LEGISLATIVE COUNCIL

Wednesday 29 September 1999

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice of last session be distributed and printed in *Hansard*: Nos 37, 143 and 202.

INDUSTRY AND TRADE MINISTER

37. **The Hon. R.R. ROBERTS:**

1. What type of advertising was undertaken by the Minister for Industry and Trade and Minister for Recreation, Sport and Racing, or any of his officials, from 30 June 1997 to 30 September 1998, in relation to any department or statutory authority within the Minister's portfolio and ministry areas?
2. Was any of the advertising undertaken internally?
3. If so, what was the subject nature of each campaign and the cost?
4. Was any advertising conducted by external agents or firms from 30 June 1997 to 30 September 1998?
5. If so, what is the name of the agency or individual?
6. What was the subject nature of each campaign and the cost?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Further to my answer tabled on 25 May 1999, the Racing Industry Development Authority has advised the Minister for Industry and Trade of the following—

30 June 1997 to 31 December 1997

1. Print Media.
2. No.
3. Not Applicable.
4. Yes.
5. Killey Withy Punshon Advertising Pty Ltd.
6. Promotion of Racing Industry Events, $17 604.43.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

143. **The Hon. T.G. CAMERON:** In light of the recent Industrial Relations Court decision to fine the company 'Ad-Box' $10 000 following the death of a young child—

1. Will the Attorney-General consider amending the relevant section of legislation to increase the maximum penalty for this offence in line with the penalty for an employee fatality?
2. If not, why not?

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Government Enterprises has provided the following information:

1. The Minister for Government Enterprises (Hon. Dr Michael Armitage MP) is responsible for the *Occupational Health, Safety and Welfare Act 1986*.

On 8 November 1998, the Minister requested the Occupational Health, Safety and Welfare Advisory Committee, which is constituted under the *Occupational Health, Safety and Welfare Act 1986*, to undertake an early review and provide advice on the level of maximum penalties in this legislation.

The advisory committee presented its advice to the Minister on 8 April 1999. The Minister tabled a bill to implement this advice on 2 June 1999. In relation to section 24(2), under which Ad-Box Australia P/L was prosecuted, it is proposed that the maximum penalty will be increased from the present level of $10 000 to $100 000 for a first offence and $200 000 for a subsequent offence.

2. Not applicable.

SPEEDING OFENCES

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

1. How many motorists were caught speeding in South Australia between 1 January 1998 and 31 December 1998 by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means;
   for the following speed zones—
   60-70 km/h;
   70-80 km/h;
   80-90 km/h;
   90-100 km/h;
   110 km/h and over?
2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means?

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised by the South Australia Police that the information relating to these statistics has been provided on a quarterly basis for the period 1 January 1998 to 31 December 1998. Parliamentary question numbers 205/98, 206/98, 5/99 and 128/99 refer.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay upon the table the first report of the committee for 1999-2000.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question about the Alice to Darwin railway.

Leave granted.

The Hon. CAROLYN PICKLES: Last Thursday, Mr Denis Burke, Chief Minister of the Northern Territory, told the media that the consortium charged with building the railway is seeking more funds to commence the project. He said:

> If we don't get to the figure we're after—we're walking away from the project.

He continued:

> I've been talking on the media in South Australia and urging South Australians to get their government to put their contribution on the table and one can only hope the Prime Minister will come good with his.

Last Monday, Mr Burke repeated that the Northern Territory could walk away from the project. He said:

> I am hoping within the next three weeks to be able to go to the Prime Minister with a reasonable figure to find the additional money needed so that we can close this contract before the end of the year. But it is a very difficult period at the moment where we could walk away and equally the consortium could walk away unless we can get close to the figure we both need.

My questions are:

1. Given the immense importance to South Australia's industrial and jobs future of the Darwin to Alice railway, is the minister concerned about the statements made by the Northern Territory Chief Minister?
2. Has the minister, or the Premier, held discussions with Mr Burke concerning the future of the railway?
3. Is the South Australian government considering the allocation of moneys to the railway beyond the $100 million already committed and, if so, how much extra is under consideration?
4. What action is the South Australian government taking with the Howard government to increase its commitment of funds from $100 million to provide up to $300 million to ensure this project becomes a reality?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member will be pleased to learn that, just last Thursday, I had occasion to talk

with the head of the Department of the Prime Minister and Cabinet about this matter. They are fully aware of the circumstances of the work that has been undertaken with the preferred tenderer. My understanding is that the preferred tenderer is still clarifying final figures which have not yet been presented to the Northern Territory or the South Australian government.

At this stage I think Mr Burke is probably preempting circumstances. I know that he and the Premier talk about issues and receive updated reports through the Australasian Rail Commission, the body which this parliament and the Northern Territory parliament established to negotiate the contract and its terms. It is also my understanding, as Mr Burke has said, that within the next few weeks when the final figures have been prepared by the preferred tenderer a meeting will be sought with the Prime Minister, the Chief Minister and the Premier of South Australia.

I can confirm that, without question, the state government recognises the immense importance of this project and why we have put up $100 million and negotiated as part of the agreement. That was made known when tenders were called. Certainly, the preferred bidder has made it known that it recognises that that $100 million has obligations in terms of work in South Australia in respect of many of the complex and labour intensive aspects of this project. In terms of the Northern Territory's pulling out, I would be very surprised.

PUBLIC SECTOR MANAGEMENT ACT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the Public Sector Management Act.

Leave granted.

The Hon. P. HOLLOWAY: The Public Sector Management Act 1995 sets out matters relating to the employment of chief executives and executives in the South Australian public sector. Part 4 section 12 of the Act, which relates to the termination of a chief executive's appointment, provides:

(1) A chief executive's appointment may be terminated by the Governor—

(a) on the ground that the chief executive—

(iii) has engaged in any remunerative employment, occupation or business outside the duties of the position without the consent of the minister responsible for the administrative unit.

Part 4 section 18 provides:

(1) The chief executive of an administrative unit must—

(a) on appointment as chief executive, disclose his or her pecuniary interests to the minister responsible for the unit in accordance with the regulations; and

(b) on acquiring any further pecuniary interest of a kind specified in the regulations, disclose the pecuniary interest to that minister; and

(c) if a pecuniary or other personal interest of the chief executive conflicts or may conflict with his or her official duties—

(i) disclose the nature of the interest and the conflict or potential conflict to that minister; and

(ii) not take action or further action in relation to the matter except as authorised by that minister.

(2) The minister responsible for the unit may direct the chief executive to resolve a conflict between a pecuniary or other personal interest and an official duty.

(3) Failure to comply with this section or a direction under this section constitutes misconduct unless the failure is due to inadvertence only.

In view of the provisions of the Act, my question is: in what form, written or verbal, is the consent of the minister for a chief executive to engage in outside employment, occupation or business required and what record is kept of this ministerial consent?

The Hon. K.T. GRIFFIN (Attorney-General): I am not the minister responsible for the Public Sector Management Act, and I certainly do not carry around in my head the precise provisions to which the honourable member refers. I think the first part of the question asks for what is essentially legal advice on a hypothetical basis. I do not intend to respond to that. In relation to the second part of the question which refers to what records are kept, I will refer that to the Premier as the minister responsible for the Public Sector Management Act and bring back a reply.

HINDMARSH ISLAND BRIDGE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning—

An honourable member interjecting:

The Hon. T.G. ROBERTS: I am recovering, thank you, minister—representing the Minister for Aboriginal Affairs—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I will, thank you.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: If the Attorney-General, who, I think, will be fielding the legislation in the Council, would like to reply then I would be grateful for that, too. My question is about the Goolwa to Hindmarsh Island bridge.

Leave granted.

The Hon. T.G. ROBERTS: I have received a lot of correspondence over the years in relation to the Hindmarsh Island bridge, and that is one statement that I can support by a full filing cabinet. As many of us in this chamber know, it is a controversial construction and it has caused a lot of—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —pain within the community. Certainly, as representatives of the general interests of people in that area, most members have been drawn into the debate and discussions—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —around the—

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! I point out to the Hon. Mr Elliott that I have called for order three times.

The Hon. T.G. ROBERTS: —pros and cons of building a bridge as opposed to putting in another ferry. The government has indicated that it is introducing legislation into the chamber to facilitate the building of the bridge which, I suggest, would rule out another ferry. In relation to the correspondence before me, the question is posed: will another ferry be incorporated into the plan? The government's plan does not mention another ferry, so I assume that that is not the case. The building of a bridge will accommodate the traffic to and from Hindmarsh Island and Goolwa in an obvious way.

I have a letter from Tom Trevorrow, representing the Camp Coorong Race Relations Cultural Education Centre, who poses a number of questions and puts forward a number of good ideas in relation to how the Ngarrindjeri people in that area and the people at Point Macleay view the situation.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I am not too sure. The honourable member asks me a question which I am not able to verify, but Mr Trevorrow is a person concerned about the protection of the Ngarrindjeri culture and people in that area. I will not quote his questions directly but, I guess, he is asking me, as a member of the opposition, questions to which I cannot provide answers. My questions to the Attorney-General and to the Minister for Aboriginal Affairs are:

1. What negotiations have taken place with the representatives of the Ngarrindjeri and Aboriginal people in the Coorong area?

2. What, if any, negotiations have taken place with the local council and community about some of the problems that might arise from the construction of such a bridge?

The Hon. K.T. Griffin interjecting:

The Hon. T.G. ROBERTS: Representatives of the Alexandrina council.

The Hon. K.T. GRIFFIN (Attorney-General): I will take the question, Mr President. In his explanation the honourable member referred to the bill, which I have given notice of introducing. That bill is not to facilitate the construction of the bridge: it is to deal with several technical issues in relation to the tripartite deed, remembering that the tripartite deed was entered into in 1993 by the Bannon Labor government. The Minister for Transport Development, the Hon. Barbara Wiese, was a signatory, together with the Chapman interests (Binalong Pty Ltd in particular) and the then District Council of Port Elliot and Goolwa.

There is one aspect of that which requires legislation but without altering the impact of the tripartite deed. I will explain that tomorrow, but I can give the honourable member and members of the Council some information about it now. Basically, it relates to the capacity of the council to impose a levy on those allotments which are being and will be created subsequent to 28 September 1993.

There was expressed to be some question about the capacity of the council to impose a separate rate or levy on allotment holders. That was first raised by the Bannon government when considering the tripartite deed. We have decided to put that issue beyond doubt so that then there is no issue of unenforceability associated with the tripartite deed.

I hope that the bill will go through quickly. The Alexandrina council had several concerns with aspects of the bill. There were some consultations with the council and, as a result of that, the issues raised by the council have been addressed in the amended bill, the original bill having been released after the settlement had been negotiated with the Chapman interests about six or eight weeks ago. That bill was released for public consultation and the Alexandrina council raised issues that have now been addressed.

So far as the construction of the bridge is concerned, that is the responsibility of Transport SA but more particularly Built Environs, and the government has entered into an agreement which modifies the contractual arrangement with Built Environs merely to accommodate the delay which has occurred since 1993 when construction was commenced until the present time.

So far as the Ngarrindjeri people are concerned, over the past couple of days the Premier and I have been getting a whole range of faxes and demands that are quite unreasonable. One was received about lunchtime on Monday which required a meeting at 8.15 on Tuesday morning. It was signed by Mr Tom Trevorrow who, at the bottom of the letter, indicated that any further communication should be made through a Mr Len Lindon, a barrister and human rights defender, as he was described in the document. I responded within a very short time of the matter being referred to me by the Premier, indicating that I was not able to meet with that group at the time which they had set and that I would give a considered response to the material raised in that correspondence, among which was a demand that we do not build the bridge and that the barrages at Goolwa be removed.

Since then some other material has been faxed to my office. The material is couched in similar vein but those issues will be addressed and a considered response will be made even though one might be forgiven for believing that the demands are unacceptable and unachievable, that is, in the sense of turning the clock back 150 years, or whatever. We have to remember that the issue of this bridge was the subject of quite extensive review by the royal commission into the Hindmarsh Island bridge, where the issue of secret women's business was rejected as being a fabrication. There have been actions in the Federal Court right up to the High Court. There have been successful challenges to the declaration made by the then Aboriginal Affairs Minister, Mr Tickner, to prevent the construction of the bridge.

I have said on a number of occasions and I repeat again that this matter has cost millions of dollars in legal and other costs, and the litigation has demonstrated that there is no valid basis upon which this bridge should not be built. As a government we inherited the obligation to build this bridge. The settlement with the Chapman interests was negotiated on a proper commercial basis in order to avoid the threat of significant litigation which could have exposed the state to a very large amount of money, into the tens of millions of dollars.

We also settled the claim by Westpac, which also could have run into a very substantial amount of money and could have dragged on for the next four or five years. If people have any doubt about the determination of the Chapman interests to pursue the government—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: I'll talk to you about that in a minute. If anyone has any doubt about the capacity and determination of the Chapman interests to pursue litigation they should have a close look at the litigation that is being pursued by those interests against the commonwealth, where the solicitor for the Chapman interests indicated that there was a claim for $25 million.

The government was not prepared to expose the state to very substantial claims and the prospect of very lengthy and costly litigation, so it took the view that because it was obliged to build the bridge under the contract entered into by the Bannon Labor government we should get on with the job. The Hon. Mr Elliott has asked whether the money—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The Hon. Mr Elliott has raised the question of whether or not the settlement moneys are being paid into trust. My recollection is that in the press release I made at the time I indicated that the moneys which we had agreed should be applied to infrastructure on behalf of the Chapmans would in fact be payable by the government only when it had received certification that the work in respect of which it was to be applied had been completed to the specifications that had been set by the government. So that issue, I would suggest, has been more than adequately addressed.

In terms of other consultation with the Ngarrindjeri people, the government has taken the view that that is

essentially now a matter for Built Environs, which has the principal responsibility for managing the construction of the bridge. I know that, from the way in which it dealt with Aboriginal interests and consultation in relation to the Berri bridge, it will genuinely and competently undertake that responsibility.

If I continue to receive communications from Mr Lindon, Mr Trevorrow and others they will be given the appropriate level of consideration. However, I think that everybody has to recognise that, regardless of the views that they might put about not building the bridge, pulling down the barrages and taking other steps, we have long since passed that position. In fact, we passed it some 10 years ago when the first negotiations in 1989 between the Bannon Labor government and the Chapmans occurred in relation to more permanent access to Hindmarsh Island. I think that answers all of the issues raised by the Hon. Mr Terry Roberts. If there are other matters I will look at the *Hansard* and give attention to those.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: I did answer that just then. What I said in relation to consultation with the Ngarrindjeri people is that largely that is now the responsibility of Built Environs. There was significant consultation when the Chapman interests were seeking to gain more permanent access to the island. The Bannon government actually managed all of that. There has been an environmental impact statement. All of the proper processes in relation to Aboriginal heritage, the federal legislation which allows the bridge to be built—everything that is required to be done and more in relation to the Ngarrindjeri people and the wider community—has actually been done.

In relation to the construction of the bridge and the day-to-day logistical issues which are raised by the construction, they are matters which the council is very much involved in with Built Environs and with others. My understanding is that there are regular meetings to talk about those sorts of administrative, management and logistical issues. In terms of consultation with the Ngarrindjeri people, I am confident that Built Environs will properly undertake whatever consultation is appropriate. One has to be cautious about defining what is the limit between appropriate and inappropriate demands, but they will be properly addressed.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Recreation, Sport and Racing, a question about the Hindmarsh Soccer Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to the Arthur Andersen report, commissioned by the government into the Hindmarsh Soccer Stadium. The report identified that the South Australian Soccer Federation and the two national soccer clubs are unable to service the current debt level through the imposition of the stadium levies. The South Australian Soccer Federation is required to repay two loans with the National Australia Bank totalling approximately $5.9 million. Between 31 December 1997 and 30 June 1999 the state government, as the guarantor for the loans, has been required to subsidise the loan repayments to an amount of $504 956.

The Arthur Andersen report estimated that there would be a 52 per cent shortfall in the income stream available for loan repayments during the 1999-2000 soccer season. This estimate was based on the attendance figures of approximately 100 000 to 110 000 people for the 28 scheduled home matches to be played at the Hindmarsh Soccer Stadium by the two national soccer teams. Since the report was provided to the government, one of the soccer teams has been placed into liquidation. This means that the estimated attendance figures will be dramatically reduced, placing additional financial demands on the taxpayers to meet the shortfall in the loan repayments by the South Australian Soccer Federation.

In addition, the government has committed a further $18.8 million of taxpayers' funds to build the three open-air concrete grandstands for the Olympic Games soccer qualifying matches. This additional infrastructure will greatly increase the fixed costs associated with the operation of the Hindmarsh Soccer Stadium and will require more money from the public purse to operate these facilities. My questions are:

1. What actions has the government taken through the Minister for Recreation and Sport to address the complex and serious issues associated with the future operation of the Hindmarsh Soccer Stadium and the South Australian Soccer Federation?

