LEGISLATIVE COUNCIL

Wednesday 26 May 1999

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I bring up the thirteenth report of the Legislative Review Committee 1998-99 and the report of the Legislative Review Committee concerning unproclaimed legislation.

EMPLOYMENT

The Hon. R.I. LUCAS (Treasurer): I seek leave to table the ministerial statement relating to employment made earlier today in another place by my colleague the Premier.

Leave granted.

QUESTION TIME

EMERGENCY SERVICES TAX

The Hon. CAROLYN PICKLES: I direct my questions, which relate to the emergency services tax, to the Minister for Transport and Urban Planning:

1. Does the Minister believe it is fair and equitable that all motorists face the same tax, while provisions are made to tax properties according to their value and geography?

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES:

2. Will the Minister outline the Government's rationale in taxing a petrol tanker and family sedan the same amount, when clearly they do not pose an equal risk for emergency services?

3. Will the Minister clarify the status of buses and taxis in the Government's new regime?

The Hon. K.T. GRIFFIN: I will answer the question, because the emergency services levy is the responsibility of the Minister for Police, Correctional Services and Emergency Services.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Leader has asked a question.

The Hon. K.T. GRIFFIN: The first point to make, yet again, is that it is not a tax: it is a levy. Members only have to look at what is presently on their insurance accounts—or most of them—where insurance companies have, in fact, identified the insurance levy, and no-one in their right mind would regard that as a tax. It is a levy which is being paid into a community services emergency fund, and it is dedicated for the purpose of providing emergency services.

I went through all this yesterday, but I will go through it again. There is a clear provision in the Emergency Services Act which specifically requires the contributions from motorists and from fixed property holders to be paid into the Community Services Emergency Fund. It can be paid from that fund only for the purposes of meeting expenditure in relation to emergency services and, in particular, funding the Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service and others in the delivery of emergency services.

The other point which must be made—and it is a point that the Opposition constantly ignores—is that, whether you have insurance on your motor vehicles, on your home or other property, or on the contents of your home, office or building, a substantial part of that is a payment towards emergency services. Last year, as I understand it, an amount of $23, on average, was collected per property. Of course, members must remember that there are overs and unders and that it is levied only on the average rateable properties throughout the State. Last year on average for each property—and there are 651 000 rateable properties—$23 was paid to local government, which meant that a total of $15 million was paid to emergency services provided by the Country Fire Service, the State Emergency Service and the Metropolitan Fire Service; and about $56 million was collected by the insurance industry from the levies it imposed on fixed property. So, in total, about $79 million was collected by local government and the insurance industry from both fixed and moveable property.

The Hon. L.H. Davis: What did the Labor Party do about this crisis?

The Hon. K.T. GRIFFIN: It did nothing. It sat and twiddled its thumbs and underfunded emergency services. If you move around the country, the Country Fire Service units—and there are many of them—are crying out for uniforms, proper equipment and plant, and the way in which this levy has been structured it will, for the first time, be put on a proper and secure basis where they can properly manage for the future.

In terms of the levy on mobile property—for example, boats, trailers and motor vehicles—the fact is that they consume, as a result of motor vehicle accidents and sea rescues, a very substantial component of the emergency services which we deliver. It is fair that, in the way in which emergency services are to be funded in the future, in relation to movable property—because the insurance levy will no longer apply to movable property, so there is a saving there—they pay a reasonable, fair and equitable share of the cost of dealing with emergency requirements as a result of accidents and other difficulties requiring emergency service call-outs to those incidents involving motor vehicles, boats, heavy equipment, and so on.

The Hon. CAROLYN PICKLES: As a supplementary question, as the Minister for Transport is not interested in the effect of this impost on motorists, will the Attorney refer my questions to the Minister for Police in another place and bring back a reply, because he did not answer my question at all?

The Hon. K.T. GRIFFIN: There was no question to answer; it was just a question of whether the Minister is satisfied. I have told the honourable member what the position is.

The Hon. Carolyn Pickles: I ask you to clarify it.

The Hon. K.T. GRIFFIN: I have clarified it.

The Hon. Carolyn Pickles: No, you haven't.

The Hon. L.H. Davis: I understood it, and all your members were nodding over there; they understood it.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: If you want to sleep, that is fine by me. The honourable member is asleep for a good deal of the time, anyway.

Members interjecting:

The PRESIDENT: Order! The Hon. Legh Davis will come to order. The Leader of the Opposition will come—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition will come to order. I have asked the Leader of the Opposition to come to order three times. The Minister is on his feet.

The Hon. K.T. GRIFFIN: I believe I have answered the question, but I will have a look at the *Hansard* and, if any part of it requires an additional answer, I will, as I usually do, ensure that an answer is provided. However, I believe that I have explained the way in which it operates and the equity of it. We can spend all Question Time with my talking about it, if the honourable member wants that, but members want to ask some other questions. I am sure they will ask other questions besides those relating to the emergency services levy. In those circumstances, if the honourable member does not want to understand it—and we can provide further briefing papers if she needs them—then I cannot help that. I will look at the *Hansard* and, if there are issues which need to be further answered, I will endeavour to do so.

The Hon. T. CROTHERS: A supplementary question: why is the Minister and his Government calling the emergency services levy a 'levy' and not a 'tax'? Is it because they have had advice from Crown Law that a tax such as the tobacco tax would be unconstitutional if it were called a tax?

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: There is nothing constitutional or unconstitutional about this levy. It is a contribution to a fund. It can only be levied for the purpose of payment to that fund, and out of that fund payments can be made for emergency services, and only matters related to emergency services. Now, a tax is an impost at large. It goes into Consolidated Account for any purpose that might be approved as part of the appropriation.

Let me just remind the honourable member: approximately $15 million is raised through local government through your rates, and they make payments to emergency services provided by the CFS, the SES and the MFS; and $56 million is collected by the insurance company. That was in 1998-99. No-one is arguing, I would hope, because the insurance companies are adding this to their insurance accounts and calling it a 'fire levy', that they are misleading the public and that it ought to be called a 'fire tax', because it is not. That alone should be sufficient explanation as to why this is a levy or contribution for the purposes of emergency services. It is not a tax.

The Hon. P. HOLLOWAY: My question is directed to the Attorney-General. Given the Government's statement that the owner of a home at Gawler worth $106 000 will pay an extra $44 as a result of the new emergency services tax and that the owner of a home worth $190 000 at Fullarton will pay an extra $71, will the Attorney explain the statement by the Minister for Emergency Services last night that residents of North Adelaide with a home worth $400 000 could actually be better off?

The Hon. K.T. GRIFFIN: I have already indicated that the Opposition is anxious to muddy the waters by not taking into account that part of an insurance account that might relate to the fire levy which is contributed by insurance companies to the emergency services. I do not have the exact detail of those at my fingertips at the moment. All that I can say is that it is based on capital values. If the honourable member has a complaint with that, he should cast his mind back to last year when the Act was a Bill in this Council and where all that information was laid out before him. The honourable member understood—or at least I hope he understood, as the Opposition should have understood—that the levy is based on a capital value. The amount which is charged depends upon the land use factors, the area, the fire risk and other risks, but particularly fire risk, in relation to the property and its location.

So far as the detail of the honourable member's question is concerned, I will take it on notice. I can say that in the construction of the levy it is based upon the principles established by the Act of Parliament which passed last year, and it is being imposed in accordance with the law. On the basis of property values, fire and other emergency risks, the Government believes that it is equitable.

The Hon. P. HOLLOWAY: I have a supplementary question. Does the Attorney concede that the emergency services tax will apply to the capital value of an entire property, whereas the system it is replacing, the levy on fire insurance premiums, applied only to the value of a home on a property and not the land?

The Hon. K.T. GRIFFIN: I will check *Hansard* for the honourable member's first explanatory statement, but I think he slipped and actually called it a 'levy'. In the supplementary question he is now back to calling it a tax.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: The honourable member has to be a bit careful that he does not get caught up.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The legislation upon which the levy is based does provide for capital values, and that necessarily includes the value of land as well as the value of the building on it. But the honourable member also has to take into consideration that the contents of a building are not the subject of the levy but were the subject of the levy when covered by insurance. So, it balances. Of course, this is not just about protecting the building: it is about protecting the property as well. Emergency services are not just about roofs blowing off: they are about earthquake, flood and damage to your fixed property whether or not it is built upon.

The Hon. P. Holloway: That doesn't affect the value of the land, though.

The Hon. K.T. GRIFFIN: It may well do. That clearly is the answer. I do not think I need to give an undertaking to bring back a reply because, as far as I can see, that has covered it.

The Hon. T.G. CAMERON: By way of supplementary question, will the Minister find out what percentage of people insure their property for more than the assessed capital value?

The Hon. K.T. GRIFFIN: I doubt whether that information is provided, but I know that the estimate from the Insurance Council of Australia is that something like 30 per cent of landowners do not insure their property at all or under insure it. I do not know whether information is available in relation to what value people insure their property for. While a fire levy is included on insurance accounts, the risks covered by household insurance, which includes fixed property as well as movable property, include such things as flood and storm damage and frequently include damage to the land on which the house and other buildings might be erected. It is difficult to get those figures. I will make inquires to see whether it is possible, but I doubt that it is possible to get that information because insurance companies do not necessarily bring all that information together through one agency like the Insurance Council.

ABORIGINES, DRUG, ALCOHOL AND MENTAL HEALTH SERVICES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question on drug, alcohol and mental health services.

Leave granted.

The Hon. T.G. ROBERTS: Recently my office has been dealing regularly with rehabilitation problems for Aboriginal people in the drug, alcohol and mental health service areas. We are finding that all bases are loaded and that the emergency support services that are required by many of the people seeking support and assistance are no longer available in an emergency. I understand the problems that departments have in allocating resources to many of the problems in this area, but it is very frustrating when you come across a circumstance where intervention could save Governments a lot of money in relation to first point of prevention. The impact on other people—relatives, friends and immediate family—could be diminished.

The frustration is felt by those people working in the emergency service areas also. What further emergency services provisioning through counselling, financial support and mental health supervisory support is being considered for Aboriginal people who need immediate servicing for drug, alcohol and mental health services?

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

SCHOOL TEACHERS

The Hon. L.H. DAVIS: I seek leave to make a statement before asking the Treasurer a question about teachers' salaries.

Leave granted.

The Hon. L.H. DAVIS: I am sure that all members would be aware that the Australian Education Union in South Australia over recent months has been pursuing a quite public and virulent campaign with respect to teachers' salaries. I understand that the Government has offered the Teachers Union a 13 per cent salary increase over three years and that that has been refused.

Only in recent days I read in the *Sunday Mail* a table which suggested that teachers' salaries at the bottom end of the range were the lowest in Australia. I was somewhat surprised to read that and sought information from the Minister for Education's office and found that the data provided in the *Sunday Mail* through the Teachers Union was incorrect.

In fact, the details concerning the expenditure per student in schools in South Australia are outstanding. South Australia's expenditure per school student at $5 471 is higher than in any other State except Tasmania and is well above the national average of $5 365. In South Australia the student to teaching staff ratio of 14.7 to one in Government schools was equal to the best of all States; and the secondary ratio of 11.6 students to one was the best outright. South Australia was the equal best State with Queensland for the ratio of administrative and clerical staff to teaching staff.

Salaries, of course, are relative to living costs. Research by the respected firm Cullen Egan Dell states that in a comparison of cost of living of Australian capital cities, if Adelaide is the base at 100, the costs relative to Adelaide in Sydney would be over 135, Darwin 132, Canberra 112, Brisbane 109, Melbourne 108, Perth 104 and Hobart 105.

Finally, if the 4 per cent increase that would have been available if the Teachers Union had accepted the proposal from the Government had been operational from 19 April 1999, the commencing salary for a four-year trained teacher, which was $35 048, would be the second highest in Australia. That is revealed in a table I received from the Minister's office which suggested that New South Wales, with some $60 more, would be the only State or Territory ahead of the South Australian figure.

I am also aware that there has been an extraordinary attack on the Chief Executive Officer of the Education Department, Mr Geoff Spring; and that Janet Giles has run a very personal and political campaign in this area, notwithstanding the extraordinarily impressive statistics of which I have just advised the Council.

Given the Minister's long-time experience and interest in this portfolio, does he believe that the extraordinary political campaign of the AEU is unreasonable in the light of the comparative data which clearly shows that South Australian teachers are well paid compared with their counterparts in other States and Territories?

The Hon. R.I. LUCAS: I thank the honourable member for his question and for placing on the *Hansard* record a lot of the detail about this Government's tremendous commitment to education spending.

An honourable member: Who was it that said that?

The Hon. R.I. LUCAS: Well, modesty would prevent me from answering that question. Modesty would prevent me from even claiming credit for it. South Australia has had a history for—

The Hon. R.R. Roberts: Listen mate, everybody's giving you credit for the lot.

The Hon. R.I. LUCAS: That's the lot of Treasurers; that's what we're here for! For some period of time South Australia has had a history of a more generous, higher level commitment to education in terms of spending per student and lower student-teacher ratios than virtually every other State in Australia.

The tragedy of all the campaigns that we have seen (and the honourable member has mentioned the most recent one, which I understand is costing the Teachers Union more than $500 000 for its advertising campaign) is that all it does is continue to portray Government schools in a bad light.

When you are in a competitive environment, the first thing you would hope is that the people who work with within your system—your business; in this case, Government school education—would not spend all their time and money running down the Government school system in terms of lack of resources, lack of teaching numbers and the variety of other complaints that one hears in this $500 000 campaign. As I have said, this is only indicative of the five year campaign that has been waged by the Teachers Union, and it is self-defeating. It raises doubts in the minds of parents out in the community and leads them to think, 'If the Government school system is so bad, I'll have to do without that extra packet of cigarettes', or packet of coco-pops, or whatever is an optional extra in their household, and they will save their money and send their children to non-government schools in preference to the Government school system.

I do not have a problem with parents choosing either the Government or the non-government school system on the basis of a fair assessment of the facts. There may well be religious or other reasons why parents may chose non-

government school education. The problem here is that, through misinformation, some parents are being and will be driven away from the Government school system, to the detriment of our Government schools here in South Australia. It has only been the Liberal Government that has been trying to wage a campaign to stop the Teachers Union from running down our Government schools and their public image here in South Australia for the past five years. The Teachers Union has been aided and abetted by the Australian Labor Party and the Australian Democrats in its campaign of misinformation and denigration concerning a commitment to Government school education which is unparalleled amongst the States and Territories.

When one compares the student teacher ratios in South Australia with the non-government schools, with the exception of the wealthier, independent college sector—so, that is the Catholic and low fee Anglican sector—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I still have a great passion for schools, even though I am now the Treasurer. Forgive me for having that passion for Government schools here in South Australia and seeking to defend them from the sort of campaign that the Teachers Union, aided and abetted by the Labor Party and Democrats in South Australia, sadly, has waged for some time. What I am saying is that, if you compare the student teacher ratios as between the Government and non-government schools in South Australia (with the exception of the wealthier independent colleges), the Government schools come out favourably. We have better student teacher ratios but, if you listened to the Teachers Union campaigns, the Labor Party and the Democrats, you would never understand that that occurs in South Australia. My children go to the Catholic school sector for religious reasons, but some non-Catholics send their kids to the Catholic school sector. In a number of cases, a year or so later when they count the number of kids in the class they realise that the number of students in the Catholic school is equal to or greater than the number in their local Government school. The Hon. Mr Davis has very accurately portrayed the facts.

The only other point I make—and Minister Buckby has made this point *ad infinitum*—is that this Government has made provision in the forward estimates for a reasonable level of wage increases. We have settled virtually every other wage claim, with the exception of the Australian Education Union, and we have not settled a wage claim outside the forward estimates. Cabinet is absolutely united on the view that we will not settle a wage claim outside the forward estimates—and that includes the Australian Education Union.

When Minister Buckby says that he has a lump of money of something like $155 million to settle the claim and that is what is in the forward estimates, that is it. It is not Minister Buckby talking, and it is not Treasurer Lucas talking—it is the Cabinet and the Government saying, 'That is all we can afford.' It does not matter whether you spend $500 000 or, indeed, $1 million on an advertising campaign running down the Government school system, because Cabinet is united in its view that we will not expend any more money—not because we do not want to but because we do not have any more money to expend.

COURTS, CHILD WITNESSES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about child witnesses in court.

Leave granted.

The Hon. IAN GILFILLAN: In December 1998, the Australian Institute of Criminology released a study entitled 'Child Sexual Abuse in the Criminal Justice System'. The report focuses on the experiences of 12 girls who reported child abuse to police. It suggests that the discomfort, the uncertainty, the delays, the false hopes and fears combined to produce serious effects on their emotional, social and cognitive development over the pre-trial period, which averaged 12 months.

However, the greatest devastation, as reported by these participants, occurred during cross-examination in court. The report describes from the victims' perspective typical defence counsel tactics. The defence lawyer would start sweetly and smiling and then, having won the girl's trust, would turn nasty, repeat questions many times to confuse the child, accuse her of lying, ask about her sexual history and even imply or openly suggest that she 'wanted it' despite the fact that in child sex abuse consent is irrelevant.

There are many quotes in this article about how the victims felt about all this, but the most revealing quotes come from three unidentified defence lawyers who stated the following:

1. Because the child has the same IQ as an adult, they can largely be treated as an adult.
2. It would be considered cowardly not to go for the jugular when cross-examining a child.
3. If in the process of destroying the evidence it is necessary to destroy the child, then so be it.

The report concludes:

> . . . based on this study it can be strongly argued that all too often this trial centrepiece—the cross-examination—is in itself child abuse.

These sorts of conclusions are not unique to the Australian Institute of Criminology. In 1997, the Australian Law Reform Commission published a document headed *Seen and Heard: Priority for Children in the Legal Process*, and in chapter 14 entitled 'Children's Evidence' it states:

> The legal system has traditionally given little support and preparation to child witnesses. Within the courtroom, children are often subject to harassing, intimidating, confusing and misleading questioning. . . A significant amount of evidence was presented to the inquiry that children are frequently traumatised by their court appearance due to these factors.

With this in mind, I refer the Attorney-General to the booklet which he launched on 20 April this year entitled *An Important Job: Going to Court*. The booklet contains cartoons and a simplified account of what it is like to go to court as a child witness. In his foreword to the booklet, the Attorney-General acknowledges that being a child witness can be 'a trauma' and the DPP in a separate comment states:

> The criminal justice system often appears insensitive or unresponsive to children's needs.

But, in the body of the booklet this part of the truth seems to have been carefully screened from children, although it does hint at some discomfort. For instance, page 16 states:

> You may feel embarrassed about saying some things in court.

Page 17 states:

> It is a hard job being a witness, you may feel upset, tired or confused.

However, it does not suggest that one of the aims of the lawyers will be to try to make you feel upset, tired or confused—or something worse. The possibility of using a screen or closed circuit TV is discussed on pages 19 and 20 but only because 'the judge will decide' if they are to be used.

On page 17 we learn that you can ask the judge for a rest, a drink or to go to the toilet, but it is not suggested anywhere that you should or could ask the judge to shield you from the accused. My questions to the Attorney are:

1. In relation to the booklet, does he believe that it is appropriate to dilute some of the real impact that could be part of the experience of giving evidence in court?

2. Does the Attorney think that being given a chance to read this booklet will end the devastation reported by both the Australian Institute of Criminology and the Australian Law Reform Commission?

3. How does he believe child witnesses can and should be protected in court?

4. In the light of this position, would he reconsider the priority of the availability for closed-circuit television that it be taken as the norm, that is, the expected protection for the child, unless the child indicates that he or she does not want it?

The Hon. K.T. GRIFFIN: Let me deal with the booklet first. The booklet makes it clear that it is to be used by parents, guardians or a support person in conjunction with the child; that it is unwise for the child to be left to read it on his or her own self; and that it is part of a package of assistance to child witnesses in the criminal justice system. It is an aid. It is not the answer, it is an aid. The whole object of it is to give those who support children in the criminal justice process something they can work through with the child. It is important to recognise that it is only one of a number of things which are being done to try to assist children as witnesses in the criminal justice system.

The Director of Public Prosecutions has only relatively recently appointed a child witness assistance officer to complement the work of the witness assistance officer. My understanding is that between the two of them they support something like 500 witnesses in the criminal justice system, mostly those who are prosecution witnesses who are victims, and that that is an important aid to children, particularly as they go into the court process. The witness assistance officer generally takes a child through the court to familiarise the child with the courtroom—the layout and where everyone will sit—all of which is designed to give greater significance to the illustrations as well as the written word in the support booklet.

Then, during the course of any trial, there will be support, either from a support person with whom the child is familiar or the DPP witness assistance officer, all designed to make it as less traumatic as possible for a child to give evidence in a criminal prosecution. There are also the provisions in relation to vulnerable witnesses, of whom children form a part, and the provision for either one-way screens or closed-circuit television.

I am still of the view that, in relation to the use of screens or closed-circuit television, it is important that there be a discretion in the court as there is a discretion in the DPP, but the DPP, as far as I am aware, whenever a request has been made by a child for a screen or closed-circuit television, has always made the application. In many instances (I think it must be about 38 per cent), the applications have subsequently been withdrawn. They would only be withdrawn after consultation with the child and particularly the parent, guardian or support person. So, there is nothing which persuades me that my previous position in relation to closed-circuit television and one-way screens should be changed.

The Hon. Mr Gilfillan says that the booklet actually dilutes the prospect of trauma being experienced in the process of giving evidence. I do not agree with that if you look at the way in which the booklet is proposed to be used. It is important to recognise also that in South Australia I have not had one complaint from anybody about the sort of attitude reflected in the quotation given by the honourable member. It is not, so far as I am aware, the way in which lawyers operate in South Australia, that is, they do not operate on the basis that, if they have to destroy the child to destroy the evidence, they will destroy the child. To me, that is unacceptable. If you talk to judges, magistrates and defence counsel, you see that they will recognise and say quite positively that that is not the way they operate in this State. They do not operate in that way, because in a jury trial if you are pulling the child down you are more likely to create sympathy for the child than you are for the accused person.

The Hon. Ian Gilfillan: That's not what the President of the Law Society says.

The Hon. K.T. GRIFFIN: I do not know what is the view of the President of the Law Society, but I can tell you that I have not had any complaints about the way in which defence counsel deal with children in the criminal justice system as witnesses and victims. In relation to the second question, 'Will the reading of the booklet end the devastation?', as I have said, it is not the aim of the booklet to provide all the answers: it is an aid, and I think a very valuable aid when used by the witness assistance officer and by a parent, guardian or support person in conjunction with the child. I am not making any magical claims for the book. It is there; it will stand or fall on its merits, and I believe it will stand on its merits and not fall, because it is a valuable aid. Already from all those who work in this field there has been praise for the witness assistance officers for having prepared this booklet to make it available to children in the criminal justice system.

I think that answers all the questions raised by the honourable member. All that I can do is suggest to him that merely relying on what might be a report that occurred about practice interstate is not sufficient when looking at the way in which the system operates in South Australia. I saw the article at the time and made some public comments about it. I do not believe that the observations in that article are in fact an accurate representation of what occurs in this State. However, putting that to one side I do not accept that that is an appropriate way to deal with child witnesses.

TRANSPORT, PUBLIC

The Hon. A.J. REDFORD: My question is directed to the Leader of the Opposition and shadow Minister for Transport. Having regard to the Hon. Carolyn Pickles' comments last year on 24 November when she supported the Passenger Transport (Service Contracts) Amendment Bill and having regard to the unanimously carried motion of the ALP State Council concerning the restoration of the Adelaide public transport system to full public ownership, does the shadow Minister support the restoration of Adelaide's public transport system to full public ownership and, if so, why? What will it cost to buy back the public transport system, and will she give an undertaking that those costs will not be recouped by fare rises or rises in taxes or cuts in services?

The PRESIDENT: The honourable member's question was to the Leader of the Opposition?

The Hon. A.J. REDFORD: Yes, Mr President.

The PRESIDENT: There is no answer.

HOMELESS MEN

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. The Leader of the Opposition—

Members interjecting:

The PRESIDENT: Order! I have called the Hon. Ron Roberts. I will hear the point of order after that.

The Hon. R.R. ROBERTS: I seek leave to ask a question on the subject of homeless men.

Leave granted.

The Hon. R.R. ROBERTS: On 20 April I received a call at my Port Pirie electorate office from a constituent representing a resident of the Patterson Retirement Village at Port Pirie. My constituent told me that he had been to the office of the local member, the Hon. Rob Kerin, seeking advice about a proposal that had been put forward to relocate 10 aged citizens of the Patterson Retirement Village to other locations—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS:

—and establish a homeless men's home on the site of the Patterson Retirement Village. This caused great distress to my constituent who sought some relief from the local member. I was appalled to hear that when he asked for clarification of the position he was told that the Housing Trust could evict them forcibly if necessary and that they ought to be happy that they have a home over their head. Normally it is my *modus operandi*, when someone comes to me with a constituent inquiry of this nature, to send them to the local member. On this occasion that seemed unnecessary. I also received advice from a Mr Bill Warner from the Patterson Retirement Village, who asked me to go to see him. He confirmed that the position as outlined by the previous constituent was true. I then raised the matter at the Port Pirie sub-branch of the ALP and was instructed to write to the Hon. Dean Brown asking him to do two things: first, to desist from the policy of turning a retirement village in part into a homeless men's facility; and, secondly, to confer with his parliamentary colleagues, State and Federal, to provide some funding for the homeless men's facility in Port Pirie, which is currently being handled by the Central Mission. I congratulate the Hon. Dean Brown, with whom I had a radio debate on the matter. He has acted quickly and I am pleased to report that the plan to relocate 10 aged citizens from the retirement village has been withdrawn.

I refer to the second part of the proposal outlined in my letter of 27 April 1997, as instructed by the Port Pirie sub-branch of the Australian Labor Party, as follows:

> I was instructed to advise you as Minister that the sub-branch would support the continuation of the good work of the Central Mission in helping homeless men and would call upon both the State and Federal Governments to provide further funding for appropriate infrastructure for that good work to continue.

My question to the Minister (Hon. Dean Brown) is: what has he done with respect to funding and infrastructure for homeless people in Port Pirie?

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

WATER MANAGEMENT

In reply to **Hon. T.G. ROBERTS** (24 March).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided some background information on the subject of water tables in the South East.

The decline in water tables has been widespread in the region in recent times. Studies carried out in the lower South East by Primary Industries and Resources South Australia, Groundwater Section, have shown that this is largely due to the below-average rainfall the area has received for the last decade or so. This lack of rainfall has meant that the recharge to the groundwater has also been below-average and this has resulted in a decline in the water table over most of the area in the last few years.

The influence of irrigation bores on the water table tends to be localised and has very little effect on a regional scale in comparison to the effect of climatic fluctuations. The water resources are managed with the objective of ensuring that there are no long-term drawdowns on the water table over the region caused by water extraction.

Many stock and domestic water bores have been constructed so they only extend a short way into the water table. Unfortunately, when the water table subsequently fluctuates, some landowners find that they can no longer obtain a water supply from the bore. To overcome this the bore must be deepened so that it again penetrates the water table.

Large variations in water tables have been recorded in the region since records have been kept. For instance, in the Mount Gambier area water tables have fluctuated by more than ten metres over the past hundred years. It is therefore anticipated that the water tables may again begin to rise if a series of years occur in which above-average rainfall is experienced.

In view of the large natural fluctuations that may occur in water tables, it is the responsibility of the landholders to ensure that their bores are deep enough to accommodate these fluctuations. There is no Government compensation available to assist the landholders to deepen their bores. However, the landholders can obtain advice from Primary Industries and Resources South Australia Groundwater on the current depths of water tables and other technical matters related to the groundwater resources.

