that this has been done only because of a threat to competition payments under national competition policy. I think that we all know that it is as a result of ongoing discussions between the States and Territories for some very long time now. I believe that these are all road rules which are simple, easy to enact and which follow what I believe should be the basic premise for most laws, including road rules, that is, simple commonsense. There is nothing perhaps more annoying than being stuck behind someone on a double lane highway who is driving at the same speed as the person in the left-hand lane, making it impossible to pass. I watch people very often become frustrated with that type of driving and then take unnecessary risks.

Other issues, such as not being able to pass on an unbroken lane and allowing children under 12 to ride bicycles on footpaths, are all areas of commonsense, which most of us who drive carefully adhere to anyway. I would also like to add my support to the Minister's push to ban drivers from using hand-held mobile telephones while their vehicle is moving. I do believe that this is a distraction, both for other drivers and particularly for the motorists themselves. There is ample provision for mobile telephones to be installed in vehicles so that they can be used hands free while the vehicle is moving. I support this set of very commonsense amendments.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members who have spoken in this debate: the Hon. Carolyn Pickles, the Hon. Terry Cameron, the Hon. Sandra Kanck and the Hon. Caroline Schaefer. This is the first of a number of Bills that will come into this session dealing with nationally consistent road laws. I should forewarn members that it will be a heavy session and, in fact, a heavy year in terms of road law reform. This current piece of legislation deals with nationally consistent legislation to regulate mass and loading provisions for heavy vehicles; nationally consistent regulations for the safe travel of oversized and overmassed vehicles; and nationally consistent heavy and light vehicle roadworthiness standards.

The Hon. Sandra Kanck raised issues in terms of hours of driving. I will introduce a Bill within the next two weeks for debate later in the budget session on consistent hours of driving law that is to apply across Australia. Further legislation will relate to log books. Penalties in relation to a range of offences will also be introduced, and the matters raised by the Hon. Caroline Schaefer will, I suspect, be addressed in lively debate. A number of questions were asked by the Hon. Carolyn Pickles. Her first question was:

> Will the Minister outline specific financial gains which may accrue to the State as a result of this legislation?

I advise that the National Competition Policy reform package was endorsed by the Heads of Government at a COAG meeting in April 1995. The package links financial assistance from the Commonwealth ($1.2 billion for South Australia between 1997-98 and 2005-06) to compliance with a range of competition policy reforms, and existing COAG agreements on transport, energy and water. There is no disaggregation of the figure of $1.2 billion by specific reforms. However, there has been one instance to date where the National Competition Council has recommended to the Federal Treasurer that a jurisdiction not receive its full amount of competition payments.

In its report dated 30 June 1998, the National Competition Commission recommended to the Federal Treasurer that $10 million be deducted from the 1998-99 component of NCP payments to New South Wales due to the failure of New South Wales to deregulate its domestic rice market as recommended by the 1995 independent review. The recommended penalty was calculated on the basis of the cost imposed on the Australian community by the current domestic price marketing arrangements. I do not want to dwell on this point at the moment because I appreciate that we have some pressure for time and legislation tonight, but

I take up sensitivities raised by both the Hon. Carolyn Pickles and the Hon. Sandra Kanck.

This is a very vexed issue for this State and one which has been debated heatedly at the Transport Ministers Council. There have been a number of times when a Minister, or a majority of Ministers but not all Ministers, will agree to a matter in principle simply to advance it further to their Cabinets to enable debate and discussion with their respective Governments. However, to this point, the National Competition Council has taken an in-principled agreement at the Australian Transport Ministers Council as a firm State position upon which it will judge us for our payments.

So, what will happen at Transport Ministers Councils is that no agreements will be reached on a range of issues until we come back to our Governments first, having heard general discussion, and then proceed again later that year, which will frustrate the process considerably. Ministers have taken extreme exception to the way in which the National Competition Council and the National Road Transport Commission have worked together to, I think, frustrate the roles of State and Federal Governments and parliaments in this matter; and, I would add, to the concern of others, because these two bodies made up of unelected members are making judgments on discussions in Transport Ministers conferences, and possibly elsewhere, as well as judgments in terms of payments to the States.

I have taken up this issue and have been supported strongly by New South Wales. When the next Transport Ministers conference is held in Adelaide, which I will Chair, in late April, there will be further resolution of how we will conduct our council meetings.

Members interjecting:

The Hon. DIANA LAIDLAW: I will need support. In fact, we are having a cocktail party first and members can come to that, too, and do some lobbying for me behind the scenes. The next question asked by the Hon. Carolyn Pickles was:

> Will the Minister advise on the outcome in March 1999 of the National Competition Council's consideration of South Australia's eligibility for competition payments?