2. Will the minister ensure that, in the interests of soccer and the long-term future of the stadium facilities, the decisions taken by the government will provide the appropriate financial parameters for the Adelaide Force Football Club—which is the only South Australian team in the national soccer competition—to remain viable?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's questions to the minister and bring back a reply.

MAINTENANCE COLLECTION

In reply to **Hon. A.J. REDFORD** (5 August).

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):

1. As previously stated I am aware of the problems in locating non-custodial parents for the purpose of collecting unpaid maintenance. In this regard the interests of the child in receiving appropriate financial assistance is paramount. Agencies such as the Family Maintenance Branch and the Child Support Agency therefore need to have access to information that will help them to locate defaulting payers.

2. I have been advised by the Minister for Human Services that he is prepared to consider developing proposals whereby information relating to the whereabouts of a defaulting payer could be made available to the Family Maintenance Branch and to the Child Support Agency. This information would be used solely for the purpose of enabling financial support to be obtained for a child. I support the position adopted by the Minister for Human Services in the development of these proposals.

Privacy and confidentiality issues will need to be addressed. However, these issues will be considered in the context of the wider social implications of children not being able to receive appropriate financial support from their absent parent.

GAMBLING RELATED SUICIDE

In reply to **Hon. NICK XENOPHON** (9 June).

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Minister for Human Services has provided the following information.

1. The Gamblers' Rehabilitation Fund amounting to $1.5 million per annum is money voluntarily donated by the Australian Hotels' Association (SA) and the Licensed Clubs' Association, through the Independent Gaming Corporation. Funds are allocated to projects that fall into the following areas—

- Break Even counselling services and specialist services responding directly to the needs of problem gamblers;
- Free call 24 hour Gamblers' Helpline;
- Community Education Campaigns—prevention and early detection of problem gambling;
- Research into problem gambling—to inform a range of effective programs and responses to problem gambling.

The Flinders Medical Centre is one of the specialist programs supported by this fund offering a State-wide service to problem gamblers where medical treatment is considered an appropriate response in rehabilitation. The Department of Psychiatry-Anxiety Disorders Clinic has received an accumulated total of funding from the first payment on 1 January 1996 through to April 1999 of $362 935. Of this, $340 457 went toward operating funds and $22 478 in one-off funding to cover equipment, training and other expenses.

In addition, $95 000 of one-off funds from the Gamblers' Rehabilitation Fund has been allocated for training for service providers in the community health, legal and financial sectors.

2. In December 1998, the Minister for Human Services approved the allocation of $340 000 of one-off funds from the Gamblers' Rehabilitation Fund for research and pilot projects. Following consultation with the Break Even services, a number of priorities were identified including gamblers in the criminal justice system and particular target groups including young people, non-English speaking background communities, Aboriginal communities, and families. A research plan is being developed.

The Minister for Human Services has also recently approved additional one-off funds of $13 000 from the Gamblers' Rehabilitation Fund for the Flinders Medical Centre Anxiety Disorders Clinic for its work in the medical treatment of problem gamblers. The Clinic is supporting a psychiatric registrar currently undertaking research on links between problem gambling and suicide/suicide ideation.

3. Further research needs to be undertaken before considering a proposal to establish a task force to investigate gambling and suicide.

4. No independent study into what might be required in terms of expenditure for the medical treatment of gambling associated problems, such as suicide ideation and suicide, has been commissioned with funds from the Gamblers' Rehabilitation Fund. A literature search, as part of the research projects referred to above, could indicate other studies being conducted in this area and would be available when this part of the research has been completed.

DISCRIMINATION

In reply to **Hon. CARMEL ZOLLO** (8 July).

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I understand that a number of women's groups have taken exception to the advertisement. While I did not find the advertisement to be particularly offensive, clearly there are a number of opinions on this issue. Accordingly, I have encouraged anyone who has strong negative views to contact Glaxo Wellcome, the company involved.

In the meantime, the Attorney-General has been advised by the Equal Opportunity Commissioner of the following information:

> It is indeed unfortunate that in 1999 stereotypes, about which type of woman is desirable and which is not, still persist and that advertisers are still prepared to use these stereotypes to get their message across.
>
> However, there is nothing in the advertisement that is unlawful. The advertising provisions of both the South Australia Equal Opportunity Act and the Commonwealth Sex Discrimination Act which is administered by the Commissioner for Equal Opportunity in South Australia, refer only to discriminatory advertising for employment and goods and services. As this advertisement is selling a product to everyone, it would not fall within the parameters of these Acts.
>
> However, there are a number of avenues of complaint if an individual was so inclined.
>
> In the first instance, a complaint could be made to the Advertising Standards Board. A letter could also be written to the Press Council and to the newspaper which published the advertisement.
>
> I understand there are also radio and television versions of the advertisement. In this case a complaint could be made to the Australian Broadcasting Authority, the Federation of Australian Radio Broadcasters (FARB), the Federation of Australian Television Stations (FACTS) and of course to the individual radio and television station concerned.

BROWNHILL CREEK

In reply to **Hon. T.G. CAMERON** (9 June).

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):

1. Transport SA has not had direct contact with KESAB or Waterwatch. However, an independent specialist—measuring suspended solids and turbidity, carries out water quality monitoring at two flow stations.

Transport SA holds an Environment Protection Authority (EPA) Licence (Prescribed Activities of Environmental Significance—Earthworks Drainage). This licence sets conditions that Transport SA is required to comply with, relating to provision of sedimentation basins and temporary sediment control measures. The conditions, in general, require as much treatment of stormwater on site as possible before it is discharged into watercourses and other drainage systems. Accordingly, at all times Transport SA has sought to achieve a balance between minimising the clearing of vegetation for sediment basins, and the need to provide adequate capacity for the settling of sediment.

The licence requires independent audits of the site for compliance with the Environmental Management Plan (EMP). Auditors from Connell Wagner have undertaken audits four times per year to ensure compliance with the EMP. The contractor also has its own Environmental Management Implementation Plan and monitors its compliance with this and the EMP.

Further, there is a regular review of performance by a Sediment and Erosion Control Management Group, which is made up of representatives from the contractor, Contract Manager, Transport SA and the EPA licence auditor, Mr Jason Carter.

Eagle Quarry, which has a large catchment area, is also a contributor to the sediment load in Brownhill Creek. Transport SA has been working with Boral Quarries to address this issue, as part of quarry rehabilitation activities.

2. Transport SA has liaised with the Brownhill Creek Association on numerous occasions throughout the life of the Adelaide-Crafers Highway project, via letters, ministerial correspondence, telephone calls and meetings.

It is my understanding that a meeting was held on 8 July 1999 between Mr Luke Frankham and fellow members of the Brownhill Creek Association and representatives from Transport SA, Macmahon Concrete Constructions Joint Venture, SMEC, Connell Wagner (independent auditor), ID&A (independent auditor) and Water Data Services (water quality specialist). I am advised by Transport SA that all issues were tabled and discussed.

I have been advised that a subsequent site visit took place on 10 August 1999 with the honourable member and members of the Brownhill Creek Association, and that any outstanding matters were discussed and resolved, or highlighted for immediate action.

EDUCATION AND CHILDREN'S SERVICES LEGISLATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, a question relating to a review of the children's services and education acts.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the public consultation process being undertaken as part of the review of the Children's Services Act 1985 and the Education Act 1972. In the minister's foreword to the first discussion paper, he claimed, 'The paper provides South Australians with a rare opportunity to contribute to the development of a major piece of social legislation. Therefore, I urge everyone with an interest in education to take time to consider the proposed directions and provide me with feedback on them.'

The first discussion paper was released in July this year with a closing date for submissions of 22 October. This short period for consideration and response is due to an attempt to fast track the review process and have legislation in parliament by April next year. Given that school communities are currently faced with other important decisions over local management and teacher award rates, the decision to fast track the review process casts serious doubt on the government's motive. If the government's motive is consultation, as it professes, surely some of these decisions must be given due time and consideration.

My questions refer to members of the community who are being particularly disadvantaged by the shortness of this review. It has come to my attention that not everyone with an interest in the review of the Education Act will be able to take time to contribute to this rare opportunity. I am informed that members of South Australia's ethnic community are deeply concerned that copies of the discussion paper in languages other than English are not available to parents. I understand that they were promised but at this time they have still not been released. I understand that they were to be released in at least four languages.

The significance of the situation is highlighted by the September 1999 issue of *Stats Outlook* from the ABS—a quarterly publication about South Australia—which highlights the fact that 15 per cent of the Australian population speak a language other than English at home. In those circumstances, with not much more than a couple of weeks left before public submissions to the review of the education and children's services acts are due, a significant section of the population has had the capacity to participate significantly reduced. With these things in mind, I ask:

1. Will the minister inform the South Australian public when the information will be available to all parents, including those who do not speak English?

2. Will the minister put back the 22 October submission date to allow all members of the community time to respond adequately to the issues raised by discussion paper 1?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's questions to the minister and bring back a reply.

DOCTORS, RURAL

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing to the Minister for Transport and Urban Planning, representing the Minister for Human Services, questions about general practitioners.

Leave granted.

The Hon. T. CROTHERS: A new study by the South Australian Centre for Rural and Remote Health (SACRRH), which is based at the University of Adelaide and the University of South Australia, has shown that some South Australian country areas, including Yorke Peninsula, the Lower North and the Murraylands, are chronically lacking in GPs. The study found that 85 per cent of South Australian GPs work in Adelaide. In contrast, only 73 per cent of the population of this state lives in Adelaide. Professor David Wilkerson, the director of SACRRH, said that 253 or 11 per cent of GPs would have to move to country areas to establish a fair distribution of GPs across South Australia. My questions are:

1. Does the minister agree with the SACRRH study result and concede that certain country areas in South Australia are chronically lacking in GPs?

2. What initiatives, if any, does the state government propose to undertake to increase the number of doctors in those country areas in South Australia?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's questions to the minister and bring back a reply. I think there is some positive news that the minister can provide to the honourable member in relation to this issue.

HEAVY VEHICLES, BRAKES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about heavy vehicle brake noise.

Leave granted.

The Hon. CAROLINE SCHAEFER: About two years ago, I alerted the minister to the concerns of residents across the Adelaide Hills and metropolitan areas about the noise associated with drivers of heavy vehicles when they use exhaust or engine brakes. I recall that at the time the minister arranged for Transport SA to install signs at various spots in the metropolitan area and along the South Eastern Freeway, warning heavy vehicle drivers that they should avoid using their air brakes in urban areas. Both the South Australian Road Transport Association and the Truck Operators Association also undertook to communicate this advice on a regular basis to their members. My question is: what, if any, assessment has been made of the impact of this campaign?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for prompting me on this issue some two years ago and asking for an update on the success of a campaign that has been undertaken as a joint exercise between the state government, the trucking industry association and the South Australian Road Transport Association—and also, I should add, the environment department, which has been helping Transport SA with the monitoring of heavy vehicle noise, particularly in relation to air brakes, or exhaust brakes, as they are often called. It is not surprising that there have been complaints because, when such brakes are used, the noise is particularly penetrating and loud, and it can be heard for vast distances.

I can report to the honourable member that the results of the assessments that have been undertaken are very positive. In April 1997, 38 per cent of heavy vehicles on Portrush and Greenhill Roads used air brakes—or engine brakes—between 1.30 a.m. and 6.30 a.m. Over a third used their air brakes at hours when there was not a lot of other noise or vehicles around, so the noise from air brakes was heard over a vast distance. However, by May this year, from figures I have just received from a recent survey, it is apparent that this has reduced to 20 per cent, which is almost half. I would argue that is still 20 per cent too many. However, it is a huge decrease in the time of this campaign.

At the Glen Osmond Road-Fullarton Road intersection, the figure reduced from 29 per cent to 15 per cent. That was a particularly horrible corner for this practice, because the trucks had just come down the South Eastern Freeway, and many of them were using their air brakes at that location. I should add that I have recently approved and updated the code of practice for motor vehicle noise. The new code has replaced the original code that was approved in 1978, so it was time that it was upgraded.

The code of practice sets out the test procedures and noise limits for vehicles being used on roads. The new code provides for more effective enforcement of motor vehicle noise limits, due to both the up-to-date limits and the provision enabling the police, Transport SA inspectors and EPA inspectors to conduct noise meter readings by the side of the road. We have not been able to do that before, but as part of the random road testing for heavy vehicles we can now read meters in terms of noise—and that is important. I should say, too, that this code of practice also has an effect in terms of standards for mufflers.

Generally, I think the manufacturers of vehicles are very conscious of this issue of community irritation caused by heavy vehicle noise. The noise impact caused by motors and the use of air brakes, etc. is reducing. However, we do have a problem with older vehicles. As they are replaced, I think increasingly we will have fewer difficulties with this issue in built up areas. As drivers of heavy vehicles become more aware of the impact of their habits and the use of air brakes on the wider community, I hope to see that impact reduced even further.

KANGAROO ISLAND

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about Ports Corp assets particularly as they relate to Kangaroo Island.

Leave granted.

The Hon. IAN GILFILLAN: Yesterday, the state government announced it was scrapping plans to impose a toll on the proposed new bridge to Hindmarsh Island. It is perhaps a belated acknowledgment of the principle of freedom of movement around our state. However, residents and visitors to another nearby island are not quite so lucky. Residents of and visitors to Kangaroo Island have ferries and planes as the equivalent of their bridge to the island. Many of them—and I quite unashamedly include myself in this—

An honourable member interjecting:

The Hon. IAN GILFILLAN: Many of us are understandably fearful about a government proposal to privatise the ports facilities at Cape Jervis, Penneshaw and Kingscote.

The Hon. Diana Laidlaw interjecting:

The Hon. IAN GILFILLAN: No. That is okay, I will continue. On 23 July, I received an eloquent letter on this subject from Mr Paul Brown, a highly regarded farmer on Kangaroo Island. He points out that Kangaroo Island represents 25 per cent of South Australia's most productive high rainfall land, yet banks value Kangaroo Island land at only $250 per acre compared with up to $3 000 per acre for land of similar productive capacity on Fleurieu and Yorke Peninsulas.

The reason for this gross disparity, Mr Brown believes, is the enormous freight costs of getting goods to and from the island. For instance, the freight cost of getting wheat off the island is more than four times the freight cost of getting wheat into a silo on Kangaroo Island. It is not only freight which is uncompetitive with the mainland, because Mr Brown points out that potential tourists are often discouraged by the price of boat travel to and from the island. He urges the sale of KI ports facilities to the local council in the same way as the local airport has been sold to the council. Mr Brown states in his letter:

> The airport is working very well, it is run by the local community, is open to competition, and the fares in real terms are lower than they have ever been.

In contrast, Mr Brown fears—and as I indicated earlier, his fear is shared—that the sale of the ports facilities to a private operator could have tragic ramifications for the island. His letter states further:

> This land will be locked up forever if the ports of Cape Jervis and Penneshaw are sold to private enterprise and a freight monopoly is created. . . The link between Cape Jervis and Penneshaw is. . . our road. There is a great social injustice in what the Kangaroo Island community has to endure. This is the greatest threat to Kangaroo Island in its history.

The government's new Talking Point internet site discussion group on the Ports Corp sale has a posting from the group's moderator, Kym Della-Torre, which states, among other things:

> The new owner of Ports Corp will be bound by existing lease agreements in terms of the fees charged to leaseholders. They will not be able to walk away from existing contractual arrangements.

I, therefore, ask the minister:

1. When contractual arrangements expire, what is to stop the new owners of Ports Corp levying even higher charges on freight and passengers?

2. Is the government preparing to impose any community service obligations on the new private owners of Ports Corp in respect of access to Kangaroo Island; if so, what obligations and how long will they last?

3. Will the government consider a separate sale of Penneshaw and Kingscote ports facilities to the Kangaroo Island council?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The question was directed to me but I, in turn, will direct it to the minister responsible for the Ports Corporation, the Minister for Government Enterprises. Not since the last election have I been responsible for the operation of ports in South Australia. I regret the loss of—

The Hon. Ian Gilfillan: You have been very knowledgeable and sympathetic—

The Hon. DIANA LAIDLAW: I regret the loss: it was about the only moneymaking part of my portfolio, and we had made it moneymaking from a subsidised operation in 1992. I will refer those questions to the Minister for Government Enterprises. I highlight in the meantime that Transport SA does provide a freight subsidy which is paid through the operators of the transport service across Backstairs Passage. That is a—

The Hon. Ian Gilfillan interjecting:

The Hon. DIANA LAIDLAW: I will get some figures for the honourable member about comparisons of freight costs, because the Hon. Mr Gilfillan has said that it is the most expensive freight service in the world. I have done some figures on that and I can provide the honourable member with further information which does not support the contention he has just made. I highlight, too, that the honourable member suggested a relationship between freight monopoly and the sale of the ports. With due respect, I would suggest that they are totally separate issues. I have always been keen to see competition for freight delivery to and from Kangaroo Island.