VICTORIA SQUARE

In reply to **Hon. T.G. ROBERTS** (18 February).

The Hon. DIANA LAIDLAW: The Minister for Aboriginal Affairs has provided the following information:

There have been many suggestions from a variety of interest groups over many years in respect to 'solving' perceived social and behavioural problems in respect to Aboriginal use of Victoria Square. Since 1995, the Division of State Aboriginal Affairs has taken a lead role in working with the Aboriginal Sobriety Group, Adelaide City Council and other key stakeholders in attempting to clarify the issues of concern and seeking appropriate responses.

The Aboriginal Sobriety Group continues its efforts in assisting the police in dealing with Aboriginal people who are intoxicated in Victoria Square by taking them to a safe place.

In 1998, following discussions between the Division of State Aboriginal Affairs, Adelaide City Council and Department of Human Services, a project to develop a "Strategy for Services to Aboriginal People across the Central Business District" was initiated. The first part of this work which focuses on 'vulnerable adults' was completed in late February.

Strategies listed below will provide an improvement in the quality of life of vulnerable Aboriginal people who frequent or pass through the Central Business District through a service delivery system that is responsive, flexible, well coordinated and respectful of Aboriginal needs. These strategies call for a realignment of existing services to provide Aboriginal people with the ability to have choices about their lifestyle and an increased ability to care for themselves. They include—

- Redevelopment of inner city service system for vulnerable adults with a particular focus on Aboriginal people.
- Aboriginal outreach team.
- City homeless assessment support team.
- Relevant and effective drug and alcohol services.
- Development of SAAP services.
- Access to housing options.
- Mental health services.
- Family and youth services.

The strategies identified in the report have been considered and endorsed by the Senior Executive of the Department of Human Services. The Metropolitan Division in concert with the Aboriginal Services Division of Human Services is charged with the implementation process.

The Minister for Aboriginal Affairs believes that the strategy as endorsed by the Department of Human Services, working with the Division of State Aboriginal Affairs and the Adelaide City Council presents sustainable solutions to the concerns raised.

ABORIGINAL DRUG ABUSE

In reply to **Hon. T.G. ROBERTS** (23 March).

The Hon. DIANA LAIDLAW: The Minister for Aboriginal Affairs has provided the following information:

The Minister for Aboriginal Affairs appreciates the honourable member's interest in, and concern regarding this complex and growing issue facing the Aboriginal community and policy makers.

Substance misuse has been identified as a priority issue in each region of South Australia in The First Step, the regional health plans of the joint Commonwealth and State Aboriginal Health Partnership. It is receiving urgent attention at both levels of Government, as well as in local Government and by Aboriginal Community Councils. This activity has been reflected in the commitment made by Federal and State Governments at the last Premiers' Conference to augment the over-stressed funding for drug treatment and education services.

Given that the response by this Government is so comprehensive, it is not surprising to find that the questions asked by the honourable member cover three ministerial portfolios. The Minister for Aboriginal Affairs has provided the following view from within that portfolio, and the degree of co-operation on this issue provides some assurance that the answer is comprehensive. However, the honourable member may wish to seek additional information from the Attorney-General or the Minister for Human Services if he requires it.

In South Australia, the Justice Executives Forum has called for a report on illicit drug use and its associated problems in the Aboriginal community. This report will be more than a descriptive document. It will be the basis of recommendations from the Justice Chief Executives for Government action. That report is currently being prepared by officers of the Attorney-General's Office with the assistance of officers of the SA Police, the Division of State Aboriginal Affairs, the Aboriginal Services Division of the Department of Human Services and the Drug and Alcohol Services Council. Preparation of the report has also involved consultations with Aboriginal organisations and community members. That report is expected to be completed in June, and the honourable member may wish to re-visit his questions when time has been given for the report to be considered.

While specific plans for action will be developed following the completion of the report, this Government is progressing with a number of initiatives intended to provide immediate responses.

The Commonwealth Office of Aboriginal and Torres Strait Islander Health Services and the Aboriginal Health Services Division of the Department of Human Services jointly fund a number of programs and have a close working relationship, formalised through the South Australian Aboriginal Health Partnership.

The Attorney-General's Office also convenes a long standing inter-departmental Alcohol Drugs and Crime Working Group which addresses a wide range of crime prevention issues, including indigenous issues. The Drug and Alcohol Services Council and the Aboriginal Drug and Alcohol Council are members of that working party. Indeed, the chairperson is a senior member of the Drug and Alcohol Services Council staff. He also facilitates the Alcohol and Drugs Working Group of the Aboriginal Justice Inter-Departmental Committee, convened by the Division of State Aboriginal Affairs.

A Memorandum of Understanding between the Department of Correctional Services and the Department of Human Services has been developed in order to ensure appropriate health care for prisoners. Some revision of the Memorandum of Understanding is being made prior to endorsement. Once this has been achieved, the Prisoner and Offender Health Care Services steering group will monitor the agreement.

As stated earlier the Attorney General's Office will be completing a report on the issues of illicit drug use within the Aboriginal community. The Minister for Aboriginal Affairs therefore invites the honourable member to direct questions about that report to the appropriate Ministers after allowing time for it to be considered.

MOSQUITOES

In reply to **Hon. T. CROTHERS** (23 March).

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

The following response has been provided by the Minister for Human Services as it comes under the areas of responsibility of that portfolio.

The Patawalonga Catchment Water Management Board is in the process of discussing plans for wetlands in the south parklands with the Adelaide City Council.

The Minister has no need to intervene as the residents of Globe Derby Park are experiencing species of mosquito that breed in saline natural coastal wetlands and they would not breed in an appropriately constructed and maintained freshwater wetland.

MATERNITY LEAVE

In reply to **Hon. T.G. CAMERON** (10 March).

The Hon. DIANA LAIDLAW: The Premier has provided the following information.

At present, paid maternity leave is not yet generally available to State public sector employees although two weeks paid maternity leave was recently negotiated for Nurses and Medical Officers and is included in their respective enterprise agreements.

However, two weeks paid maternity leave is included in the Government's proposed Wages Parity Enterprise Agreement which covers the vast majority of salaried and weekly paid employees and which has been agreed in principle with the Public Service Association and other public sector unions. In addition, two weeks paid maternity leave is included in the present offer of a new agreement for teachers. Thus, provided that the proposed agreements are endorsed by the employees to be covered by them and by the relevant industrial tribunal, virtually all public sector employees will ultimately have access to two weeks paid maternity leave.

It can be seen, therefore, that the Government's policy in respect to its own employees is one of introducing paid maternity leave not taking it away.

RAILWAYS, GAWLER LINK SERVICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief statement before asking the Minister for Transport a question about the Gawler link service.

Leave granted.

The Hon. J.S.L. DAWKINS: The Gawler link service has operated as a trial feeder transport service to the Gawler Central-Adelaide train line for the past two years under a subsidy from the Passenger Transport Board, with some support from the Gawler Town Council. Can the Minister indicate the level of patronage on this link service over the period of the trial which concluded recently? Can she also advise about the possible future of this or a similar service in the Gawler area?

The Hon. DIANA LAIDLAW: The honourable member, as a resident of the Gawler area, has taken a keen interest in this project which was initiated some time ago with the support of seed funding from the Passenger Transport Board. It has been reviewed and, despite the high expectations for the service to continue, the Gawler council decided that after its assessment of the trial of the project it would not reapply for funds for the project to continue. That is a disappointment, but I respect the Gawler council's decision in this regard.

I am pleased that the Mayor, Dr Eastick, is keen to continue to explore options, as I know is the Passenger Transport Board, to see how we can provide a link service for the residents who live in Gawler to get to the train service. However, that would require a considerable increase in patronage on what has been reported to date, and that is why I acknowledge that the council did not reapply for funds. We

would like to think that there is an opportunity for such a service on the same or a changed basis in the future.

It is important to recognise that the low number—only eight people per day on average—meant that, in terms of the number of train services, we were recording only 0.5 of a person per service. I do not really want to talk about half a person travelling on each service, but that was the result. With regard to the cost of this trial—$67 000 over two years—it was a very expensive exercise.

I know that the Hon. Terry Cameron has raised these issues and talked about the Hallett Cove taxi service, and I have talked with the member for Light (Hon. Mr Buckby) and the Hon. John Dawkins about similar issues, but I point out that the Hallett Cove service averages 18 people per day compared to the eight only on the Gawler service. Therefore, the subsidy per person is $5.75 in Hallett Cove compared—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Well, that's the advice I have received from the Passenger Transport Board, which pays for the service. The subsidy per person is $5.75 in Hallett Cove compared to a considerably higher subsidy per person in the Gawler area. As I said, the council, the Passenger Transport Board and the local member (Hon. Mr Dawkins)—and I know the Hon. Mr Cameron has also sought some background information from me and I think from the Passenger Transport Board—will continue discussing opportunities for a resumption of some sort of service. I hope that will be possible in the future, but we would certainly need to attract more people to it.

TOTALIZATOR AGENCY BOARD

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the TAB.

Leave granted.

The Hon. NICK XENOPHON: Last year the TAB launched its PhoneBet credit card transfer facility which, in essence, allows for the transfer of funds from a credit card to a TAB PhoneBet account on any telephone. My questions to the Minister are:

1. When will the Minister answer my previous questions on this facility in this House on 21 July 1998, particularly as to concerns that it will lead to increased levels of problem gambling?

2. What is the extent of the transfer of funds from this facility on a month by month basis since the facility's inception?

3. Does the Minister consider that the TAB's PhoneBet credit card facility breaches section 62(1)(a) of the Racing Act, and has the Minister sought Crown Law advice with respect to that?

4. Does the Minister consider that such a facility would be prohibited if offered by a gaming machine venue operator in the context of section 52 of the Gaming Machines Act?

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

EDUCATION ACT REVIEW

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Hon. Caroline Schaefer a question about a review of the Education Act.

Leave granted.

The Hon. M.J. ELLIOTT: Earlier this year the Minister for Education, Children's Services and Training announced a review of the Education Act, and I understand that the Hon. Caroline Schaefer has been appointed as Chair of the ministerial reference committee overseeing the review, with a consultation paper due out from the committee by the end of June. I ask the honourable member the following questions relating to the authorship of the report:

1. Is the report entirely the work of the committee?

2. Were any other people involved in the compilation of the report? If so, whom?

3. How much of the report is actually the work of the committee itself?

The Hon. CAROLINE SCHAEFER: I am not going to—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: I remind the honourable member that the committee was ministerially appointed, and it would therefore be inappropriate for me to do anything other than refer the honourable member's question to the Minister. However, I will add that the committee has, until now, met at all stages of the authorship of the report, and of course there has been input from other committees that are meeting and conducting reviews on other sections of the Act.

Members interjecting:

The PRESIDENT: Order! The time for questions is running out.

POLICE NAME TAGS

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing some questions to the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, on the police name tag trial.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order! The next time I have to call the Leader of the Opposition to order I will warn her.

The Hon. T. CROTHERS: The *Advertiser* of Saturday 15 May reported that a trial involving police wearing name tags is to commence from 1 July. The badges will be compulsory for all desk bound uniformed officers throughout the State and voluntary for uniformed officers at Elizabeth and Adelaide. Police Commissioner Mr Mal Hyde has approved the trial, despite objections from officers who want to continue wearing only identification numbers. According to the article, one of the main concerns of police officers is that they could be immediately identified at a violent crime scene or domestic altercation.

The article gives an example of one officer with an unusual Italian surname, who fears his father, an elderly pensioner living alone, could be targeted by offenders because he is the only other person with that name in the telephone book. The article further states that the South Australian Police Association has received petitions from stations throughout the State opposing the plan and stating that officers want to remain anonymous and that the numbering system allows this to happen. My questions to the Minister therefore are:

1. Does the Minister concede that it is very possible that the proposed name tag trial could place at even more risk than usual the lives of police officers and those of their families because it would make it easier for them to be identified?

2. Would the Minister consider allowing the proposed trial to commence on a voluntary basis only, allowing individual police officers to assess the situation for themselves?

3. What input if any did rank and file police officers have regarding this proposed trial?

4. Finally, but not exhaustively, in the event that this matter will go ahead, what provisions will this Government make for compensation to relatives who are injured in their homes or elsewhere because of this new plan for name tags?

The PRESIDENT: Order! The time for questions has expired. I call the Attorney-General.

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

ABORIGINAL RECONCILIATION

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement relating to Aboriginal reconciliation made earlier today in another place by my colleague the Minister for Environment and Heritage (Hon. Dorothy Kotz).

Leave granted.

EMERGENCY SERVICES LEVY

The Hon. P. HOLLOWAY: I seek leave to make a personal explanation in relation to some comments made about me in Parliament yesterday by the Premier.

Leave granted.

The Hon. P. HOLLOWAY: Yesterday, in answer to a question about the emergency services tax, the Premier made the following comment:

> He will see that it was Paul Holloway in the Upper House who, on 18 August, said that the Labor Party was not opposing this Bill.

In addition, again referring to the emergency services tax, this morning's editorial in the *Advertiser* contained the following comment:

> This, despite Parliament's previous approval of the enabling legislation—with, it must be pointed out, Labor's full support—is what makes it a high risk political strategy.

The facts are that the Opposition did not oppose the Emergency Services Bill at the second reading stage. During the Committee stage of the debate, an Opposition amendment to refer the emergency services tax to the Economic and Finance Committee was accepted by the Council. However, as I recall it, during the dinner adjournment and before the third reading of the Bill, the Attorney-General and the Hon. Ian Gilfillan negotiated new amendments and the Bill was recommitted. During recommittal the Opposition amendments referring the tax to the Economic and Finance Committee were defeated. The Hon. Ian Gilfillan himself moved the amendment to delete the Economic and Finance Committee clause. In speaking to the recommittal debate I made the following comment, which I will read from *Hansard*:

> Given that agreement has been reached between the Government and the other Parties, the Opposition clearly does not have the numbers, so we will not be calling for a division.

I then went on to say:

> When the ratepayers of South Australia get this levy in the post on 1 July next year, it will be up to them to judge what they think of this levy and the form in which it comes. It now owes nothing at all to any suggestions which the Opposition has made, so the people of this State will make their own judgment on it.

When the amended Bill reached the House of Assembly the shadow Minister, Pat Conlon—

Members interjecting:

The PRESIDENT: Order! An honourable member is on his feet.

Members interjecting:

The PRESIDENT: Order! Members are continuing to defy the Chair when order is being called for.

The Hon. P. HOLLOWAY: The shadow Minister made the following comments:

> The amendments of the Legislative Council should not be agreed to.

He went on:

> I urge the Committee to oppose this grubby, underhanded deal.

In response, the Minister, the Hon. I.F. Evans, stated:

> The advisory committee—

which was established under the Hon. Ian Gilfillan's motion, which replaced the Opposition motion—

> that has been set up only advises and cannot decide anything. The members can advise but they cannot force the Minister. The other option was to adopt the Economic and Finance Committee model—

he is obviously referring to the Opposition model—

> which gave that committee the power to overturn the levy.

He then finished his comment:

> Over the last eight or nine hours we have negotiated with various Independent members and the other Parties and we have come up with an appropriate deal through negotiation, and that is quite a proper process.

In summary, while the Opposition was not opposed to the Emergency Services Levy Bill in principle, subject to the assurances provided by the Minister, the record clearly shows that we did oppose that aspect in the final version of the Bill that removed parliamentary scrutiny over the extent of the levy. Contrary to comments made by the Hon. Ian Gilfillan in a radio statement, the final form of the emergency services levy bears his imprint and not that of the Opposition.

MATTERS OF INTEREST

HOFEX 99

The Hon. CAROLINE SCHAEFER: In my capacity as convenor of the Premier's Food for the Future Council, I recently had the pleasure of leading a delegation of over 40 primary producers on a market awareness trip to Hong Kong which coincided with HOFEX 99. HOFEX, which is the South East Asian Hotels Expo, is held on alternate years in Hong Kong and Singapore. It is pitched specifically at large hotel chains and their chefs from Asia and throughout the world. The expo was held in the new exhibition hall on Hong Kong island which houses approximately 15 acres of exhibition space, and the number and size of exhibits was, indeed, awe inspiring.

South Australia had its own stand, adjacent to the Australian exhibition, with about 30 exhibiters who were all delighted with the response they received. They showcased various South Australian products, including wine, abalone, fresh fruit and vegetables, and even our highly regarded Regency School of Catering. I believe that a number of firm orders were received by the South Australian contingent.

The group I accompanied included mainly fruit and vegetables growers but also almond growers, stone fruit producers, and even some seahorse farmers and a noodle maker. In line with the Food for the Future vision, some of our group are already involved in value adding to primary produce and were interested in developing markets for packaged raw produce, dips, curry pastes, olive oil, etc.

The delegation was accompanied by six PIRSA officers and, in particular, I thank the group coordinator, Rowena Isherwood, for her outstanding organisation. I am sure that there was no-one who went on the trip who did not come home with at least some positive outcomes. We were kept very busy with a number of early morning visits to fresh fruit and vegetable markets, fish markets, etc. One member of our delegation was even able to identify a box of her own persimmons at the fresh fruit market and to speak to the purchaser with regard to packaging requirements.

Delegates also visited the freight terminal at the new Hong Kong Airport and the shipping container terminal. They were able to visit the numerous and extraordinarily large supermarkets both in Hong Kong and the New Territories, and to check for packaging and produce ideas which could be brought home and implemented in their own businesses. We were fortunate on these visits to be accompanied by senior personnel from the stores and to be briefed by management at both the airport and the shipping terminal.

During our stay in Hong Kong we were also briefed by Mr John Piper, Managing Director of Food Asia, who was able to identify opportunities and impediments to exporting to Asia, and by Mr Christopher Rees, Senior Trade Commissioner for Austrade in Hong Kong. We also took a full day bus trip to Guandong Province in the People's Republic of China and witnessed first-hand a wholesale fruit market. We were accompanied on that occasion by an officer from the South Australian Government office in Hong Kong and were fortunate to meet a fruit and vegetable trader from Hong Kong who lives part-time in Adelaide. Mr Eddie Kwan was able to explain to us some of the cultural differences between marketing fresh produce in Australia as opposed to Asia.

There is little doubt in my mind of the great value of trips such as this from the point of view of the potential customer and, more particularly, from the point of view of the potential exporter. There is no greater teacher than first-hand knowledge and, anecdotally at least, I understand that a number of this year's market awareness group are interested in exhibiting at HOFEX either next year in Singapore or the year after in Hong Kong.

If we are to reach our goal of $15 billion of food produce by the year 2010, we must concentrate on a professional, well-trained group of producers and extensive value adding. Trips such as this are in my view a very good start to realising these aims.

BATTLE OF CRETE

The Hon. CARMEL ZOLLO: One of the functions I was pleased to attend during the parliamentary break was the commemoration dinner dance for the fifty-eighth anniversary of the Battle of Crete. Earlier on the same day, I and many other colleagues attended a reception at the Greek Consulate. The evening commemoration was a community one and I was pleased to represent the Leader of the Opposition, the Hon. Mike Rann MP. It was, however, disappointing to the Cretan and Greek communities, I am sure, that the Government was unable to find a representative out of its 33 members in State Parliament to attend that evening.

The history of the Battle of Crete is basked in honour for the allied forces. Of all the military campaigns fought in Greece during the Second World War, the Battle of Crete is remembered as one of the stronger acts of defiance against the German forces. Although German troops eventually overran Greece's largest island, it showed for the first time in the war that the Nazi troops were not invincible. Many Australian, British and New Zealand troops fought valiantly with their Cretan allies in the great battle, forging a special bond between the island's people and the Anzac troops, with many islanders risking their life to assist the Anzacs.

The Battle of Crete maintains its relevance today because it was an important battle for both Greece and Australia. For Australia it is part of the Anzac legend, which started in Gallipoli only a generation earlier. More importantly, it is a reminder of the longstanding ties that bind Greeks and Australians together, not only through migration but also as allies in battle. The pride and honour with which the Greek contingent march on Anzac Day is evident and well deserved. As an observer it is obvious that if anything does bind this nation together it is the respect felt towards those people who gave or who were willing to give their life for our freedom.

It is in a similar spirit of friendship between Australians and Greeks forged upon the battlefields and mountains of Crete which is also a source of inspiration for the liberation of Turkish occupied Cyprus. The fight for human rights and justice is a continuing battle which we must never abandon. The commitment towards the Greek and Greek Cypriot communities is a strong, bipartisan one. The Labor Party's and the Opposition Leader's commitment for the Cyprus cause is well-known. I have always strongly believed in the importance of recording and commemorating major historical events for future generations. If we are not prepared to do so, history does teach us that there will always be some in our society who are prepared to rewrite it.

I am always pleased therefore to see plaques installed at our Migration Museum. Apart from recording history, it helps to give young people of that origin a sense of identity. The importance of knowing where one comes from and the courage that was demonstrated during the Battle of Crete can never be taken away from the Cretan community, and it provides present and future generations with the opportunity to honour those who gave or who were prepared to give their life for a just cause.

The fact that many of the Cretan people chose to make South Australia their home is a further honour to this country. Nearly 60 years after the event, the Cretan community is, indeed, very proud to honour the many brave people who against great odds helped to forge a free future for us all.

It was pleasing to see the exchange of gifts between the visiting members of the Hellenic armed forces and Lieutenant Colonel Pierre Gregor (Commander Keswick Barracks) and Mr John Bailey (State President of the RSL). Mr Bailey also presented the former President of the Greek Ex-Servicemen's Association, Mr George Kastramis, with a medal to acknowledge his commitment of service to the Greek Ex-Servicemen's Association. The young Cretan dancers were some of the best traditional Greek dancers I have ever seen, and it was a pleasure to be entertained by them.

We live in a nation that respects and values the commitment of all its people regardless of their country of origin, but it is not something that we can take for granted. I believe that we need to be ever vigilant to ensure that it remains that way.

I congratulate the Cretan Association of South Australia for organising such a successful commemoration of the Battle of Crete. I also congratulate the President, Mr John Andreolakis, and Mr Nick Fragiskos, President of the Greek Ex-Servicemen's Association, and their committees for their tireless work.

GAMBLING

The Hon. NICK XENOPHON: I rise to speak on the subject of children's games that in some way mimic actual forms of gambling and, in particular, I wish to congratulate the Hon. Robert Lucas for his announcement of 5 May this year of the Government's decision to ban a so-called amusement arcade gaming machine—a machine which was similar to a gaming machine but which was targeted specifically at children. Reading the media release of the Hon. Robert Lucas, he makes reference to the fact that Crown Law had advised him that the Solottol arcade machine, which was already in operation in a number of newsagencies, amusement arcades and video stores, offered children the chance to win prizes of plush toys based on the characters in the *South Park* television series and was covered by the definition of gaming machines under the Gaming Machines Act. The Hon. Mr Lucas said:

> Whilst as Minister I have the power to exempt such machines from the provisions of the Act, I will not be agreeing to such an exemption.

He went on to say:

> Gaming machines are adult entertainment and the Government will not accept any machines which are specifically targeted at children. I am sure the community would be outraged at any suggestion that children might be encouraged (even if subconsciously) towards gaming machines.

That was certainly something on which the Government took decisive action and on which it deserves to be congratulated. However, the Government needs to go further in terms of looking at toys that mimic forms of gambling.

In particular, I have raised with the Treasurer by correspondence the Pokemon picture machine, a toy made by Nintendo, which has a number of games, one of which is a mini-game screen. The instruction manual says:

> Do you feel lucky? Select the coins icon to play the mini-game. Press the A button to spin the slots; press the A button to stop the slots one at a time. If three of the same pictures appear, you win lots of watts.

It does not say that a sound is made when a child wins; that is, having the three icons appear, a sound very similar to a poker machine sound is made. That is entirely consistent with the concerns expressed by the Treasurer and it is important that the Treasurer look at other children's games that mimic gambling machines.

This morning I received a letter from the Research Director, Dr Sean Sullivan, of the Compulsive Gambling Society of New Zealand. Dr Sullivan has written to me in relation to this game and his concerns. He supported my concerns about the children's electronic device, the Pokemon picture. He said that it is clearly based upon a gambling machine. Further, he said:

> We know from research and experience that children learn from modelling, and that young people are highly impressionable. There is a link in our view between use of similar devices to gambling machines (and this is!) and a transfer to actual machines at some later date. It is not necessary that money is not paid out—reinforcers for gambling machines are varied, including the colour, graphics, tune and visual program; these are commonly reported by clients as controlling stimuli.

He went on to say that there was similar controversy in New Zealand about an electronic horse racing game which was taken off the market.

I commend the fact that the Australian Hotels Association has applauded the ban on amusement arcade machines. Mr John Lewis, their General Manager, has pointed out the following:

> Gambling, like many other activities in our society, is an adult activity and should not be marketed to children.

I call on this Council, indeed this Parliament and the Government, to look at formulating a national code for machines for children's toys that in any way mimic actual gambling games; these should not be allowed to be marketed; and we acknowledge the potential harm they can cause to children, which, I note, is something about which the gambling industries in this country are very concerned.

BAIADA HATCHERY

The Hon. J.S.L. DAWKINS: Recently I was pleased to officiate at the opening of the Baiada hatchery in Gawler. Baiada Poultry Company, which is based in northern New South Wales, has made significant investments in rural South Australia over the past decade or so. Baiada has made considerable commitment to the economy of rural South Australia without seeking any assistance from the State Government. It has identified that the Lower to Mid North areas of this State are ideal for breeder farms to supply large markets in the Eastern States, as well as locally. As such, Baiada has made a significant impact on the employment prospects of the residents of this region, and particularly on smaller communities such as Eudunda and Robertstown.

Baiada has expended approximately $10 million on the three new developments since March last year. At the Gawler hatchery, an investment of $4.5 million has been made in a state-of-the-art facility which employs about 25 people. The capacity of this facility is 500 000 day old chicks per week, utilising 600 000 to 650 000 eggs, a large percentage of which come from Baiada's Tamworth farms; 50 per cent of the day old chick production is sold in this State.

The Robertstown breeder farm, which I have visited, has involved expenditure of $2 million and employs 12 people. It supplies 30 per cent of the Gawler hatchery's egg requirements. At the Eudunda farm, in excess of $4 million has been spent; in fact, there are two breeder farms on that site employing between 20 and 24 people.

Baiada's involvement in South Australia commenced through its subsidiary Hichick at Bethel (near Kapunda) about 10 years ago, and 28 people are employed at that facility. I was delighted to open the facility wearing, can I say, two hats: first, as Chairman of the Gawler Tourism and Trade Authority, because the hatchery is an excellent boost for Gawler and its surrounding areas; and, secondly, as Chairman of the Government's Rural Communities Reference Group. Members of that group are particularly pleased with the investment in communities such as Kapunda, Eudunda and Robertstown.

It is particularly interesting to note that the annual local salaries and wages from the Baiada company to Robertstown and Eudunda residents are in the order of $750 000. I think anyone who has any knowledge of the rural community these days would realise the importance of that for communities such as Eudunda and Robertstown.

It is important to stress that Baiada, a family company, has made this investment in South Australia without any assist-

ance from the State Government. However, I have been pleased to assist Baiada in its dealings with Government departments. I would like to congratulate Mr Joe Camilleri from Sydney, who is the Managing Director of Baiada, and also Mr Jan Meldrum, who is the important local contact and representative for Baiada and who is also the manager of the facility at Bethel.