I advise that the competition payments are divided into three tranches. The National Competition Council conducts its assessment of progress and makes its recommendation on competition payments to the Federal Treasurer in mid-1997, mid-1999, and mid-2001. The agreed time line for the second tranche assessment is that South Australia will forward its report on its progress against its competition policy obligations to the National Competition Council on 31 March 1999. This will allow time for the NCC to conduct its assessment and submit its report to the Federal Treasurer by 30 June 1999.

The NCC's report and recommendation and the Federal Treasurer's decision will not be communicated to the Premier before June 1999. I have already asked the Premier to advise me of the outcome of the NCC's assessment when it is known. I will advise the Hon. Carolyn Pickles in due course following advice from the Premier. The Leader's third question was:

> Will the Minister advise how many road users will be affected by the legislation and what is the level of consultation being undertaken by the Government?

The legislation introduces nationally consistent regulations for the safe travel of oversized and overmassed vehicles and for vehicle standards. The National Road Transport Commission (NRTC) coordinated drafting of legislation after extensive consultation with road transport authorities and enforcement agencies in each State and Territory (together with Ministers), all freight industry peak bodies and relevant community representative bodies Australia-wide. In South Australia, the South Australian Road Transport Association (a peak industry body), the police and the Crown Solicitor's office have all agreed that the legislation meets regional requirements.

As regards the number of road users who will be affected by the legislation, clearly the vehicle standards rules regulating light and heavy vehicles will apply to all road users. However, the impact will be minimal, as much of this legislation has already been applied by administrative means. The heavy vehicles requirements will apply to approximately 63 000 vehicles registered in South Australia with a gross vehicle mass over 4.5 tonnes, again, with minimal impact owing to the prior application of most of these measures by administrative means.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. SANDRA KANCK: This clause, inserting a new section 6A, makes reference to this issue of a road-related area unless it is otherwise expressly stated. I would like first to know where it would be otherwise expressly stated and also how the Minister believes this measure will work when it is enacted.

The Hon. DIANA LAIDLAW: I appreciate the honourable member's interest in this. It is something that has taxed me for some time, as I will explain. As I noted in the second reading debate, the existing definition of 'road' has always been problematic. The current definition of 'road' in the Road Traffic Act is that a road means (a) a road, street or thoroughfare, including every carriageway, footpath, bikeway, dividing strip and traffic island on it; and (b) any other place commonly used by the public or to which the public are permitted to have access. What has happened with experience is that this definition applies to a number of places which most people would not assume to be a road, such as the car park of a golf course or even a bowling green.

As a result, the law can require people to register their vehicles, for instance, soakers used on a bowling green because it has been deemed under this definition of 'road' to be a place commonly used by the public. No-one would assume a bowling green to be a road, yet the soakers which are used to water and roll the grass have been required to be registered and then have CTP applied thereto. This has been an agony for me, because it seems so ridiculous. It has also been an imposition on the Parliament, because on two occasions I have had to introduce Bills to seek exemption from registration and CTP for various pieces of equipment which would not normally be considered to be travelling on a road but which travel on areas covered by this broad definition of 'road' in a legal sense.

As a result, the law can require people to register their vehicles, and this in turn creates problems even for vehicles such as golf buggies, which do not comply with normal vehicle standards, when they are not being used on a road as it is normally understood.

Under the consistent national road transport legislation being introduced in all States and Territories, the definition in new section 6A is being adopted. It distinguishes between a road and a road-related area. It allows for the declaration of a road-related area so that, for example, a large shopping

centre car park can be designated a road-related area for the purposes of making it necessary for people to obey ordinary road rules, such as driving on the left, or not, for other purposes which may not be appropriate in a car park. This definition of 'roads and road-related areas' is common to all national road transport legislation being introduced progressively throughout Australia. So, we will say that some areas such as bowling greens no longer have a road-related purpose.

Clause passed.

Clauses 5 to 11 passed.

Clause 12.

The Hon. SANDRA KANCK: I found the reference to a vehicle fitted with metal tyres slightly perplexing. The only thing I could think of when I read that is something like a road roller which obviously has metal tyres. The Bill requires they must be at least 33 millimetres in width, and 33 millimetres is actually 3.3 centimetres.

The Hon. J.F. Stefani interjecting:

The Hon. SANDRA KANCK: There are 10 millimetres in a centimetre so you are looking at something of a small size. To stipulate that metal tyres should have a width of at least 33 millimetres suggests to me that there ought to be a relationship here with weight. If something the weight of a car has wheels that are only 33 millimetres wide, there is an enormous capacity for damage to the road. So, I wonder why this specifies only width and does not relate the width to the weight of the vehicle.