Certainly, the freight subsidy provided through Transport SA does make provision for competition. The sale of the port would not exclude competition in terms of operators of services and that is an issue bound up by the lease agreements which the honourable member has mentioned. I will obtain the terms—which, at this stage, I do not think have been finally confirmed by government—for the sale exercise. I can assure the honourable member that not only am I aware but all in cabinet are highly aware of the sensitivities in terms of the issue of freight and support for farming enterprises and the tourism industry on Kangaroo Island. We will have those issues foremost in our mind when the final terms for the sale come to cabinet shortly, I suspect.

The Hon. IAN GILFILLAN: As a supplementary question: is the minister aware that the Ports Corporation charges are approximately 4 per cent of freight users' costs and does she believe that that figure can be reduced, as it is virtually without precedent anywhere else in the state?

The Hon. DIANA LAIDLAW: My understanding is that the Ports Corporation, for a number of years, has had a cap on the charges for operations from Penneshaw and Cape Jervis and it has not necessarily recouped all costs, which includes the costs of upgrading infrastructure in recent times.

The Hon. Ian Gilfillan interjecting:

The Hon. DIANA LAIDLAW: No, the Ports Corporation is working today on a commercial basis and recouping costs, particularly where expenses have been incurred for new infrastructure. I think that the honourable member would acknowledge that, in any corporate exercise, it is important to seek to recoup costs. I will obtain further information on that issue for the honourable member.

TOBACCO LITIGATION

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General a question about the possibility of litigation between the state government and tobacco companies.

Leave granted.

The Hon. CARMEL ZOLLO: Following publicity that governments in the United States could sue tobacco companies to recoup expenditure for the cost of treating health related illnesses caused by smoking, there has been some related publicity in South Australia. It was recently reported that the state health minister had confirmed that he would be having talks with an interstate law firm to obtain advice on the matter. I place on record my disappointment with the fact that, as far as I am aware, I have yet to receive a response to a question I asked of the health minister on 7 July last year concerning cigarette advertising in an AHA magazine.

Our Attorney-General, in his usual more cautious manner, warned us that the government is not currently developing any strategy that would result in legal action against tobacco companies. He further went on to say that the situation in the US is significantly different from that in Australia and warned against raising local expectations. As this issue is one of great interest to many people and it occurs to me, as indeed it must to others, that the South Australian government directly and now indirectly is a beneficiary of excise income from the sale of tobacco products, I ask the Attorney-General to comment on both the possibility of his government's taking legal action and the unique position that I guess all governments find themselves in when it comes to what could amount to conflict of interest when considering litigation because of excise income.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I ask the Attorney-General to answer that question rather than comment on it.

The Hon. K.T. GRIFFIN (Attorney-General): I have indicated previously in answer to a question, I think in the last session, that the government is not contemplating litigation against tobacco companies in the manner currently under way in the United States. There has been a great deal of publicity about the extraordinarily large settlements apparently achieved by attorneys-general in the United States against tobacco companies. Some of those settlements have not been as glamorous as they seem from the media when they have been subject to much more critical analysis. As I understand it, some have fallen through.

In order to gain a better understanding of what was happening in the United States, the Solicitor-General visited the United States a year or so ago just to determine whether or not there was a prospect that we could embark upon similar litigation. It was quite obvious that the United States did not have the same levels of what were then business franchise fees and excise as we had in Australia. In the United States, tobacco companies were making a contribution to health care consistently with the established fact that cigarette smoking led to significant health problems. In Australia, on the other hand, most if not all jurisdictions had very substantial business franchise fees and, of course, the commonwealth imposed duties of excise, and they are quite substantial.

Already the tobacco industry through those taxes and business franchise fees was making a significant contribution to the revenue of the states, territories and the commonwealth and therefore it might be argued that they were making a contribution, ultimately, to the health system. There was that distinction between what was happening in the United States and what was happening in Australia. In this state, we took the view that we would maintain a watching brief in relation to what was happening in the United States but that we would not contemplate at this stage or possibly any stage litigation which would be lengthy and very expensive.

My understanding with Slater and Gordon is that they made a request to the Minister for Human Services to meet with him and that he agreed to meet with them but not with a view to either instructing them, which he cannot do, or commissioning them to undertake any activity on behalf of the state. My understanding is that it was essentially as a matter of interest to find out what they wanted to put.

As I said—and it is correctly reported in the newspaper article—in relation to that meeting, from the broader whole-of-government perspective we do not at the moment have in contemplation action against the tobacco companies because of the very significant differences between the revenue system in the United States and the revenue system in Australia and the contributions that we are able to garner from tobacco interests through our taxation and revenue collection systems. That does not mean that the situation cannot be reviewed. We are looking at what is happening in the United States. I hope that that puts the issue into a context which would be an appropriate answer for the honourable member.

LITERACY AND NUMERACY STRATEGY

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement on the literacy and numeracy strategy made by the Minister for Education, Children's Services and Training in another place today.

Leave granted.

LAND SALE AUTHORISATION

In reply to **Hon. CARMEL ZOLLO** (7 July).

The Hon. R.D. LAWSON: Further to the information provided in the answer given on 7 July 1999 I advise that the Minister for Local Government has provided the following:

Inquiries into this matter disclosed that, in addition to allegations of possible breach of conflict of interest provisions by an elected member, there were deficiencies in the process adopted by the Barossa Council in moving towards closure and sale of the relevant road reserve. The Surveyor General has asked the council to remedy the deficiencies before proceeding further, and this has involved revisiting the decisions taken to date.

The council and the elected member concerned have been sharply reminded of the obligations of elected members of councils in relation to conflict of interest and, in light of all the circumstances, the Crown Solicitor has advised that he does not regard further legal action on these matters as being in the public interest.

Decisions about the closure and sale of road reserves in the Barossa Council area can now be expected to comply with all the necessary statutory requirements, including respect for the conflict of interest provisions of the Local Government Act. Honourable members can continue to be reassured that no ministerial approval will be given for a closure should that not occur.

DISABILITY SERVICES

In reply to **Hon. CARMEL ZOLLO** (6 July).

The Hon. R.D. LAWSON: In addition to the answer given on 6 July 1999 the following information is furnished:

I am able to advise the honourable member that 168 people living in regional South Australia are on the accommodation waiting list of the Intellectual Disability Services Council.

The government is aware of the issues confronting people with disabilities and their families and is wholly committed to addressing these issues. An indication of this commitment is evidenced by the allocation of over $9 million in new funding over the past two financial years for new and expanded services for people with disabilities.

The provision of government-funded accommodation services for people with disabilities is a national issue and every state has reported circumstances similar to those we have in South Australia.

I welcome the recent commonwealth announcement of an additional $150 million nationally to meet unmet needs in disability services. The Government of South Australia will continue to advocate with the commonwealth for appropriate funding, and also continue to examine and review what we in South Australia are able to do in the context of the state's current financial constraints.

ADELAIDE PARKLANDS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement on the subject of local government reforms in the Adelaide parklands made this day by the Minister for Local Government.

Leave granted.

TRANSPORT SA, MOBILE CUSTOMER CONNECTION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question relating to Transport SA's mobile customer connection.

Leave granted.

The Hon. J.S.L. DAWKINS: I was interested to read in the most recent edition of the *Paperbark*, the newsletter of the South Australian Rural Network, that residents in South Australia's isolated northern and western regions have recently had access to a range of government services and information provided by Transport SA's mobile customer connection. Can the minister detail the manner in which the mobile customer connection operates and indicate the response received from the local communities using this service?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for his interest in this subject, because it has been a really big drive by Transport SA to improve its services to people in regional, rural and remote areas of South Australia. Clearly, this effort by Transport SA has been received extremely well by people living in those areas. Just briefly, 15 sites were visited over a six month period to the end of October, I think, and each of those 15 sites was visited on four occasions. The sites were Hawker, Leigh Creek, Woomera, Roxby Downs, Glendambo, Coober Pedy, Marla, Kimba, Wudinna, Lock, Cowell, Elliston, Streaky Bay, Ceduna and Penong.

What I think is excellent with this initiative is that not only is Transport SA providing people in these areas with information about road condition reports, vehicle permit information, registration and licensing information, everything from marine services to boat registration, but so, too, is Arts providing information about the grant systems and the activities of the South Australian Country Arts Trust. Also, it is excellent that on these trips to regional, remote and rural areas of South Australia a representative of the Office of the Status of Women is present, and one of the major successes of this initiative is not only to inform people and make it easier for them to access Transport SA's services but the response from women has been phenomenal, particularly learning the internet.

All these services, whether Transport SA's or the women's services, are free of charge, and that is a foreign experience for many of the people living in these areas, too. I was thrilled in relation to the announcement yesterday by the Minister for Education, Children's Services and Training and the internet access that will be provided across South Australia. This initiative by Transport SA is providing so many opportunities—not there six months ago—for women in country and remote areas to learn the internet. So when these services are provided through the government/Telstra initiative over the next six to nine months there will be many more women trained, who can take the benefit of these services.

In closing, I highlight this initiative by Transport SA and the Women's Information Service, plus their presence at country field days, such as the Bordertown rural women's gathering a couple of months ago. We have seen an increase of 114 per cent in the number of rural women using the services of the Women's Information Service, and I think that is particularly good to see.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: It may be off a low base but it is also that we never tried hard enough in the past to actually make women aware of the range of services that were available. We concentrated on the metropolitan area, the easier role, and we now realise that in many instances it was country women, because of isolation and workloads, who needed the services more than anyone else, and it is fantastic to see the Women's Information Service now outreaching through a variety of ways women in country areas and, clearly, the response has been fantastic from those women, which of course is of benefit to their families as a whole.

TOTALIZATOR AGENCY BOARD

The Hon. NICK XENOPHON: I ask the Attorney-General, representing the Minister for Government Enterprises, the following: in reference to my questions on TAB credit betting facilities on 21 July 1998 and 26 May 1999, is his lack of response indicative of a lack of concern on his part of the effect that the TAB's credit betting facilities will have on problem gambling rates, and can he advise when he proposes to answer the questions previously put to him?

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

MATTERS OF INTEREST

PAN MACEDONIAN FEDERATION

The Hon. J.F. STEFANI: Today I wish to speak about the thirteenth annual conference of the Pan Macedonian Federation of Australia and the Niki award presentation. I wish to place on the public record my sincere appreciation to the Australian Greek community who, through the Australian Hellenic Council, recently presented me with the prestigious Niki award at a special function in Canberra. The Niki award—Niki meaning 'victory'—is based on the classical age statue of Nike, which was an expression of gratitude for the victory of the Messinians over the Lakedaimonians in 424BC and incorporates the symbol of the Flying Victory of Paionios. The statue was about 9 metres high and stood in front of the east side of the temple of Zeus at Olympia.

The award is presented to the Philhellenes who have supported the Australian Hellenic community in various fields. This year's Niki awards were presented at a dinner function as part of the Australian Hellenic Council annual conference in Canberra which was attended by His Excellency Mr Ioannis Beveratos, the ambassador of the Hellenic republic, His Excellency Mr Andreas Georgiades, the High Commissioner of Cyprus, and other special guests and delegates to the conference. I am extremely proud to have received this award, which I have accepted on behalf of the entire South Australian Greek community as an acknowledgment for their contribution to Australia's multicultural society.

As a long time supporter of the Greek community in South Australia, I am committed to promoting the principles of the Greek Macedonians and their cultural heritage, which is directly linked to the ancient Hellenic civilisation, and to the Macedonian heritage of Alexander the Great and Philip of Macedon. I also strongly support the work of the Pan Macedonian Association in South Australia, and recently I was pleased to host a reception in Old Parliament House to welcome delegates to the thirteenth annual Pan Macedonian Federation National Conference which this year was held in Adelaide. As part of the conference program, I was also honoured to deliver a keynote address on the subject of multiculturalism in Australia.

The Pan Macedonian Federation has, for many years, provided an important link between many generations of Greek migrants and the wider community. I would like to take this opportunity to express my appreciation to the Pan Macedonian Federation for the invitation to participate in its national conference and, in particular, to the President, Mrs Anna Volis, who is also the President of the Pan Macedonian Association of South Australia. Finally, I offer my sincere congratulations to all members of the Pan Macedonian Association of South Australia for their achievements and wish them all continued success for the future and, in particular, for the Dimitria Festival, which will be celebrated later this month.

WOMEN IN PARLIAMENT

The Hon. CAROLYN PICKLES (Leader of the Opposition): My statement today is about women in parliament. Last weekend, I attended a conference in Western Australia to celebrate women's suffrage in that State. Some of the statistics that were released at that conference show that in the Australian Labor party, following our affirmative action target, we now have 99 women sitting in all state, federal and territory parliaments—99 Labor women compared with 355 Labor men, which is 28 per cent. That is not good enough; we are going for more. Particularly in the federal parliament it is certainly not as many as stipulated by the affirmative action rule with which we must comply by 2002.

That also leads me to recall the recommendations of the Joint Committee on Women in Parliament in the report that it handed down in 1996. The committee was set up as a result of the Centenary of Women's Suffrage in South Australia. The Hon. Diana Laidlaw moved the motion to set up the committee, and I strongly supported it. One of the recommendations of the interim report, which was laid on the table in 1995, was that the system of sitting days and the hours be changed to make them more suitable for members with family responsibilities. Due consideration should be given to school holidays and the organisation of sitting days, and late night sittings should be avoided.

It was recommended that recommendations 1 and 2 be referred to the Joint Parliamentary Service Committee and recommendation 4 be referred to the Standing Orders Committee of each house to explore how they can best be implemented and for them to report back to their respective house. I am a member of the Standing Orders Committee of this Council and, as far as I can recall, the recommendation has never been referred to it, so perhaps it should be referred to it. I was a member of that joint committee, and a number of people presented evidence. I have before me the evidence that was given by the Liberal Women's Network of South Australia, which said in its submission:

> One of the barriers to women seeking a parliamentary career was the lack of flexible working arrangements and lack of child care facilities.

The submission that came down from the Liberal Women's Council of South Australia stated, in part:

> The sitting hours are long and arduous. The wisdom of such a long time commitment would not seem conducive to productive questioning, level of debate or decision making.

One of its recommendations was that sitting hours be revised to ensure that there is a more productive use of time. In a submission from the Australian Labor Party by John Hill, who was then the state Secretary of the Labor Party and who is now the member for Kaurna in another place, it was recommended:

> That parliamentary sitting times be limited to 10 a.m. to 6 p.m. on Tuesdays, Wednesdays and Thursdays in all but exceptional circumstances to make them more suitable for members with family responsibilities and that school holiday periods and late nights should be avoided to the extent possible in the organisation of sitting days in order to cater for members with family responsibilities.

The submission also states:

> We agree with the comments made in the interim report of the committee on the need for the hours of the sitting of parliament to be more family friendly.

A submission from the Hon. Jennifer Cashmore, who gave it as a private citizen, having retired from the parliament, recommended:

> The hours of sitting be during the day, with parliament sitting for longer periods if necessary.

It seems that we have overlooked the recommendations of the committee, and I must also blame myself for this.

Time expired.

CONTEMPORARY MUSIC INDUSTRY

The Hon. A.J. REDFORD: Next week we celebrate Australian Live Music Day. In my capacity as a member of the Australian Music Foundation, chaired by Brian Cadd, I will be attending a number of functions, including the Australian Live Music Awards next Friday week. As members would be aware, I have a strong interest in contemporary and live music issues and have become a strong fan of the minister's world class leadership in the area of contemporary music. The hard work and vision of the Minister for the Arts, Diana Laidlaw, is beginning to bear fruit; for example, one only has to see the Greenwich Village atmosphere that is quickly developing in the West End and the western suburbs, focussing around the Governor Hindmarsh Hotel, Thebarton and the like to see a demonstration of the effect of that leadership.

In my contribution today, I will cover two things in relation to the industry, perhaps small in the scheme of things but, nevertheless, significant. One is a demonstration of the effect of strong leadership, vision and the commitment of the minister and the other is a challenge. First, at a function approximately six months ago, I met a Mr John Kelly who was recently engaged by prominent Adelaide legal firm Kelly and Co. Mr Kelly—and his name is coincidental—was engaged specifically as a specialist in the area of contemporary music. One might ask, 'So what?' However, his qualifications and his area of expertise are indicative of the business confidence in the contemporary music industry.