PATTERSON VILLAGE

The Hon. R.R. ROBERTS: I rise to make a contribution on the situation at the Patterson Village in Port Pirie. During Question Time today I touched briefly on some of the machinations that have occurred at the Patterson Retirement Village. A proposal was put forward that the homeless men's facility be established by using 10 bed sit units of the Patterson Village. On hearing of this matter, I visited a Mr Bill Warner, a retired Second World War veteran, who declared to me that it was his intention never to leave his bed sit unit. He told me that he was going to barricade himself in and would not be shifted. I did offer to go up and barricade myself in with him. This man rides around in a gopher, but let not anyone be deterred by his lack of mobility. His spirit was very strong and, indeed, that was proven as the weeks went by.

I also raised the matter with the area manager, Ms Georgina Bickley, at the Housing Trust, and I must say that she was extremely helpful and explained fully the intention, which was that the Housing Trust would provide 10 units to the Central Mission, which runs the homeless men's facility in Port Pirie, the reason being that the homeless men's facility is in need of repair and extra funding. It was believed that they could use this facility by relocating 10 retired pensioners, erecting a six foot fence around it and providing them with a caretaker during the day. They also assured me that there would not be a problem for the other 18 aged residents. I pointed out to them that they were sending the wrong message, in that, if there was not a problem, why would they erect a six foot fence around the property?

I also asked whether consultation had taken place with nearby residents and whether they had approached the Port Pirie City Council about change of use. It was pointed out to me that they did not think it was a change of use. However, it was never going to convince anyone other than those who wanted to be convinced that that was the case.

Bill Warner, others and people within the Port Pirie sub-branch of the Australian Labor Party raised the matter with me. As I said in my contribution today, I raised the matter with Dean Brown, who said that if there was overwhelming opposition, subject to a report from the Housing Trust in Port Pirie, which is very proper, the proposition might not go ahead. In fact, Bill Warner has been a tower of strength, as have my sub-branch members who have assisted in making placards. My own office people assisted Bill Warner when he wanted a petition drawn up, and he has been tireless in circulating that petition, which basically has two objectives: first, to stop the proposal being implemented at the retirement village; and, secondly, to seek funds and infrastructure for the homeless men of Port Pirie—and these are two very worthwhile objectives.

With Dean Brown's intervention we have achieved one objective, but the job is still not done. I was pleased when I spoke to Bill Warner yesterday that he expressed the same view. He said that, having fixed up the quality of life for our age pensioners, we need to do something for the homeless men. We intend to continue to lobby the Hon. Dean Brown and the local member for Frome, Rob Kerin (Deputy Premier), to consider this matter with their colleagues at a State and Federal level with a view to providing some of these facilities and funding for the benefit of the homeless in our community, who have the full support of the people in the retirement village. I am sure that all people who signed the petitions in Port Pirie would welcome the intervention of Dean Brown and the Government to provide facilities and funding for these retired people in Port Pirie.

What we have seen in Port Pirie, once again, is that, when the community decides to cooperate on worthy causes, they never give up. The spirit displayed by people such as Bill Warner and Dudley Astinell, who were prepared to get out on their own to get the petitions signed, proves once again that when the spirit of the people of Port Pirie combines in a united effort they are always successful.

TUNA FACTORY DISCHARGE

The Hon. SANDRA KANCK: I know that this Government seems to think that the word 'tuna' is a magic one and that, when it is being considered, all the normal processes that apply to other industries do not seem to have to be factored in. Despite this mindset I will attempt to raise today the issue of pollution from the tuna industry on shore. When I was in Port Lincoln last week, by coincidence, there was a story in the *Port Lincoln Times* about plastics from the tuna industry in the North Shields area. The area that I visited, however, was close to the foreshore in the industrial area of Port Lincoln. I was particularly interested in discharge from a factory known as Tony's Tuna, with that discharge passing across another property and ultimately into Proper Bay. While I was at the site, over a period of about 20 minutes, there was a continuous discharge of water, which had a light film of oil on it on occasion. I understand, however, that nothing should be coming out from that factory. Caught up in amongst the weeds in the path of that water were assorted types of plastic, ranging from fairly heavy plastics to film plastics, including plastic strapping and plastic ropes—and certainly nothing that was biodegradable.

I was given two jars with samples of water that were taken over the previous week. One was black and one was red—not normal colours of water. The black one smells vile. It smells like someone attempted to empty the bilge pumps. The red one is, quite clearly, watered-down blood with some fish fragments in it. This is on council land, so the people using that land had contacted the health inspector at Port Lincoln council, who was less than interested in the matter. It appears, at least up until the time I was there last week, that the council has failed to do anything about it.

The Hon. A.J. Redford: He might have rung the EPA.

The Hon. SANDRA KANCK: I am getting on to your interjection, Mr Redford, because this does involve the EPA now.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: There is not an office of the EPA in Port Lincoln.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Members will address their remarks through the Chair.

The Hon. SANDRA KANCK: So, I undertook to bring these two jars of water back to Adelaide for sampling by the EPA. Since that time I have made numerous telephone calls but have got nowhere, although I have gained some informa-

tion that shows me how the system does not work. The EPA told me that they did not do any testing, that I would have to take the samples to Bolivar to the Australian Water Quality Centre (AWQC). The EPA was not able to tell me whether or not a cost was involved, so I telephoned the Minister's office, and neither could they. Ultimately, I contacted the Australian Water Quality Centre and was told that such samples degrade very quickly and that they need to get them within 24 hours. This means that anyone who lives outside Adelaide and who has an environmental problem has to be able to get the sample freighted to Adelaide at their cost.

It is really interesting that last week the Government released a report which revealed that people in country regions believe that they are being ignored. I wonder, in the light of this experience, why they have a view like that. Once the samples get to Adelaide they need to be couriered to Bolivar, and then there are the costs of testing. Most tests cost in the range of $40 to $50 per test. So, for each of the two jars I had there would be a range of tests. There might be tests for nutrient levels, ammonia levels, oxygen demand, and so on. It means that a person who is trying to draw a public health issue such as this to the attention of the authorities would have to be forking out something like $300 for tests—and that does not include the air freight costs or the couriering of the material to the AWQC.

It appears that we have a system that is structured to make it financially difficult for members of the public to prove their case on an issue such as this. When you cannot get the authorities interested in it, it makes it doubly difficult. You would expect, when this does involve a matter of public health, that the Government would be doing all that it could to assist matters such as this to be thoroughly investigated. Unfortunately, I have found that the authorities are not interested.

REGIONAL DEVELOPMENT

The Hon. A.J. REDFORD: I rise today to talk about some regional issues, in particular, the South Australian Regional Development Task Force report which I received earlier this week. I would like to go on record, first, to thank the members, including the Chair, John Bastian, for the work and the time that they committed in the development of this report. Indeed, I am sure that it will provide some interesting reading in terms of how we deal with some rural and regional issues. I must say, though, having listened to the Hon. Ron Roberts complain about a local health problem and the Hon. Sandra Kanck complain about a regional environment problem, that one of the biggest difficulties that this Government has is simply a lack of resources and finances. In that regard, as members of their respective Parties, they have no small role to play in ensuring that perhaps this Government might be able to secure and protect State finances. Perhaps that is a forlorn hope.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects. I was in Ballarat last year and had the opportunity of meeting the Upper House member for Ballarat Province, Hon. Dick de Fegely. I asked him what sort of capital works had been conducted in the previous 12 months by the Kennett Government. This is a Government that has had control of both Houses. They do not have to deal with anything like the Hon. Sandra Kanck or the Hon. Nick Xenophon. If they want to sell something, they sell it and generate finances. This is an interesting list of capital works that have been conducted in Ballarat, a city with a population of 100 000 people. Indeed, in that period $88.7 million was spent on capital works in Ballarat. I wonder what might happen if we were given the opportunity to sell our assets and plough that money back into capital works in rural and regional South Australia, based on the same sort of premises as those pertaining to the Kennett Government.

Indeed, if one had $22 million to spend on the population of Mount Gambier, about a quarter of that of Ballarat, one might take a leaf out of the Kennett book. Indeed Jeffrey Kennett and his Government spent in the order of $6 million on capital works for tourism infrastructure. It spent $350 000 upgrading its Adult and Further Education Centre and $15 million on its health services. The Hon. Rob Lawson would be very interested in this: it spent $15 million on its aged care facilities. It spent $30 million on its on police station and law courts; and, it spent $21 million on upgrading its primary, secondary and tertiary institutions in that city.

One could imagine what we might be able to achieve if we had some $4 million to spend on aged care in Mount Gambier or $6 million to spend on a hospital or to upgrade health facilities in Mount Gambier, and if we had another $1 million to spend not just next year but every year in Mount Gambier on tourism infrastructure and the various other infrastructure that might be available.

It is all well and good for the Hon. Sandra Kanck to go down on her knees in front of a stobie pole and say, 'Let's keep it because I am in love with it' and then come bouncing into this place and say, 'It's not fair—it takes me 24 hours to get a bit of dirty water and I have to pay to test it.' The Hon. Sandra Kanck cannot have it both ways. The Hon. Ron Roberts goes down on his knees in front of a stobie pole and says, 'I love you—I want to keep ownership of you', and then he comes in here and lambasts this Government because it cannot provide what I agree is an important and essential service for his constituent.

Members opposite have to get a bit of realism and understanding. Money does not fall from the sky. The honourable member was not a member when the State Bank fell through. You cannot continue to borrow or hope that some miracle man like Marcus Clark will come along and provide it. The honourable member is defying reality. Instead of going to Port Lincoln she ought to go to Ballarat and look at what Kennett is doing.

The ACTING PRESIDENT: Order! The honourable member's time has expired. The time permitted for member's statements has concluded. I call on the business of the day.

MEMBER'S LEAVE

The Hon. CAROLINE SCHAEFER: I move:

That three days leave of absence commencing on 25 May 1999 be granted to the Hon. J.F. Stefani on account of absence overseas representing the Government at the International Fair on Marble and Machinery at Carrara in Italy.

Motion carried.

AQUACULTURE COMMITTEE

The Hon. P. HOLLOWAY: I move:

That the regulations under the Fisheries Act 1982 concerning the Aquaculture Management Committee, made on 1 April 1999 and laid on the table of this Council on 25 May 1999, be disallowed.

Before I came into this Chamber the Minister for Primary Industries and Resources rang me to inform me that he would be withdrawing the regulations. I am not sure whether that has been done officially, so I have moved my motion and I will leave it on the Notice Paper until then. The Minister for Primary Industries indicated that he would be consulting with all the parties involved to try to come up with some acceptable regulations. I welcome that development and seek leave to continue my remarks to enable that process to continue.

Leave granted; debate adjourned.

LEGISLATIVE REVIEW COMMITTEE: UNPROCLAIMED LEGISLATION

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

That the report of the committee concerning unproclaimed legislation be noted.

I will be brief because the report itself is very brief. The report comprises some nine pages. Basically the report deals with legislation which has been passed by this Parliament and which has not been proclaimed and therefore has not come into effect. The Acts Interpretation Act in 1992, pursuant to section 7(5), provides:

An Act or a provision of an Act passed after the commencement of this subsection that is to be brought into operation by proclamation will be taken to come into operation on the second anniversary of the date on which the Act was assented to by or on behalf of the Crown, unless brought into operation before that second anniversary.

One could only say that that is a very significant and important provision of the Acts Interpretation Act. Prior to that provision it was not uncommon for legislation to be passed by Parliament and for the Executive arm of Government to unilaterally fail to proclaim legislation, thereby thwarting and subverting the will of the Parliament.

It is pleasing to see that since 1992 section 7(5) of the Acts Interpretation Act has worked extremely well. However, that Act did not seek to have any retrospective effect. Indeed, a substantial number of pieces of legislation were passed by this Parliament that have never come into effect. They have not been proclaimed for a wide range of reasons, and some of them for very good reasons. That is not to say that, if legislation is passed by this Parliament and sought not to be acted upon by the Executive arm of Government, it should not be brought back to this Parliament to give it the opportunity to repeal it.

Some of the Acts that have been passed and have never come into effect include the Aboriginal Heritage Act 1979, the Appeal Cost Fund Act 1979, the Age of Majority Act 1971, provisions in the Criminal Law Consolidation Act 1935, an amendment to the Stamp Duties Act in 1978 and, in 1988, some amendments to the Workers Rehabilitation and Compensation Act. Those Bills were approved and passed by both Houses of Parliament, yet they were never proclaimed by the Government and still to this date have not been proclaimed by this Government.

The committee wrote to each Minister stating that we had identified legislation passed by this Parliament that has not come into effect. We asked whether the relevant Minister could explain their intention in relation to these pieces of legislation that were on the statute book but had not come into effect.

Each of the Ministers responded promptly, and I thank all of them for their prompt and fulsome responses. Each of the Ministers agreed that these pieces of legislation ought to be repealed and, in most cases, they gave an explanation as to how they would propose to go about it.

In conclusion, the report notes the responses of the Ministers and recommends that an omnibus Bill be introduced into Parliament to clear up the whole matter. What prompted this action on my part and on the part of the committee was that I recall, prior to being elected to the Parliament and dealing with a piece of legislation, making a lengthy submission to a judge, the judge asking the other side to respond and reserving his judgment, then coming to a conclusion and, immediately before confirming his judgment, it was brought to the attention of all parties that the legislation that we had spent considerable time and effort debating as to its meaning in so far as our respective clients were concerned had in fact not come into effect. That caused considerable embarrassment for all parties, including the learned judge.

I think that if we are to have laws they ought to be simple and easy to understand. It is hard enough as it is to understand laws without also having to make the requisite phone call to the Attorney-General's Office to determine whether in fact the legislation has or has not come into effect.

In closing, I thank my parliamentary colleagues on the committee—the Hon. Ian Gilfillan, John Meier MP, Steve Condous MP, the Hon. Ron Roberts, and Robyn Geraghty—and its staff members (the committee's secretary, David Pegram, and Ben Calcraft) for the work they have done. Most importantly, I urge the Government to bring in an omnibus Bill and clean up the statute book once and for all.

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

NATIVE VEGETATION ACT

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

That the regulations under the Native Vegetation Act 1991 concerning exemptions, made on 21 August 1998 and laid on the table of this Council on 25 August 1998, be disallowed.

This is the second occasion since 1997 that the Minister has sought to amend the regulations governing the Native Vegetation Act. The current changes were introduced by the Environment Minister in August 1998. Conservation groups have raised concerns about some elements of the regulations—and I stress that it is some elements of the regulations. A significant number of the sections and regulations are agreed to, but this Council only has the capacity to disallow the total of the regulations rather than being able to separate out individual sections and regulations for disallowance.

On 26 February this year Minister Dorothy Kotz wrote to the Conservation Council of South Australia, advising that she had recently approved the initiation of a broad review of the regulations under the Native Vegetation Act 1991. This being the case, I believe it is important that the currently gazetted regulations under dispute be disallowed. This will ensure that a proper process is undertaken so that we have a set of regulations to which all interested parties can agree. However, at this stage it appears that the Minister does not wish to withdraw these amendments pending the broader review. I disagree with that move. The Government's use of regulations in recent years in reducing democratic parliamen-

tary processes is a worrying trend. I think there is sufficient dispute about regulations, and particularly the regulations in relation to the Native Vegetation Act, to require that this Parliament involve itself in the discussions far more fully. We want to see the Parliament properly scrutinise issues rather than the Parliament itself being slowly undermined.

A major concern raised about the new regulations is their ability to allow several exemptions to be used together, resulting in cumulative clearance of land. Specific concerns have been raised about the inclusion of guidelines in regulations. These guidelines can be changed from time to time, and there is no requirement for any notification to Parliament. Indeed, the Parliament will have no say in them whatsoever. It is the guidelines that will give the regulations and therefore the legislation any teeth—or, indeed, no teeth at all.

Regulation 3(s), allowing certain plant species to be exempt, has raised concerns, as it is seen to cause a dangerous precedent, which would weaken the Act by allowing vigorous native plants to be deemed pests, when in reality the problem may be poor land management, whereby poor land managers are simply allowed to come in with bulldozers to tackle a problem that they should have been able to handle in other ways. Regulation 3(t) has also raised concern, as applications for clearance for the purpose of pest control could lead to pest control being used as a way to cumulatively clear quite large areas of native vegetation. No-one is disputing that there are times when pests are difficult to eradicate in some areas of native vegetation, but this regulation really takes away from the overview of the Native Vegetation Council a decision as to whether or not it is most suitable that pest control should occur by way of clearance of native vegetation or whether other mechanisms should be used.

In fact, the powers would be delegated to a local level. I have seen how delegated powers can be abused, and a classic example occurred on Kangaroo Island where, just in road widening, the local council illegally bulldozed significant areas of native vegetation. That eventually went to court and the council lost. It is quite amazing that, in an area where tourism is a major local industry and where the native vegetation is a significant contributor to that, a council could have been so insensitive. It is not that tourism made that vegetation any more or less important, but you would think that a council in such an area understood. Frankly, the delegation of powers to a local level will be an invitation to allow inappropriate clearance to occur. I repeat that the question is not whether or not pest control may be a legitimate excuse but whether or not approvals will be granted inappropriately. There needs to be a close check on that.

The Conservation Council states that several dubious applications of this type have come before the Native Vegetation Council in recent years. One would imagine that not too many would come before the Native Vegetation Council, because people would know they need a very good case to succeed. I do not believe that would be true if delegation of powers occurred. Allowing delegation to officers such as animal and plant control officers to assess approval of such applications would be of concern, as these officers simply would not have the necessary skills to identify or properly manage sensitive vegetation, threatened species or native vegetation in general. It is unfortunate that once again we have to go down this path of disallowance. After all, it was only in September 1997 that the Government gazetted new native vegetation regulations after minimal consultation with conservation organisations. This was despite prior undertakings given by the previous Minister, David Wotton, that interested groups would have plenty of time for discussion and consultation on any changes.

It should not need repeating, but it is a fact that South Australia has the lowest level of remnant indigenous vegetation in Australia. The Native Vegetation Act came into South Australia for that specific reason: because we had lost so much that we could afford to lose no more. It was pioneering, important and necessary legislation at the time. The objects of the Act include: the protection of native vegetation; the prevention of further reduction of biological diversity and further degradation of land and its soil; the encouragement (financial or otherwise) of land owners to protect, manage and enhance native vegetation; and the encouragement of the re-establishment of native vegetation. Clearance is limited to particular circumstances, including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the efficient use of land for primary production. Research into the preservation, enhancement and management of native vegetation is to be encouraged. However, the Act is failing to stop the continuing loss of native vegetation, including many individual trees—sometimes hundreds in one approval.

Thousands of ancient red gums have fallen and are falling for vines, yet some vignerons such as Prue Henschke have proved that this is not necessary. I stress that it is not necessary, and yet it is happening. In South Australia the major limitation on growing vines and other horticultural crops is not land: the major limitation is available water; and not being able to clear all the ancient red gums is no real limitation to the amount of economic activity that can occur in the horticultural area. It is greed on the part of individual holders, or in some cases ignorance, which is leading to loss of trees in a way that was never intended or contemplated when the Native Vegetation Act was passed. Even though we know that that was never intended or contemplated, we see the Government now opening up more loopholes which are capable of being abused.

I stress again that I am not saying that there are not significant issues that the regulations seek to address: what I am saying is that usually there is more than one way of tackling a problem. What the Government is doing is granting exemptions or delegating powers in such a way that the most likely consequence will be loss of native vegetation, and that should not occur. There have been numerous reports of illegal clearance, and it is common knowledge that some developers cost subsequent fines into their estimate and that the Resource Protection Branch is seriously understaffed and unable to adequately address all breaches of the Native Vegetation Act. Of course, if the Government was serious about this it would give extra resources to the branch and, if it gave those additional resources, it would be then in a position to tackle the problems that these very regulations purport to address.

There is also a complaint that courts seem to find it difficult to treat illegal clearance seriously. The Conservation Council has been called in for a major review of the Native Vegetation Act to ensure that it is more effective in protecting native vegetation. It is calling for an examination of compliance to conditions of clearance; investigation of measures needed to strengthen the controls afforded by the Act; the removal of current ambiguities; ensuring that any offences against the Act can be brought to justice without delay; provision of greater power under the Act to collect and use evidence; adequate protection for important remnant trees and the landscape; better protection for remnant vegetation; the examination of current exemptions allowed under the Act;

investigation of the cumulative impact of the use of exemptions; and an examination of whether the Act would be better placed under the jurisdiction of the ERD court, a court which specialises in these sorts of matters, and which I feel would be a more appropriate jurisdiction. Although these suggestions cannot be put into action during this debate, I ask the Minister to consider these as issues of importance.

In summary, only some parts of these regulations are being opposed by the Democrats and conservation groups, but we do not have the choice of disallowing only sections of it—we have to disallow the whole lot. The major concern is that we have a significant weakening of the Act, a delegation to people who are incapable, I think, of making the decisions that are required of them. We have rules being made by way of guidelines—guidelines which are not subject to parliamentary approval. In fact, the guidelines finally decide whether or not the regulations are workable.

I met with the Minister last year not long after I first moved this motion of disallowance, and I suggested to the Minister that consideration be given to developing guidelines and incorporating them within the regulations. By doing that, Parliament then would be in a position to scrutinise them. I can understand the Government not wanting to incorporate those controls within legislation, because they could be detailed. But, if the Government were prepared to put the guidelines within regulations, we would know precisely not only what the rules would be but also how the rules would stay unless the Government approved a change by making further changes to the regulations. The way the Government is going about it is totally inappropriate.

The Democrats reluctantly move this motion. I gave notice of it last year. I have waited some seven or eight months. The Government has not been prepared to do anything further about it, so I have been left with no choice but to move the motion.

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

GAMBLING INDUSTRY REGULATION BILL

Second reading.

The Hon. NICK XENOPHON: I move:

That this Bill be now read a second time.

This Bill, at its heart, has a clear primary aim, that is, to reduce the ever increasing levels of harm and, in many cases, devastation caused by problem gambling and gambling addiction in our community. The Bill acknowledges that all forms of gambling need further regulation and research, and it has a particular emphasis on poker machines—the form of gambling that leads to the highest rate of addiction; and the form of gambling that is pervasive and accessible in 533 hotels and clubs in this State.

This State has seen an exponential increase in gambling and with it social and economic problems associated with that increase. The increase was unambiguously fuelled by the introduction of poker machines in South Australia in hotels and clubs in July 1994. Gambling losses have risen from $355 million in the 1993-94 financial year to $693 million in the 1997-98 financial year, with poker machines in hotels and clubs fuelling most of that expansion. National turnover of all gambling industries rose to $94 billion in the 1997-98 financial year, in excess of 15 per cent of Australia's gross domestic product. Australia outstrips the world in *per capita* gambling losses and outstrips the No.2 nation (the United States) by a more than two to one ratio. Australia's gambling losses in 1997-98 of $11.3 billion now exceed national household savings.

We now have a new underclass of South Australians because of gambling addiction, largely fuelled by the widespread accessibility and availability of poker machines in this State. The ever increasing number of South Australians who have fallen by the wayside because of problem gambling mirrors this Government's increasing dependence on gambling taxes. In the 1993-94 financial year, before poker machines were introduced into hotels and clubs, the Government collected $132 million in gambling taxes. By 1996-97, gambling taxes had risen to $249 million, which amounted to 12.3 per cent of State tax receipts, the second highest in the Commonwealth after Victoria at 12.6 per cent. In the 1997-98 financial year, the figure, in terms of State tax receipts from gambling, rose to $285 million, with the majority of that from poker machine taxes.

I can understand that State Governments generally, because of worsening Commonwealth-State fiscal relations and because of the reduction in their revenue bases and taxing powers, have increasingly turned to gambling taxes, a so-called 'voluntary' tax, to make up the shortfall. I also understand that Governments in this State and Victoria, in particular, have also been driven to rely on gambling taxes because of our regional State banking disasters. I understand these imperatives but cannot accept that a Government's ever increasing reliance on gambling taxes makes good long-term, or even short-term, economic sense.

I draw to members' attention the words of Professor Robert Goodman in the preface to his seminal text on the economics of the gambling industry, *The Luck Business*, as follows:

> A model of economic development that relies on gambling and chance to replace the jobs lost and productive industries is at least as disturbing for our future as the losses suffered by unsuccessful bettors. The shift in the role of governments from being watchdogs of gambling to becoming its leading promoters is also troubling. They have taken the schizophrenic role of picking up the tab for the increase in problem gambling while, at the same time, spending even more to promote its causes. Instead of serving the needs of their citizens, these governments are becoming predators upon them.
>
> While proponents exaggerate the benefits of gambling expansion they downplay and often refuse to acknowledge its hidden costs which, as our research indicates, can be immense—running into the hundreds of millions in a single State. These costs are showing up in a variety of ways. Huge portions of discretionary consumer dollars are being diverted into gambling, resulting in losses to the restaurant and entertainment industries, movie theatres, sports events, clothing and furniture stores, and other business. In addition, police departments, courts and prison systems must contend with a whole new range of criminal activity, much of it caused by addicted gamblers.
>
> Along with the devastating human tragedies of problem gambling come additional private and public costs, ranging from money lost by people who make loans to problem gamblers and aren't paid back, to the cost of treating, prosecuting or, in some cases, incarcerating problem gamblers who turn to crime to pay off their mounting debts.

I also refer members to my contribution in this place on 10 March 1999 in respect of the Social Development Committee's inquiry into gambling. I do not propose to unnecessarily restate the extensive references made in that contribution to a number of reports provided to the committee from organisations such as Adelaide Central Mission, Anglicare and a number of other organisations which provide welfare services to problem gamblers.

I propose to discuss the Bill by looking at its various parts sequentially. Part 1 includes a number of interpretation clauses of particular relevance to issues relating to political

donations from the gambling industry. Part 2 establishes a Gambling Impact Authority and fund. Given the South Australian gambling industries' turnover of $4.6 billion, with actual gambling losses on all forms of gambling approaching $2 million a day, it is extraordinary how little we know about South Australia's gambling industries.

I hope part of the jigsaw will be filled in by the release of the Federal Productivity Commission's inquiry into Australia's gambling industries, but there is an unambiguous need, given the impact of gambling in our community and given the level of public disquiet and debate over the social and economic effects of gambling in South Australia, for an independent authority—a Gambling Impact Authority—with broad and extensive functions, which are set out in clause 9.

The GIA's functions include making recommendations to the Minister on the application of the fund. The composition of the GIA is set out in clause 5. It allows for five members to be nominated by the Minister for Human Services; one person to be nominated by the Treasurer; one to be nominated by the South Australian Council of Social Services Incorporated; and another person to be nominated by the SA Council of Churches. Of the members to be nominated by the Minister, the Presiding Member will be a legal practitioner; one will be a Public Service employee in the administrative unit that is responsible to the Minister for the administration of this Act; one will be a person with experience in the provision of public or private sector welfare services; together with another person with experience in research and a wide knowledge of the social and economic effects of gambling; and one will be a medical practitioner.

Currently, gambling rehabilitation services are funded by the Gamblers Rehabilitation Fund which relies on the so-called voluntary donation from the hotels and clubs of $1.5 million per annum. I previously have raised in this Chamber concerns over the composition of that board as being unduly narrow and not sufficiently representing those who have to deal at the front line with the problems caused by gambling. I understand that the Minister for Human Services currently is undertaking a review of the composition and functions of the Gamblers Rehabilitation Fund and a report in relation to that has been prepared on behalf of the department. I look forward to a fundamental restructuring in the composition of the GRF taking place. However, the GIA, its structure, proposed roles and composition offer a framework for independent research and services to those affected by gambling.