The Hon. DIANA LAIDLAW: There are other provisions in the Bill that deal with mass, weight and loading. This provision is specifically for vehicles fitted with metal tyres. The purpose is to ensure that the tyres are wide enough to spread a load evenly over the road and so prevent damage to the road infrastructure. The narrower the tyre, the more the forces caused by the weight of the vehicle are concentrated in a smaller area, putting the road structure under greater stress. So, we have indicated that there must be a minimum width. Load is dealt with elsewhere in the Bill.

The Hon. SANDRA KANCK: I accept and understand everything the Minister has said, but I think that in the time the Bill takes to get down to the House of Assembly it might be worthwhile for the Minister to check out that relationship a little more, just to ensure that we are not making a mistake here. We may not be; it may be covered adequately, but I would like the Minister to ensure that it is double checked.

The Hon. DIANA LAIDLAW: I will do so.

Clause passed.

Remaining clauses (13 to 35) and title passed.

Bill read a third time and passed.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 770.)

The Hon. IAN GILFILLAN: Members of the Australian Democrats are often asked, 'Why do you always oppose what the Government does?' People say to me, 'Every time we turn on the television or radio we hear about the Democrats threatening to block or change something that the Government has suggested. Why are you always so negative?'

Members interjecting:

The Hon. IAN GILFILLAN: How accurate my speech is! I usually point out to these people that the reality of our political agenda does not match this perception. The Democrats are not merely reacting to Government legislation but putting up our own Bills and substantial amendments, consistent with our aim of giving people a fair go and a more equitable, sustainable and democratic society.

Members interjecting:

The Hon. IAN GILFILLAN: You do not seem to be agreeing with this part. In addition to our own initiatives, which are rarely reported, there are of course, as those in this Chamber well know, a great many Government Bills which receive Democrat support. However, the common occurrence of parliamentarians agreeing with one another does not make the news bulletins. The media naturally pick out and highlight the points on which there is disagreement, not where there is agreement.

There is a great deal in this Bill about which all South Australians, and certainly the Democrats, are very happy. I will refer in a moment to those parts of the Bill, but there are also some areas in which, in my opinion, this Bill is grossly deficient. If the Parliament's deliberations on this Bill are covered at all by the South Australian news media, I expect that once again it will be points of difference that receive attention. Nevertheless, I will put on record what the Democrats regard as the positives in this Bill.

I must say how pleased I am that the South Australia Police are to be given the opportunity to move into the late twentieth century with the capacity to use not merely listening devices but also surveillance devices and tracking devices. These will give the police much greater capacity to combat serious crime and, if used responsibly and carefully, will do much to make South Australia a safer place. The Bill also, laudably, improves on the present regime of police accountability in the use of listening devices. The proposed new provisions ensure that not only must the Police Commissioner keep records of the warrants issued for listening and surveillance devices but the Police Complaints Authority will be obliged to inspect these records. These moves are welcome and will be endorsed by the Democrats.

However, having stated the positives, I now turn to the ways in which this Bill is deficient. I thank the Law Society of South Australia for a detailed, meticulous analysis of this Bill, part of which I will read into the record. First and foremost, I am deeply concerned that this Bill specifically removes privacy as a relevant consideration when a judge is considering whether or not to grant a warrant for a listening or surveillance device. The present Listening Devices Act at section 6(6) states:

> A judge may issue a warrant under this section if satisfied that the issue of the warrant is justified, having regard to—

and the Act lists five considerations for the judge to take into account. They include 'the gravity of the criminal conduct being investigated', but at the top of the list is 'the extent to which the privacy of any person would be likely to be interfered with by use of a listening device pursuant to the warrant'. The statute refers to the privacy of any person. We are not talking merely about criminal suspects, but any person—the spouse, children, friends, relatives or associates—who may be videotaped or recorded, even accidentally, by a police device.

The Bill proposes an entirely new section 6, and this version lists six considerations for the judge to take into account. Significantly, the privacy of any person is not mentioned at all on this new list. One can only assume that, to the Government, privacy, even the privacy of innocent

people, is not relevant. The result may well be that, if you are a criminal suspect or even if the police suspect you of having information about someone who might be a criminal suspect, there could be an application to plant a surveillance or listening device in your house. It might even be placed in your bedroom. Unlike the present situation, judges will not be directed to even consider your privacy when determining a police application. I give notice that the Democrats will be moving to reinsert privacy as one of the relevant considerations for a judge.

In regard to some of the other provisions of this Bill, I wish to read into *Hansard* some of the concerns expressed to me by the Law Society and, as is his usual procedure, I would expect the Attorney-General to comment on them in his summing up at the second reading stage. My quote begins at item 2 of the Law Society's submission concerning this Bill, which states:

The further amendment of section 6 to allow investigators to 'extract and use electricity' for the purpose of a listening or surveillance device (pursuant to clause (7b)(b)(ii)), raises a fundamental question. This subclause authorises, without compensation, the covert use of a person's own resources to facilitate an investigation of that person. If no charge is laid, such person will never be informed of the fact that the invasion of his privacy had taken place and never compensated for the deprivation of his property used to facilitate that invasion. This represents a fundamental and new incursion into citizens' rights and is of substantial concern.