Indeed, the industry is now getting to a point where we have now attracted Mr Kelly, who was a lawyer in London for five years before he joined Mushroom Records as its legal and business affairs manager. At Mushroom, he had responsibility for legal interests within Australia and New Zealand and throughout the world. He was involved in the staging of the Mushroom 25th anniversary concert at the MCG and the sale of Mushroom Records to News Limited. In a note to me, he states:

> I see a real opportunity in South Australia, having viewed South Australian artists being forced to instruct entertainment lawyers in Melbourne and Sydney and all of the difficulties instructing interstate lawyers brings with it, not least the eastern states' legal costs. I can see no reason why artists have to leave South Australia. Indeed, it is an excellent base for any artist.

That is just one sign of the growing confidence and the critical mass that this industry has developed. I was pleased to see Doc Neeson's comment at a Music Business Adelaide media launch earlier this year that 'Adelaide is now a great place to stay.' In saying that, Doc Neeson was not referring to a tourism brochure; he was saying that Adelaide is a great place to stay and do business and thrive on both an international and international scale in so far as the music industry is concerned. I wish Mr Kelly all the best, and I know that he will be followed by others as a result of the continued success of this industry.

The second issue relates to an event and a subsequent meeting that I attended earlier this year. I had the opportunity of attending the Generations in Jazz event in Mount Gambier. This event has been part of the scene for over seven years. It attracted 20 schools and 21 bands from around Australia. That is an incredible achievement on the part of a small and hard working committee and it reflects the enthusiasm and the national reputation that the event has established since its inception.

The event is an integral part of the James Morrison scholarship, and one of the most prestigious in Australia. Darryl Sommers of *Hey Hey It's Saturday* is its patron and James Morrison is directly involved. It has the support of both me and the member for Gordon (Rory McEwen). This event has now reached the point where it is so big that a small group of volunteers with limited time have trouble coping. I hope that when funding applications for Living Health and the like are made in the not too distant future this event is looked at favourably and that it will continue successfully. I, for one, believe that this committee deserves every accolade for what it has managed to achieve for young musicians in the area of contemporary music in South Australia.

Time expired.

WOMEN, ITALIAN

The Hon. CARMEL ZOLLO: This afternoon I would like to tell the Council of an important initiative in the Italian community that I was pleased to be involved with last month. On 21 August 1999, the internet site 'Australia Donna: women of Italian origin' was launched. I was pleased to have been invited to contribute to Australia Donna and also to launch the site on the day.

The site was an initiative of Dr Daniela Costa, a member of the Council of Italians Abroad and an Australian delegate to the Council General of Italians Abroad in Italy. I congratulate her on her initiative in seeing the site established in South Australia. I understand that Dr Costa picked up on the concept at a conference on women in immigration that she attended at the end of 1997 in Rome.

Dr Costa was ably assisted by the women's working group of Com.lt.Es with the initiative being funded by the Italian government through Com.lt.Es. I am pleased to see the creation of the web site as it will allow an open forum in which women of Italian origin will have the opportunity to tell their story and to exchange information, experiences and, more importantly, knowledge.

I said in my remarks on the day that there is no doubt that this relatively new medium of recording and accessing history is a particularly exciting one. We can watch history in the making, and it is immediate and readily accessible to many more people. And of course, it is people who make history. The history of migration is a particularly poignant one—it is people making history before our eyes.

I do believe that it is migrant women more than other women who are usually the linchpin that keeps the family together, who preserve and pass on customs, traditions and a great deal of the culture, more so than their partners. It is not unusual to find them fighting their own battles and searching for their own identity in being part of a new world, as well as trying to understand the newer generations and everything it means to be part of two cultures.

Put quite simply, a great deal more is expected of migrant women in society. In the history of migration, each generation has a different experience of life, depending on age, opportunities presented and expectations. The women's working group of Com.It.Es is hopeful that the web site can promote networking between women of different generations.

I think we all recognise that different people have different stories to tell, and I was pleased to see the recognition of the importance of recording experiences by the initiative of Australia Donna. I know that many women in the Italo-Australian community will benefit from this web site. A willingness continuously to learn makes us all better people and, even more importantly, we can share in our successes as well as overcoming our difficulties.

I hope, as I know do the creators of the web site, that many other women will contribute to the site in any way they feel they can make a contribution. The site is bilingual and, in particular, it is hoped that elderly Italo-Australian women will also join in—even if it is in a collaborative manner. Networking is very important in promoting the site whose address is: www.australiadonna.on.net.

I was reminded of the web site a few weeks later when I attended, along with many other colleagues in both houses, the inaugural AGM of the Vietnamese Women's Association. The meeting invited a talented young researcher at one of our universities of Vietnamese origin to speak of her experiences since migrating to Australia as a very young child. Many of her experiences could have been transposed to the stories of young people from Italian and no doubt other ethnic backgrounds. I certainly felt a great affinity with her.

I hope in the not too distant future to see a similar initiative of a web page for the recording of the history of Vietnamese-Australian women. Again, my congratulations to the women involved in the setting up of the Australia Donna web site.

DOCTORS, HOME LINK PROGRAM

The Hon. J.S.L. DAWKINS: I rise today to speak about the General Practitioner Home Link program. This program aims to avoid older people unnecessarily being admitted to hospital. The unit works closely with general practitioners to provide short-term intervention, coordinate care needs at home and provide services at no cost to the patient or the general practitioner. I particularly became aware of GP Home Link North which services the areas covered by Tea Tree Gully, Salisbury, Playford and Gawler at the opening of the Continuum of Care project at the Modbury Hospital earlier this year.

This trial scheme, which is funded by the Department of Human Services in conjunction with the Aged Care and Housing Group, provides a service to clients from 65 years of age and Aboriginal patients over 45 years of age, with the oldest patient to date being a woman of 102 years. Even though the service is provided free of charge, patients do make donations to the program.

The objectives of the service are to: increase the support options available to older persons; improve continuity of care; avoid admissions to hospitals; offer a highly responsive and flexible service focussed on the individual; coordinate a flexible plan of assistance; link people with community services; reduce the risk of future admissions to hospital; and enhance the wellbeing of the individual and their families.

There are criteria which must be met for older persons to be eligible for this service. These criteria include the fact that they do not need hospital based acute medical intervention, that they are at low risk of rapid deterioration, and that the patient, the general practitioner and the carer or relatives will accept home care. Care available at home may include: home help and personal care; registered nurse care; overnight assistance; short-term overnight accommodation; information, advocacy and counselling; equipment; and coordination of community services and informal networks.

The project has the capacity to purchase services which are not normally immediately available. An agreed plan of assistance is negotiated with the patient and/or significant family members. Formal consent is attained from the patient or the family. Appropriate services are then organised immediately using a brokerage model. This involves purchasing the most appropriate services for the identified needs of the client with the aim of averting a crisis. Depending on the level of intervention needed, services can be provided for up to two weeks. The GP's approval of the plan is obtained prior to implementation. During intervention, the patient is monitored frequently and comprehensive feedback is provided to the referring GP. If necessary, GP Home Link also provides care planning to ensure that the patient has ongoing assistance, thereby reducing the risk of future admissions to hospital.

GP Home Link then discharges the patient and informs the GP by telephone of the discharge and any ongoing planned care. The level of service provided by GP Home Link is a rapid response health unit with assistance being available seven days a week, 24 hours a day. The vision of the organisation is always to go the second mile. The economics of the service and its impact in the community are emphasised by highlighting that the cost of keeping a client out of hospital is $125 a day—much cheaper than a hospital stay.

Just to illustrate the ways in which the program operates, the coordinator, Ms Jan Cecchi, told me a story about the way in which GP Home Link can work. She related the story of a husband who had a psychiatric problem and whose wife needed to go to hospital. They had a 13 year old dog and neither wanted to leave the animal. By arranging for Animal Welfare to look after the dog, the husband was quite happy to go to Hillcrest for a while to enable his wife to receive the required hospital care. I commend the work of the GP Home Link northern staff and look forward to further advances in their contribution to the community.

URBAN SPRAWL

The Hon. M.J. ELLIOTT: I note that the Minister for Transport and Urban Planning has only just returned from Portland. I have not had a chance to have a real discussion about that but I am sure she found it a very interesting experience. Portland is a city that reminds me of Adelaide—not physically but the feel of the place, the people and the sort of community that it is. One thing that Portland has done is to hard zone the city. A line has been drawn and they have said, 'That is it; the city is not going beyond that line.' Portland has set about trying to contain the sprawl.

That is something about which we in Adelaide have talked for some years but we have not finally done anything. The big question becomes: if you stop urban sprawl, where then does the population go and how much planning do we deliberately do to set about increasing density within the existing metropolitan area? We have seen quite a boom in very recent times within the City of Adelaide—something which is long overdue and which, I hope, continues. I must say that if I did not have children I would find the idea of living right in the city quite an attractive proposition, but that is just an aside. But what about beyond Adelaide itself?

I know that some councils have been criticised for not permitting the splitting of blocks to allow increased density, but I wonder whether that is really the way to go. Should we go from full to half urban blocks or should we take another view and really plan increased density, not just letting it happen? In my view we should be endeavouring to create nodes of high density living through the city. From my own personal experience I can talk about areas of the city that I know better. For example, I would consider putting nodes of very high density living within the city in the vicinity of the

Blackwood and Mitcham railway stations and potentially in the vicinity of the Goodwood railway station. I would encourage those sites because they are very close to shopping centres which are capable of further upgrading and which would respond. But it seems to me that we should set about creating places where people can live and have easy access to transport. For instance, not only does the Blackwood railway precinct offer people a line that runs directly to the city but also four major bus routes convene there, one of them going to the Marion shopping centre. And the Mitcham railway station has bus routes adjacent to it. I would be looking for nodes of quite dense housing.

I do not think we should be encouraging just the simple splitting of urban blocks as has been happening in much of Adelaide, because that sort of unplanned planning leaves us with considerable problems. For example, everyone still relies upon the motor car because they are too far from work and there is no easy way of getting there. They are also too far from the shops and so on. I believe that we should use zoning to encourage these changes. In particular, around these railway station nodes I would zone for quite dense urban development but I would do it in a very planned way. I would even seek, for instance, to bring in the housing trust to help redevelop some of these zones.

We will need to find money to pay for some of the things that need to be done. For instance, roads in the Blackwood area near the present roundabout need to be upgraded. Where will the money come from? If we rezone, we should also capture the increased value of the land. We should not simply let it all accumulate to the people who own the land for a simple capital gain because they happen to be the owners of the land. We should be capturing at least some of the increased value. That can help to pay to make these precincts even more workable as transport hubs and perhaps also to ensure that there are pocket parks and other amenities that will make these areas more attractive. We should be seeking to ensure that they have a range of facilities that will make them attractive places in which to live. In this way, by real planning, I believe we can achieve an outcome that can finally take pressure off the urban fringes—something that is clearly long overdue in Adelaide.

The PRESIDENT: Order! The time set aside for Matters of Interest has expired. I call on the business of the day.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

The Hon. L.H. DAVIS: I move:

That the report of the committee 1998-99 be noted.

In speaking briefly to the fourth report of the committee, I advise the Council that the committee again had a very productive year. We released four reports together with the annual report for 1997-98. The committee worked harmoniously. Our recommendations were unanimous, as has been the case in each of the preceding three years. I pay special tribute to the staff of the committee, Ms Kristina Willis-Arnold, who joined us as secretary, and Ms Helen Hele, the committee's research officer.

The first report released by the committee was its second report into timeliness of annual reporting by statutory authorities. That reference continued our interest in an inquiry into the annual reporting of statutory authorities—the variability and the prompt delivery of annual reports to the parliament as required by statute. The committee was pleased to note that there had been a sharp increase in timeliness in the 1996-97 financial year. In the 1997 calendar year, 88 per cent of all reports were tabled in accordance with all legislative requirements, and that was a dramatically higher level than in the preceding year. That, no doubt, reflected the delay in parliamentary sittings as a result of the 1997 state election and also, hopefully, the fact that the ministers and the statutory authorities involved did take note of our first report into timeliness, which had been published in July 1997.

The main body of work that was done by the committee and completed and reported upon in the last financial year involved the management of the West Terrace Cemetery by the Enfield General Cemetery Trust. The committee took on this subject anticipating that it would be a fairly short and succinct inquiry. It developed its own head of steam and, in the end, three reports were published on the management of West Terrace Cemetery by the Enfield General Cemetery Trust. I am pleased to say that, largely as a result of the committee's initiative and the minister's diligence and commitment to recognising the importance of West Terrace Cemetery, the matter of West Terrace Cemetery's management now is in much better shape than when the committee first took up this issue.

The Enfield General Cemetery Trust had made little attempt to contact the many interested stakeholders in the West Terrace Cemetery, including religious groups, the National Trust and the Adelaide City Council. The first management plan that was issued was defective in many respects, and the minister directed that a second management plan be prepared. That is now occurring with a professional team and consultation is at last taking place. The committee is also pleased to note that the Enfield General Cemetery Trust has significantly enhanced the visual appearance of the cemetery.

It is a matter of some importance in the sense that West Terrace Cemetery remains the only operating capital city cemetery in Australia, rich in heritage, and has been described by one prominent heritage architect, Mr Bruce Harry, as one of the 10 most important historic places in Adelaide. The committee maintains a watching brief on that matter and currently has a major inquiry continuing into the South Australian Community Housing Authority (SACHA). The committee has also tabled a major report into statutory authorities, which will be debated this very day, which concerns remuneration levels, selection processes, gender and the ethnic composition of those authorities.

The Hon. CARMEL ZOLLO: As a member of the Statutory Authorities Review Committee I rise to make a brief contribution to the debate on the 1998-99 annual report of the committee. The report summarises the activities of the committee for the year ended 1998-99. I agree with the committee's Presiding Member that the committee has had a very busy year, having brought down four major reports into inquiries in that time plus its own annual report. In addition, several months were dedicated to research and the taking of evidence in relation to our inquiry into community housing, including an interstate visit to Melbourne where, as one would expect, there has been a considerable shift away from public housing. The committee will bring down its report in due course.

I believe that I have spoken on all the major reports, so I see no point in reiterating those comments. Three of the

reports were into the management of the West Terrace Cemetery by the Enfield General Cemetery Trust. Whilst the committee will be keeping a watching brief on the management of the West Terrace Cemetery, I believe that all our inquiries were fruitful in that they brought to the fore many issues that needed to be discussed and resolved. I was also pleased to see that our recommendations had the support of Minister Laidlaw.

To this time the recommendations in the committee's reports have been unanimous and it would be pleasing if such unanimity continued. I take this opportunity to thank both our staff for their continuing service to the committee. I also commend the report to the Council and look forward to taking part in what I am certain will be other important inquiries in the future.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: BOARDS OF STATUTORY AUTHORITIES

The Hon. L.H. DAVIS: I move:

That the report of the committee inquiry into boards of statutory authorities: remuneration levels, selection processes, gender and ethnic composition be noted.

In May 1997 the committee released a report entitled 'Boards of statutory authorities: recruitment, gender composition, remuneration and performance' which examined the roles and responsibilities of the dozens and dozens of boards of statutory authorities in South Australia. We looked at ways of evaluating board performance and the gender composition of government boards and committees. We looked in particular at the roles and responsibilities of boards and statutory authorities and at the various classification levels for statutory authorities.

As is required by the Parliamentary Committees Act, which sets up the parliamentary committee system, the responsible minister is required to reply to the recommendations set down in a committee's report, and I am pleased to advise that the Premier, as the responsible minister, endorsed 14 of the 15 recommendations made by the committee in its report of May 1997. For example, he agreed with the committee's recommendation that the Office for the Status of Women should publish by portfolio the gender profile of government boards and committees. The Premier also supported the recommendation that guidelines be developed to assist boards and ministers in the assessment and evaluation of board performance.

The only recommendation that he did not agree with concerned the publication of the level of remuneration of board members, which the committee recommended should be on a more discrete basis below the figure of $10 000. Members of the Council would readily understand that there are hundreds of committees for which board members are paid on a sessional basis. In some cases it might be $1 000 to $2 000 a year. To put them in a $0 to $10 000 band is somewhat misleading. Whilst that is the norm in the private sector with public companies, which do have a disclosure requirement, it is certainly most inappropriate for statutory authorities, and the committee has persisted in its current report in recommending that the government revisit that earlier recommendation.

The committee was heartened by the positive support from the government for its recommendations. It again reflects the point that I think was made by the Hon. Carmel Zollo in speaking to the annual report of the Statutory Authorities Review Committee that this is not headline-making stuff, but it does have an important role in addressing some of the administrative and efficiency deficiencies which may exist in government. Some of the recommendations that we have made in this report are worthy of serious consideration by the government.

Clearly the government has been anxious to establish a better system of managing statutory authorities and the information that exists in relation to boards. Sadly it has been reluctant to adopt a commonsense proposal previously recommended by the committee, namely to establish a register of statutory authorities. In this day and age, where high technology makes this a breeze, it seems strange to me that South Australia has not followed the lead of Queensland, which has a register of statutory authorities available on the internet so that members of the public can find out the nature of the statutory authority, the board membership and other appropriate information such as the enabling act. One would hope that in South Australia, as the dollars free up and the priorities for efficiency in government flow down to this level, we have a register which sets down that basic information, because it will certainly contribute to efficiency and effectiveness in government and also, I think, be cost saving.