The current system of the so-called voluntary contributions made by the Australian Hotels Association is clearly not satisfactory. I am aware that the Hotels Association can and does exert undue and unnecessary influence in relation to that, as well as other members in the industry. That is clearly unhealthy to independent research and with respect to fearless advocacy on the part of those affected by problem gambling.

The functions of the Gambling Impact Authority also include the provision of a 24 hour telephone counselling service, staffed, if practicable, by persons ordinarily resident in this State. The Government is to be commended for the introduction of a 24 hour telephone counselling service, which was introduced at the end of last year, for those affected by gambling. However, the fact that calls need to go to a Victorian call centre is an area of concern and something that has been raised in this Chamber previously.

The GIA's functions include the provision of 'other support or advice to persons adversely affected by gambling'. The ambit of this clause is deliberately wide. Family members and friends of problem gamblers can also be deeply affected by problem gambling and, if members listen to gambling counsellors, they will tell them as they have told me time and again that every problem gambler can impact on the lives of between five to 10 other individuals—family, friends and local businesses.

The GIA also has a function of undertaking or facilitating research into the social and economic effects of gambling. I have previously raised with this Government the need for an independent economic impact statement on the impact of gambling and, in particular, of poker machines on jobs, discretionary spending patterns, small businesses and economic activity generally. Even the Australian Hotels Association in May 1998 joined in my call for an economic study on the impact of gambling expenditure in this State, but the Government has still not acted.

I again refer to Professor Robert Goodman and his book *The Luck Business* regarding studies that have been carried out on the impact of gambling industries in the United States. The results of Professor Goodman's extensive research in a nation where gambling losses are less than half ours on a per capita basis make it even more urgent for comprehensive research to take place on the effects of gambling. Professor Goodman, under the heading 'The economic and social costs of problem gambling' points out the following:

> According to existing research, the rate of problem gambling in the community tends to go up the more gambling is available in that community and the longer it is available.

Professor Goodman also refers to studies in a number of American States, including Connecticut, where there has been a proliferation of gambling activities in recent years, more so than in other States and in advance of other States where the problem gambling rate is at 6 per cent. This is certainly much higher than the Hotels Association's reported rate of 1½ to 2 per cent. However, I will refer to that later. Professor Goodman goes on to say:

> By examining the combined costs which are produced by the behaviour of problem gamblers, including bankruptcies, fraud, embezzlement, unpaid debts and increased criminal justice expenses, researchers have arrived at yearly estimates of how much these people cost the rest of society.

Estimates of the yearly average combined private and public costs of each problem gambler have ranged between $20 000 and $30 000 (in 1993 dollars) with some reports as high as $52 000. The United States gambling study, which Professor Goodman directed, arrived at a much more conservative estimate of $13 200 per problem gambler (in 1993 dollars). However, he goes on to say that even this lower estimate translates into 'enormous costs to a community'.

Professor Goodman also refers to studies in the United States which indicate that lower income earners tend to spend more money on gambling as a proportion of their total income. This is something that has been denied repeatedly by the Australian Hotels Association in this State. Therefore, it is worth referring to the following passage from his book:

> Reporting on a survey of nearly 1 000 casino players in Atlantic City and Las Vegas, Mary Borg and two other economics professors at the University of North Florida found that lower income people generally tended to spend a significantly higher percentage of their incomes when gambling at casinos. People earning less than $10 000 per year spent nearly 2½ times more on gambling as a percentage of their income than people earning $30 000 to $40 000 per year. People earning $10 000 to $20 000 per year spent about 1.4 times more than those earning $30 000 to $40 000 per year. According to the Borg study, casino gambling revenues were 'extremely regressive means of financing Government activities'.

Any research into the social and economic effects of gambling should also include comprehensive research on the incidence between gambling addiction and suicide, including attempted suicide. Members may have heard of research carried out recently at the Anxiety Disorders Unit of the Flinders Medical Centre which indicated that, of problem gamblers surveyed, I understand largely poker machine gamblers, in excess of 70 per cent reported that they had considered suicide as an option in the previous 12 months: there were issues of suicidal ideation and attempted suicide.

Recently I met a man whose wife of almost three decades suicided. She had a serious poker machine gambling problem. She had lost tens of thousands of dollars. The suicide note, a copy of which was provided to me by her husband, left no doubt in my mind that her gambling addiction was a major factor in the equation of despair that led to her death. It puts a lie to the claims from gambling industries, and in particular the so-called gaming industry, that this is just another form of entertainment. Comprehensive, independent research on the link between suicide and gambling addiction is essential to remove the covers off an industry that pretends that it is all about fun but, in reality, can cause devastating harm, and an unacceptable level of devastating harm, to individuals and their families.

I also hope that research will remove the excuses of Governments and indeed, for that matter, Oppositions eyeing the Treasury benches which seem transfixed by the revenue flows of gambling taxes, poker machine taxes in particular, seemingly oblivious to their consequences.

The Bill also provides for a Gambling Impact Fund to be established in clause 12 to facilitate the activities of the Gambling Impact Authority; and, further, to provide financial assistance for charitable organisations that provide support or advice to persons adversely affected by gambling; to provide financial assistance to sectors of the live music industry, in particular, composers of original music adversely affected by the introduction of poker machines in hotels and clubs; and to provide training for alternative work for persons leaving or wishing to leave the gaming machines industry.

The Hotels Association has made much of the jobs created by gaming machines in this State. The AHA says that some 4 000 jobs have been created directly as a result of gaming machines, and I do take very seriously the concerns of those working at poker machine venues for their economic security, although I am still waiting to hear from the Hotels Association as to the precise mix of full-time and part-time jobs, despite having written to it on previous occasions requesting further details.

I am also concerned about the jobs lost to the small retailing sector, and I refer members to the submission made by the Small Retailers Association of South Australia on the impact of poker machines on jobs in the small retailing sector in this State, with their estimate following a comprehensive survey that for every job created by poker machines at least two jobs have been lost in the small retailing sector. I want to make this absolutely clear: that, based on the work carried out by Professor Robert Goodman, increased levels of gambling lead to overall job reduction in the community such as ours and that any long-term reduction in gambling losses will translate itself into an increase in jobs in other sectors, particularly in the small retailing sector.

Clause 13 provides for a gaming machine levy to pay for the gambling impact fund and allows for a specific amount of $10 per machine to be paid into the fund to provide financial assistance to sectors of the live music industry adversely affected by the gaming machine industry. I have previously raised the issue of the impact on the original live music industry in South Australia in this Council by the introduction of poker machines. I commend the work of the Minister for the Arts in support of live music in this State, but the fact remains that emerging local talent does not have the same opportunities it used to have because of the introduction of poker machines into hundreds of venues in this State, literally squeezing out live music venues at an increasing rate. Original live music, emerging talent, has been squeezed out because of the advent of poker machines in many of our hotels. This clause attempts in a very positive way not only to acknowledge this but to provide tangible assistance for our emerging talent.

Clauses 14 and 15 of the Bill relate to political donations, making it an offence for a gambling entity to make a political donation. This clause has as its basis legislation from the State of New Jersey in the United States, the home of the Atlantic City casino industry, which prohibits gambling entities from making such political donations. It is worth looking at the governing principles of the New Jersey statute which state:

> This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the Government institutions that are responsible for the supervision of the casino industry, from the uniquely powerful economic force that is presented by that industry.

I note that, when I made this proposal last year, it was dismissed by the Director of the Liberal Party in double time and also by the ALP shadow Treasurer, the member for Hart, who told ABC radio that the proposal was 'absolute nonsense'. However, it is interesting to note that both the Labor and Liberal Parties each received a $50 000 donation from the AHA SA branch when donations were disclosed through Federal laws recently. I do not know what individual donations have been made by hoteliers and other associated entities to candidates at the last State election. It is also interesting to note that, in my discussions with the regulatory authority in New Jersey, they indicated that the clause prohibiting political donations in New Jersey was passed with bipartisan support. The New Jersey Legislature acknowledged that public interest considerations, public perceptions and the potential problems of the gambling industry making donations to political Parties warranted the ban. I await with interest the response of members to this particular clause.

Part 4 of the Bill, in clauses 16 and 17, sets up a regime for compensation for victims of gambling-related crime. The object of this part is to recognise that (and I quote from clause 16):

> . . . as the Government derives substantial revenue, directly or by way of taxes, from the money spent by members of the community on the various forms of gambling allowed in this State, the Government has a concomitant responsibility to assist victims of crimes committed by persons suffering from a gambling addiction.

Before I refer to the mechanisms proposed to compensate victims of gambling-related crimes, I again refer members to a comprehensive article in the December 1997 edition of the *Alternative Law Journal*, entitled, 'Who's Holding the Aces?' by Nicholas Andrew, Con Asimacopoulos, David Dimovski and Daniel Haydon who at that time were law students at the University of Technology, Sydney. It is a comprehensively researched and referenced piece on the link between crime and gambling. It refers to research carried out by Professor Alex Blaczynski in 1989 and 1996. The 1996 research, which validated the 1989 research, used a control group of 115

subjects, addicted gamblers, and found that 58.3 per cent of the group made an admission to a gambling-related offence and that 22.6 per cent had been convicted or charged with such an offence. That is a study carried out in Australia and mirrors research referred to by Professor Robert Goodman in his book which talks about a link between compulsive gambling and crime in the order of 60 per cent. The offences that Professor Blaczynski referred to in his research committed by those admitting to a gambling-related offence included: armed robbery at 5.15 per cent; burglary at 8.9 per cent; drug offences, 2.5 per cent; shoplifting, 5.1 per cent; larceny, 35.4 per cent; misappropriation, 2.5 per cent; and embezzlement, 40.5 per cent.

I refer members to newspaper reports in the past few years which refer to individuals committing serious criminal offences—embezzlement, misappropriation and even armed robbery—to fund a gambling addiction and, in many cases, a poker machine addiction. I have spoken to a number of people who have been directly affected as a result of gambling-related crime and, indeed, to those who have committed offences with respect to their gambling addiction. I have spoken to people whose businesses have been harmed significantly as a result of an employee or family member having misappropriated funds because of a gambling addiction. The cases I have seen all related to poker machines. The authors of the 'Who's Holding the Aces?' article point out that more research is needed on the link between gambling and crime, particularly given the enormous costs to the community, the cost not only to the victims but also the costs of incarceration and the costs to the criminal justice system generally.

Yesterday I received a response from the Attorney-General on the link between gambling and crime, and there does not appear to be any method or system of research in this regard. The information we have today is principally from media reports, from information I have been able to gather from gambling counsellors and from evidence that has been given to the Social Development Committee of this Parliament. Given the enormous sums the Government obtains in gambling revenue, I would have thought that some resources not only directed to the purpose of establishing the link between compulsive gambling and crime in this State and the various forms of gambling involved but also to gauge the costs to the community as a whole would be a valuable and worthwhile investment for effective, long-term public policy formation. It is worth reflecting on the conclusion of the authors of the 'Who's Holding the Aces?' article, as follows:

> With heavy dependence on gambling revenue, research in this area has been sparse. Indeed, the State's position is akin to that adopted in relation to the tobacco industry two decades ago—'support through dependence'. It is only now, when the full social and health impacts of smoking are finally being recognised, that Government is moving away from its position of total support. The only hope is that it does not take as long for this to happen in the field of gambling, where the plethora of criminal and personal consequences can be truly devastating.

Clause 17 provides a regime for compensation of victims of gambling-related crime. It must be established that, on the balance of probabilities, the defendant at the time of the offence was suffering from a gambling addiction and that there was a causal link between the defendant's gambling addiction and the commission of the offence. It provides for compensation for economic loss to a maximum of $10 000 being paid to the victims. The figure of $10 000 is quite modest when you look at the economic consequences of embezzlement and fraud involving gambling addiction that have come to light in recent years. Members may be aware of cases previously before the courts in recent times where the amounts embezzled were in the order of $200 000—and one particular case comes to mind. I have kept the amount of compensation at $10 000 so that the fund is seen in the context of a fund of last resort to provide emergency assistance for those who have suffered economic loss as a result of being a victim of criminal activity linked to gambling addiction.

The clause has a number of stringent provisions which require the court to obtain and consider a report of a registered psychiatrist or registered psychologist as to whether the defendant was suffering from a gambling addiction at the relevant time. The application must be made no later than three months after the day on which the defendant is convicted of the offence. Further, if a court in assessing the amount of the victim's economic loss for the purpose of making an order under this section is satisfied that any act or omission on the part of the victim contributed to that loss, the court may reduce the amount of compensation to such extent as it thinks just.

Part 5 refers to the regulation of the gambling industry. Clause 18 refers to prohibition of interactive gambling, the very issue that is the subject of a select committee inquiry of this Council. If members accept, on the basis of work carried out by gambling counsellors and researchers, that accessibility of a gambling product holds the key to the level of gambling addiction, then allowing, sanctioning, interactive gambling will without any doubt lead to a further, significant increase in problem gambling rates in this State. In this regard I am not simply referring to Internet home gambling but also to other emerging technologies such as digital television, with all the potential that has to provide interactive home gambling services.

As my friend and colleague the Reverend Tim Costello has said on a number of occasions with respect to interactive home gambling, 'With this form of gambling you will soon be able to lose your home without ever actually having to leave it.' Whilst I appreciate that this is also a Federal issue because of the Commonwealth's constitutional powers in respect of telecommunications and banking, this Parliament will be letting down the South Australian community if it does not do its level best to nip this industry in the bud.

Clause 19 relates to restrictions on advertising in gambling. It aims to rein in what many would see as irresponsible and over the top advertising in recent years by a number of gambling codes, particularly the Lotteries Commission, the TAB and the Adelaide Casino. I wish to make clear from research I have seen that problem gambling rates amongst Lotto players are negligible. The real problems are with poker machines, the TAB and the Casino, in that order. However, aggressive advertising for all gambling codes, particularly the Lotteries Commission, has sent out a message to the community that all forms of gambling are simply another form of entertainment and harmless fun, their advertisements naturally depicting only winners and not losers.

Clause 19 has a provision that ensures that any advertisement has a warning that complies with the requirements of the regulations and a name and current number for the 24-hour telephone counselling service. Clause 20 provides for warnings to be displayed at gambling venues, again providing the name and current telephone number of the 24-hour telephone counselling service, with clause 21 providing that warnings are to be displayed on poker machines, and clause

22 providing that warnings and information are to be provided on lottery and betting tickets—surely not onerous provisions for this Council to agree to if we accept that this is also a consumer protection issue and if we accept that gambling industries, in particular the poker machine industry, can and do cause a significant degree of harm in the community.

Clause 23 aims to give basic consumer information as to the chances of winning at the Casino, at poker machine venues and at the Lotteries Commission. If the gambling industry talks about freedom of choice, it ought to follow that there is an informed choice for any consumers of gambling products.

Clause 24 provides for certain external signage to be prohibited at gambling venues. It also aims to make such signage more low key and in keeping with the philosophy that we are not dealing with ordinary products but with products that can cause harm.

Clause 25 provides for the cashing of cheques to be prohibited at a gambling venue unless there are no bank facilities within 10 kilometres. This has been heavily criticised by the President of the Hotels Association, Mr Peter Hurley—a successful hotelier of long standing and, to his credit, even before the introduction of poker machines. This clause has been introduced because of the feedback from gambling counsellors and problem gamblers who are getting into increasing levels of difficulty with cheque cashing facilities at hotels. The aim is to make it more difficult for problem gamblers to have access to cheque cashing facilities for the purpose of gambling.

Clause 26 prohibits smoking at gambling venues. I regard this as being consistent with the aims of the Government's legislation put into force earlier this year to prohibit smoking in dining rooms. It is also an important environmental and occupational health issue for patrons and employees of gaming room venues. I would like to think that those members opposite who have a particular interest in union issues and in occupational health and safety issues would support this clause, given the recent moves to prohibit smoking in enclosed dining areas.

Clause 27 relates to prohibitions relating to food and drink within a venue. The feedback from gambling counsellors and problem gamblers is that it is important for there to be a break in play, for gamblers to have an opportunity to have a break and consume food and drink outside the area where gambling takes place.

Clause 28 provides for clocks to be provided in gambling venues so that gamblers can at least keep track of the time. I note that the definition of 'clock' has been criticised by Mr Hurley of the AHA because it specifies that the clock show clearly whether it is a.m. or p.m. I am more than happy to discuss this further with the AHA or any other member who has concerns about the clause. Allowing a consumer of gambling services to know the time from a clock in the venue ought to be a basic right to such a consumer, particularly when such devices appear to be so noticeably absent both in the Casino and gambling venues here and in gambling venues throughout the world.

Clause 29 provides for mandatory reporting to the Gambling Impact Authority of certain offences relating to gambling on credit. Members are aware that gambling on credit is a serious offence both under the Casino Act and section 52 of the Gaming Machines Act. It is an offence under the Racing Act under section 62(d). The rationale behind this clause is to focus on those venues that do not do the right thing. I have acknowledged on a number of occasions that the Australian Hotels Association, through its code of conduct, is very strict on the issue of the provision of credit, and this has been endorsed by the Licensed Clubs Association.

The consequences of providing credit to an addicted gambler can be devastating, because it can accelerate and exacerbate gambling losses. I have seen a number of people who have been given credit, and I have discussed it with gambling counsellors. The consequences can be quite cruel and indeed quite severe on that person's gambling addiction. In one case a woman who was given credit at a venue ended up losing her home. I believe it was largely because of the fact that she was given credit and this, in turn, accelerated her gambling addiction. I understand that that case will go before the courts in this State in the not too distant future. This clause will send a strong signal to the minority of operators who do not do the right thing that their chance of being caught and being prosecuted will increase substantially with this mandatory reporting provision.

Clause 33 prohibits gaming machines that allow high stakes or rapid betting. It seeks to prohibit betting at more than 10 cents per play or repeated betting by an automatic process or paying out a prize of more than $50. Time and again problem gamblers I have spoken to and gambling counsellors who have provided information to me have emphasised that the level of pay-out, the level of jackpot of poker machines, is very material, as is the speed of play. We are dealing with a rapid form of gambling with the combination of lights, colours and sounds a constant reinforcement that the level of jackpot is important—

The Hon. T.G. Cameron: Why do the machines have speed?

The Hon. NICK XENOPHON: I am pleased the Hon. Mr Cameron is here—at least someone can pay attention to what I am saying.

Members interjecting:

The Hon. NICK XENOPHON: You all are? I apologise to honourable members. Perhaps I was missing the interjections. The speed of machines is a particular concern. Machines are particularly fast, and there ought to be an investigation into the speed of machines because we now have faster machines—certainly much faster machines than the machines that were in the New South Wales clubs. Available research indicates that the faster the machine the faster the reinforcement and the greater the rate of gambling addiction.

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: The Hon. Diana Laidlaw loved the one-arm bandits, but they were nowhere near as addictive as the current machines. I have also spoken to many problem gamblers who have told me that they have become hooked after winning $600, $1 000 or $2 000. The level of the jackpot is an important indicator in the level of addictiveness to a machine. This Parliament was conned by the gambling industry when the Gaming Machines Act was passed in 1992. It was told that this was just another form of entertainment, that it was not gambling. Even the Marketing Development Manager of Aristocrat Leisure Industries—the largest manufacturer of poker machines in this country—came to South Australia shortly before the legislation was passed and said point blank—

The Hon. T.G. Cameron: Do you know why Aristocrat's share price tripled in the past 12 months?

The PRESIDENT: Order!

The Hon. NICK XENOPHON: Shortly before the passage of the legislation in 1992, the Marketing Development Manager of Aristocrat gaming machines came to this State and was scathing of any suggestion that playing the pokies was gambling. In fact, he said that it was just entertainment. He also said, 'It would take you a month of Sundays to lose $100 on one of those things.' For members not familiar with Aristocrat machines, if you play maximum lines and maximum bets on an Aristocrat gaming machine today, assuming generously an 88 per cent pay-out rate on each bet, you can do your $100 on one Sunday in just 10 minutes.

If this industry seriously believes that it is all about entertainment, the provisions contained in clause 33 should be of no concern. My concern is that this industry derives a significant proportion of its revenue from addicted gamblers. This industry makes its money from addicted gamblers in our community. This industry makes the cream of its profits from addicted gamblers and from the vulnerable in our community.

I refer members to a study commissioned by the Australia Institute and the Australian Tax Research Foundation entitled *Gambling Taxation in Australia*—a book published last April and authored by Australian National University Economist Dr Julie Smith. Dr Smith's research indicates that 200 000 gamblers nationally pay one third of all gambling taxes. In South Australian terms it means that we have something like 15 000 gamblers who pay a highly disproportionate amount of gambling taxes.

Given the references that Dr Smith has made to the regressive nature of such taxation, it is a burden that falls generally on those who can least afford it. That is why the measures suggested in this clause are a step in the right direction and mirror, to some extent, the moves that have been made in the Netherlands to slow down the machines, reduce jackpots and allow breaks in play. These are about fundamental consumer protection reforms. These are reforms to reduce the level of addiction for a product that can be quite pernicious and damaging. If this industry is concerned only about people's fun and entertainment then it should not stand in the way of this clause.

Clause 34 prohibits the use of a credit card or charge card for the purpose of paying for gambling. There is a question mark over whether the existing clauses in the Gaming Machines Act cover this sort of transaction. I have recently become aware of one case where a poker machine venue allowed in excess of $30 000 to be charged to a credit card, with the transactions being represented as pub and liquor sales. Clearly, that is in breach of the *Smart Play Guide* issued by the hotel and club industry and is an abuse. It is something that ought to be the subject of an investigation, as I understand it will be, by the Liquor and Gaming Commissioner; and I understand that it also will be the subject of litigation in the civil court because that sort of practice is simply not acceptable.

The legislation makes it very clear: it removes any doubt in the current legislation as to whether that transaction ought to be prohibited. In fact, today I read that the Liquor and Gaming Commissioner in New South Wales is looking at prosecuting venues that use credit cards in this way to give cash advances. I refer to the *Smart Play Guide* and the provision of credit which states:

> Credit betting or provision of credit to gamble is illegal under the Gaming Machines Act. This includes misrepresenting credit card transactions.

Clause 35 relates to inducements to gamble such as free cash, free vouchers, free points or credits on games, membership (whether on payment of fee or not) of a jackpot or gambling club, free or discounted food or drink, free entry into any lottery, and gifts or awards of any kind.

With regard to the provision of free alcohol, I refer members to studies carried out by Professor Mark Dickerson, a researcher into gambling who is often quoted and gets wide praise from the gambling industry as to a number of his findings. Professor Dickerson has found that with just two standard drinks the level of gambling can increase substantially. So, there ought to be some degree of control or measures to protect consumers who are given free drinks.

We are aware of a case currently before the New South Wales Supreme Court where a gambler, who lost $3 million at the Sydney Star City Casino, is suing the casino partly because it gave him free drinks to the point of intoxication. That will be the subject of a judicial determination in the not too distant future. The message I have received again and again from problem gamblers and gambling counsellors is that these inducements play a very material role in getting gamblers hooked.

Part 8 of the Bill relates to amendments to the Gaming Machines Act. Clause 38 relates to the removal of gaming machines from hotels within five years. That was the only promise I gave at the last election: the only promise I gave was that gaming machines be removed from hotels. I did not promise not to sell ETSA; I just made the promise that that is what I would aim to do. I acknowledge that there may be a degree of hostility to this clause from a number of members. However, there ought to be public debate as to the desirability of having poker machines in hotels as distinct from being less accessible in fewer community clubs and the social consequences that flow from the pokies being in community clubs.

I refer to the words of the Premier of this State when he said in December 1997 that the introduction of poker machines into hotels and clubs was ill-conceived and ill-considered, although I note with some degree of scepticism and, indeed, dare I say, cynicism, that this Government has done very little to rein in the damage caused by poker machines in this State. To its credit, the Government has now taken action so that poker machines will no longer be allowed in any new shopping centres, although it did not help at Westfield Marion.

The Premier talks about its costing $1 billion to remove poker machines from hotels in this State, yet despite my questions to him as to the legal basis of that statement I have yet to hear him give a satisfactory answer. I have written to the Premier in relation to that and I will continue writing to him, because I would like to know where he gets the figure of $1 billion, or indeed any level of compensation payable, if a sufficient degree of notice through an Act of Parliament is given to an industry in relation to the removal of its exclusive franchise.

Poker machines were introduced into South Australia not because of a ground swell of community demand for them. On the contrary, there was a great deal of community disquiet, consternation and demonstrations against the introduction of the machines. Those who campaigned against the introduction of poker machines in 1992, many of whom I keep in contact with because they are now dealing with problem gamblers at the front line, unfortunately have not only been proved right as to the consequences they foresaw

but also, in many cases, did not foresee the full extent of the impact of poker machines in this State.

Clause 39 seeks to amend the eligibility criteria for gaming machine applications to seal off the gaming room from the rest of the hotel. This clause is designed to allow patrons who want a quiet drink not to have to listen to poker machines. That is a common complaint that I hear repeatedly from pub patrons who find that listening to the machines is a nuisance. Importantly, it is also designed to protect children from being exposed to poker machines. In this regard I commend the actions of the Treasurer in banning a game, designed for children, which had poker machine like features. The principles are the same: you do not expose children unnecessarily to poker machines. If it is supposed to be an adult activity, then do not expose children to them. Earlier today in the Matters of Interest debate I referred to the Treasurer's statement in that regard.

Clause 39 ensures that the Commissioner must take into account other gaming machine venues in the area in determining an application and also ensures consideration of the views of the local community on the application. It gives the Commissioner a broader discretion, a community-based discretion, rather than having an emphasis, as we must do now, on narrow issues that largely ignore community concerns. Members may be aware that last year I was involved in an unsuccessful application to prevent the introduction of poker machines in the Callington Hotel. In that case, 75 per cent of the 200 residents of Callington signed a petition stating that they did not want poker machines in their community pub, but because the legislation does not allow local democratic community concerns that application was unsuccessful.

Clause 40 prevents the plurality of licences—to prevent an interlinking of adjoining licences which in effect creates a much larger gambling venue.

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order! I ask the interjectors to come to order. They are wasting the speaker's valuable time.

The Hon. NICK XENOPHON: Clause 41 relates to conditions regarding the amount of time that a venue is open. It allows for an eight hour break, rather than a six hour break, in each 24 hour period, and allows for the views of local communities, of which the Commissioner ought to be made aware, and ensures that venues that obtain a gaming machine licence cannot simply sit on that licence indefinitely.

Clause 42 allows for a more comprehensive system of advertisements for a gaming machine licence and provides for notification of local residents within a one kilometre radius of the proposed venue. Clause 43 relates to objections by broadening the nature of applications that must be advertised. Clause 44 provides for suspension in certain circumstances of a licence to be for at least three months. This will send a powerful signal to those venues that do not do the right thing with respect to their obligations under the Act.

Clause 45 restricts gaming machines being installed or machines being altered that would 'significantly (make the machines) more attractive to prospective players than the replaced, or existing, machines'. It acknowledges that faster and more addictive machines are being put on the market and being designed. It acknowledges that we need to look at this issue in many respects as a product liability issue.

The Hotels Association continually states that there is a problem gambling rate of simply 2 per cent. It acknowledges that and it puts $1.5 million into a problem gambling fund. Let us put that in some context. If 2 per cent of a restaurant's patrons regularly came down with food poisoning, it would be either closed down or substantially have to modify its practices. If one in 50 of a particular children's cot was defective and was causing injury to infants, that would be taken off the market. I cannot imagine that the manufacturers of the cot would say, 'Well, it's a good product, but in 2 per cent of cases it causes harm. We'll put some money into a rehabilitation fund for those infants who are injured.' That would be unacceptable. We seem to have a quite distorted and myopic view when it comes to gambling products, as though it is automatically acceptable. Let us begin to look at this as a social justice issue, as a consumer protection issue, because of the harm that it causes individuals.