3. The Law Society supports the requirement to set up and maintain the register of warrants. However, the current Bill as drafted contains no provision to include or retain the warrant or the application and the affidavit in support of it. The retention and preservation by the Commissioner of the warrant, the application and any supporting affidavit should be a fundamental requirement for the register of warrants under clause 6AC. Otherwise it is quite possible for no record to be maintained of any of these documents with a potential to cause great problems should their issue ever come into question or need to be justified. Any confidentiality concerns by investigating officers should be allayed by the knowledge that if sensitive contents are sought by subpoena they can always be resisted in an appropriate case by a claim of public interest immunity.

4. Both clauses 6AB(f) and 7(3)(e) authorise communication of material once it has been 'taken or received in public as evidence in a relevant proceeding'. The Law Society suggests that should any such evidence be shown, at trial or in some other forum, to have been unlawfully obtained a prohibition upon further publication should be reimposed to prevent the further dissemination of unlawfully obtained information.

5. Clause section 9(1)(d) enables the seizure of a 'declared listening device'. Care will need to be taken to ensure that only devices that are likely to be used for an unlawful purpose are so declared. It should of course be borne in mind that these items are used by legitimate civil investigators and other members of the public for entirely lawful reasons and accordingly blanket prohibitions of them such as this should be resisted unless absolutely unavoidable.

On the other hand, should there be evidence that tracking devices (not being within the definition of listening devices) are being used by organised criminals to frustrate investigations or locate protected witnesses then consideration might be given to including declared tracking devices in such a section.

6. The Commonwealth Telecommunications (Interception) Act restricts the interception and recording of telephone conversations, much more efficaciously than the present Bill and provides a useful contrast. There, phone taps, which constitute much less of an invasion of citizens' privacy than the installation of a listening device, can only be obtained upon reasonable suspicion of a serious offence. The use of material obtained from them is similarly restricted and there is a blanket prohibition on the admissibility of any unlawfully obtained evidence. A similar philosophy should be followed in the present Bill.

The following point of view the Attorney was apparently unaware of the other day in a radio interview, and I quote further from the document, as follows:

6.1 Perhaps most importantly, this Bill significantly expands the ambit of the Act by allowing police and NCA members to apply for and obtain a listening device to investigate any offence however minor. With the ready availability of listening and surveillance devices at ever lower cost any previous practical cost restriction on the use of these items by investigatory bodies for economic reasons will no longer apply. The inevitable consequence will be that applications will proliferate in cases of ever lessening seriousness. The cumulative effect of this broadening of the ambit of the Act taken together with the removal of consideration of the degree to which the privacy of a person is to be interfered with as a matter for the judge to take into account when deciding whether or not to issue a warrant (referred to above), presents a significant change of philosophy and a severe downgrading of the importance of the privacy of the citizen.

6.2 Any evidence so obtained is admissible in almost any official proceedings. It would be admissible for the prosecution of any offence, no matter how minor, and it would be required to be produced in response to any subpoena in any other matter.

6.3 The effect of illegality on the admissibility of any evidence so obtained is not addressed.

7. It is important to note that there is a definition of 'serious offence', which of itself is quite acceptable, but the problem is that it is then not taken up in any way in the body of the amended Bill except in one respect. The only reference to 'serious offence' in the amended Act is in new section 6(7b)(a) authorising ancillary activity to the installation of an offence of a device. It is as if reference to 'serious offence' was intended to be in the new Act but has been wholly excluded by accident. It is vital that this be addressed.

Substantive Suggestions

8. In light of the above matters it is suggested that there be a restriction on the obtaining of a listening device, and the use of any subsequently acquired evidence, to serious offences as defined in the Bill. It might be useful to add a further category of 'life threatening situations' (which might conceivably fall outside the context of a serious or any type of offence).

9. In relation to the admissibility of evidence, it is suggested that the model of Summary Offences Act 1953 (section 74(1)) should be adopted. There, while the blanket exclusion of the Telecommunications (Interception) Act 1979 (Commonwealth) is not adopted, it is recognised that if evidence is obtained unlawfully then exclusion is to be the norm and admission is to be exceptional. (See *R v Pitson* (No 2) (1998) p.199 (para. 19) LSJS III per *Cox J.*)

10. Finally, there should be a provision requiring the issuing judge specifically to address the proposed positioning and use of listening or surveillance devices so as to minimise intrusion into personal and domestic circumstances. As an obvious example, such devices should never be installed in a bedroom (except perhaps in the rarest of rare cases).

As I have some other observations to make, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.29 p.m. the Council adjourned until Thursday 4 March at 2.15 p.m.