The BCIS (Boards and Committees Information System) records the basic data of board membership. The BCIS currently used by the government does not recognise that many members of boards and committees are employees of statutory authorities or government departments or parliamentary employees and are, therefore, not eligible for payment for services. We believe that that should be recognised, perhaps by an asterisk or some other means, through the BCIS. The committee is cognisant, as is the government, that to attract the proper level of expertise and quality, particularly on the top level boards, it is necessary to pay money that will attract the right calibre person into the position.

The committee was advised that board and committee members have been given a 10 per cent increase to apply in two stages, the first 5 per cent from 1 May 1999 and the remainder from 1 May 2000. However, members of two of the very top boards—the boards of the South Australian Water Corporation and the South Australian Ports Corporation—received a 20 per cent increase in fees in recognition of the fact that a very high level of expertise is required on those boards and they have a very commercial role.

The committee took evidence from a range of people including the well-regarded chair of Funds SA, Ms Helen Lynch, who expressed some disappointment that the government had not always recognised the importance of paying appropriate levels of remuneration. That led the committee to comment that the Commissioner for Public Employment, who is currently Mr Ian Kowalick, should ensure that the classification criteria for corresponding remuneration levels are consistently applied across all government boards and committees and that the commission should regularly review fees for all government boards and committees.

The Hon. A.J. Redford interjecting:

The Hon. L.H. DAVIS: My colleague the Hon. Angus Redford interjects and asks, 'How would you do that with Kevin Foley on board?' Well, it is a particular game of the opposition to criticise any increase in salaries and remunera-

tion generally. I guess it is easy in opposition to do that, but the members of the committee readily agreed that there was a need to be consistent in the application of the principle applying to board fees.

They noted, for example, that members of the Botanic Gardens and State Herbarium boards, who have considerably enhanced responsibilities given that the Botanic Gardens is now adjacent to and involved with the National Wine Centre and the newly planted International Rose Garden, received no board fees at all, which, to me, is absurd: we recommended that that matter be reviewed. We reiterated that the $10 000 band adopted in the private sector is not meaningful in the public sector, and we suggested that the remuneration paid to members of government boards and committees should be disclosed in four bands: under $10 000; $10 000 to $15 000; $15 000 to $20 000; and thereafter in $20 000 bands.

We were also interested to note that there were many unclassified boards, perhaps more than is generally recognised, and that there are levels of classification of boards. The top level classification (category 1, level 1) contains only seven in number. They are boards of corporatised government business enterprises with a turnover of $1 billion annually, assets over $1 billion or profit over $100 million, or any combination of those factors. For that category—and there are only seven of them—for the year 1999 the chairperson would receive a classification of $52 758 and members would receive $26 379 per annum. That is a very high level but certainly it is modest in comparison with the fee levels paid to directors of comparable organisations in the private sector.

The classification structure used to determine fees for government boards and committee members is not always obvious because so many of the boards and committees remain unclassified, and some of the ways in which fees are paid are outside the norm. Normally, fees are structured according to a classification level and, if a minister wants a fee level reviewed, then the minister is entitled to ask the Commissioner for Public Employment for that review. As I said, in the view of the committee there are an unacceptably large number of unclassified government boards and committees: some 27 per cent, or over one-quarter of the 486 boards and committees on the BCIS, were unclassified. So, the committee has recommended that these unclassified boards and committees should be drawn to the attention of ministers on at least an annual basis and that they should be asked to review them. This also gives the ministers an opportunity to expedite the winding up of boards and committees that perhaps no longer perform a useful function.

The committee also noted, without disapproval, that the government has the right to pay attraction-retention allowances to board and committee members where it may be necessary to attract a person to a position as a member only by paying a fee above the level set down for that classification level. The committee noted that nine of the 10 members of the South Australian Tourism Commission Board received fees above the amount payable to members of that classification level and we were advised by the Commissioner for Public Employment that this was due to 'the difficulties of attracting the calibre of person required to carry out the role'. The committee had no difficulty in recognising the importance of the South Australian Tourism Commission Board and suggested that it may be appropriate to review the classification for that board.

On the matter of board and committee vacancies, the Statutory Authorities Review Committee recognised the importance of filling those vacancies properly. There have been all too many examples in the past where vacancies on important boards have remained unfilled for far too long, and this has resulted in a board being short of the necessary skill levels. As we understand it, although ministers are advised through the BCIS on a timely basis every month for six months leading up to a vacancy falling due, once the time has passed for the vacancy to be filled the minister no longer receives notification of the unfilled vacancy. We have recommended that a procedure be put in place to ensure that that is drawn to the minister's attention.

The committee also examined ethnic composition and gender composition. I think it would be more appropriate for me to leave the detail of those matters to my parliamentary colleague the Hon. Carmel Zollo, who has a special interest in both those issues. I should say that we did take quite extensive evidence on the matter of ethnic composition and also on the matter of gender composition. I just want to speak briefly on gender composition and to say that it has been, of course, a longstanding policy of this government to achieve 50 per cent female representation.

The Hon. Carolyn Pickles: It was started by the previous government.

The Hon. L.H. DAVIS: Right. It is government policy to achieve 50 per cent female representation across all government boards and committees by the end of the year 2000. If I can introduce a sporting phrase here: as Richie Benaud might say, that is a big ask. It seems unlikely that that target will be achieved.

The Hon. Diana Laidlaw: Why? You are just a pessimist.

The Hon. L.H. DAVIS: Well, we can have a side bet on that, minister, if you like. As at 31 August 1999 the figure stands at 31.35 per cent. So that figure has moved. The highest percentage is achieved, surprisingly, by the Minister for the Status of Women. There are 30 board members, in a variety of positions, and all 30 are female, so there is a 100 per cent record there. The Minister for the Arts is exactly 50 per cent, down a shade from 50.88 per cent in 1998, I might add, minister. For the Minister for Transport and Urban Planning there has been a dramatic improvement from 1998, from 22.69 per cent to 30.21 per cent. So that is a pleasing trend.

The Hon. A.J. Redford: Tell us about the Minister for Police.

The Hon. L.H. DAVIS: The Minister for Police is 25.5 per cent and is not doing too badly. But the pleasing point that the committee does note is that South Australia has the highest percentage of women on government boards and committees of any state in Australia by some margin. So, that is the challenge that remains.

The Hon. A.J. Redford: What about the private sector?

The Hon. L.H. DAVIS: The figure in the private sector is lower, and I think it is generally agreed that at the top level we are talking about companies listed on the Stock Exchange. The figure in Australia, from memory, is in the order of 9 to 10 per cent. It is a quite low figure. Lastly, the committee did make some observations about regional and rural South Australia, and we were very encouraged by an initiative from the Deputy Premier and Minister for Primary Industries, Natural Resources and Regional Development, the Hon. Rob Kerin, who gave evidence to the committee in person, where he discussed an initiative of the Department of Primary Industries, Natural Resources and Regional Development, which is taking a proactive approach to increasing the level of female representation on government boards and commit-

tees. That is a very valuable program. They have had a rural leadership program, with 20 young people participating in the inaugural course, 11 of whom were female.

The evidence received was very encouraging and we have recommended that all ministers should be provided with an outline of the initiatives of the Department of Primary Industries, Natural Resources and Regional Development in an effort to increase female participation on boards and committees. We also received a written submission from a country woman, who is prominent in the grain industry, Ms Jane Greenslade, of Urania, who listed factors that impact on the ability of rural women to serve on boards and committees. Ms Greenslade believes that traditional institutionalised attitudes may dissuade women from becoming involved in board and committee activities. She raised a number of activities, including child care and travel, both of which have cost implications, as major obstacles to many rural women's participation in the work of boards and committees.

Finally, we did also look at initiatives in boards and committees around Australia and we did take particular note of the need to make more use of technology, and we recommended that the government should establish an internet facility to enable people to register an interest in serving on government boards and committees. We also believed that there was an opportunity to have more young people register an interest for government boards and committees. We also recommended very strongly that ministers should be required to consult with the various government registers, such as those set up by the Office for the Status of Women, and Ethnic Affairs, and also to recognise that, when considering nominations for a board or committee vacancy, these registers should be consulted as a part of the nomination process.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I want to speak briefly. One observation I want to make is that we used to have the practice in the Council that, when a report was tabled, the committee—and it is not just this committee but others as well—would provide a copy to every member so that we could refer to it as a member is speaking, while we are listening, as in this case, with a great deal of interest, obviously. I wonder whether the various committee chairs could make some inquiries about why we do not do this any more. I am going to seek leave to conclude my remarks because I have not really had time to look at this, but, as the minister has observed in her interjection, the figures have plateaued in relation to gender equality, and that is a bit disappointing. I note that the committees under the auspices of the Minister for the Status of Women, Minister for the Arts and Minister for Transport do very well, indeed, and one would like to see that percentage in all the other areas.

There is no table in here, and maybe there is some information that perhaps another committee member might bring to the Council next week, in relation to what percentage of women are on the boards that are at the highest remuneration levels. I have a feeling that the Office of the Status of Women did something about that at some stage, and maybe the Minister for the Status of Women has some information about that. I recently attended a launch with the Minister for the Status of Women who was launching information for women board members, which was very well attended and a lot of women who are on government boards said how extremely useful they found that information, because it is quite an onerous responsibility and it has legal implications for people. I think it is very important that people, before accepting such responsibility, should understand exactly what they are letting themselves in for. So I think it is very good to highlight these issues. I will continue my remarks in more detail next week when I have had time to look more carefully at this report. I seek leave to continue.

Leave granted; debate adjourned.

ROCK LOBSTERS

The Hon. P. HOLLOWAY: I move:

I. That the Legislative Council notes—
   (a) the complete failure of Primary Industries and Resources SA to fairly and equitably manage the allocation of rock lobster pot licences; and
   (b) the subsequent investigation by the South Australian Ombudsman into alleged anomalies in the allocation process.

II. That this Legislative Council therefore calls on the Legislative Review Committee to investigate and report upon all aspects of the process of allocation of rock lobster pot licences.

I am sure that most members of parliament would be aware of the fiasco that occurred in relation to the allocation of recreational rock lobster licences a week or two ago. I would like, first, to set out the background to these events. Back in 1997 some changes were made to the allocation of recreational rock lobster pot licences. The number of licences that an individual could hold was changed from, I believe, three to two. As new licences were to be issued at that time, the government decided that it would adopt a first in, first served approach, so people had to turn up and lodge their application for these recreational rock lobster pot licences.

A number of allegations were made in relation to that allocation, and it was completely unsatisfactory. In particular, allegations were made that licences were issued to children. In one case, I understand that a child younger than 12 months old was given a recreational rock lobster pot licence. There were also allegations that commercial fishers involved in the rock lobster industry, through their immediate family, friends and relatives, obtained a number of licences. In some cases, I understand that people would come into the department and lodge a number of applications for the maximum number of lobster pots—that is, two—in the names of their friends and relatives.

There were many unhappy people as a result of these events in 1997. To sum it up, I would like to read from a letter that my colleague, the Hon. Ron Roberts, who was the shadow minister for fisheries at the time, wrote to the then minister, and I would also like to refer to the response by the minister. In his letter dated 12 September 1997, the Hon. Ron Roberts wrote:

> Dear minister, I have been approached by a number of constituents from the West Coast of South Australia who have expressed concerns over the recent allocation of recreational rock lobster pot registrations. I understand that the freeze on new recreational pot registrations has been lifted and that a number of new registrations were available from 1 September 1997. I also understand that this was advertised in a number of regional newspapers as well as in the *Advertiser*.
>
> The concerns that have been raised with me concern professional rock lobster fishermen allegedly obtaining extra recreational pots, not only for themselves but at least in one instance two pots for the wife of the person in question, and two for each of the three children. In this instance, that relates to 10 recreational pots plus a professional rock lobster licence within the one family unit.
>
> My question to you as the minister concerns whether the above situation is in fact the case and, if so, how many professional rock lobster fisherpersons have obtained recreational pots? As I understand the situation, recreational pots are exactly that: pots for recreational fisherpersons.

In response, on 26 September, the minister (Hon. Rob Kerin) began by acknowledging receipt of the letter. He then said:

> With the opening of new pot registrations on 1 September, applications from the community at all PISA offices were extremely heavy and all available pots were allocated by 11 September. Numerous public notices had been placed in the major city and regional newspapers to ensure that rural centres had the same opportunity to apply for a pot registration. However, the short period of time from issue of the notices to full subscription meant that even a short delay in applying resulted in some people missing out.
>
> The issue you have raised in your letter concerning applications for pot registrations by commercial rock lobster fishers is an issue that concerns some recreational fishers. However, a recreational fisher is a person who takes fish for his or her personal use no matter what other authorities that person may hold for commercial fishing. The government is unable to deny the issue of an authority to a person because they hold another authority to undertake what is essentially a separate activity. To refuse an application from a commercial fisher may have resulted in an action of discrimination against the government.
>
> Certainly I have received advice that some people arrived at the office of Primary Industries in Adelaide with up to five or six applications. However, these applications were filled out correctly and paid for, so there were no grounds on which to reject the applications. I do not have a record of how many commercial fishers hold a pot registration as there is no necessity for such information. To cross-check over 6 000 pot registrations to determine this information would result in a considerable cost and cannot be justified.

The minister concludes:

> It is unfortunate that some people have been unable to obtain a pot registration, but the rock lobster resource must be managed on a sustainable basis. No further fishing effort—pots—can be allocated to the recreational sector unless a corresponding reduction in effort was to occur in the commercial fishery. Such an adjustment has just been made with the release of extra pots to the recreational fishery.

They are some of the allegations made and the response from the minister back in 1997. As a result of that and some of those allegations, the opposition sought to raise this matter when the regulations came before the parliament. The Legislative Review Committee of this parliament heard evidence from the Director of Fisheries on 8 July 1998 in relation to that effort. I would like to refer to several comments made by the Director of Fisheries at that hearing.

The director, Gary Morgan, confirmed that there were problems. He confirmed in his evidence that a licence was issued to a child less than 12 months old. In fact, it is rather interesting because, when he was questioned about that, he pointed out that the child was supposed to be on the boat and that he was supposed to work the pots. However, the licence was still granted to this child, even though he was less than 12 months old, because there were no grounds for denying the licence application. Clearly, there were problems with the 1997 arrangements and they needed to be addressed. Some 14 months ago, Mr Morgan told the Legislative Review Committee:

> No, the allocation of all pots was for one year only, for 1997-98.

I think the director was incorrect, because I think it was for a two year period. He further said:

> In recognition of some of these problems that came to light, and another problem was the first come, first served basis, which may have disadvantaged people in rural areas, we reconvened the group which would undertake the task of setting up this system. Under the chairmanship of Mr Martin Cameron, that group was asked to do two things: it was asked to do a post-mortem on the problems such as we have been describing in last year's allocation; and to recommend to the minister how those issues can be resolved for 1998-99, how we can improve the system and how we can learn from the process of last year.

As I said, it was my understanding that these were two year licences, and indeed the recommendations related to how we should proceed from September this year when those two year licences expired. Dr Morgan continues:

> That group has now finished its deliberations after taking evidence through public submissions and also very closely examining the problems that were evident in the allocation. That committee has now reported to the minister and the minister is currently deliberating on the report.

That is the situation as it was 12 months ago. I make the point that the report from Mr Cameron's group has not been released. When my office sought to get a copy of this some weeks ago, we were told that, because it was a report to the minister, it was not to be made public. One can only speculate as to whether this group recommended unanimously the arrangements which applied this year and which caused so many problems. However, I call upon the minister to release publicly the report of Martin Cameron's group so that debate on this matter can be conducted on a proper basis.

On the basis of those assurances that I have just read out from Dr Morgan, the director of fisheries, the opposition did not further pursue the matter. We were given the assurance that these irregularities—if I can call them that—in the allocation of licences in 1997 were to be corrected and addressed by this committee and that they were all in hand. Of course, we now know what happened. We mistakenly assumed that the government would have learnt from its mistakes and come up with a more equitable system: in fact, the reverse is the truth. We now know what happened. The government decided to outsource the issuing of licences to Venu-Tix. It was still on a first come first served basis, but it was first come first served through the telephone. Of course, so many people rang the telephone system at 8 o'clock on the morning that this system began that the phone system in parts of the central business district, and I believe the phone systems in other suburbs, broke down, so heavy was the demand.