Clause 45 also seeks to prohibit machines that allow for the insertion of a bank note or token. Studies carried out in New South Wales (and I have spoken to the author of this report) indicate that the level of gambling losses increase substantially where a note taking machine is in place. I understand that the Australian Hotels Association has been toying around with this idea, but it is important that it be nipped in the bud because it will increase unambiguously the rate of problem gambling in this State. It also reflects the recommendations of the Social Development Committee inquiry into gambling, recommendations which I am awaiting with baited breath to see whether the Government will be taking any decisive action on them.

Clause 47 provides for EFTPOS or ATM facilities not being provided within the licensed premises. Again and again I hear from problem gamblers, gambling counsellors and researchers that the provision of an EFTPOS or ATM facility within a gambling venue is a significant and material factor—an accelerate—in the level of gambling addiction. Having ready access to cash in this way is a problem that gambling counsellors and addicted gamblers talk about as a mechanism by which gambling addiction can increase. This Parliament went some way toward dealing with this by removing EFTPOS and ATM facilities from the actual gaming room, but it has not gone far enough, because in many cases the machine is simply shifted out of the room and is merely a 10 second walk for the patron. I have seen the EFTPOS receipts and ATM slips from problem gamblers, where they take out up to $1 000 or $2 000 a day, using a variety of cards to feed their addiction, with devastating consequences.

Clause 48 amends section 52 of the Gaming Machines Act in relation to the provision of charge cards, for the reasons I have set out previously. Clause 49 also refers to the modification of machines, and this mirrors the provisions of clause 33 in relation to the Casino relating to the prohibition of inducements to bet on gaming machines within gaming venues. Clause 50 relates to the barring of excessive gamblers and seeks to strengthen the provisions of clause 59 of the Gaming Machines Act. The current barring provisions are being used, but they are not effective. I hear from families, friends and addicted gamblers themselves that the current provisions are treated with derision by too many venues.

Whatever their views on poker machines, I urge members at the very least to strengthen the provision to bar problem gamblers. This strengthens the provision by allowing for members of that person's family or those who have an interest in that person's welfare, such as gambling counsellors and welfare organisations that care for individuals, to bar a person. It makes it more difficult for that barring to be removed by having a more extensive appeal mechanism,

referred to under clause 53, and I urge all members to consider it seriously.

Clause 54 provides for an amendment to section 73B of the Gaming Machines Act relating to the Charitable and Social Welfare Fund. It provides a mechanism essentially for compensation to remedy the damage caused to major charities in this State by the introduction of gaming machines and the significant diversion of revenue from charities in this regard and all the good work they do. I refer members to the powerful submissions made by charities that were adversely impacted on by the introduction of gaming machines in this State to the Social Development Committee's inquiry into gambling and, in particular, the submission made by the Honorary President of the Multiple Sclerosis Society, Mr Michael Stewart. Clause 54 aims to remedy that and to provide some fair redistribution of income to those charities directly affected by the introduction of gaming machines in this State.

Clause 55 provides for gaming areas to be separated from other areas of the licensed premises by walls and doors so that persons using existing licensed premises for purposes other than betting on gaming machines cannot see into or hear any noise emanating from that gaming machines area. I have previously referred to the eligibility requirements of section 15 being modified. I reiterate what I have previously said: that this will provide children with a measure of protection from being exposed to gaming machines. I should also point out the very critical statements made by His Honour Judge Kelly in the Licensing Court when dealing with some of these applications. In relation to the Belair Hotel, he found his decision distasteful, given that because of the current legislation he was not able to protect children from being able to see or hear gaming machines which in that case were in close proximity to video games.

Several months ago I attended a meeting of problem gamblers who meet regularly in Salisbury as part of their therapy and rehabilitation. I spoke to about 10 problem gamblers, and all of them suggested that this measure to seal off gaming rooms was a positive step to reduce the level of addiction, by providing a protection for those individuals who have a problem with the machines by blocking off the sounds and lights emanating from the gaming room. They wanted to visit their friends at a hotel without having to be subjected to that. Dare I say that the Hotels Association tells us that having gaming machines in the State has been good for the construction industry; well, just think of all the construction that will take place to seal off all those rooms—all those partitions that will have to be erected. I am sure that the Hotels Association will welcome that part of this proposal.

The Hon. T.G. Cameron: I wouldn't count on it.

The Hon. NICK XENOPHON: I wouldn't bet on it, either. Clause 55 also refers to the protection of children by not having the gaming area within close proximity to any facility that is likely to attract minors, such as children's play equipment, ice cream machines or electronic games.

I expect that a number of members will not be very sympathetic to this Bill, but I look forward to and welcome their constructive contributions on the issues raised by this measure. This Bill aims to provide a comprehensive system of regulation of an industry that can and does cause community harm. It seeks through the comprehensive independent research envisaged by the gambling impact authority to rely on substantive facts in dealing with what has become an increasing social and economic problem in our community. It seeks to tackle head on the causes of gambling addiction, the accessibility of gambling products, the aggressive advertising and the design of gaming machines in an uncompromising manner. It seeks to acknowledge that as members of a community we have a responsibility to our fellow South Australians to do what we can to reduce the level of gambling-related addiction, crime and suicide; the impact on those who are most deeply affected, that is, the friends and families of problem gamblers; and the distress and harm it can cause.

This State has a proud record of legislative reform and of being at the forefront of consumer protection measures. It led the nation. I would also like to think that this Parliament can lead the rest of the country with comprehensive measures to protect consumers of gambling products. I appeal to members to support the second reading of this Bill, to allow the debate to continue and ultimately bring about positive changes that will reduce the level of dislocation amongst individuals, families and small businesses that this State's gambling explosion has brought about. I commend the Bill to members.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

TUNA FEEDLOTS

Adjourned debate on motion of Hon. I. Gilfillan:

That the Environment, Resources and Development Committee be required to:

I. Establish the legal status of tuna feedlots in use at Louth Bay since on or about December 1996.

II. Determine—

(a) what knowledge of the tuna feedlots was obtained by the Fisheries Section of PIRSA, and when was that knowledge obtained; and

(b) what action was taken, or should have been taken, by fisheries officers in response to that information.

III. Investigate and report on any illegality that may have occurred in connection with their duties through lack of resources.

IV. Determine whether fisheries officers were hindered in proper execution of their duties through lack of resources.

V. Determine whether any legal proceedings were considered or commenced in connection with the Louth Bay tuna feedlots and the reasons for such action or lack thereof.

VI. Investigate and report on the extent to which aquaculture enforcement has been, or is, deficient elsewhere in South Australian waters.

VII. Indicate what, if any, alteration in procedures or resources would be required for adequate enforcement of aquaculture.

(Continued from 24 March. Page 1018.)

The Hon. P. HOLLOWAY: When the Hon. Ian Gilfillan first announced that he would move for an inquiry into the Louth Bay tuna farm issue by the Environment, Resources and Development Committee, my initial reaction when I was asked for comment by a regional radio station was that the committee had already completed a report on aquaculture development to which the Government had yet to respond, and that I believed that the Government should have responded to that and another report by an independent consultant that had been conducted on the same subject. So, my initial reaction was that we had had so many reports into the aquaculture industry that it was high time we saw a bit of action from the Government rather than just conducting new inquiries. However, in April, with the announcement of the new aquaculture regulations, it was clear that the Government's response to this matter left a great deal to be desired.

As I mentioned earlier today, the Government will now remove those regulations and will consult with the other parties involved to try to get more satisfactory regulations,

and I welcome that. I have come to the view that we should support the Hon. Ian Gilfillan's motion, because I believe that the lessons from the Louth Bay tuna farm fiasco must be learnt. If we look at what actually happened in relation to that fiasco (and I certainly use that term with great accuracy; it has been a complete fiasco) we see that apparently some tuna farms have been located illegally in the Louth Bay area for more than two years. I gather that some of them were there back in 1996.

The Minister's head of department, Dr Gary Morgan, likened their presence to jaywalking. When the Minister was asked about that in the Parliament by my colleague, John Hill (the shadow Minister for Environment and Heritage), the Minister for Primary Industries conceded that a couple of these tuna farms had moved in a little early. Well, it certainly was early—shifting in during December 1996 was early, given that applications were to be considered by the DAC in March 1999. The conduct of the Government in this matter has left a lot to be desired. For that reason we believe that the ERD Committee should look at the issues involved with this fiasco to learn for the future.

I refer to an interesting book by Chris Patten, the last Governor of Hong Kong and a former Conservative Cabinet Minister in the United Kingdom. I would recommend the book to all members: it is an interesting look at the Asian economic situation, if nothing else. Chris Patten writes as follows:

> A marketplace free and fair to all and an economic system purged of or at least resistant to graft are incomparably more likely where there exists the most important of all the software in a free society, the rule of law. What does that mean? First, it means that everyone is subject to the law, however mighty they may be. The rule of law is not some convenient justification for coercion by the powerful, a legalistic cover for locking up or shooting people that the Government does not like. It applies equally to those who govern and those who are governed, to lawmakers and law abiders. . . Rules and laws which may or may not apply impartially to everyone are different from the rule of law, majestic, comprehensive and wholly impartial.

He continues with a number of other remarks in this chapter of his book in a related vein. That passage reminds us—if we need reminding in a democratic society—that the law must be upheld. If there are development laws which provide that you must get approval to conduct an activity, they ought to be obeyed by everyone, no matter how powerful they are. If any of us were to build a structure in our backyard that did not comply with the Development Act, we would be suitably admonished by the council and we would have to abide with its wishes. That should apply to aquaculture ventures the same as it does to anyone else, and it is most important that we recognise that.

In supporting this motion, we should not be vindictive as far as the tuna farms are concerned. It is up to the Development Assessment Commission to decide what action should be taken in relation to the farms at Louth Bay. I would not support the suggestion that was put by the Democrats, I think, that the farms should be forced to release the tuna back into the wild. I do not think that that is a helpful suggestion.

The Opposition's main interest in relation to this matter is that the episode is not repeated. That is the important thing to learn. We do not want to see this happen again. Also, the Government's incompetence in this matter should be exposed. In relation to that, I am particularly attracted to paragraphs IV, VI and VII of the motion. Paragraph IV states:

> Determine whether Fisheries Officers were hindered in proper execution of their duties through lack of resources.

I fear the committee will find that, indeed, there is a lack of resources available to the department in relation to that matter, and I think the committee might well do some good if it can look into that issue. Paragraph VI states:

> Investigate and report on the extent to which aquaculture enforcement has been, or is, deficient elsewhere in South Australian waters.

That will be useful for the future. Further, paragraph VII states:

> Indicate what, if any, alteration in procedures or resources would be required for adequate enforcement of aquaculture.

It is clear from this fiasco that insufficient attention has been paid in that area by the department in the past, and it ought to be addressed. If the Environment, Resources and Development Committee can assist us in that process, then all power to it as far as I am concerned.

The performance of the Government through the entire issue of this tuna farm fiasco at Louth Bay has been lamentable. On the one hand, this Government has failed to regulate the industry properly but, on the other hand, it has also failed to assist the industry properly. The Minister has blamed everyone else for the failure of the Government to adequately deal with the tuna farm issue at Louth Bay. One would expect that this Government would see some obligation to try to head off these sorts of problems before they arise. The Government should be adequately policing the industry and also assisting the industry.

Of course, one of the problems with this Government is that it is highly secretive. There is no question about that. We know that it does deals, and we have seen that occur in all areas of the ministry, and it covers up when things goes wrong. The Government has entered into numerous contracts on a number of subjects which have not been made available to this Parliament, let alone to anyone else in our community. I do not believe that any South Australian can feel confident that the public interest is being protected by this Government, given the sort of secrecy that has been adopted.

Fisheries are an important resource, a resource owned by the public, and the public has a right to know that they are being properly managed by the Government. They cannot have that satisfaction under the current arrangements. On 10 May this year in the *Gazette*, the Minister for Primary Industries issued licences to the fishery farms that were at Louth Bay. He has licensed them to continue their activities in other areas, but the problem is that those fisheries do not have the necessary approval under the Development Act. So, clearly that issue has not been addressed by the Government, and we will have to wait and see what the courts do.

I do not think the point of any investigation by the committee should be to take vengeance against an industry. The problems are largely those created by this Government through incompetence and bad management. Certainly, the people involved in the industry have to take some share of the blame. They are responsible for obeying the law like the rest of us, but part of the problem is that, because of lack of adequate compliance by this Government over many years, that has been taken as an indication of approval by the industry. Again, it highlights the need to look at this question of compliance in relation to aquaculture industries.

One could also have limited sympathy for the industry in that the guidelines for aquaculture under the Development Act were changed. The committee was suspended some time last year following the defeat in the court of an application at Fitzgerald Bay in Northern Spencer Gulf. Of course, the

abandonment of that committee has caused delays in the consideration of fisheries applications. In that limited sense, one can have some sympathy for the industry.

In the future there may be a need for further licences for the industry if it is to expand. That could happen if the industry increases the proportion of its wild catch that is farmed or, indeed, if some lower stocking density were required for the sustainability of the industry. What would happen if that is required in the future? The last thing that anyone would want to see is that we go through the same fiasco again. It is important that the Government works with the industry to try to head off these sorts of issues rather than waiting until they happen and then finding that it is completely powerless to act.

With those comments, the Opposition will support the motion. As I said, we do not wish to do that in a vindictive way, but I do think that there are many lessons to be learnt by the Government in this case. I make the final comment that the fundamental question in relation to the tuna farming industry is, of course, sustainability. At the next election, the Labor Party will announce its policy in relation to the industry. We believe that the industry is important for the State, but it needs to be controlled properly.

We will be looking at a policy which will ensure sustainability of the industry; we will ensure that the industry complies with the law; and we will ensure that the industry is given the means to grow in an optimum manner. At the moment this industry, like so many other industries within the Primary Industries portfolio, has been left to drift. That is one of the reasons why we have the problem before this Parliament today. I hope the committee will be able to do some useful work in this area and produce recommendations which can help us to move on and ensure that the fiasco we have seen at Louth Bay is not repeated.

The Hon. T.G. CAMERON: I rise briefly to state that SA First will be supporting the motion that has been moved by the Hon. Ian Gilfillan and, rather than canvass the material again, I think it was both adequately and eloquently dealt with by the Deputy Leader of the Australian Labor Party. I will rely on the reasons advanced by the Hon. Paul Holloway. He covered all the material that I had, plus a bit more. I enthusiastically support the motion.

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

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 March. Page 1130.)

The Hon. CARMEL ZOLLO: The Labor Opposition views this private member's Bill as a very cynical and hypocritical exercise which is discriminatory and will cause division and confusion. The Bill was introduced by the member for Hartley, who, in his second reading speech said:

> This Bill is not a Bill which concerns the general public.

He has tried to tell the ever decreasing number of supporters he has left in relation to this Bill outside the Parliament—if he ever really had any to start with—that it will possibly affect only the 69 members of this Parliament, or should I now more correctly say 'new members of future Parliaments'. What a blatant untruth. The member for Hartley is working on the old adage that, if you repeat an untruth often enough, at least some of the people will come to accept it as fact.

We are a nation of immigrants and children of immigrants beyond our indigenous people, and the Bill has the potential to impact on a substantial proportion of the population, all of whom would have to take it into consideration if they thought of standing for Parliament at some stage in their life, and it certainly would have a direct impact on all candidates at future elections. Whichever way one looks at it, it certainly adds up to more than 69.

It is particularly disappointing that the member for Hartley has introduced this Bill. He of all people should know about prejudice and how hard we had to fight for multicultural Australia. As I move around the ethnic communities, and in particular the Italian community, I have observed the member for Hartley at many functions, both formally and informally, praising multiculturalism. He tells them (what I hope we all believe) of the importance of maintaining our cultural heritage, particularly for our children. And now what does he do? It appears he has panicked. A number of people in the Italian community have suggested that, having turned a 12 or 13 per cent margin into one of less than 1 per cent, he may well need to appease some people in the community who are a little dubious about multiculturalism.

It is no longer apparently good enough for people who want to stand for Parliament simply to be Australian citizens, whether by birth or choice, and then when elected swear allegiance to the head of State. No, from now on one also has to renounce any other citizenship they may have, real or imagined, known or unknown.

The member for Hartley tries to sell it by suggesting that this Parliament is such an exclusive little club and the odds of any of them or their children making it here are so small as not to be worth worrying about. He also tells us that this Bill is consistent with Federal legislation and the Constitution, as if that is the way in which we should necessarily be moving forward.

Where has the member for Hartley been for the past few years? The world is increasingly becoming a global village. We no longer restrict our horizons about trade, education and job opportunities around the world. As we move towards the centenary of Federation, we are also examining the way in which we govern ourselves. Becoming a republic is a way of acknowledging that people have come to this nation from many places, but we appreciate, enjoy and celebrate our English heredity. For goodness sakes, the Federal Constitution was written last century in an increasingly nationalistic world. It was nationalism that eventually led to two World Wars and myriad subsequent other wars.

The issue of dual citizenship has already caused much mischief for some people who have stood for Federal Parliament but, if there is a problem in the Federal arena, we should not compound it by passing similar State legislation. It amuses me to hear some members make comments that such and such was quick to renounce or try to renounce their dual citizenship. I ask why would not one obey the law. Why should one have to go and find money for expensive litigation if one was to be challenged? We have the opportunity to stop the silly and mischievous legislation at a State level, and why should we not do so?

This is bad legislation, both legally and morally. We do not believe it improves or adds anything to existing legislation, other than causing discrimination, division and confusion. It is appropriate to note at this stage that no other State Parliament has passed legislation as proposed by this Bill.

One cannot renounce or get rid of one's heritage by legislation. As the old saying goes, you can pick your friends but not your relatives. I am an Australian citizen by choice and by law, but by birth I am of Italian background and proud of it. Even if the law was to apply to me and I took reasonable steps to renounce any foreign nationality, it would not change my birthright or heritage one iota. Nor does the fact that I have taken out Australian citizenship change that.

Citizenship is more than a legal concept; it is really a state of mind. It is showing allegiance to a community in which you have made your home and in which you are raising your children. I had almost stopped worrying about these sorts of issues until several years ago, when the attacks on multiculturalism and the One Nation Party made racism almost respectable again. This Bill plays right into their hands, whether or not the member for Hartley likes it. As far as I can ascertain, this Bill (as originally introduced) would not apply to me, and presumably neither would the Federal Constitution, but I take great offence when members have immediately assumed that it would apply to me because I am of ethnic background.

The Hon. Mr Redford said that, if I were preselected for Federal Parliament, I would quickly rush out to the Italian Consulate to renounce any allegiance to my Italian birthright. I find it offensive also that he implies that I will take that step for selfish, political motives. The likelihood of such a scenario are zilch but, if the law did apply to me, of course I would do so because, as an Australian citizen, I will uphold all laws, even if I thought they were wrong.

However, the arguments of the member for Hartley and those of his colleagues that for those with dual citizenship there could somehow be a potential conflict as members of Parliament is the final insult and totally abhorrent. Just what does one have to be to be a loyal Australian? Obviously taking out Australian citizenship and swearing allegiance to a Head of State is not good enough for those not born here or at least third or fourth generation Australians. Do they really believe that some extra bit of paper will make all the difference and show true loyalty? Perhaps some members would like to extend this strange concept of loyalty to other arenas such as the Judiciary, the Police Force and the bureaucracy. We could re-introduce internment camps for various groups we thought might not be loyal while there was a conflict or disagreement between Australia and a particular country.

If we extend this concept of potential conflict for members of Parliament, I would suggest that, as our primary role is to make laws, lawyers should not be eligible to stand for Parliament unless they stop practising law and renounce any allegiance to the Bar Association. This Bill, in effect, provides for new parliamentary candidates to take reasonable steps to renounce within 14 days of the announcement of the next State election any foreign nationality or citizenship or any allegiance to a foreign State or power. We do not have to go any further to see the confusion that just such a clause would cause. The lawyers would certainly have a field day.

My colleagues in the other place have already commented on the difficulties in applying such a proposal to the hundreds of candidates who stand at every State election. Of course, this Bill does not just affect members but all candidates and all aspiring candidates considering a political career. The major source of confusion in our unique multicultural society is that many people may not be aware of their eligibility for dual citizenship. It will lead to a great deal of mischief by those people who will make it their business to find out whether some candidates who are standing or who become eventual members may or are indeed considered to have dual citizenship by another country. I have no doubt that this will be done by all political Parties, and we have seen ample evidence of this in relation to Federal candidates and politicians.

It is also important to note that Australian Governments have not had the power to require immigrants from countries which do not allow it to divest themselves of former nationalities when taking out Australian citizenship. And, since 1986, new citizens have not been required to renounce all other allegiances. The South Australian Constitution Act as it stands clearly states that no person can serve in the South Australian Parliament without being an Australian citizen and, once elected, also swears an oath of allegiance to the Head of State. If a member of Parliament from that time on then swears an allegiance to another country, their seat is defaulted—and that is the way it should be.

I was not a member at the time, but I understand that the issue of allegiance and citizenship was dealt with in the Constitution Act Amendment Bill of 1994 which permitted members to acquire or use a foreign passport or travel document without affecting their seat. I very much look forward to seeing how our Attorney-General votes or speaks to this Bill. On Tuesday 22 March 1994 when speaking to the Constitution (Members of Parliament Disqualification) Amendment Bill he told us:

> . . . that the Government does not believe that a member should be at risk because of the operation of a foreign law. It is a different matter if the member takes some positive action to become a citizen of another country.

As the Attorney so rightly pointed out, paragraphs (b) and (c) of the Constitution Act would cover this. The member for Hartley in his second reading contribution apparently was waving around two letters of support from the ethnic community but chose not to tell us who they were. Generally, I would have thought that one is anxious to place this before Parliament and have such support recorded. The action of the member for Hartley can only lead one to assume either that he does not believe that their particular support carries any weight and/or that these two persons are too embarrassed to be identified. One will have to assume that they are two anonymous sycophants of the member for Hartley. But I do know who they are and am deeply disappointed in them, because they are both members of the South Australian Multicultural and Ethnic Affairs Commission, appointed by this Government.

The commission, of course, has correctly not expressed a view on this private member's Bill. Australia is one of the most unique and multicultural nations in this world. One-quarter of our population was born overseas. The fact that some members of Parliament may have more than one citizenship, either because of place of birth or residence or conferred on them because of heritage, is of little consequence and no big deal. It is what makes us such a multicultural society. It is a reality which I suspect will increase around the globe as the world becomes more mobile and integrated. It certainly should not be the subject of inferences in relation to the quality of commitment to this State or nation.

Those who supported the Bill in the other place ignored the fact that foreign citizenship for so many people in this country and State is often not a chosen one but conferred for so many different reasons by an overseas Government. It does not matter that one signs a declaration, as this proposed

legislation requires, if this action is not recognised by the conferring nation and, hence, still has the effect of causing mischief. We should not be here in this Parliament debating the laws of other nations. But the member for Hartley's Bill will have the consequence of many people looking into the laws of other nations, because similar laws have already been interpreted to impinge on the eligibility of people to be candidates and eventual members of the Australian Parliament and would, no doubt, affect South Australia in the same manner.

To give members an example, in relation to people of Italo-Australian background who may wish to stand for Parliament, there are at least three circumstances of which I am aware under which people would need to renounce a possible dual citizenship, and many may well be in a position where they do not know. Briefly, they are:

> Prior to 1992 Italian law revoked Italian citizenship for individuals and minors born in Italy who took out Australian citizenship, but it was permitted that subsequent children born in Australia had the right to take out Italian citizenship. Similarly, Australian-born children of Italians who did not take out citizenship would also be eligible for dual citizenship, as would anybody taking out Australian citizenship post 1992 when the law was changed.

For the record, I also understand that a renouncement as proposed in this legislation has no legal standing under Italian law and therefore would not be recognised. A candidate, prospective candidate or member would need to attend the consulate personally and make a declaration to the consulate representative under oath. If one were not to do so, does that not provide mischief for legal challenge on the grounds of not having taken reasonable steps? Federal legislation has on many occasions resulted in testing in the courts the 'reasonable steps to renounce any foreign citizenship or any allegiance to a foreign State or power'. As mentioned, what a field day that has turned out to be.

We are not even talking about the Heather Hills of the world, she having taken out citizenship only when she needed to stand for Parliament, but people like Bill Kardemitsis and John Delacretaz at the Wills by-election, people who had been citizens of this nation for many years, people who when taking their oath of citizenship to Australia renounced any other, people who had travelled on nothing but the Australian passport. What better example of the failure of the Federal legislation than that of Senator Jeannie Ferris. Here we had a candidate writing to the New Zealand High Commission requesting his help in renouncing her New Zealand citizenship before her nomination to Federal Parliament. However, being aware that such action could be interpreted by the courts not to constitute her taking 'reasonable steps'—because the Opposition or anyone else could argue that she had not completed her renunciation of New Zealand citizenship—she ended up resigning and being appointed to her own casual vacancy by no less a body than this very Parliament.

David Penberthy wrote in the *Advertiser* in relation to Jeannie Ferris's case on 14 September 1996 that 'apparently, the high moral ground is no refuge when arguing constitutional law'. The same journalist wrote on 24 May 1999 that he was barracking for Heather Hill in the yet to be decided court case. He wrote:

> Surely it is possible for people to feel a primary allegiance to Australia without formally renouncing their ties to their original home.

As he rightly pointed out, most people who are challenged end up being re-endorsed by the electorate, which goes to show that Australians generally vote for people on their merits and not their heritage. To that I can only add that politicians should not in the first place be making laws that may cause confusion or mischief.

At the end of the day, the member for Hartley and his supporters imply with this legislation that any member of the Parliament of South Australia who has dual citizenship, whether or not they know it, cannot be as loyal and committed a member of Parliament as one who does not. The member for Hartley forgets that our multicultural policy is our strength. Allowing us to celebrate our heritage within the laws of this nation is our safety net—not our weakness.

Just as the Attorney-General did in 1994, the Labor Opposition objects to the eligibility of Australians to serve in Parliament being decided by reference to the law of a foreign country. The important issue is that we are citizens, and therefore we should encourage everyone in this country to make such a commitment. The Hon. Angus Redford rightly pointed out that there are some 750 000 permanent residents in Australia who are not citizens, and in some cases it will not be because of their doing but because prior to 1984 a British subject could get on the electoral roll after three months residency in this country and vote at State and Federal elections.

I point out that asking people to fork out $120, which adds nothing to their most important existing privilege, that is, the right to vote, is hardly the way to encourage them to become citizens. Many other migrants who are not British subjects would say that it smacks of discrimination, but that is another story. Regrettably, since the Federal Liberals were elected in 1996, citizenship application fees have jumped enormously—hardly the type of action that will encourage people to take out Australian citizenship.

I hardly need remind the Council that all members of Parliament have to take an oath of allegiance to our Head of State, who is of course the Head of State of a foreign country. I have no problem with that, but I hope that after the referendum at the end of the year we will swear allegiance to an Australian Head of State. I ask members to think about what this Bill could really mean for people other than politicians and political candidates. If this Bill were to pass, there may be pressure from some quarters to extend it to other groups, such as the judiciary and the defence and police forces. Will they next be excluded from holding office if they have dual citizenship? If we go down this road, the law should be as clear as possible. We should also be renouncing titles or awards conferred by foreign powers.

If we accept the arguments of the member for Hartley, might not a foreign power ingratiate itself with a politician by presenting them with foreign awards and hence bringing their loyalty into question? If this Bill is read a second time the Opposition has an amendment on file seeking the renouncement of any awards if we are to go down the track of rejecting our birthright or heritage. We should make clear for our courts that 'taking all reasonable steps' means taking all reasonable steps.

Unfortunately, in order to placate members in another place, a further amendment to the Bill was passed to allow existing and past members of Parliament to be exempt from the proposed measure. This action amounts to great hypocrisy and cynicism. What is the member for Hartley saying now? Even in Parliament we will have two classes of citizens: those loyal existing members or former members who may want to come back, and new members who will have to prove their loyalty if there is any hint of dual citizenship. This is totally illogical and discriminatory.

Whilst the Opposition hopes that this Bill will not pass, I have lodged an amendment on behalf of the Opposition that will have the effect of removing the clause that excludes past or existing members from the Bill's requirements, that is, it will restore the Bill as originally presented in the other place. I am sure the Hon. Angus Redford will support this if we get into Committee, as he indicated that he was contemplating drafting a similar amendment. The member for Hartley's debate is full of assumptions as to the values and commitment of members of Parliament. What possible reason does he have for believing that someone who may acquire or use more than one travel document is somehow different in his commitment or loyalty to South Australia?

The Opposition does not for a minute suggest that someone should be a member of Parliament without being an Australian citizen: such a scenario would be absurd. The member for Hartley is simply confused as to the meaning of citizenship and multiculturalism. The member for Hartley cannot have it both ways, as pointed out by my colleague, the member for Peake. He cannot go around whingeing, as he did during the last State election, that the Labor candidate for Hartley cast doubt on his suitability to run for the seat because he had not been living in the seat and hence had not lived in Australia for generations, and in the same breath introduce this nonsense Bill implying that people with another citizenship besides their Australian citizenship may not be as loyal as those with only Australian citizenship.

I greatly admired the contribution of the Minister for Environment and Heritage. She articulated the offensive nature of this proposed legislation. She pointed out that this issue is emotional and that it is difficult to separate the two—birthright and citizenship. I was disappointed to see her capitulation at the third reading stage. In fact, it looked a little bit too much like self-interest, given that an amendment was passed which meant that it would not affect existing or past members.

The shadow Attorney-General, the member for Spence, also pointed out the logical consequences of such an Act being administered by the Electoral Commission, in that it could end up being a logistical nightmare. Unlike the member for Hartley, we in the Opposition believe in consultation both within the Party and in the wider community. Should this legislation pass, we will take steps to try to amend it when we get into Government.

What will this Bill mean to me and others born outside Australia if it passes in its original form (which I hope is the case, if it passes at all) or to someone standing for Parliament for the first time? Judging by the merriment that the Hon. Angus Redford caused by mentioning me in his second reading speech, it is obviously an issue about which I should be thinking, even though I have always understood that I have only one citizenship, as I said earlier. The question I ask myself is: why should I? Why is my commitment to Australian citizenship and my oath in this place put in question, and by whom exactly? There is only one answer to that, and that is: not only by the member for Hartley but by all other Government members and Independents who supported this Bill in the other place.

I put on record my strong resentment that my commitment and loyalty to this State should be questioned. After how many generations will it not matter that one has a different heritage? I do not have to remind members that, apart from our indigenous people, in terms of history we are all recent migrants to this nation. This Bill has gone down like a lead balloon in the Greek Cypriot-Australian communities. The Greek Government, amongst other nations, confers its citizenship for several generations. I am sure that the Hon. Nick Xenophon is really impressed! How could the member for Hartley come up with such a nonsense example of two parliamentarians of Cypriot and Turkish extraction who will have divided loyalties in Australia because they happen to have different heritages?

Like so many people before and no doubt to come, I have been part of an evolving history in this great nation and State. On my mother's side of my family this nation has been our home to four generations. I can speak from some experience of the blatant discrimination and lack of access and equity while growing up in Adelaide in the 1950s and 1960s in all manner of ways, from the way we were treated to the lack of support services and the lack of educational opportunities. The rights of all citizens, regardless of their race or country of origin, are all rights we have now enshrined in law by strong political bipartisan support—up until now. We now have this stupid piece of legislation that has the effect of again singling out some people and asking them to do more than some others when they aspire to a political career in their State because they are not pure Aussies, whatever that might mean, either because of their place of birth or heritage.

I fear I may be catching the same malady that affects many people in this place in that I am repeating myself, but I cannot help myself. I respond again to the Hon. Angus Redford who said that this Bill is about showing commitment to Australian citizenship. Is the honourable member suggesting that people born overseas or those with an ethnic heritage are not as committed as he is in this place because they are eligible for or have had conferred upon them another citizenship because of their birthright? Are the citizenship oaths and oaths of allegiance of those people in this place not the same as those taken by members in this place who were born in Australia or without ethnic heritage?

At a time when the issue of citizenship, including dual citizenship, is being re-examined by way of a federal issues paper released for public consultation, we in this State are supposedly going down the path of prohibiting anyone with political aspirations either born overseas or with ethnic origins from standing for Parliament unless they renounce any other citizenship or simply their birthright. The question I again ask is 'Why?', because from the time we take our oath we are unable to swear allegiance to another foreign power—and neither should we.

As members are aware, the Opposition has questioned the legality of this legislation, and we have a rescinding motion in the other place. We believe that the Bill affects the qualifications of people standing for Parliament, and therefore its passage requires an absolute majority. I am not a lawyer, but the explanation provided to this Parliament for believing that the Bill does not affect members' eligibility was legal mumbo jumbo, and I personally fail to see much of its relevance. I suggest that if I failed to see its relevance perhaps other people did, too. This only proves what a shambles this law would be if it were to pass.

Perhaps it is all a plot to give lawyers more work, given the challenges that they come up against on a more regular basis, as they do federally. Discrimination should have no place in the eligibility to elect members to this and the other place. Should this private member's Bill pass, it would not make any of us better members of Parliament.

The Opposition does not support the legislation. I hope that enough members opposite and the Independent members

in this Chamber will treat it with the seriousness it deserves and not support it, either.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

[Sitting suspended from 6.6 to 7.45 p.m.]

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

Adjourned debate on second reading.

(Continued from 3 March. Page 788.)

The Hon. SANDRA KANCK: The Hon. Angus Redford has described the purpose of this Bill with the eloquence that we have come to expect of him.

The Hon. R.R. Roberts: It wasn't that bad this time!

The Hon. SANDRA KANCK: I knew that would get some sort of reaction. This Bill is a sensible move. It seeks to provide that a sign, stating that drivers had just passed through an area where a speed camera was operating, be displayed past the camera that was used to detect people who were speeding. Such a sign would provide immediate reinforcement to drivers. I know from my time as a primary schoolteacher how important that immediate reinforcement is.

If a driver was speeding, he or she would know straight away, and the reaction would probably be prefaced by a four letter word and then there would be an acknowledgment that he or she was actually exceeding the speed limit. I think that is far preferable to getting a note in the post and then having the reaction of vilifying the police or public authorities for having done this. The Democrats believe that this measure will assist to help drivers recognise their responsibilities on the road when it comes to speeding, and we will support it.

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

WINGFIELD WASTE MANAGEMENT CENTRE

Adjourned debate on motion of Hon. Sandra Kanck:

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.

(Continued from 3 March. Page 787.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I sought leave to conclude my remarks when I last spoke on 3 March, and the Hon. Sandra Kanck has asked me to wind up my remarks—essentially, to get on with it. I had not planned to respond simply because I thought all the points that I had argued were presented on 3 March, and since that time this Chamber of the Parliament has passed the Bill which addresses the Wingfield waste depot closure provisions.

The motion calls for a referral to the ERD Committee to look at various heights for the closure of the Adelaide City Council's Waste Management Centre at Wingfield. The Bill provides that the height must not exceed 27 metres Australian height datum. I believe that in those circumstances the motion and referral to the ERD Committee are no longer relevant. I argued earlier that in the past the ERD Committee has investigated the issue of waste and landfills and has taken recent evidence on the same matter, and my view is that these various issues the honourable member wishes to have explored could again become matters for the ERD Committee, by way of the references that are before it and past studies, in any event.

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

GEOGRAPHICAL NAMES (ASSIGNMENT OF NAMES) AMENDMENT BILL

The Hon. R.D. LAWSON (Minister for Disability Services) obtained leave and introduced a Bill for an Act to amend the Geographical Names Act 1991. Read a first time.

The Hon. R.D. LAWSON: I move:

That this Bill be now read a second time.

The *Geographical Names Act 1991* regulates the practice of naming and recording geographical places in South Australia. Geographical names are relied upon by all sections of the community and are important for:

- identifying and recording elements of culture and heritage;
- providing a reference framework for transport, communication and emergency services;
- providing unambiguous identification of populated places and physical features;
- providing data essential for reliable maps, charts, etc.

One of the more significant and often contentious activities under the Act relates to the determination of suburb names and boundaries. Suburb boundaries are important administrative boundaries and are used extensively by the Electoral Districts Boundary Commission for State electoral boundaries, by the Bureau of Statistics for census collector districts and numerous Commonwealth, State and Local Government agencies.

The *Geographical Names Act* prescribes the process that must be followed when it is considered necessary to alter suburb names or boundaries. Amongst other matters, the legislation requires proposals to be advertised within the local community, and prescribes a period of one month for interested parties to make representation on the proposal. These representations are investigated by the Surveyor-General and the Geographical Names Advisory Committee, and a recommendation is forwarded to the Minister for consideration. The investigation includes extensive consultation with appropriate local and State Government authorities to ensure the views of the community and other stakeholders are well canvassed. If a change in name, or boundaries, is accepted, a notice advising of the alteration is published in the *Government Gazette*.

As a result of changes in road alignments and property subdivision, it is often necessary to make amendments to suburb boundaries to ensure they continue to follow relevant and identifiable boundaries. A recent example of this is the alteration to the boundary of the Adelaide Airport suburb following the realignment of Tapleys Hill Road. Unfortunately,

the current legislation makes no distinction between the process to make a minor change and one that impacts on a large section of the community. During the course of updating the State's property maps, a number of areas have been found where, as a result of changes in road alignments and land subdivision, suburb boundaries no longer follow recognisable property boundaries. These anomalies are generally of a minor nature and involve only a small number of properties.

This amendment provides a streamlined approach to resolve such anomalies. Instead of advertising proposals that, on the face of it, are minor and non-contentious, direct contact will be made with the local council, emergency service organisations and the property holders impacted upon by the change. The results of the consultation will then be reviewed by the Surveyor-General and Geographical Names Advisory Committee and a recommendation forwarded to the Minister for consideration. If the change is approved, it will be published in the *Gazette* in the normal manner. If, in the course of this consultation, it is determined that the issues being investigated impact on the wider community, the proposal will be advertised and processed in the normal manner.

Adopting this procedure will improve the efficiency and reduce the time and cost of making minor alterations to suburb boundaries without compromising the current level of community consultation. The amending Bill also makes some structural changes to the legislation by repealing the existing section 8 and inserting new Part 2A. The majority of the provisions of section 8 are incorporated in Part 2A with the rest being added to other provisions within the Act. I commend the Bill to honourable members and seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

A number of the amendments propose to reorganise the setting out of the Act by grouping the provisions dealing with the administration of the Act separately from the provisions dealing with the assignment or approval of geographical names.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

It is proposed to insert a definition of dual geographical name (which is substantially the same as current section 8(5)). The new definition of geographical name proposed includes a dual geographical name. Thus, through this drafting device, it becomes apparent that any procedure required in relation to a geographical name under the Act applies also in relation to a dual geographical name.

Clause 3: Amendment of s. 6—Functions of Minister

The proposed amendment to section 6 provides that the Minister must, in carrying out the functions of assigning or approving geographical names, take into account the advice of the Surveyor-General and the Geographical Names Advisory Committee. This is substantially the same as what is provided for in current section 8(7).

Clause 4: Repeal of s. 8

It is proposed to repeal current section 8 as part of the reorganisation of the Act. The majority of the matters provided for in current section 8 are provided for in new Part 2A, with the rest being provided for elsewhere by the amendments.

Clause 5: Insertion of Part 2A

PART 2A—GEOGRAPHICAL NAMES

11A. Approval of common name of place as geographical name

New section 11A is substantially the same as current section 8(1) and provides that the Minister may declare that from a date specified in a notice in the *Gazette* a recorded name of a place is approved as the geographical name of the place.

11B. Assignment of geographical name

New section 11B provides that the Minister may, by notice in the *Gazette*—

- assign a geographical name to a place described in the notice; or
- alter the boundaries of a place in respect of which a geographical name has been assigned or approved under the Act,

to have effect from the date specified in the notice.

If the Minister proposes—

- to assign a geographical name to a place; or
- to alter the boundaries of a place that has a geographical name,

the Minister must cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place a notice that—

- gives details of the proposal; and
- invites interested persons to make written submissions to the Minister in relation to the proposal within one month of the publication of the notice.

The Minister must take into account any submissions received in accordance with an invitation under proposed subsection (2).

Thus far, section 11B is comparable to current section 8(2) to (4).

However, the Minister need not comply with proposed subsection (2) in the case of a proposed boundary alteration if satisfied—

- that the alteration is minor and non-contentious; and
- that the views of interested persons have been adequately canvassed by some other means.

11C. Discontinuance of use of geographical name

The Minister may, by notice in the *Gazette*, declare that from the date specified in the notice the use of the geographical name of a place is discontinued (*cf* current section 8(6)).

Clause 6: Repeal of heading

As part of the reorganisation of the Act, the "Miscellaneous" heading is to be moved from its current place (before section 12) to immediately before section 14 of the principal Act. The better position for sections 12 and 13 of the principal Act would be as part of new Part 2A. This clause provides for the repeal of the heading of Part 3.

Clause 7: Amendment of s. 13—Offences

Two of the amendments proposed to section 13 are consequential on the insertion of new Part 2A in the Act. The third amendment is to bring up-to-date the penalty provision in the section.

Clause 8: Insertion of heading

This clause achieves the insertion of the "Part 3 Miscellaneous" heading before section 14 of the principal Act (*see clause 6*).

Clause 9: Amendment of s. 14—Proceedings for offences

This clause proposes to strike out subsection (1) which provides that offences against the Act are summary offences. This subsection is otiose as such matters are now provided for in the *Summary Procedure Act 1921*.

Clause 10: Amendment of s. 15—Power of Surveyor-General to recover costs

This amendment is consequential on what is proposed in new section 11B.

Clause 11: Amendment of s. 17—Regulations

This amendment provides that the regulations may prescribe for a penalty not exceeding $2 500 for contravention of the regulations. The penalty as expressed in a monetary amount as opposed to the current divisional penalty.

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

AUSTRALIA ACTS (REQUEST) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to request the amendment of the Australia Acts 1986 in connection with the proposed constitutional arrangements to establish the Commonwealth of Australia as a republic. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

In November this year, Australians will vote on whether Australia is to become a republic. If the referendum is passed, Australia will

become a republic at the national level. The States will then have to consider whether to sever their links with the Crown. The interests of both the States and the Commonwealth will be best served by ensuring that, if the republic referendum is passed, there will be no doubts about the ability of any State to sever its links with the Crown, should it choose to do so.

Several constitutional commentators argue that section 7 of the *Australia Acts* of the Commonwealth and the United Kingdom needs to be amended to ensure that States can exercise their own constitutional processes to sever their links with the Crown. Section 7 deals with the relationship between Her Majesty and State Governors. It states that 'Her Majesty's representative in each State shall be the Governor'.

The States are bound by the *Australia Acts* and cannot legislate in a way that is contrary or repugnant to the *Australia Acts*. If a State were to amend its Constitution to provide that the Governor is not Her Majesty's representative, this may be considered to be repugnant to section 7 of the *Australia Acts*. Accordingly, for the sake of certainty, section 7 of the *Australia Acts* needs to be amended to ensure that any State will be able to sever it links with the Crown should it choose to do so.

Section 15(1) of the *Australia Acts* sets out a procedure for the amendment of the *Australia Acts*. This can be done by Commonwealth legislation passed at the request of all the State Parliaments.

Another possible way of amending the *Australia Acts* is by inserting in the *Commonwealth Referendum Bill* a power for the Commonwealth Parliament to make such an amendment. This is recognised by section 15(3) of the *Australia Acts*, but no actual power is given in the *Australia Acts* to make an amendment in this way. Accordingly, there is legal doubt as to whether this course is effective.

The Commonwealth has inserted in the transitional provisions in its Referendum Bill, the *Constitution Alteration (Establishment of Republic)*, a power for the Commonwealth Parliament to amend section 7 of the *Australia Acts*. The States have been critical of the initial draft of this provision, and would prefer that the amendment be made by the more legally secure and appropriate route set out in section 15(1) of the *Australia Acts*. Accordingly, the Solicitors-General, Parliamentary Counsel and law officers of the States have negotiated uniform request legislation which is proposed to be enacted by each State. The Bill has already been introduced into the Victorian and the New South Wales Parliaments and it is expected to be introduced into other State Parliaments shortly.

The Bill requests the Commonwealth Parliament to enact a Bill in a form set out in the schedule to amend section 7 of the *Australia Acts*. This State Request Bill will not come into force unless the Commonwealth's Referendum Bill, the *Constitutional Alteration (Establishment of Republic) Bill*, is passed by the referendum and receives royal assent. Accordingly, this *State Request Bill* will have no effect if the Commonwealth referendum on the republic fails. If the Commonwealth referendum on the republic is passed, however, and all the States pass this uniform request legislation, then the Commonwealth Parliament may amend section 7 of the *Australia Acts* by adding two subsections. These subsections provide that a State Parliament may make a law providing that section 7 does not apply to the State and that if it makes such a law, then section 7 ceases to apply to the State.

This amendment therefore places the power in the State Parliament to decide at a future date whether it wants to terminate the operation of section 7 in relation to the State. The Bill does not affect the constitutional procedures necessary for a State to sever its ties with the Crown. It does not remove any requirement in a State constitution to hold a referendum. If all States pass this uniform request legislation prior to the *Commonwealth's Referendum Bill* being passed by the Commonwealth Parliament in August this year, then the Commonwealth will be in a position to remove the provision in its Referendum Bill dealing with the amendment of section 7 of the *Australia Acts*, as the Commonwealth will be able to act upon the section 15(1) request.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause sets out the short title of the proposed Act.

Clause 2: Commencement

This clause provides for the commencement of the proposed Act on the day after the day on which the proposed *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent. This will ensure that, if the Republic Bill is defeated at the referendum, the proposed Act will have no operation and no power will be conferred on the Commonwealth Parliament.

Clause 3: Request for amendment of Australia Acts 1986

This clause provides that the Parliament of the State requests the enactment by the Parliament of the Commonwealth of an Act in, or substantially in, the terms set out in the Schedule.

SCHEDULE

This proposed Commonwealth Bill is set out in this Schedule. It contains the following provisions:

Clause 1 of the proposed Commonwealth Bill sets out the citation of the proposed Commonwealth Act.

Clause 2 of the proposed Commonwealth Bill provides for the commencement of the proposed Commonwealth Act on a day to be fixed by Proclamation. That day cannot be before the proposed *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent. Consequently, if the Republic Bill is defeated at the referendum, the proposed Commonwealth Act would never commence.

Clause 3 of the proposed Commonwealth Bill is a formal provision giving effect to the Schedules to the proposed Commonwealth Act.

Schedule 1 to the proposed Commonwealth Bill sets out the amendment to section 7 of the *Australia Act 1986* of the Commonwealth. Two new subsections are added at the end of the existing section 7. Section 7(6) empowers a State Parliament to make a law providing that the preceding subsections do not apply to the State. Section 7(7) provides that, when such a law comes into effect, section 7 ceases to apply to the State.

Schedule 2 to the proposed Commonwealth Bill sets out an identical amendment to section 7 of the *Australia Act 1986* of the Parliament of the United Kingdom.

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

ASER (RESTRUCTURE) (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General), for the Hon. R.I. Lucas (Treasurer) obtained leave and introduced a Bill for an Act to Act to amend the ASER (Restructure) Act 1997. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This legislation will add value to all of the ASER assets by simplifying and rationalising the management of the occupational regime of the ASER development.

This legislation has been designed to achieve three broad objectives. The first objective is to further simplify the management of the structural interdependence, shared facilities and common areas that are inherent in the ASER Site.

Achieving this objective will assist in achieving the second, very important objective, which is to improve the prospects for the sale of the Adelaide Casino, Hyatt Regency Hotel and the Riverside Centre.

Thirdly this legislation will provide for procedures that will assist with the development of the Riverbank Precinct as a community asset.

These objectives will be achieved by the proposed amendments to ASER (Restructure) Act.

ASER Ownership Arrangements

The ASER Complex consists of the Adelaide Casino, the Hyatt Regency Hotel, the Adelaide Convention Centre, the Riverside Centre, two car parks and the Adelaide Plaza, or 'common area', connecting these buildings. The Adelaide Convention Centre and car parks continue to be operated by the State Government. Trans-Adelaide owns the land on which the ASER Complex is built and is the head lessor of the ASER Site.

Funds SA and Kumagai were joint owners of the ASER Group of Companies until 30 June 1998. Since 30 June last year, on completion of a comprehensive restructure of the corporate and tenure arrangements of the Site, Funds SA has been the sole owner of the companies that operate the Casino, Hotel and Riverside.

Funds SA is in the process of selling these assets and this legislation is designed to enhance the value of the assets while at the same time providing a procedure that will assist in achieving the initiatives of the Riverbank Precinct Master Plan.

Need for the ASER (Restructure) Act 1997

The ASER Complex was initially designed and built as an integrated development. The buildings share important facilities and services. For example, the air conditioning plant servicing the Hotel, Riverside and the Convention Centre is located in the Hotel basement, and fire tanks and pumps located in the Plaza car park serve the entire development including the Exhibition Hall and the railway station. The ASER (Restructure) Act 1997 created a management regime to address these complex interrelationships.

ASER Services Corporation

On 30 June last year as a critical element of the restructure, the ASER (Restructure) Act 1997 created the ASER Services Corporation to manage and maintain the common area and shared facilities, and to provide security for the complex. TransAdelaide and all of the Head Lessees of the ASER buildings became members of the Corporation. The Corporation's members, or stakeholders as they are also known, manage the Corporation's affairs and contribute to the cost of carrying out its responsibilities.

The ASER Site is unique. It consists of a complex interlocking arrangement of buildings and common plaza areas surrounding and covering a busy railway station. This situation has resulted in a highly complex series of requirements for structural support between the buildings, the Plaza and the railway station.

The occupiers of the Site need a simple practical regime that guarantees adequate continuing rights of support for their buildings and the common area, and that comprehensively deals with the vital issues of insurance, reinstatement and redevelopment of the Site. This legislation will facilitate this outcome.

The Legislation

The New Division 4 of Part 2 gives each stakeholder a right of support over the structural elements on which their building is currently physically dependent, and over those that they may be dependent on in the future. These rights will be enforceable by the Supreme Court on application from the relevant stakeholder, or on application from the Corporation on its own behalf or on behalf of a stakeholder.

The New Division 3 of Part 2 deals with the redevelopment of a subsidiary site. Where a redevelopment is proposed to extend into the common area, it requires that the stakeholder proposing to undertake a redevelopment must obtain the Corporation's approval in addition to approvals under the *Development Act 1993*. Where additional structural support is required for a redevelopment, the occupier of the subsidiary site that would be affected by the redevelopment must also approve the proposal.

It is no surprise that with the number of complicated issues the ASER (Restructure) Act was designed to resolve, it has been found to contain a number of definitional and operational inefficiencies. These have come to light as a result of the experience gained from operating the ASER Services Corporation over the past months and are resolved by this amending legislation.

The new section 20A makes the Corporation responsible for providing a formal means of communication between stakeholders and the agencies responsible for the implementation of the Riverbank Precinct Master Plan, including the making of any financial contributions and assisting generally to the benefit of stakeholders and the State. This responsibility has a sunset clause and will end on 30 June 2004.

The Bill deals with a number of other incidental matters that are explained in the clause notes accompanying this speech.

The regime facilitated by this legislation will dovetail with the Casino, Hotel, Riverside and Public Facilities leases to facilitate a more flexible, workable solution to the complexities of the ASER Site.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

A definition of special resolution is inserted for the purposes of an amendment to section 15 of the Act.

Clause 4: Substitution of Division 2 of Part 2

Clause 4 repeals Division 2 of Part 2 of the Act, which allowed the Governor, with the agreement of TransAdelaide and ASER Nominees Pty Ltd, to make regulations defining subsidiary sites, the casino site and the common area. Division 2 is replaced with new Divisions 2, 3 and 4, which have the following effect.

7. The casino site

Section 7 provides that the casino site, which must still include the area licensed as a casino, continues to be defined by regulation. If a change to the casino site also affects the common area or a subsidiary site, a regulation may only be made with the agreement of all stakeholders or with the agreement of the occupier of the affected subsidiary site, as is appropriate.

7A. The subsidiary sites and the common area

Subject to section 7, and only within the Site, the ASER Services Corporation ("the Corporation") may redefine the boundaries of the common area and subsidiary sites. However, the Corporation must have the agreement of all stakeholders to a change in the common area, and the agreement of the occupier of the affected subsidiary site(s). The change is effected by publishing details of the new boundaries in the Gazette.

7B. Development of subsidiary sites

This deals with the redevelopment of a subsidiary site. Where a redevelopment is proposed to extend into the common area, it obliges a stakeholder proposing such a redevelopment to obtain the Corporation's approval in addition to approvals under the Development Act 1993. Where additional structural support is required for a redevelopment, the occupier of the affected subsidiary site must also approve.

7C. Statutory rights of support

This gives each stakeholder a right of support over existing and future structural elements on which buildings are now or become physically dependent. These rights will be enforceable by the Supreme Court on application from a stakeholder, or the Corporation on its own behalf or on behalf of a stakeholder.

Clause 5: Substitution of heading to Part 4

Clause 6: Substitution of heading to Division 2 of Part 4

Clauses 5 and 6 merely replace the headings to Part 4 and to Division 2 of Part 4.

Clause 7: Amendment of s. 14—Insurance

Subsection (1a) has been added to give the Corporation the ability to take responsibility for the management of the joint insurance policy for the Site. Pursuant to clause 12 of the Bill, the Corporation will be able to levy stakeholders for the cost of providing this service.

Clause 8: Amendment of s. 15—Common area

The inclusion of this section gives the Corporation, subject to special resolution (a vote of 75 per cent or more) of stakeholders, the power to grant short-term exclusive occupation rights of parts of the common area. The granting of the rights must serve to enhance the use or enjoyment of the common area. The term must not exceed 3 years.

Clause 9: Amendment of s. 17—The shared facilities and basic services

The former provisions in respect of shared facilities are removed. Section 17 will provide for the following. The shared facilities will be those identified in the regulations at the commencement of the subsection. If all stakeholders agree to change them, the Corporation will be able to redefine shared facilities and basic services. In the case of shared facilities, this will be effected by publishing a schedule of shared facilities in the Gazette.

Clause 10: Insertion of Division 4A of Part 4

20A. Riverbank Precinct Master Plan

Section 20A makes the Corporation responsible for providing a formal conduit for communication between stakeholders and the agencies responsible for the implementation of the Riverbank Precinct Master Plan, including the making of any financial contributions and assisting generally to the benefit of stakeholders and the State. This responsibility ends on 30 June 2004.