My point is that the minister should have known that there would be huge interest in this matter, given that the first come first served basis was widely criticised. Many people have complained that they missed out in 1997. It should have been anticipated that there would be a large number of telephone calls at 8 o'clock on that morning in question. A number of allegations have been made as to who was responsible—whether it was Venu-Tix or Telstra—for the problems in the phone system or whether they could have been addressed by either of those two companies. I pass no comment on that matter. I just indicate that the government should have been well aware that it was going to have big problems with this system and, indeed, it should have used another system which was more fair.

It should be pointed be out that this fiasco was made worse by the fact that in some newspapers and country districts of this state the wrong telephone number was issued. I was sent a copy of an advertisement in one of the papers—I think it was on the West Coast—that gave the wrong telephone number. So, people in those communities who wished to get a recreational rock lobster licence were given the wrong number to ring. When these problems became apparent, just after 8 o'clock on the morning of that phone in, the government should have scrapped the system then and there. It should have immediately called it off when those problems became apparent. Instead, the government, as is its wont, decided to continue with the process and, indeed, I allege that the government compounded errors along the way by doing that. Apparently, when it was realised that there was a fiasco, a number of people were given another telephone

number to ring. Indeed, a caller rang my office at 3.30 that afternoon.

After trying to get through all day, he said that he had rung through to the Premier's office and been given an alternative number to ring, that number being 8223 1450. However, when he got through on that number, he was told that the allocation had been closed off and all the available pots had been taken just after 3 o'clock, so he was too late to ring that number. The question is how many other people who had rung this alternative number had got through and got their licences. Indeed, that is a matter that I understand the Ombudsman has been looking at. It certainly illustrates what a fiasco this exercise was.

As a result of the public backlash against this problem, the Ombudsman initiated an investigation into irregularities associated with the allocation of recreational rock lobster licences. In moving this motion calling on the Legislative Review Committee to look at the processes involved, I do not propose that we should double guess the role of the Ombudsman. The Ombudsman can quite properly address any specific anomalies that occurred. However, his investigation will essentially be limited to any specific problems with that process. Rather, a parliamentary committee should look at the broader issues and, in particular, we should look at whether there are better ways in which we can allocate recreational rock lobster licences in the future. The committee should also be able to discover the reasons for this incompetence in the allocation process. It is in the public interest that that be exposed, and hopefully some recommendations can be made for a better system in the future, certainly much better than those that were obviously proposed in the Cameron report.

This committee could profitably answer some other questions such as: what was the cost to the taxpayer of the Cameron report? It was certainly a complete waste of money; there is no doubt about that. As I said earlier, that report should be released in the public interest. We should also be asking: what was the cost of using Venu-Tix to allocate these licences? As well, we could ask why commercial rock lobster fishers were still able to obtain licences. From inquiries that I made subsequently, it is my understanding that, as a result of the Cameron report, there had been some changes to procedures. One of them was to get rid of this problem about young children getting licences. An age limit of 15 years was imposed on who could get licences, and that was certainly a sensible measure. However, there is nothing in the publicised conditions about applying for a licence that limits commercial rock lobster fishers or, indeed, other commercial fishers. That is a matter that does need to be investigated. It is my understanding that the various associations had put the request to their members that they should not apply for these recreational licences as it did not look particularly good. I have no confirmation that that took place or, indeed, that it was abided by in either the letter or the spirit. That is an issue that still hangs over this whole question of the allocation of recreational rock lobster licences.

In relation to the future, a number of options could be looked at. On behalf of the opposition, I proposed that, if we were to have a limitation on the number of licences that are available, it would have been far preferable to have a write in system where people had to put in their applications by a certain date, then all those applications could have been put into a barrel and the required number drawn out. That has the great advantage of fairness being seen to be done. Everybody has an equal opportunity when their application is in the barrel, and the applications can be checked to ensure that there is compliance. When you are ringing in, there is limited scope to ensure that the process has been fair.

Some of the other options that may well be looked at in relation to this fishery in the future is whether a tag system may be a better system for allocating these licences. The other thing that has happened since this event is that the government has released a comprehensive survey of recreational rock lobster fishers which indicates that the catch under that fishery of some estimated 67 tonnes per year is actually less than was estimated. When Dr Morgan appeared before the Legislative Review Committee in July 1998, he suggested that the catch could be up to 200 tonnes. Clearly, if this survey is correct, the catch may well be less than has been estimated, in which case the view is being put by some sectors of recreational fishers that more licences could be issued.

It is my view that we should be cautious about this. One thing on which I agree with the minister is that we must ensure that this fishery is managed in a sustainable way, and we should proceed carefully before we issue any new licences. The only point that I wish to make is that this survey raises some new issues which could be considered productively by the committee.

Under the system that the government has adopted, I believe there is a great deal of what I might describe as political instability in respect of these two year licences. If people are to get a licence for two years and make a considerable investment not just in rock lobster pots but in boats and equipment and then lose their licence in a ballot after two years, I think we will have some unhappy people and there may be greater temptation for the law to be breached by the catching of rock lobsters illegally than otherwise would be the case. I think that is another matter that needs to be addressed by this parliament before we issue licences in the future.

I hope that the case I put forward so far illustrates why there is a great need for a parliamentary committee to examine this recreational rock lobster licence fiasco. Why should we ask the Legislative Review Committee to do this job? As I previously indicated, this committee conducted a review of rock lobster pot licences in July this year. So, I believe it has the benefit of having prior experience in dealing with this matter.

I note, too, that the committee comprises my colleague the Hon. Ron Roberts, who was the shadow minister in this area and has considerable knowledge of fisheries; the Hon. Ian Gilfillan, who is his party's fisheries spokesperson and has considerable knowledge; and the chairman, the Hon. Angus Redford, who has a keen interest in matters relating to fisheries and knowledge and expertise in this area. So, I believe the committee is appropriate to deal with this issue.

I am also aware that other committees such as the ERD committee have a considerable backlog of matters. However, I point out at this stage that I am aware that there may be some restraint under the Parliamentary Committees Act regarding what the Legislative Review Committee may investigate and whether this matter comes under its jurisdiction.

I understand that the original regulations were reviewed by the committee. So, I believe that may be an avenue through which the Legislative Review Committee can properly examine these matters. However, it may be that I will need to amend this motion slightly. I will have to ask one of my colleagues to do that. At this stage, I seek leave to continue my remarks so that I can check the correct proced-

ures, and when we return in several weeks I will be in a position to deal with that problem. I believe that this motion is sensible. It makes good commonsense even if there are some legal problems for the Legislative Review Committee to look at this matter given that it has considered the issue in the past. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

TAIWAN EARTHQUAKE

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

I. That the Legislative Council notes—

(a) the terrible and devastating earthquakes which struck Taiwan on 20 September and 26 September 1999;

(b) the enormous loss of life which is still rising;

(c) the horrendous number of injured persons who will need medical and other services for many years to come; and

(d) the extensive property damage that has occurred because of these natural disasters.

II. That this Council calls on the state and federal governments to—

(a) do whatever they can to assist the Taiwanese people in their hour of need; and

(b) send official messages of condolence to the Taiwanese people expressing regret and sympathy for the effects of this terrible tragedy.

III. That this Council expresses its own sorrow at the terrible loss of Taiwanese people.

IV. That this resolution be forwarded to the Taipei Economic and Cultural Office in Melbourne.

We were all shocked when we awoke to the news of the tragedy of the Taiwanese earthquake on 21 September and the subsequent aftershock on 26 September. The human toll as at today is: 2 200 people have been killed; 2 500 people are missing (although there are conflicting reports concerning that figure); 8 200 people have been injured; and in excess of 100 000 people are homeless.

The enormity of the tragedy goes well beyond the media that we see. I was struck only the other evening by the picture of an eight year old who had been trapped for six days being pulled out of the wreckage of the earthquake. One can only begin to comprehend the enormous stress on the parents and family of that young child.

To put the earthquake into some context, I think it registered 8.1 on the Richter scale compared with the 7.9 Richter scale earthquake which struck Turkey some months ago and as a result of which 15 000 people died. The fact that Taiwan suffered a significantly lower death toll than Turkey is a tribute to the Taiwanese people, their system of government, their building standards, and their disaster management arrangements. I am sure that much can be learnt by our emergency services from the way in which they responded to this enormous tragedy.

I was struck by the article in the *Advertiser* of 22 September which reported the result of the aftershock in Taipei. The bottom storeys of the 78 room Sungshan Hotel collapsed causing the building to list to one side. Taipei is a considerable distance from the centre of the earthquake. I understand that a woman who was pulled from the wreckage kept urging rescuers to look for survivors. She said, 'Hurry, go rescue people. They're in there. They're inside. I lived on the ninth floor but now it's the fourth floor.' That paints some of the picture of the suffering of these people.

There are also things that we do not see such as the loss of electricity, the spoiling of food, the uncertainty of people's future and employment prospects, their ability to bring together their family and friends and the structures that they had, and, as we would understand, the strain on hospitals.

One might wonder why I feel so strongly about Taiwan. Taiwan is Australia's fifth largest trading partner and growing. It is a constitutional democracy and has a total area of 36 00 square kilometres (about the same size as Tasmania) and it has a population of over 21 million people, or slightly more than that of Australia. In the past few years its economic growth has been between 6 per cent and 8 per cent. Its constitution is modelled on the United States of America and it has a system similar to a federal system of government. It is a trading country and it is very important to world trade and the world economy. It exports $US93 billion per annum and imports $US85 billion per annum, showing a trade surplus of $8 billion.

From 1991 to 1994 it invested the huge sum of $45 billion in mainland China. I understand that that investment growth has substantially diminished and that it is now becoming a major investor in some of our important trading partners in the South-East Asian region, including the Philippines, Malaysia and Indonesia. I also note that Taiwan is a significant investor in this country. Indeed, the very important Kistler project announced by the Premier recently at Woomera is substantially funded by Taiwanese investors. It is a country that traditionally has been involved in food processing, textiles and leather and wood products but has now become a first world country in the manufacture of sophisticated consumer goods, super conductors, computers, computer software, and the like.

Taiwan is a major consumer of coal and gas resources. Indeed, Australia enjoys a balance of trade surplus with Taiwan and one, I hope, which is noted carefully by those who make foreign policy on our behalf in Canberra, and in that regard I refer to the Department of Foreign Affairs. I should start with the response to the tragedy from South Australia. It should be noted that there has been some government response to this enormous tragedy. The Minister for Justice and Consumers Affairs (Hon. Trevor Griffin) announced last Thursday that one of our leading search and rescue experts would fly to Taiwan and, indeed, I note that David Kemp, a station officer with the Metropolitan Fire Service, flew to Taiwan last week with the wishes of the government and, indeed, all members in this place. I hope that Mr Kemp can provide great assistance there.

The Australian response in an official capacity has not been great, particularly when one compares it with other countries. I am pleased to see that the Australian Taiwanese Chamber of Commerce spokesman, John Lee, arranged a memorial service, and World Vision Australia has launched an appeal to raise funds for the setting up of temporary shelters and the provision of medical aid. Indeed, the response from mainland China, the political enemy of the Taiwanese government, has also been strong, decisive and quick. The Australian response, though, from an official capacity, leaves a lot to be desired. That is unfortunate. I have received a number of pieces of correspondence in relation to this tragedy, but one letter I received last week states:

> I have found media reports of Australian aid for Taiwan through the federal government very sketchy, and apparently (possibly because of a lack of information) disturbingly small. I believe action should be taken to inquire as to useful aid that can be provided from South Australia. I imagine the likely possibilities, linked to industries in South Australia, include health services supplies (e.g. Fauldings), certain types of food supplied by South Australian producers, and possibly earthmoving equipment (through mining or construction companies—sea delivery will be long, but the need is great and there are not many nearer potential suppliers). Since much of the matter is a federal concern I would also like to receive a federal contact so that I may approach in relation to this matter.

I can assure the author of that document that I will pass on his sentiments, but they do reflect my views. The international response has been strong: 14 countries have sent earthquake specialists to the island, including the United States, Russia, Switzerland, Turkey, Japan, Singapore, South Korea, Israel and the Philippines—all strong and great countries in the world today. Whilst the chances of rescue have been described as slim, those international bodies are being deployed across 1 000 square kilometres of the epicentre of the disaster using trained dogs, sonar and heat-seeking equipment.

I understand that the US team reported success in locating six survivors in the Yunlin county. There have been aftershocks, too, on a regular basis. Indeed, one six year old boy was found alive under the rubble of a collapsed apartment more than three days after the earthquake toppled the building. The boy was found by South Korean rescuers when they detected him under the building rubble. Damage has also been significant. The mayor of Nantou county, which was the epicentre of the quake, announced that a quarter of his town had been destroyed. One would find it difficult to imagine that sort of event occurring in a city such as Whyalla or Mount Gambier.

The major aftershock which took place on the second date referred to in the motion killed three people and 568 people were injured. Rescuers continued and, indeed, two brothers were found two days after the incident. On a lighter note, the two brothers, aged 20 and 26, were reported as saying that to while away the time awaiting their rescue they played cards—a not un-Australian activity, I might say. One thinks of the incident which received enormous publicity in this country but which pales into insignificance compared with this disaster—the rescue of Stuart Diver. From what I understand and from the information provided to me there have been literally dozens of Stuart Diver type rescues in Taiwan.

In relation to the business response, the government has acted quickly to ensure financial stability. In fact, the government has announced that it will intervene in stock prices to limit any falls. The government has also introduced price controls to prevent the charging of exorbitant prices for necessities. This is an enormous tragedy, and to see the lives of so many people affected by such an extensive natural disaster is distressing to all of us in this chamber. I urge members to do what they can in terms of any donation to World Vision, or the like, to support these people.

Taiwan is an important part of this region and, as I have said, it is a significant trading partner to Australia. Despite some diplomatic difficulties that arise from time to time—and I do not think it is appropriate that I talk about them here—Taiwan could only be described as a good friend of ordinary Australians. I have no doubt that if Australia suffered a similar disaster Taiwan's response would be swift and decisive. I commend the motion.

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

GAMBLING INDUSTRY REGULATION BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to reform and regulate certain aspects of the gambling industry; to amend the Gaming Machines Act 1992, the Casino Act 1997, the Lottery and Gaming Act 1936, and the Racing Act 1976; to provide for the removal of gaming machines from hotels within five years; and for other purposes. Read a first time.

The Hon. NICK XENOPHON: I move:

That this Bill be now read a second time.

In substance this bill is almost identical to the bill that was introduced into this chamber in the previous session. Members are aware that I made an extensive contribution on that bill on 26 May 1999. I do not propose to unnecessarily restate what was contained in that contribution and the references made to various material in relation to it. However, there are a number of changes and I propose to deal with them sequentially in brief order so that members are made aware of the relatively minor differences between the two bills and some alterations with respect to the previous bill.

I will deal first with the bill that I have just introduced. Clauses 18(2) and (3) relate to the maximum penalties with respect to interactive gambling being raised from $5 000 to $20 000 to be consistent with maximum penalties under other clauses of the bill. In comparison with the bill that was filed in the last session, in part 5, clause 18(3), the current bill drops the definition of 'gaming act' because, following advice from parliamentary counsel, it was deemed to be no longer necessary. Further with respect to clause 18, subclause (3)(c)(ii) has been dropped as unnecessary because competition or other activity in which the outcome is partly dependent on the player's skill is by definition partly dependent on chance and therefore is covered in clause 18(3)(c). Competition or other activity in which the outcome is wholly dependent on a player's skill is not gambling, in the view of parliamentary counsel, so on the basis of that advice the changes have been made.

Clause 21(a) relates to specifying warnings that are to be carried on machines, including on the actual screen of a machine, so it goes further than the previous bill. In terms of clause 25, there is a prohibition on the cashing of cheques unless there are no ADI facilities within 10 kilometres. That was previously referred to as bank facilities and that has been changed because of the definition of banks in the Acts Interpretation Act as ADI, representing an authorised deposit-taking institution. The measure contained in clause 37 of the earlier bill has been withdrawn from this bill because of the provisions contained in another bill that I will introduce today in relation to poker machines at the Casino.

Clause 38(d), which in the previous bill was clause 39(d), refers to changes to the provision dealing with a local community. It has been changed to read:

> . . . persons within the area likely to be served by the facility on the premises the subject of the application of which the commissioner is aware.

This clause has been amended following consultation broadly in relation to the bill and feedback that I received from bodies that have a particular interest in this measure. I refer also to the Nundroo decision of the Liquor and Gaming Commissioner and the Licensing Court judge in relation to this matter. There is a concern that, in some cases with respect to Aboriginal communities, the previous clause did not cover the field and the feedback from Aboriginal communities indicated concern that this clause should be changed to reflect a broader scope in its operation. Clause 40(b) in the new bill was formerly clause 41(b) of the old bill, and that also changes the wording of 'views of the local community' for the same reason that I have just referred to.