20B. Adjacent facilities

Section 20B gives the Corporation a limited capacity to perform functions beyond the Site. These functions must be associated with the use and enjoyment of the Site and may only be performed in areas adjacent to the Site. Each particular function to be performed beyond the Site must be approved by all stakeholders.

Clause 11: Amendment of s. 21—Budget of income and expenditure

Section 21 is amended by removing the requirement for the Corporation to submit its budgets to the Treasurer for approval, and to remove the Treasurer's power to amend the Corporation's budgets.

Clause 12: Amendment of s. 22—Compulsory contributions

Section 22 is amended to require all stakeholders to agree to any change to the allocation of stakeholders compulsory contributions, where previously only a special resolution was required.

As noted in relation to Clause 7, the new subsection 22(3a) is designed to ensure that the Corporation is able to recover costs incurred on behalf of a stakeholder from the stakeholder as a debt due to the Corporation.

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

STATUTES AMENDMENT AND REPEAL (JUSTICE PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1059.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This Bill is relatively uncontroversial in that it makes a number of minor amendments to a number of Acts as follows. In relation to the Administration and Probate Act, the Bill inserts a reference to the Public Trustee Act. In relation to the Bail Act, the Attorney-General in his second reading explanation advised that the courts are experiencing difficulty because of the failure of defendants who are on bail to attend directions hearings. This amendment requires that a person on bail must attend all hearings unless otherwise directed.

The amendments in respect of the Children's Protection Act, the Young Offenders Act and the Youth Court Act restrict the publication of reports containing specified information about youths or children. The amendment in respect of the Correctional Services Act simply reflects a change in the designation of officers. The Bill also corrects a section in the Crimes at Sea Act to enable the Governor-General to make regulations. The amendments in respect of the District Court Act make changes including remuneration arrangements for District Court Masters and court proceedings for awarding costs.

An amendment is made to the Magistrates Court Act to allow consenting litigants to have cases in excess of $5 000 dealt with as a small claim. The Bill makes a number of amendments to the Statutes Amendment (Fine Enforcement) Act to suspend a driver's licence for a period of 60 days. The order will come into effect 21 days from (and including) the day on which the order was made. It also deletes reference to 'justice and proper authority'.

Under the Summary Offences Act, an amendment clarifies the commencement date of a general search warrant on the face of the warrant. The amendment to the Summary Procedures Act relates to the filing of documents. The new Bill requires the prosecution to file and serve on the defence documents of primary importance and a list of all documents of lesser importance with a description of the documents' potential relevance to the prosecution case. The Bill also repeals the Appeal Cost Fund Act. This multipurpose Bill contains fairly minor amendments, and the Opposition supports the second reading.

The Hon. L.H. DAVIS secured the adjournment of the debate.

BARLEY MARKETING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 981.)

The Hon. P. HOLLOWAY: The Opposition will not oppose the Bill. The Bill seeks to complete the process of deregulation of the domestic market for barley. The domestic sale of feed barley and oats was deregulated by repealing provisions relating to the Australian Barley Board and the Barley Marketing Consultative Committee in the Barley Marketing Act 1993. The domestic sale of malting barley is deregulated in this Bill.

It is proposed that the Australian Barley Board will be replaced by a grower owned company which will continue to operate as a single desk for the exporting of barley. The Bill proposes that restrictions on the sale, delivery and purchase of barley and oats be removed as of 1 July 1999, and that the single desk export operation at the Australian Barley Board be extended until the year 2001. It is also proposed that the export of barley in bags and containers up to 50 tonnes in weight be exempted from this legislation to guarantee continuation of exports to what are described as minor niche markets.

The suggested successors to the Australian Barley Board are two new entities: the grower owned Australian Barley Board Grain Limited and Australian Barley Board Grain Export Limited. ABB Grain Limited will receive the non-barley assets and liabilities of the ABB, and ABB Grain Export Limited will receive the existing stocks of pool barley. ABB Grain Export Limited will also be granted statutory marketing powers. This transfer is proposed to take place on or before 30 June 1999, which is why we are debating the Bill this week—so that it can be put in place before we adjourn at the end of next week.

While this Bill has the support of industry and the South Australian Farmers Federation, I suppose that is because there is little alternative available. It is an unarguable fact that the current marketing arrangements for barley have been extremely successful, with the domestic and export single desk strongly supported by most South Australian barley growers. The proposed arrangements are supported by industry for the following reasons: the need for the new Australian Barley Board Grain Export Limited to accumulate capital and to build a reputation on the export market in time for deregulation of the single desk in 2001. Behind this was also the fear that the Victorian Government would act on its threat to go it alone immediately if South Australia did not agree to the 2001 deadline for the single desk. I will deal more with this matter later.

It is therefore clear that industry support for this change to deregulation is not wholehearted and that deregulation may not even be the most effective result to the need for restructure of the industry. During debate on the barley marketing Bill in the middle of last year, I questioned the process of the competition policy review. I continue to have concerns about the mechanism of review which has led to the deregulation of this important market.

The review into the marketing process of barley was outsourced to interstate consultants, the Centre for International Economics. Many local growers expressed significant concern at this decision, and the CIE's report justified that concern. There can be no doubt that the Victorian Government has got its way. It has been argued that the model upon which the CIE came to its conclusion, namely, that there was no net benefit to the Australian community from the ABB's use of market power, was reliant on questionable assumptions. From this, it can be argued that the future of Australian Barley Board was decided on the basis of a flawed economic model.

It is timely that the Productivity Commission has just this month released its draft report on the impact of competition policy on rural and regional Australia. That has come out since this Bill was introduced into the Legislative Council. A number of findings in this draft report are highly relevant to this debate and should be placed on the record.

First, the report notes that rural and regional Australia are characterised by 'an above average reliance on agriculture', which has meant that their employment growth and growth in household incomes have been considerably below the national average. It is very interesting to look at the model of competition policy reforms included in the report. The first point I note is that the expected benefits from all national competition policy reforms are estimated, if they are all implemented, to be an overall gain across the economy of 2.6 per cent, which is about half of what the benefits of national competition policy were predicted to be some years ago when first reports on this subject were produced.

The Hon. T.G. Roberts: They were guessing.

The Hon. P. HOLLOWAY: Yes, that is right. However, what is more interesting is the distribution of benefits under national competition policy reforms, and I am talking about all the NCP reforms. Indeed, the report assumes that the implementation of the NCP reforms is estimated to make output higher than it otherwise would be in all statistical divisions across Australia except for Gippsland. If one looks at the table of results, we can see that regions likely to benefit most tend to be Queensland and Western Australia. On the other hand, regions benefiting least tend to be in Victoria, South Australia and the southern parts of New South Wales, which, the report says, is where the impact of water reforms and dairy industry reforms is likely to limit regional growth.

As an aside comment, I find it interesting, given that Victoria is the State that is pushing most for dairy reform, that, according to this report, Victoria will suffer the least benefits from competition policy reform as a result of the dairy industry reforms and the water reforms.

The Hon. T.G. Roberts interjecting:

The Hon. P. HOLLOWAY: It sounds rather like it. The other factor that comes out of this report is that most metropolitan areas are expected to gain proportional increases in output close to the overall gain of 2.6 per cent. I refer to the figures for each State, which are included in table 10.6 of this Productivity Commission report, because they are very interesting.

In New South Wales, the estimated impact of all NCP reforms is a regional gross product of 2.75 per cent and an employment growth of .15 per cent; in Western Australia, 3.26 per cent gross product and an employment growth at .75 per cent; in Tasmania, 2.31 per cent regional gross product increase and a fall of .71 per cent in employment; in the Northern Territory, 3.39 per cent regional gross product increase and a .56 per cent increase in employment; and Queensland, 2.97 per cent regional gross product increase and an increase in employment of .25 per cent. However, the impact on South Australia is 2.31 per cent regional gross product and a fall in employment of .18 per cent.

Then, if one looks at the regions, one sees the following. Yorke and Lower North region, 1.48 per cent regional gross product increase and a fall in employment of 1.83 per cent; the Murray Lands, a 1.11 per cent increase in regional gross product and a fall of 2.34 per cent in employment; and in the South-East, 1.44 per cent regional gross product increase and a fall of 1.31 per cent in employment. The other State that I did not mention was Victoria, where the regional gross product increase is expected to be 1.94 per cent and a fall of .45 per cent in employment.

What do we make of all those figures? I make the point that competition payments from the Commonwealth to the States are to address the impact of competition policy. It is quite clear from those figures that the most severe impact of competition policy will be in the States of South Australia and Victoria, and also within those States the most severe impact will be in the regional areas. That is an issue that perhaps this State could well contemplate.

I believe that South Australia does have a case for greater assistance under those competition agreements than the arrangement that has been hammered out so far, which involves just per capita increases in compensation. I believe that we should hammer our case using these figures at every opportunity. Perhaps that is getting away from the Barley Marketing Board for a moment, but it is an important point to make in relation to the impact of these reforms and other related competition policy reforms.

Because the regions of this country are experiencing the least benefit, if I can call it that, from competition policy, competition reviews are required to consider public interest when investigating the competitive nature of statutory marketing arrangements. The National Competition Council has recognised that such reviews should consider 'impacts of barriers to competition on the level and stability of farmers' incomes and effects on regional development and employment', as well as issues which involve the wider Australian community.

The Productivity Commission draft report warns against State Governments using the review process for political gain. For example, the current dairy review hinges greatly on the result of the Victorian dairy legislation review process. The Productivity Commission report warns that this could provide 'an incentive for other States to maintain the status quo for their dairy industries and allow Victorian deregulation to render their farm gate controls relatively ineffectual'. The report states that this could lead to two outcomes: first, that other States such as South Australia could gain sympathy from industry for not actively removing assistance to the industry; and, secondly, it could make it easier to avoid consideration of compensation because deregulation occurred not because of South Australia's removal of restrictions but from what the report describes as outside pressures. I believe that the comments from the draft report of the Productivity Commission are an extremely interesting analogy for the barley review process.

Our State Government has been swift to extol the virtues of the joint investigation into options for the future of barley marketing with the Victorian Government. There is no doubt that the Victorian Government is keen to see a deregulated market. So, too, I might say, was the Victorian Opposition, which has a different view on this than the South Australian Opposition. While Victorian barley growers make up a small percentage of the total barley exports out of Australia, it is Premier Kennett and his Government who have set the agenda on this issue with our Minister wringing his hands at the threats that Victoria has made to withdraw from the current arrangement.

In fact, given the Productivity Commission's warnings, it is necessary to consider what the Minister said in another place during the closing of the debate on this issue. At page 1192 of the House of Assembly *Hansard*, on the issue of Victoria the Minister stated:

If Victoria went—

that is, left the current marketing arrangement—

in 1999 I can see that we would put enormous pressure on a Barley Board that is starting from reasonable but not substantial reserves. You could really open it up to being targeted from one of the big traders through across the border trade.

Later, he said:

We could well and truly [be] burying our head in the sand and saying, 'We will go to 2004,' and that would have resulted in Victoria's going in June 1999 and, believe me, Premier Kennett means it.'

That seems to me to be a classic case of blaming outside forces for a weak political decision. The outside pressures argument should not force a decision. Where exactly does the Minister see the future of the grains industry—continuing to blindly follow Victoria because Premier Kennett means it?

Other Governments have recognised the value of continuing single desk marketing in rural industries. Independent reviews have recommended the retention of the single desk marketing board for both sugar and rice. The recognition that deregulation may not be the only outcome of a national competition review within a rural industry is a fact that needs to acknowledged by this Government.

While the National Competition Council did recommend that the Commonwealth deduct $10 million from the 1998-99 component of national competition policy payments due to New South Wales as a result of that Government's review into rice, this recommendation was not acted upon, and the Commonwealth recently offered to facilitate the establishment of a single desk selling arrangement for export rice contingent on deregulation of that industry's domestic sector. In addition, the National Competition Council did not challenge the outcome of the Queensland Government's review into sugar which recommended the continuation of compulsory acquisition for all raw sugar produced in Queensland.

As a result of these reviews it is clear that the National Competition Council itself has begun to accept the view that single marketing authorities may be a useful option. I quote from the National Competition Council's January 1999 report entitled, 'National Competition Policy: Some Impacts on Society and the Economy'. This has already been quoted by my colleague the member for Napier in another place, but I believe it is worth repeating. It states:

Recent independent reviews into SMAs [Statutory Marketing Authorities] indicate that there is no single best approach to marketing agricultural goods. The reviews to date have proposed a range of approaches to reform, targeted to the circumstances of each industry, with benefits to both rural communities and consumers generally. For example, recent reviews of marketing arrangements for rice and sugar recommended retaining a single marketing board's exclusive right to trade the commodity on export markets.

The Minister also tried to say during the debate in another place that, really, this has nothing to do with competition; in fact, he called the NCC 'irrelevant'. If the NCC were in fact irrelevant to these types of decisions, why has the National Farmers Federation come out recently to argue against the current national competition policy framework? In fact, the National Farmers Federation has called national competition policy 'rigid' and has called on the NCC to look at each rural industry on a case by case basis. They have also expressed concern about the NCC's public assessment test.

In response to these concerns it is interesting that both sides of Federal Parliament have agreed with the sentiment expressed by the NFF. Indeed, the Prime Minister accepted that the Federal Government needed to be 'more sensitive' to the needs of rural industries in the implementation of national competition policy. The Federal Opposition has stated that competition policy should be pursued carefully, and the Federal shadow Minister for Primary Industries, Mr Gavin O'Connor, in an ABC report on 19 May, stated:

What we want in competition policy is a more rigid application of the public benefits test and greater consideration of the general impact that competition policy will have on rural and regional communities.

So, in response to all this, how does our own State Government tackle the complex issue of reform? Do we want it to continue to be a lesser, willing partner to Victoria's push to privatise the grains industry? In fact, it is obvious that this Government has no real vision in relation to the grains industry, or, probably for that matter, rural industries as a whole. It has allowed itself to be led by the Victorians. The Minister for Primary Industries has taken no leadership position at all in this matter, preferring to be dragged along by the National Competition Council and the Victorian Government. Given that this market is very important to South Australia, it is astonishing that the Minister should not have taken a more prominent role in this matter. There is a lack of direction which is evident across the board, and rural industries are suffering for it.

The Opposition has a commitment to the operation of the single marketing board within rural industries where it can be shown that the system is beneficial to the industry and the community as a whole. I believe that it should be up to the opponents of the single desk system to prove that it is not beneficial, rather than the current system which calls for the industry to show that the single desk is beneficial. I have no hesitation in supporting the single desk structure within the export marketing industry for barley should the industry so require. I am prepared to give a policy commitment on behalf of the Opposition that, subject to industry wishes, we will support the single desk for barley export in South Australia beyond the year 2001 at least to the year 2004, which is the time limit for the single desk of the Australian Wheat Board, given that that is the industry desire at the time.

Further, we will develop an industry plan for the future of the grains industry in conjunction with the industry, the growers, the Farmers Federation and the major players in the grains industry, such as the ABB, AWB and SACBH. We will not leave this valuable industry at the mercy of the market place, as this current Government appears to be quite happy to do. The need for reform of this industry is accepted widely, but no leadership or guidance is offered by the Government. In an article on 20 May in the *Stock Journal*, John Murray, Chief Executive Officer of South Australian Cooperative Bulk Handling Ltd, made the following comments:

In a more competitive operating environment it is not surprising to find that the State's major domestic grain users are seeking a more integrated approach to their needs. This includes just in time delivery, access to specific segregations, transporting, handling and storage as well as marketing. No single organisation in SA currently provides these as in-house services. The big need is for an organisation which can manage all of these factors in a rapidly changing environment and not lose sight of its grower or customer needs.

I would also like to—

The Hon. Caroline Schaefer: What does it have to do with barley?

The Hon. P. HOLLOWAY: I will bring it together in a moment. I also quote from some comments made during debate in the Victorian Parliament by a National Party member of the Upper House, because he put rather well some

of the issues facing industry at the moment. It is a time when there are a number of options facing the industry, and these need to be addressed by the Government. The Hon. B.W. Bishop of North Western Province said:

> Now is the best time for representatives of the Australian barley industry, or even the total grain industry, to get together. For about 25 years I have observed the push in the barley industry to take a national approach; we have argued about it for that time. . . there is no reason why the Eastern States should not form a single entity for marketing export barley. The economies of scale in Queensland and New South Wales, with the South Australian-Victorian situation, would provide a powerful supply and marketing organisation. Because domestic markets will be deregulated, such an organisation would have strong credentials to bid for an orderly, single-desk marketing system outside Australia.

So, one can see that already there is some pressure outside to bring together national bodies which will have considerable implications for South Australia—some good, some perhaps not so good. The honourable member continued:

> In this Bill—

and, remember, the Bill in Victoria was identical to the South Australian Bill but, of course, this is a Victorian perspective—

> I see not challenges but opportunities for organisations to get together. I ask honourable members to imagine the power of Vicgrain as an organisation after a couple of years if it joined with other grain boards or with the New South Wales and South Australian bulk grain handling organisations. . .
>
> The other player in the field is the newly privatised Australian Wheat Board. Perhaps in some joint venture the Australian Barley Board will become a part of the new board or part of the Australian Grain Corporation. Perhaps the export arm of the Australian Barley Board should join with the Wheat Board and the export team. Perhaps the domestic marketing side should join with the bulk handling organisations to assist with the acquisition of storage, handling and delivery facilities at a local level. . .
>
> Great opportunities exist to reduce costs and create more certainty in the market place, to the benefit of growers, end users and everyone in the system. Although those opportunities exist, understandably there is some confusion among grower communities as a result of the speed of change, and a number of questions were raised at the VFF grains conference that was held a few weeks ago. Should the Australian Wheat Board enter the storage and handling market? Should it do that at Dimboola or should it let Vicgrain do it? They are difficult questions because both organisations are funded by the same growers.

They are interesting comments that put well the sort of options opening up in the industry, and it is important that there is some leadership on these issues from the Government. Obviously the industry itself will determine its future, but the Government needs to play a part in it. The Minister for Primary Industries and the Olsen Government should be considering their views in respect of national competition policy. What is the view of the Minister and the Government on the competition principles agreement? What is their view on the future of statutory marketing authorities, other than the ABB? What is the view of the Minister and the Government on the future of the grains industry itself? Other States such as Western Australia—

The Hon. L.H. Davis: What is your view?

The Hon. P. HOLLOWAY: I told you the policy commitments earlier, if you had been listening. Other States such as Western Australia have established task forces or committees to consider the future of their grains industries. Here in South Australia the Government continues to drift along with no direction and no leadership. The future is in the hands of the industry and, more particularly, the growers who will own the new companies, but the Government has a vital role to play to protect this most important industry and, in particular, to protect South Australia's interests as the most important barley exporter and the home of the ABB. I would like to see the Government take these issues head on rather than being dragged along as a result of Victoria's actions. That is exactly what has happened. The Opposition will support the Bill.

The Hon. Caroline Schaefer: Reluctantly, by the sound of it.

The Hon. P. HOLLOWAY: It is reluctant. The industry and a lot of people within the grains industry, as I am sure the Hon. Caroline Schaefer is aware, are reluctant about this, too. The Barley Board is a joint body between Victoria and South Australia. The strategy that has been adopted by the Government leaves it little option to do it, but what is important now is what happens beyond the year 2001. As soon as this Bill passes we will need to hear from the Government what its plans are for the industry beyond the year 2001. Planning for that time clearly needs to be put in place straight away, and that is where the Opposition will be looking to see what the Government comes up with.

The Hon. IAN GILFILLAN: The Democrats support the Bill. We have strong feelings of support for the single desk marketing of primary products. The chaos inflicted on the coal industry of Australia should stand permanently as an example of the idol of open and deregulated competition when primary industry producers compete amongst themselves for a very hostile and voracious international market. I have a letter dated 21 May this year addressed to me from Jeff Arney, Chairman of the SAFF Grains Council, and it would be useful to read it into *Hansard*. It states:

> Re: Barley Marketing Bill/Authorised Receiver.
>
> As the date draws near when a decision will be made on the single desk legislation currently before Parliament, the South Australian Farmers Federation (SAFF) Grains Council would like to take this opportunity to provide you with an update on our position. As has already been stated on more than one occasion by the Grains Council, the single desk legislation should be maintained post 1 July 1999 while it continues to deliver benefits to the State's grain growers. This letter also provides a quick overview of the Grain Council's position on the provision of authorised receiver.
>
> Single desk legislation.
>
> At our recently held annual grain conference the following resolution was debated at length prior to being passed:
>
> > That this conference support legislation currently before State Parliament, i.e., single desk export marketing to year 2001 and that, as long as it can be demonstrated that single desk export is advantageous to South Australia, single desk beyond 2001 is our priority.

I repeat: 'single desk beyond 2001 is our priority'. The letter continues:

> The conference agreed to support the common legislation being presented in South Australia and Victoria with privatisation of the ABB to occur on 1 July 1999. However, continuing the single desk is seen as a priority for our barley growers who are extremely vulnerable in the international marketplace due to subsidies and other market distortions.
>
> Authorised receiver.
>
> With reference to the position of authorised receiver, the Grains Council supports progress of the legislation through Parliament proceeding without interruption. Whilst it is agreed that the legislation should continue, the matter of authorised receiver requires deliberation shortly thereafter to ensure that the South Australian Cooperative Bulk Handling Limited (SACVH) not be restricted from participating in the 1999-2000 trading season. The Grains Council considers the reference to authorised receiver was an oversight in preparing the legislation and is no longer relevant. On behalf of the SAFF Grains Council we thank you for your continued interest in the Barley Marketing Bill.

The letter points out that if I want further information I should contact the Chairman, Jeff Arney. It is essential to dwell on the emphasis that this South Australian organisation of barley growers has placed on the continuation of the single desk beyond 2001. The reason that that extension past 2001 is not in our legislation is not that the South Australian Government would not support it and certainly not because the South Australian growers would not support it—in fact, they would dearly love to have it; it is because the Premier of Victoria (Mr Kennett) determined that the year 2001 was as far as he would go in tolerating the continuation of a single desk for the export marketing of barley.

I sat next to a leading executive of the Victorian Farmers Federation who was involved in barley marketing, and he told me that, at their State conference, one or two dissenting voices of the Victorian barley growers—I cannot remember the exact number—insisted that there should be a push to extend single desk marketing past the arbitrary date of 2001. So, this legislation has been dictated to the exporting barley growers of Australia by one autocratic individual who is besotted with the philosophy that you must demolish any sort of regulated organised marketing as a tenet of faith.

It is obscene, and it is a crushing blow to the far sighted and constructive attempts to establish a viable, strong export industry for Australia to have this pedagogue telling the South Australian Government what it is allowed or not allowed to introduce as legislation in South Australia for the South Australian barley growers. Sadly, if we had insisted that we wanted to have the extension of the single desk past the year 2001, the Victorian Government (not the Victorian barley growers) threatened to pull out of the whole deal entirely and make it open slather so that it would have legalised exporters from Victoria operating in what they would then have constructed as a deregulated export market.

The barley growers of South Australia and Victoria would be justified in feeling extremely angry with this thoughtless intrusion into a sensitive area of holding a world market by the idiotic imposition of ideology into practical export marketing. We will need to be as ready as we can be to move to the next leg in this exercise, and that is amending legislation as soon as it can be organised by pressure or persuasion with the Victorian Government to make sure that the world barley marketing community is aware that Australia is determined to have a single desk as its marketing authority for export barley. There is scope for the boutique market because in certain circumstances up to 50 tonnes are exempt from the single desk. So, there is scope for those who feel that they can trade limited amounts to lucrative markets and can exercise that deregulated marketing capacity.

With our expression of support for the Bill, we cannot express strongly enough the dedication that we feel for a unified marketing of Australian primary product when we are trying to hold our own in the world market. It is pointless to say that level playing fields exist and that competition will eventually allow the best end result for the producer. We know that that is a deception and that the end of that track will be that many producers will be forced out of production, and if that occurs Australia will be the loser in the long run.

I will address the other matter that the Farmers Federation has urged, and that is that South Australian Cooperative Bulk Handling Ltd is guaranteed its role to participate in the 1999-2000 trading season. In the Government's reply to the second reading debate, I would like to hear a categorical assurance that that will be the case, and in those circumstances I look forward to a speedy passage of the Bill.

At the risk of being tediously repetitive, it is essential that we signal, as we pass this legislation, that we are not content with the so-called sunset clause of 2001 for the termination of the single desk. We believe that it must be continued past that year and also past 2004, which was the mystical year that the Hon. Paul Holloway mentioned relating to wheat. I think that the concept of single desk marketing of such a specialised product should be indefinite.

The Hon. P. Holloway interjecting:

The Hon. IAN GILFILLAN: He said 'at least'. In that case I stand corrected: he said 'at least to the year 2004'. Let us put our sights on there being no indicated termination of it. It is the best way for us to market these particular forms of grain into a world market, and I hope that will happen in the near future in legislation in this place. With those remarks, I indicate support for the second reading of the Bill.

The Hon. CAROLINE SCHAEFER: I rise to support the Bill. Much of what needs to be said has been said. It amends the Act to deregulate the domestic malting barley market, to deregulate all oat markets and to extend the current export marketing authority until 30 June 2001. Despite what the Hon. Mr Holloway said, this gives us two years over and above that which Victoria, which has joint legislation with us, would have preferred.

The honourable member expresses great concern about what the Government may do or should do, and he said that the Government needs to play a part. That is true, but in my view the growers are the ones who need to play a part. What we are doing with bipartisan support for this Bill is providing them with time to come to terms with whether or not they want single desk selling powers; if they want those single desk powers to be retained, how they can be retained; and, if they want an open market, how best to get into it. I quote from the Minister's second reading explanation in which he states:

> Single desk powers are likely to continue in this State until it can be clearly demonstrated that it would not be in the interest of the South Australian community to continue the arrangements.

The Hon. Ian Gilfillan interjecting:

The Hon. CAROLINE SCHAEFER: Exactly, as the Hon. Mr Gilfillan interjects. If Victoria dumps it, it may not be in the best interests of South Australian growers to hang on to a small boutique niche market. It may well be in their interests, but unfortunately we do not produce sufficient malting barley in this State to go it alone. I think that the view of most growers in this State is that they would prefer a single desk export market. Having said that, many of them also believed that they would prefer a single desk domestic market until it was deregulated, and those who lived on the border of South Australia and Victoria quickly found that at $20 a tonne extra over the border into Victoria got rid of their principles about a single desk market.

Personally, I would always support a single desk overseas market while we can profitably sustain that sort of marketing. However, it is arguable whether we could do that ourselves in this State. There is an assurance in the Bill that minor niche markets can be served on the open market by the trading and transport of barley in bags and containers of a capacity of up to 50 tonnes. So, there is a capacity to sell to niche markets under those circumstances, as indeed there is within the Wheat Board.

I guess that this Bill buys South Australian producers some time. It gives us all time to look at whether or not we can sustain a single desk export market, particularly for

malting barley, which is the premium quality barley. As such, I fail to see how anyone could oppose it. I look forward to seeing how the industry decides it will market itself in the next few years to the year 2001. Hopefully, by that time we will have seen the industry reach a stage where it can control its own marketing for the profit of its growers.

The Hon. J.S.L. DAWKINS: I support the Bill. I do not intend to be lengthy in my support because the issues have been well canvassed by the Hon. Paul Holloway, the Hon. Ian Gilfillan and my Party colleague, the Hon. Caroline Schaefer. A number of us in this State are concerned about the future of the barley industry because barley has been a very important aspect of our economy and one with which we have done very well. South Australia is renowned for the quality of this particular grain.