Clauses 55 and 56 of part 9 in the new bill are new provisions to cover trade promotion lotteries and to reduce the amount of prizes that can be offered in terms of trade

promotion lotteries. This arose as a result of concern over a particular trade promotion lottery involving a snack food company and Lay's potato chips. The promotion involved the movie *Star Wars* and used an instant scratch ticket that was almost identical to the sort of instant scratch tickets that can be bought by persons over the age of 16, and that promotion was clearly aimed at young children. It was a $10 000 prize. Instances were reported in the national media and also by gambling counsellors in South Australia, particularly Mr Vin Glenn of Adelaide Central Mission, of young children stealing to buy 50, 60 or 70 packets of chips. There was a concern that such trade promotion lotteries can in some circumstances lead to increased levels of gambling and problem gambling in the future and, for that reason, that clause has been inserted.

In terms of part 10 of the bill, clauses 57 and 58 relate to TAB accounts with respect to the lodgment of funds from credit card facilities. As members may be aware, I have raised this issue on a number of occasions in the Council as to the TAB's current credit card facility which I believe will cause, and may well have already caused, an increase in problem gambling rates. This provision ensures that people cannot use credit card facilities to put additional funds in their TAB account. That will be prohibited.

Clause 52 of the earlier bill has been removed because it is covered in the Casino (Miscellaneous) Amendment Bill, which I will introduce shortly. The earlier clause 56 has been removed as it is also covered in the Casino (Miscellaneous) Amendment Bill, and clause 57 in the earlier bill is now clause 54. I hope that explanation has made the basis of any changes clear to members.

I simply reiterate the remarks that I made previously in this chamber on 26 May. Since that time the Productivity Commission's draft report into Australian gambling industries has been issued for public discussion, and its final report will be released, as I understand it, on 26 November. In any event, a number of the comments made in the Productivity Commission's draft report will provide valuable material for members on top of the work done by this Parliament's Social Development Committee and should alert them to the fact that this is an important issue, that it cannot be ignored and that a number of the provisions in the Bill reflect a number of the findings of the Productivity Commission and the Social Development Committee. I commend the Bill to members.

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

CASINO (MISCELLANEOUS) AMENDMENT BILL

The Hon. NICK XENOPHON introduced a Bill for an act to amend the Casino Act 1997; and to make a related amendment to the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this Bill be now read a second time.

This Bill is being introduced to deal with a number of matters that I consider this Council should look at as a matter of urgency. I will deal with the clauses shortly. It has arisen because of amendments to the Casino Act which the government moved in the previous session and which were passed. At that stage I moved a number of amendments to strengthen consumer protection provisions and to provide a number of additional safeguards, and I noted the comments of the government and the Opposition that they felt that they needed more time to consider them. Undertakings were given that these matters would be considered in due course if a Bill were introduced, and this Bill now deals with those matters.

I refer members to the comments that I made when I moved these amendments in the previous session, and I do not propose to unnecessarily re-state them. Clause 2 seeks to ensure that the Adelaide Casino takes into consideration the adverse personal effects of gambling on persons who gamble at the Casino and also their families. I would have thought, that it would not be contentious given the Productivity Commission's remarks in its draft report that the gambling industries are not ordinary businesses, and that they are quite unique businesses given their potential for a social and economic impact. This clause is reasonable and necessary in the circumstances given the level of problem gambling and gambling addiction in the community brought about by a concomitant increase in the accessibility of gambling and the type of gambling products that are available.

Clause 3 requires a licensing agreement to be approved by both houses of parliament—in other words, before there is a change of ownership of the Casino and before there is a new licensing agreement it needs to be approved and be subject to the scrutiny of both houses.

Clause 4 relates to the approval of management systems and the like in terms of authorised games, the provision of a copy of the rules and a summary of the rules to patrons of the Casino, and it requires information about gaming rules and the payment of winning wagers and the odds of winning for each game to be prominently displayed at the Casino—essentially, to give details of the possible minimum and maximum wagers and to at least give advance notice to the players of games.

This clause mirrors the provisions of the New South Wales Casino Control Act. It is not, I would have thought, a radical clause for members to consider as regards whether they have views one way or the other as to the desirability of gambling in the community: it simply gives consumers a greater degree of information. This clause is entirely consistent with the Productivity Commission's concerns that consumers ought to have a greater degree of informed consent before playing games.

Clause 5 relates to the prohibition of certain types of gambling, in particular interactive gambling. It was not included in the amendments that I moved during the last session but has now been included as a result of matters raised by the Hon. Carmel Zollo with the Treasurer and concerns his response, which appears to be that whilst the Adelaide Casino does not have a licence to provide Internet gambling it can obtain a licence if it complies with the current legal position, which is to obtain permission from the Casino Supervisory Authority.

I would have thought that a number of members would think that that is inadequate, given that there is now a select committee inquiry into Internet and interactive home gambling, and that it would be reasonable to ensure that the parliament has the ultimate say as to whether the Casino offers Internet and interactive home gambling. It would be a very big step if the Casino offered this, and if the Adelaide Casino began to offer these services there is a very real concern as to the impact it could have on levels of gambling addiction in the community.

I refer to an anti-gambling colleague of mine, the Reverend Tim Costello, who has said on a number of occasions that with Internet and interactive home gambling you will soon be able to lose your home without ever having

to leave it. This provision is something that needs to be considered by all members. It simply ensures that parliament has the ultimate say as to whether we allow the Adelaide Casino to offer a new and potentially very addictive form of gambling and the sorts of controls we ought to have with respect to that.

Clause 5 refers also to a prohibition on gaming machines that are not operated by coins. This again relates to the issue of pokie smart cards. There were reports in the media last month that two leading poker machine manufacturers were considering smart cards for poker machines, which would effectively mean that a player could deposit money on a smart card and play a machine in a cashless way. I have received advice from two leading researchers and treatment providers on gambling addiction in this state—Mr Barry Tolchard of the Centre for Anxiety and Related Disorders at the Flinders Medical Centre and Dr Paul Delfabbro of the Department of Psychology at the University of Adelaide—and also from the Department of Social Administration and Social Work at Flinders University.

In due course I would like to table those two reports that have been provided to me in relation to the potential effects of smart cards. This is a very important issue, given the remarks that have been made by the Premier that he does not see a particular problem with them. I understand that similar remarks have been made by the Treasurer and by the shadow treasurer and, given the remarks of a number of very senior members of this place and the other place, I would have thought that it is important that we place on the record, in *Hansard*, what Mr Tolchard and Dr Delfabbro are saying about the potential effects of smart cards on gamblers. I would like to read into the record what Mr Tolchard said, as follows:

Overview

Gambling is an activity enjoyed by most people in Australia. For the majority it is 'harmless' fun where the individual is in relative control of their behaviour. However, there are some individuals with whom this control has been lost and they begin to experience difficulties with their gambling. This group can be roughly split into heavy gamblers and problem or pathological gamblers. We are aware that the lifetime prevalence for pathological gambling is approximately 2 to 3 per cent of the population. However, at any one point in time this prevalence can vary, with some of the heavy gamblers experiencing serious enough problems that they would reach a diagnosis for pathological gambling. There are a number of factors that could contribute to this, the most common factor being the easy or increased access to gambling activities such as the introduction of electronic gaming machines into hotels and clubs.

A second factor is the introduction of new and novel aspects to the available gambling. This could include changing machines regularly, having easier ways of betting on the horses and lotteries and incentives to gamble at certain places. Finally, the last factor is an interpersonal one in which the person's current circumstances increase the possibility of them becoming out of control in some behaviour or other. This final factor would include loss either through losing a loved one, job, status, etc., or through high levels of perceived stress. All people are vulnerable to the factors described, and heavy or pathological gamblers are particularly vulnerable to increased gambling when such factors are present. Therefore, the introduction of something new such as smart cards will clearly have some effect on the overall harm gambling causes to some individuals.

Smart cards

The specific problems that may be associated with smart cards are outlined in the table below. First, we have to understand the possible avenues that could be taken in introducing such cards. We are aware of smart cards in a number of areas of life. We are able to buy phone cards for use with public telephones; there are health status cards that carry all of the health information of individuals, and bank cards that are used to store all financial information. The simplest form of card is the simple cash value card where the only information stored is a sum of money pre-paid beforehand. More complicated cards can store huge amounts of information, including financial status, criminal record information, health status, etc.

One of the more commonly used approaches to smart cards is the accrediting of loyalty points for a person carrying out some activity usually involving spending money or time on a particular activity. Hotels where points are awarded for frequent play and can be redeemed later for so-called 'prizes' already use this type of card. We are aware of course that the value of the prizes and the amount lost to gain the points are poles apart. This second form of card will pose the greatest problem to gamblers. However, the simpler card will also present a number of new problems to gamblers.

The overall conclusion to the introduction of such cards is that it would add extra burden to gamblers and without doubt increase the total number of gamblers experiencing serious problems.

There is a table referring to the types of cards and the sorts of associated problems. Without reading all of that into the record, Mr Tolchard refers to the simple cards as follows:

There will be a divorcing from the gambler's mind between the amount of money they are spending and their gambling activity. This lack of concept between spending is already evident in the use of credits rather than cash being displayed by the machines.

Smart cards may entice non-problem gamblers to take higher risks. Also, non-gamblers may be given cards like book tokens and so start them on the road to gambling. . .

Underage gamblers may be able to access smart cards and enter hotels more anonymously than they can at present. . .

The cash amounts of the cards will be set at specific values such as $5, $10, etc., resulting in the gambler possibly buying a higher value card than they may have spent in cash.

In relation to complex cards, he states:

The card may contain information that could be used by the hotels or clubs to target specific people who would invariably be the heavier gamblers. This would be an extension to the prize draws, etc. designed to get the heavier gamblers into hotels. . .

Hotels may issue high status cards for those who gamble more often. . .

Mr Tolchard's remarks are considered. They are considered by a person who works in this field, who is respected in this field, and I urge honourable members to consider his remarks, and, if necessary, to contact Mr Tolchard with respect to that. I refer now to the remarks of Dr Delfabbro. Dr Delfabbro says:

I was also dismayed to read of the proposed introduction of smart cards to South Australian gambling venues. Despite the reassurances of leading members of parliament, I also agree with your view and that of other concerned parties that smart cards will lead to a significant increase in poker machine expenditure in South Australia. I hold this opinion for the following reasons:

1. Smart cards are yet another form of tokenisation. The availability of credit systems on poker machines serves to suspend player judgment and makes players less mindful of the fact that they are spending money. Rather than having to reinsert coins every few minutes, as is presently the case, all gambling will be internally controlled, so gamblers will be even less likely to see a direct association between each gamble and losing money. Research by Griffiths in the United Kingdom suggests that greater tokenisation is associated with greater gambling expenditure.
2. Smart cards may encourage gambling. Once a person has spent money on a smart card, they will treat the expenditure as having already been made. Thus, using the card will become a way of 'getting what they paid for'. People who have purchased a card and have not spent all the money on it (e.g. there is $5 left) will be tempted to spend the money in the easiest, most convenient way possible. Pokies will provide an obvious choice for this sort of residual expenditure. This will probably occur even when the cards have not been specifically purchased for gambling.
3. Smart cards make gambling more accessible. If one possesses a smart card it is no longer necessary to walk up to the cashier window, hand over cash and obtain coins. One can simply walk into a gambling venue, insert the card and commence gambling. Similarly, when a person is about to leave a gambling venue, having cashed in his/her winnings, the possession of a smart card will allow that person to recom-

mence gambling almost immediately. Research by the Australian Institute for Gambling Research has consistently shown that 'being unable to resist the temptation to gamble' and 'being unable to stop gambling once gambling has commenced' are two of the most important components of 'impaired control' over gambling behaviour.

4. Smart cards allow people to gamble more quickly. The amount of time spent putting coins into the machines will be significantly reduced by the introduction of smart cards. This will increase the amount of time available for gambling. People will also be able to change machines much more rapidly without having to eject their coins, collect them and reinsert them into another machine.
5. Smart cards could foster underage gambling. One of the major factors which limit the involvement of young people in poker machine gambling is the refusal of hotel staff to convert their banknotes into coins. The fact that cards can be obtained externally, brought to gambling venues and inserted into machines without staff involvement will make it easier for young people to circumvent gambling laws.
6. Smart cards could have similar effect to bill-feeds. Research conducted by the Australian Institute for Gambling Research (Haw, 1997) showed that the strongest predictor of expenditure on poker machines was the availability of bill-feeds (i.e., devices that allowed players to insert notes into the machines). Thus, recent comments by the Treasurer concerning the similarity of smart cards to coins may be misleading. A better comparison is that smart cards will be treated like substitute banknotes. If this is so, then the New South Wales experience suggests that there will be a considerable increase in gambling expenditure in South Australia.

For these reasons it is my view that the introduction of smart card facilities to South Australian gambling venues should be strongly resisted.

Again, I urge members to look at the work of Dr Delfabbro. He is a person who has carried out a number of extensive surveys on gambling in this state. He has completed a doctoral thesis on gambling, and he is somebody who ought to be listened to by members of parliament who are concerned about the impact of problem gambling in the community. I sincerely hope that the weight of the evidence, the weight of the opinions of Mr Tolchard and Dr Delfabbro, will cause the Premier, the Treasurer and the shadow treasurer to reconsider their view on the introduction of smart cards. Again, it is consistent in many respects, given the similarities between the impact of smart cards and the bill-feed machines, that we ought not to have either and, given that the Social Development Committee has made a clear recommendation not to allow bill-feed machines, that strengthens the view that smart cards ought not to be allowed.

Clause 6 of the bill refers to intoxication in the Casino, and I referred to that previously when I moved an amendment in the previous session. Effectively, that puts an onus on the Casino to be proactive to ensure that intoxicated persons do not gamble in the Casino, and, given the research that has been carried out that indicates that there is a very clear link between levels of intoxication and gambling losses, this is a clause that I commend to members.

Clause 7, which refers to the liability to casino duty, ensures that the Casino contributes in a substantive way for gamblers' rehabilitation. It is an anachronism that the Casino and other gambling codes, apart from the hotels and clubs, do not contribute to gambling rehabilitation in this state. Again, this is consistent with the measures put forward by the Social Development Committee.

Clause 8 refers to disciplinary action and substitutes $100 000 with $1 million. This is consistent with provisions of the New South Wales Casino Control Act and brings it into line with community expectations that there ought to be a substantial penalty for breaches of the act. Clause 9 is an amendment to the Gaming Machines Act in relation to ensuring that bank notes or tokens, including smart cards, not be used and that only coins can be used for the purposes of gambling.

I urge honourable members to deal with this bill expeditiously, given that we could well be seeing the introduction of smart cards or an attempt to introduce them into gaming machines in this state within the next few months. I seek leave to table the reports of Mr Tolchard and Dr Delfabbro to which I have referred.

Leave granted.

The Hon. NICK XENOPHON: I commend this bill to the Council and urge honourable members to deal with it expeditiously.

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

CHRISTIES BEACH WOMEN'S SHELTER

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

That this Council notes—

I. The request by former workers of the Christies Beach Women's Shelter Incorporated to have a statement incorporated into *Hansard* in accordance with the Resolution of the Legislative Council passed on 11 March 1999.
II. The decision by the President of the Council not to allow the statement to be incorporated and expresses its regret with that decision.

During the last session a motion moved by the Attorney-General was passed: it allowed for a response in *Hansard* from people who felt that, under parliamentary privilege, they had been in some way misrepresented or whatever. We in this place are all aware that former workers from the Christies Beach Women's Shelter had sought to avail themselves of that opportunity which had been offered for the first time in either of the houses of the South Australian Parliament—something which some people have been advocating for some years, as I have. I was pleased to see that we had such a motion on our notice paper.

However, when the former workers of the Christies Beach Women's Shelter sought to avail themselves of that opportunity, it was refused. Indeed, Mr President, you gave some reasons to this place at the time. There was no motion of dissent or anything else at that point. Clearly, nobody in this place knew the precise content of the submission that was made by the women, but I have since spoken with the women from the Christies Beach Women's Shelter and have had an opportunity to see their submission.

We passed the original motion to allow responses in *Hansard* because, even though everybody in this place supports the notion of parliamentary privilege, we recognise that from time to time it is abused—sometimes deliberately, sometimes unintentionally due to bad research or whatever, but it is misused. And, in some cases, real damage is done to people. In the nearly 14 years that I have been in this place, I cannot think of another case where parliamentary privilege had been used by a member of parliament and had done more damage to individuals than this particular case. We have all done it, and I think I have probably made some mistakes on one or two occasions, but I think they have usually affected other politicians. That sort of thing will happen from time to time, although I would have to say it was not done with intent, although on one occasion I can think of my research had not been thorough enough.