The Hon. L.H. Davis: Allegedly the best in the world.

The Hon. J.S.L. DAWKINS: My colleague, the Hon. Legh Davis, who is a renowned expert in barley, has said that South Australian barley is renowned as being the best in the world. If you go to Yorke Peninsula they will tell you that they grow the best barley in the world.

I will not go into the details of what the Bill does because I think that has been well canvassed. However, while we have heard all about Mr Kennett's role—and his view as to what should happen to grain in his State has been well publicised—extensive negotiations have taken place over a long period of time between the two State Governments, the Australian Barley Board, the South Australian Farmers Federation and the Victorian Farmers Federation to finalise the time frames involved in the setting up of a privately owned company and in the negotiations for the time frames for the removal of various restrictions and extensions of the single desk.

Despite some of the statements of the Hon. Mr Holloway, I know that the Minister for Primary Industries (Hon. Rob Kerin) has worked very hard on this issue with his opposite number in Victoria, the Hon. Pat McNamara. It is always relevant to note that, as with many things in South Australia, we are not big enough to go it alone; we are not an island. It is very difficult to do some of these things without taking into account what happens across the border, and the Australian Barley Board has a long history as a joint concept between the two States.

I will conclude by reading something into the record. It is interesting that the Hon. Mr Gilfillan read a letter from Jeff Arney. I have in front of me an article written by Jeff Arney that appeared in the *Stock Journal* of 8 April, a few weeks ago, which article I will read out now. It includes the same motion as that read out by the Hon. Mr Gilfillan, and there may be other similar text, but it is important that this be included. Mr Jeff Arney is the Grains Council Chairman of the South Australian Farmers Federation. His article in the *Stock Journal* of 8 April states:

> Many readers would remember a recent statewide survey which found 86 per cent of growers supported orderly marketing for export barley. It is no surprise the issue of the single desk was rigorously debated at last week's annual Grains Conference, which attracted about 150 growers from across South Australia and many senior Government and industry representatives. There were a number of issues raised in relation to the single desk and there was a lively session with a range of views aired and debated. A resolution was successfully moved at the conference to accommodate the needs of our growers without putting the operations of the Australian Barley Board and its ability to transform into a grower-owned and controlled entity in jeopardy.
>
> The resolution is: 'That this conference support legislation currently before State Parliament, i.e., Single Desk Export Barley Marketing to year 2001, and that, as long as it can be demonstrated that single desk export is advantageous to South Australia, single desk beyond 2001 is our priority.'

Mr Arney continues in his article:

> State Minister for Primary Industries, Rob Kerin, has assurances from the conference that matching legislation is in the best interests of securing our marketing future. This has been agreed to with a commitment from the State that it supports single desk selling beyond 2001 while it continues to deliver benefits to both growers and the community at large.
>
> The entire issue of the role of the single desk was debated at length. The views expressed by growers ranged from calls for total deregulation to a fully perpetuated, regulated system. The mature level of debate highlighted that improved communication with growers is not only desired but essential. The domestic market will see total deregulation of the feed and malting barley markets next season. Growers at the conference highlighted the big difference between domestic and export deregulation with SA exporting more than 80 per cent of production. The competitive edge we have in exports is due to our high quality grain, which meets the specifications needed for our international customers on a continual basis.

I thought it was valuable to read that article. I support this legislation very strongly. I also support the ongoing activity of the Government in monitoring the situation in all areas of the grain industry, but particularly in the barley industry. I commend the Minister on the work he has done in what has not been the easiest set of circumstances, and I support the Bill.

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

APPROPRIATION BILL

The House of Assembly requested that the Legislative Council give permission to the Treasurer, the Hon. R.I. Lucas, MLC, to attend at the table of the House on Thursday 27 May 1999, for the purpose of giving a speech in relation to the Appropriation Bill.

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

That the Legislative Council grant leave to the Treasurer, the Hon. R.I. Lucas, MLC, to attend in the House of Assembly on Thursday 27 May 1999 for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

Motion carried.

EXPLOSIVES (BROAD CREEK) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

The Explosives Act provides for the manufacture, importation, keeping, handling, packaging, transport and quality of explosives.

This Bill concentrates on provisions in the Act that establish an Explosives Reserve at Broad Creek for the purpose of receipt and delivery of explosives by sea transport. The explosives handled at Broad Creek were moved to the adjacent Government Magazine at Dry Creek for storage and distribution.

Explosives storage has a rich history in South Australia. About one hundred and fifty years ago the government of the day decided that a facility was required to receive explosives from overseas and three floating hulks and a magazine were located adjacent to North Arm Creek. In 1900, explosives storage moved to Port Gawler Creek with four floating hulks, but, by 1904 all explosives were transferred to a new magazine facility at Dry Creek.

The Dry Creek Magazines were connected by a small railway using horse drawn wagons to Broad Creek so that explosives received from overseas could be safely unloaded and the product moved to safe storage for inspection and distribution.

Broad Creek is defined as an explosives reserve in the *Explosives Act* to provide adequate control over the area in order to ensure safety during explosives handling. Shipments of explosives have not occurred at Broad Creek since about 1961 and there is no likelihood that Broad Creek will ever be used to land explosives from sea transport again.

The Dry Creek Magazine was closed in late 1995 because the quantity of product stored had reduced dramatically due to improved distribution methods, increased on-site storage at mines and quarries and greater use of bulk explosives.

The Broad Creek area forms part of the original MFP Core site land holding that is now administered by the Land Management Corporation as successor to the MFP Development Corporation. The Land Management Corporation have asked that the 'Reserve' status of the area be removed so that they may properly manage the area and remove reference to this encumbrance from relevant land titles.

This amendment is procedural and removes redundant clauses from the *Explosives Act* so that the landholder may better manage their affairs.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure.

Clause 3: Amendment of s. 28a—Definitions

This clause removes the definition of 'the creek' from the Act.

Clause 4: Repeal of ss. 28e and 28f

This clause repeals sections 28e and 28f of the Act which deal, respectively, with conditional access to Broad Creek, and the power of the Minister or delegate to block and fill Broad Creek.

Clause 5: Repeal of Schedule

This clause repeals the Schedule of the Act which provides graphic representation of Broad Creek and the surrounding explosives reserve.

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

CITY OF ADELAIDE (RUNDLE MALL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1063.)

THE ACTING PRESIDENT (Hon. T. Crothers): I note that there are two members on their feet but, as I have only Mr Davis noted to speak, I will call him first. The Hon. Mr Davis.

The Hon. L.H. DAVIS: Thank you, Mr Acting President, for your wisdom and fairness. I support the second reading of this Bill, which among other things seeks to abolish the Rundle Mall Committee. As the Presiding Member, I must say that it gives me some pleasure to see that a recommendation of the Statutory Authorities Review Committee has actually been acted upon and that the Rundle Mall Committee is to be abolished. This recommendation was made by the Statutory Authorities Review Committee in July 1996.

The Hon. A.J. Redford: Who was on the committee then?

The Hon. L.H. DAVIS: The committee comprised the Hon. Anne Levy at that point, my colleague the Hon. Angus Redford, the current Acting President of the Legislative Council (Hon. Trevor Crothers) and my colleague the Hon. Julian Stefani, who is elsewhere this evening.

I will briefly outline the background to the establishment of the Rundle Street Mall Act. It came into being when Rundle Mall was first established in 1975. Members would no doubt recollect that Rundle Mall was the first of the modern malls in Australia, and some credit for that initiative should go to Premier Dunstan. In fact, it is well recorded that Brisbane Mall is directly based on Rundle Mall.

When Rundle Mall was established, it was recognised that it was important to have a body to manage and promote it, and that led to the legislation being established. The Rundle Mall Committee comprised members nominated by the responsible Minister, a councillor from the City of Adelaide, a member of the Retail Traders' Association, a person carrying on business in the mall and another person appointed by the Adelaide City Council. So, there was a balance of interests on that committee.

The committee had a number of powers—powers to undertake works and borrow money, and the collection of special rates, that is, levying rates on businesses in the mall to market and promote the mall. The rate in recent years had fallen because the rateable value of properties in the Mall precinct had dropped. Although the nature of Rundle Mall changed, the balance of powers between the council, the Government and the Rundle Mall traders changed over the years, and the Rundle Mall Act was subject to regular review, nothing was done about it until the Minister at the time (Hon. John Oswald) commissioned a report into the structure of the Rundle Mall Committee.

The report, which was provided to the Minister early in 1999, noted that, although the Act had served a useful purpose, it had been overtaken by developments, in particular changes in the Local Government Act. The Statutory Authorities Review Committee was advised just prior to its own report being tabled in this Parliament that the then Minister responsible for this Act (Hon. Scott Ashenden) indicated it was the intention of the State Government to repeal the Act which created the Rundle Mall Committee.

The Statutory Authorities Review Committee took evidence from a number of witnesses, and it was certainly undoubted that the Rundle Mall Committee, like the Legislative Council in Queensland in 1923, believed that it should be abolished. The Rundle Mall Committee gave evidence to the Statutory Authorities Review Committee arguing that as a result of the changing nature of the mall, as it described the declining fortunes of the mall at the time—and this was three years ago—a new structure was needed. There were new challenges in city retailing. The halving of the level of pedestrian traffic in the mall, the falling levels of employment in the city centre and the growth of major regional shopping centres are obvious examples of the changing nature of retailing in the City of Adelaide.

The committee acknowledged the force of the argument and acknowledged that the Government itself had concerns about the direction of Adelaide and the marketing of Adelaide. The Adelaide 21 project had initiated a plan to revitalise the capital city of South Australia. The Adelaide 21 project in its interim report of 1996 argued that it was important for a coordinated approach to be taken to the promotion and rejuvenation of Adelaide—a coordinated approach between the State Government, the Adelaide City Council and the key stakeholders in the city.

One of the obvious points that was made in the comprehensive and impressive document, which was put together by Adelaide 21, led by Professor Michael Lennon, was that a marketing authority should be established to promote Adelaide. So it came to be that changes were made, with the Adelaide City Council taking a more dynamic approach. Of course, that has been reinforced by the recent restructuring

of the Adelaide City Council, which has been streamlined and which is now more akin to a board of directors, and the establishment of a marketing authority for Adelaide. The council now has taken over full responsibilities for matters concerned with the general operation, maintenance and control of the mall.

The mall, of course, has been recently refurbished. I must express disappointment and dismay at the quality of that refurbishment. I will not say too much about that because legal action is pending in relation to the paving, but it is disappointing that the first refurbishment since the mall was established 25 years ago falls short of what one would expect for the major retail precinct of a capital city. I know that the Minister would share my view that the next major challenge for Adelaide is the stylish and significant refurbishment of arguably Australia's most significant cultural precinct, North Terrace.

I am pleased that the Government has recognised the force and logic of the argument that the Rundle Street Mall Act should be repealed; and that the Rundle Mall Committee be abolished as a consequence of this. The new structures which I have mentioned and which are now in place will ensure that Rundle Mall continues to be a vibrant and vital part of the economy of the capital of South Australia.

The Hon. IAN GILFILLAN: The Democrats support the Bill. However, I will make a couple of observations. We do not take exception to Government initiatives which simplify the law or repeal out-of-date Acts. After reading the Minister's second reading explanation and perusing the Bill, I support the abolition of the Rundle Mall Committee, the retention of Rundle Mall traffic control measures in the City of Adelaide Act, and the repeal of the Rundle Street Mall Act.

In saying this, I assume, as the Minister asserted in the second reading explanation, that this does have the support of the Adelaide City Council. I wrote to the Lord Mayor on 29 March asking whether the council had any considered views on this Bill and asking for a reply before State Parliament resumed on 25 May. I had not received a reply from the Lord Mayor until today. As a result of contacting her office, I do have a reply which I will be outlining to the Council shortly. Notwithstanding that reply, I indicate that the Democrats support the second reading of the Bill. I have an E-mail from Sue Renner, Manager of Legal Services of the Adelaide City Council, dated Wednesday 26 May 1999 at 13.23. It states:

> Mr Gilfillan, I apologise for the delay in responding to you regarding this matter on behalf of the Lord Mayor. Discussions were held with the Department of Planning SA and us regarding the repeal of the legislation prior to agreeing with the proposal.
>
> We are happy with the approach which we agreed to. . . which was to replace it with another Bill, ensure provisions remained or include provisions in other relevant legislation to ensure that provisions re the definition of the mall remained, as well as permits re vehicles on the mall remained, as well as provisions governing specific by-law powers.
>
> I have not seen the Bill before you and would be happy to advise if there are any issues on receipt of a copy perhaps by facsimile.
>
> The draft I had perused in discussion was satisfactory.
>
> Thank you for your interest in the matter.

It struck me as being rather bizarre, if not extraordinary, that with this great shakes Capital City Committee, in which there was to be this wonderful degree of cooperation in this new entity, the Lord Mayor's office had not even seen a copy of the Bill on the day on which it was due to be debated. I stand aghast at this degree of inefficiency and was very pleased to be able to furnish the Lord Mayor's office with a copy of the Bill. On the basis that they had no exception to it, the Democrats indicate support for it.

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

AUSTRALASIA RAILWAY (THIRD PARTY ACCESS) BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1066.)

The Hon. SANDRA KANCK: This Bill, which is another aspect that is relevant to the completion of the Adelaide to Darwin railway line, is necessary at least in part because of our obligations under competition policy. I note that the Bill is 33 pages long. It contains eight clauses, plus a schedule, but the real guts of the Bill is in the schedule, which makes up for 31 of the 33 pages. I also note that the Northern Territory Government is moving the same legislation as we are in South Australia.

The Democrats believe that it is important to have such legislation in place so that the company that ultimately will build and own the line knows exactly by which rules it will be bound. It is fairly much on the public record that the Democrats are strong advocates for the completion of the Adelaide to Darwin railway line. I stress, as I have done in the past, that it is important that we call it the Adelaide to Darwin railway line. Rather than talking about the building of the Alice to Darwin line, we should talk about the completion of the Adelaide to Darwin line because it is a piece of property or infrastructure that is South Australia's right. It was the trade off for when we handed over the Northern Territory to the Federal Government, and we are still waiting—

The Hon. Ian Gilfillan interjecting:

The Hon. SANDRA KANCK: Exactly; they knew how to do it right then.

The Hon. Ian Gilfillan interjecting:

The Hon. SANDRA KANCK: We only half won the fight because we got the line only as far as Alice Springs. It is something that we as South Australians should ensure that we get. As a newly sworn in member 5½ years ago, my first words were to give notice of motion regarding the Adelaide to Darwin line. The Democrats have a commitment to the promotion of rail transport, so the Adelaide to Darwin line is an important part of that. We believe that anything over 200 kilometres distance, if it is at all possible, ought to be carried by rail because of the environmental benefits. Rail also has very good road safety benefits. For those assorted reasons, the fact that South Australia is entitled to this railway line, the environmental benefits and the road safety benefits, the Democrats are delighted to support this legislation.

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

ROAD TRAFFIC (DRIVING HOURS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1165.)

The Hon. J.S.L. DAWKINS: In supporting this Bill, I would like to thank the Leader of the Opposition in this Chamber and both the Hon. Sandra Kanck and the Hon.

Michael Elliott for their support of this legislation. The purpose of the Bill is to amend the Road Traffic Act 1961 in order to allow for the making of regulations to introduce nationally consistent legislation to regulate the hours of driving for commercial vehicles. Governments across Australia have agreed to develop and implement national road transport reforms which promote safety and efficiency both within and across State borders and which reduce the environmental impact and the costs of administration of road transport for the benefit of road users and others in the community.

The reforms proposed in this Bill are a vital contribution to the development of a nationally uniform system, one that we have not had in the past. I commend the Minister for her work in this area, particularly in relation to consistent road transport regulation.

National hours of driving legislation was approved by the Council of Transport Ministers in January 1999. The introduction of this Bill to the Parliament signifies that the South Australian Government is at the forefront of the national reforms in this area, being the first jurisdiction to introduce the complete provisions in the form approved by that council of Transport Ministers some months ago.

There is a minor loss of flexibility in the new regulated hours compared with current regulated hours in South Australia, which is one day's rest in seven compared with the currently available two days' rest in 14. However, drivers and employers may become members of a transitional fatigue management scheme (TFMS) to gain greater flexibility of driving hours. A TFMS is an alternative compliance scheme whereby up to 14 hours driving a day is possible and a driver may take two days' rest in 14, rather than the prescribed one day's rest in seven, if driver health checks, fatigue training and other requirements are undertaken. It is anticipated that there will be considerable demand for membership of a TFMS scheme. The new regulations will apply to heavy trucks over 12 tonnes gross vehicle mass. This is a change from the current South Australian Act which applies to vehicles with an unladen mass of over 4.5 tonnes. Similarly, the new regulations will apply to a bus defined as a motor vehicle with a capacity to seat more than 12 persons.

A log book will not be required to be carried by a driver operating solely within a 100 kilometre radius of his or her base, as is the case under current South Australian law. A new national log book has been developed and printed and is now available in South Australia in anticipation of the implementation of the new national driving hours. I understand that the introduction of the new book has been well received by industry as a step towards national consistency. Upgraded and new computer systems are being designed to manage and exchange data with other jurisdictions relating both to data on membership of the TFMS and to the issue of log books to drivers with valid licences.

An interesting aspect of this whole issue is the fact that the industry and those concerned about safety on the roads can look forward in the not too distant future to the use of driver specific monitoring devices, which include electronic or some other such driving hours recording devices. They will be able to be used as an alternative to a log book, provided they meet the specifications of the National Road Transport Commission. Certainly, it is something about which we on the Environment, Resources and Development Committee have recently heard, namely, the possibility of technology being used to plot where a driver and a vehicle are and to be able to determine the speed at which they are driving and a number of other things. There is no doubt that if those aspects can be introduced in the future—they certainly will not be inexpensive—they will be of great assistance to the industry.

I understand that widespread consultation has taken place with the affected parties in this industry. The National Road Transport Commission consulted widely with industry, enforcement agencies and other affected organisations prior to obtaining the approval of the Ministerial Council on Road Transport for the content of the regulations that this Bill is designed to authorise. I am aware that the Minister has tabled some minor amendments to this legislation in response to some concerns of the Law Society of South Australia. Having said that, I am pleased to support this Bill as an advancement in the uniformity of commercial driving hours in this country. I support the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members who contributed to this debate. The Hon. John Dawkins is right in saying that South Australia is leading the charge in terms of national uniform legislation in relation to driving hours. We are certainly the first State to introduce the legislation and, with the prompt attention that all members in this place have given to the legislation, we will certainly be the first to see its passage. Not only is this particularly good news for all the operators who are seeking accreditation and to raise the standards of the performance of the companies for which they will be responsible in terms of driver behaviour, but it is also important in terms of road safety in this State and across the nation that State Governments advance uniform legislation in relation to driving hours for heavy vehicle operators.

This legislation represents a major breakthrough in terms of the way in which the State, Territory and Federal Governments have worked with industry and unions, and there is a large, non-unionised work force as well. The coverage of all views has been taken into account by the National Road Transport Commission and by the State and Federal Governments.

A number of members asked questions, and I would like to respond. The Hon. Carolyn Pickles asked me to outline the level of consultation that I had had with the unions in relation to the preparation of this Bill and to comment on the bigger picture issues, such as the debate about drivers being remunerated on an hourly basis versus a kilometre basis. I advise that the State legislation reflects national legislation agreed by the Ministerial Council for Road Transport. This national legislation was coordinated by the National Road Transport Commission (NRTC). An integral part of compiling effective and workable legislation involved consultation on a national level with industry, unions and transport authorities.

In May 1998 the NRTC circulated a discussion paper to many interested parties, including the Federal office of the Transport Workers Union. Comments received from the union were included in the policy paper endorsed by the transport agency chief executives (TACE) in July 1998 which formed the basis for the legislation before us this evening. The TWU were members of the National Implementation Group for Driving Hours and were represented on the log book subgroup. I advise that Mr John Allan, Federal Secretary of the TWU, was a member of a special working group to formulate the driving hours principles. These are particularly relevant matters because, for the first time ever, not only are we including the hours on road but hours off road, either in the depot or preparing the vehicle for travel. So, working

hours plus driving hours are taken into account in the formulation of the hours per day and per week.

This is quite a revolution in terms of the way in which we look at the issue of road safety, vehicles and drivers on the road. The Transport Workers Union were also members of the Federal industry advisory group, which is the National Road Transport Commission's formal industry consultation group. In addition, I personally spoke with Mr John Allan, Federal Secretary of the TWU, when he was in Adelaide recently to attend the Road Transport Forum national meeting in Adelaide. I have also spoken separately with Mr Alex Gallagher, State Secretary of the TWU. On both occasions we discussed the issue of driver fatigue and how that is to be measured and defined in the future. This is really an issue that is being actively discussed at the present time, and it was certainly addressed by the South Australian Coroner recently following the unfortunate deaths of six people as a result of the actions of a heavy vehicle driver in the Riverland area.

The Coroner recommended that we as a State should address the area of driving hours versus kilometres as the base for remunerating drivers. The Coroner actually argued that he thought this was a life and death issue. It is hardly surprising, therefore, that I raised this issue with the Federal and State Secretaries of the Transport Workers Union. I advise that on 10 May this year I also wrote to the Federal Minister for Transport and Regional Services (Hon. John Anderson) on this matter, stating in part:

> I share the concern of the State Coroner in this matter and ask if there are any moves toward some action for change in the drivers' payment structure that may promote safe work practices. I suggest that the Minister for Industrial Affairs, through his involvement with the occupational health and safety legislation, would have an interest in this matter.

I wrote to the Federal Minister and made reference to the Minister for Industrial Affairs because this whole issue of hourly basis versus kilometre basis is fundamental for the Federal Transport Workers Long Distance Drivers Award, 1993. As it is a federal award, it is not for the South Australian Government, industries or even the State-based TWU to address alone. If changes are to be made, they must be made on a national basis and in a coordinated way.

The Hon. Sandra Kanck also asked a number of questions in relation to policing, and I commend her for so doing because this is an issue that has taxed me. One can certainly introduce national driving hours legislation. We can do as we have done in South Australia in terms of leading the way for accreditation of heavy vehicle operators, demanding higher standards of the operators and not simply focusing on driver behaviour, because so much of driver behaviour, if a driver is employed by a company, stems from the schedules they are given by the operators or which the operators have accepted on behalf of clients in the competitive world of road transport operation.

As a deliberate matter of policy I have promoted from this State—and it has been recognised across Australia—that we will seek to reward effort and good practice in the field of road transport reform by operators. That is why we have supported productivity reforms such as the entry of A-trains from the northern areas to northern Adelaide only if the operator is accredited and the drivers undertake a truck safe accreditation and personal accreditation, including health checks. These standards have never been applied in Australia before. I have had further discussions with the South Australian Road Transport Association, the Road Transport Forum on a national level, the Minister for Emergency Services and with representatives of the Police Commissioner more recently on not only how we can encourage better behaviour by operators but become even stricter on those who do not do the right thing in terms of road safety and the road transport industry as a whole.

There is only so much that one can do in terms of promoting better behaviour amongst operators in such a cut throat competitive business, because each of those better behaviours has a cost impact. I would not wish to be seen to be promoting better behaviour and cost penalties and then giving easier access to the rotters—those who do not obey the rules or do the right thing—by making it difficult for the operators who seek to lift the profile, behaviour, standards and work conditions of drivers. It is a very testing situation. I believe strongly that we must introduce heavier penalties and stronger enforcement measures. In the past week I have spoken to the Minister for Emergency Services about this.

I also advise the honourable member that I gave approval for Cabinet to consider in the next few weeks a much heavier penalty regime for operators (not drivers), including cancellation of registration of their vehicles if they do not conform in terms of speeding. That approval to go to Cabinet and before this Parliament is closely related to the driver hours fatigue issue. If we do not get the operators to perform and they in turn are required to meet very difficult deadlines, there is a problem with speeding and fatigue. The Hon. Sandra Kanck is spot on in raising that issue with respect to this legislation, and I hope we gain her support if I in turn gain Cabinet support to bring in legislation, which will be tough in terms of speeding regimes and operators.

The Hon. T.G. Roberts: Does that include owner operators caught in the trap?

The Hon. DIANA LAIDLAW: Yes, because we must encourage better practice. If we give an advantage to some simply because we have not brought them into the net of better behaviour, we will see a lowering of standards again. One of the advantages of having been Minister for Transport for as long as I have is that—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: It is 5½ years. When I attended the last Transport Ministers Conference I found that 32 Ministers of Transport have been through the council in the time I have been there, and I was the longest serving Minister of Transport by 2½ years. I have a long memory in terms of this, and 5½ years ago the industry was characterised by cowboys. Today we can say with some pride that that image is turning around, and I thank members in this place because collectively we have done a lot in terms of moving for national legislation—including the legislation before us now—to advance the interests of the road transport industry and road safety in general.

The Hon. Mike Elliott also raised a question. He was concerned about whether the legislation provided for new technologies, and I advise that it does. New technologies for recording vehicle movements will be contained in the regulations. Such a power is provided for in this legislation. The regulations will contain specific details regarding driver specific monitoring devices as an alternative to the conventional log book. I have advised the Hon. Mike Elliott of that and, on that basis, he has agreed not to seek to amend this legislation. I thank all members for their support and indicate that I have two small amendments. Some may suggest that they are pedantic, but nevertheless they are most worthy of moving as they arise from representations the Government has received from the Law Society.

Bill read a second time.

In Committee.

Clause 1.

The Hon. P. HOLLOWAY: On behalf of my colleague, the Leader of the Opposition, I indicate that the Opposition was consulted on these amendments and we support them all.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. DIANA LAIDLAW: I move:

Page 2, lines 10 and 11—Leave out paragraph (f) and insert:

(f) powers of members of the police force and inspectors to ask drivers of heavy trucks or commercial buses questions relevant to the enforcement of the regulations.

What we are seeking to do here is provide in the legislation, rather than as originally proposed in the regulations, the powers of members of the police force and inspectors. The legislation introduced into this place reflects the draft legislation prepared by the National Road Transport Commission. The Law Society pointed out, and on reflection the Government agrees—and I thank the Hon. Paul Holloway for his indication of support—that it is better that these powers of members of the police force and inspectors be in the Bill. That generally has been the practice in South Australia and, on reflection, it is a practice that we think should continue. I indicate also, because I have been requested to do so, that the Hon. Terry Cameron has indicated his support for this amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 2, line 26—Leave out "has reason to believe" and insert: believes on reasonable grounds

This amendment changes the standard in terms of proof.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 2, line 29—Leave out "has reason to believe" and insert: believes on reasonable grounds

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, after line 5—Insert:

Power to enter and inspect records, etc.

100AAD (1) A member of the police force or an inspector may, for monitoring or enforcing compliance with the regulations under this Part—

(a) enter a place where records are required to be kept under the regulations; and

(b) inspect, and copy and take extracts from, any such records kept at the place; and

(c) take into the place the persons who, and the equipment and materials that, the member or inspector reasonably requires to exercise a power under paragraph (b); and

(d) require a person in the place to give the member or inspector reasonable help to exercise a power under paragraph (b) or (c).

(2) The entry may be made at any time during usual business hours or, with the consent of the occupier, at any other time.

(3) A person must forthwith comply with the requirement made of the person under this section.

This is the major amendment. I gave an explanation earlier in respect of the powers to enter and inspect records.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 9.45 p.m. the Council adjourned until Thursday 27 May at 2.15 p.m.