Here we have a case of a number of people who had been seriously impacted upon and who were seeking redress. For those newer members of this place, those who have come in only during the past 12 years and would not be fully aware of the problems in relation to this issue, I point out that the problems first emerged when the then Minister for Health, the Hon. Dr Cornwall, tabled in this place a report entitled 'Shelters in the storm'. At page 65, that report stated:

> Examples of unsubstantiated allegations made to the department about deficiencies in financial management, unacceptable management practices, and professional and personal misbehaviour, include persistent over-spending and inadequate financial recording operating costs used to augment salaries without the authorisation of the department, inadequate personnel records and ineffective control of personnel and resources, the granting of excessively generous terms and conditions of employment, inappropriate personnel and financial management, misappropriation of funds, failure to cooperate with departmental personnel in the normal course of funding procedures, sexual harassment, physical harassment and intimidation, professional negligence, unprofessional inappropriate and exploitative client counselling practices, including breach of confidentiality.

It was a 65 page report, of which I think about seven pages referred to the Christies Beach Women's Shelter, because the report theoretically looked at all the shelters in South Australia. It was really the content of those paragraphs that received the most publicity. In fact, I recall one of the authors of the report appearing on the *7.30 Report*. I am not certain if the minister himself did not appear on the *7.30 Report*, but it was reported on the front page of the *Advertiser*—it was everywhere. As members can recognise, all that stuff sounds pretty damn serious, and one assumes that, when a minister tables a report, a great deal of care has been taken.

At that time the women who worked at the shelter and people from the management board itself had all been substantially impacted upon. In fact, the workers lost their jobs virtually on the spot, and many of them struggled for years to get work: some to this day have never returned to the sort of work they would have expected to be able to do otherwise. Some people have gone interstate and others have had mental breakdowns. All sorts of things have occurred as a consequence.

Police investigations involved the interviewing of 200 people and, at the end of all of that, there ended up being one charge which related effectively to the keeping of the books, and it was of such a technical nature that the judge threw it out of court without any penalty and said that the money spent in pursuing the case would have been better spent on the women and children affected by domestic violence rather than being used in that way.

It is also worth noting that this Council eventually set up a select committee. The last three sentences of the conclusions of its report stated:

> Following consideration of all written and oral submissions, the select committee is of the opinion that many of the unsubstantiated allegations stated on pages 65 and 66 of the document 'Shelters in the storm' remain unsubstantiated. For that reason, unsubstantiated allegations should not have been included in the report, and hence should not and would not have been used in parliament as part of the explanation given for the defunding. The select committee in the strongest possible terms condemns the use of those unsubstantiated allegations by the authors of the report 'Shelters in the storm.'

The fact is they were used in this place under parliamentary privilege and could be used in the public arena against these people. That was the unanimous conclusion of the committee that was established.

To this day, I believe very strongly that justice has been denied to the former workers and the people on the management committee of the Christies Beach Women's Shelter. Even after all this time, the pain is so great that they have sought an opportunity to have their response tabled in this place. As I said, I sought to have a look at the letter members of the shelter had lodged with the President, and I said to them that I thought there were probably three areas where they themselves may have been accused of making judgments or allegations about others and that that really would not be consistent with the agreement that had been reached in this place by the passage of the motion. However, they were minor changes and required the removal of about 10 words. Those changes now ensure that the document fully conforms with what this place understood it was supporting when it passed that motion.

I will read the letter, as amended, so that it does not make allegations and judgments about other people. Justice demands that the letter, which explains in their own words—although my suggestion is with a few words removed—the reaction of members of the Christies Beach Women's Shelter to what was said about them, be included in *Hansard* simply to set the record straight. In this case, the letter is now addressed to me, as follows:

> We, the undersigned former workers of the Christies Beach Women's Shelter Incorporated, wish to respond to allegations made about us in the Legislative Council under parliamentary privilege and, in accordance with the resolution of the Legislative Council passed on 11 March 1999, we wish to have this reply incorporated into *Hansard*. We have been adversely affected by the allegations made in the Legislative Council.
>
> The Hon. John Cornwall made extreme allegations about us in a ministerial statement which he delivered in the Legislative Council on 11 August 1987, announcing the defunding of the Christies Beach Women's Shelter. The allegations were taken from a report he tabled on that day entitled 'Shelters in the Storm', which contained unsubstantiated allegations about the personal and professional misconduct of us, the employees of the organisation.
>
> In his ministerial statement, Mr Cornwall referred to 'deficiencies in financial management and unacceptable management practices and professional and personal misbehaviour' of the staff of the Christies Beach Women's Shelter. He further stated that 'there is no other shelter about which claims of this nature and volume have been received'.
>
> The Attorney-General, the Hon. Chris Sumner, was questioned in the Legislative Council on 19 August 1987 about the withdrawal of funds from the Christies Beach Women's Shelter. He supported the termination of funding on the basis of a recommendation contained in 'Shelters in the Storm'. He stated that 'the government accepted that recommendation'. However, the report at all times acknowledged that the allegations against the Christies Beach Women's Shelter were not substantiated.
>
> In Estimates Committee on 23 September 1987, Mr Cornwall referred to us as 'bully girls' who attempted to intimidate Department for Community Welfare officers by using 'political muscle'.
>
> On 22 October 1987, Mr Cornwall severely aggrieved us several times when he spoke to a motion moved in the Legislative Council. The motion condemned Mr Cornwall 'for his pre-emptory and destructive action by his defunding of the Christies Beach Women's Shelter'. In his speech, Mr Cornwall repeated the allegations from the 'Shelters in the Storm' report as though they were fact, although the report clearly stated that the allegations were unsubstantiated. He claimed that the 'maladministration' of the shelter and 'uncertainty about services to clients' justified the withdrawal of funds. He also claimed that our attempts to defend ourselves were 'a classic strategy of obfuscation'.
>
> In this speech, Mr Cornwall claimed that we had signed the financial agreement after the review committee's report. In fact, the agreement was signed and delivered to the Department for Community Welfare by two officers of the organisation on 24 July 1987, while the report was handed down in the Legislative Council of 11 August 1987.
>
> In this speech, Mr Cornwall described our 'persistent refusal to accept accountability' despite the fact that, throughout the period prior to the defunding, we were actively negotiating with the

Department for Community Welfare for an agreement which was acceptable to both parties.

During this speech on 22 October 1987, Mr Cornwall stated that the Christies Beach Women's Shelter 'remained intransigent and refused to cooperate with the Department for Community Welfare'. He also referred to our attempts to refute the allegations as 'the campaign of deceit and distortion'.

On 13 April 1988, Mr Cornwall stated that the decision to defund the organisation was 'certainly not made on the basis of the allegations but was made on the basis of the failure of the Christies Beach Women's Shelter to properly conduct the business of that shelter and, in particular, to observe appropriate accountability procedures as required by the state and federal governments.' Mr Cornwall has never provided any evidence to support this statement. This statement from Mr Cornwall is inconsistent with his earlier statement to the Legislative Council on 11 August 1987 at the time of the tabling of the report when he claimed that the decision to withdraw funds from the organisation was based on the recommendations of the review committee.

In response to a question in the Legislative Council on 12 April 1989, Mr Sumner stated that 'the reality is that the report says that there was sufficient evidence to justify the defunding of the centre', despite the fact that the report admitted that the allegations were unsubstantiated.

On 12 April 1989, a select committee of the Legislative Council, established to determine the circumstances of the withdrawal of funds from the organisation, tabled its report in the house. The unanimous report of the select committee failed to find evidence which could justify the withdrawal of funds from the organisation. The evidence presented to the select committee was also tabled on that day. That evidence, which remains on the public record, contains further unsubstantiated allegations.

In the Legislative Council, on at least 20 occasions over several months, Mr Cornwall and Mr Sumner used the term 'maladministration' in relation to the operations of the Christies Beach Women's Shelter. While they based their claims on the report 'Shelters in the Storm', they persistently failed to point out that the report stated that the allegations were unsubstantiated.

We stress that the allegations made against us were acknowledged as unsubstantiated in the report. However, on the basis of these allegations, funds were withdrawn from the Christies Beach Women's Shelter on 4 September 1987. At the time they were made and at every opportunity over the past 12 years, we have steadfastly maintained our position that the allegations were demonstrably false and that there was absolutely no basis for the withdrawal of funds. We believe we were severely and demonstrably aggrieved by the statements of Mr Cornwall and Mr Sumner in the Legislative Council. The consequences of the debate in the Legislative Council have very severely impacted on all our lives.

We were devastated when Mr Cornwall tabled the 'Shelters in the Storm' report on 11 August 1987. A committee had been established by Mr Cornwall to examine the administration of all women's shelters. We were shocked that the report detailed allegations of personal and professional misconduct against us, including sexual and physical harassment, intimidation of clients, unprofessional exploitative counselling, professional negligence, misappropriation of funds, inadequate financial records, financial mismanagement and persistent over spending. We question why no effort was made to authenticate the accuracy of the allegations before the organisation was defunded. Our devastation was compounded by the intense media attention which the report attracted.

The extent of intensive investigations, which were undertaken early in 1987 by the Criminal Investigation Branch of the SA Police and the Corporate Affairs Commission, distressed us considerably. Over a number of months, several hundred people were interviewed and thousands of financial documents were examined. The investigations failed to find evidence to justify the decision of the Bannon government to withdraw funds from the incorporated body.

We were incredulous when the issues were brought into the public domain as two of us were charged in September 1987 for breaches of the Associations Incorporation Act in the Christies Beach Magistrates Court. We were encouraged that the magistrate questioned the probity of the legal proceedings initiated by the Corporate Affairs Commission. In his deliberations, he stated that the charges brought before him were the most trivial he had ever heard, and that he considered that the moneys spent on the case would have been far better used to assist women and children who were victims of domestic violence. Each of us suffered intensely during this time. To this day we remain adversely affected by the ongoing consequences of the tabling of the report and subsequent debate in the Legislative Council.

Throughout the past 12 years, we have been affected in many areas of our lives: financially, professionally, physically, socially and personally. We are angry that we have been forced to endure financial difficulties as a consequence of extended periods of unemployment and underemployment which have resulted in considerable deprivation to us and our families, and which have included the loss of homes.

We have suffered numerous stress related health problems including asthma, psoriasis, alopecia, back problems, insomnia, panic attacks, agoraphobia and depression. Personal relationships have also suffered considerably. Throughout the ordeal, our families have shared our traumas and difficulties, which has added to our stress.

We have also found many social situations very stressful and have often chosen to stay home rather than risk extremely difficult encounters. We are outraged that our professional and personal reputations were irrevocably damaged by allegations, which were never substantiated.

The violation of our fundamental sense of natural justice has devastated us.

They said in anticipation:

This right of reply is welcomed as a procedural advance and we appreciate the opportunity to have our response included in the parliamentary record. However, we have been severely aggrieved by the allegations made during debates in the Legislative Council. These allegations have had a profound effect on us over the past 12 years and will continue to do so for the rest of our lives.

Yours sincerely,

Helen McSkimming, Anthea Staiff, Margaret Allen, Heather Tangny and Vicki Lachlan.

This was some time ago but, as I said, it is the most extreme case that I have seen during my time in parliament, and I hope that I will never see anything like it again. There is no question that the harm has been ongoing and continues.

We would not normally want to go back 12 years, but this option has not been available to these people before, and I believe that the effluxion of time is not sufficient reason why these people, in their own words, should not have the opportunity to respond. In hindsight, I regret that 10 years ago after the select committee finally reported I did not receive such a letter and read it onto the record. The harm is ongoing.

I think it is a great pity—and I know how embarrassing politically it was for the government of that time—but I feel that the incoming government might have in some way helped to compensate these people. I note that, with the change of government, obligations—albeit legal—to the Chapmans in respect of Hindmarsh Island were not removed. Although this might not be a legal obligation, harm has been done by government—I do not mean Labor or Liberal—and the parliament, and I do not think there has been an adequate moral response. I think that is a great pity.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I will not react on the spur of the moment, but I will get the chance to close the debate later. I thank members for their forbearance. I went on a little longer than I intended, but I thought it important that this should be put on the *Hansard* record.

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

CITIZENS' RIGHT OF REPLY

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

That during the present session, the Council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following

procedure for seeking to have a response incorporated into *Hansard*—

I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated into *Hansard*.

II. The President shall consider the submission as soon as practicable.

III. The President shall give notice of the submission to the member who referred in the Council to the person who has made the submission.

IV. In considering the submission, the President—

(a) may confer with the person who made the submission,

(b) may confer with any member, but

(c) may not take any evidence,

(d) may not judge the truth of any statement made in the Council or the submission.

V. If the President is of the opinion that—

(a) the submission is trivial, frivolous, vexatious, or offensive in character, or

(b) the submission is not made in good faith, or

(c) there is some other good reason not to grant the request to incorporate a response into *Hansard*,

he shall refuse the request and inform the person who made it of his decision. The President shall not be obliged to inform any person or the Council of the reasons for his decision.

VI. Unless the President refuses the request on one or more of the grounds set out in paragraph V of this resolution, the President shall report to the Council that in his opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.

VII. A response—

(a) must be succinct and strictly relevant to the question in issue,

(b) must not contain anything offensive in character,

(c) must not contain any matter the publication of which would have the effect of—

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or

(iii) unreasonably aggravating any situation or circumstance, and

(d) must not contain any matter the publication of which might prejudice—

(i) the investigation of any alleged criminal offence,

(ii) the fair trial of any current or pending criminal proceedings, or

(iii) any civil proceedings in any court or tribunal.

VIII. In this resolution, 'person' includes a corporation of any type and an unincorporated association.

This motion is the same as a motion I moved on 11 March this year for a sessional order to provide a procedure whereby citizens who believe they have been wronged by a statement made in this place may seek to have their reply incorporated in *Hansard*. That motion was passed on 25 March, but as it was a sessional order it has now lapsed.

I will not repeat everything that I said in March, but basically this sessional order will allow any person who claims that he or she has been adversely affected in any of a number of ways by a statement made in any of the proceedings of the Legislative Council to request that a response be incorporated in *Hansard*. Such a request will be made to the President.

The President is required to consider the request as soon as practicable giving notice of the submission to the member who made the comments in the Council about the person who has made the submission to the President. The President can confer with the person who made the submission or with any member, but importantly it is not a quasi judicial proceeding, it is a proceeding entirely under the control of the President.

In making a decision about the response, the President is not at liberty to judge the truth of any statement made in the Council or any submission. The order sets a number of rules as to how the President is able to deal with a request, but ultimately the decision is that of the President. If the President is of the opinion that the response should be published, it is incorporated in *Hansard*. The reply incorporated in *Hansard* will attract absolute privilege. It is to be remembered that this sessional order would not be the only form of redress available to a person who has been wronged. That is an important point to note.

A person who believes that he or she has been aggrieved by something said in one of the Houses of Parliament may have his or her response incorporated by other means: for example, by requesting a member to read in comments or make other observations about the initial statements which are the subject of complaint. However, this order provides a formal process.

I make the point that the Hon. Mr Elliott has read into *Hansard* a letter from the three women from the former Christies Beach Women's Shelter. That is something which he is entitled to do if he so chooses. Whilst I will deal with the substantive issues relating to the Christies Beach Women's Shelter when I make my contribution on the motion which has been moved by the Hon. Mr Elliott, it must be noted in passing that the resources of the Council were extensively used to deal with the issues relating to the Christies Beach Women's Shelter in that there was a select committee, the women gave evidence, that evidence was tabled in the parliament, and there was a report. So, no-one can say that the issues in respect of which they claim to have been wronged have not been properly aired or that their position has not been properly put on the public record.

In fact, to the contrary: it has been put on the public record and much more extensively than a response from other persons who might claim to have been prejudiced or defamed under parliamentary privilege. As I previously indicated, several other jurisdictions have passed similar resolutions providing a procedure for citizens' replies, but none of them have passed an act for that purpose for the very good reason that the control of proceedings of houses of parliament should not be subject to the risk of intervention by the courts.

As far as I know there has been only one request for publication of a reply since 25 March when the previous sessional order was made. That request related to statements made over 10 years ago and, as has already been noted, the President exercised his discretion and recommended against the incorporation of a reply in *Hansard*. I, therefore, ask members to support this motion.

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

ADDRESS IN REPLY

The Hon. R.I. LUCAS (Treasurer) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency's the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

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

That the Address in Reply as read be adopted.

I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

LIQUOR LICENSING (REGULATED PREMISES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Liquor Licensing 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.

The object of this Bill is to make several amendments in relation to the consumption of liquor on regulated premises. Section 129 of the *Liquor Licensing Act 1997* makes it an offence for a person to consume liquor on regulated premises that are unlicensed.

The *Liquor Licensing Act 1997* extended the definition of 'regulated premises' contained in the repealed 1985 Act to include a public conveyance, which was defined to mean an aeroplane, vessel, bus, train, tram or other vehicle used for public transport or 'available for hire by members of the public'.

The inclusion of public conveyances was to provide control over liquor consumption on public transport, such as 'booze buses'. However, the definition has inadvertently also caught self-drive or rental vehicles, including rental hire cars, houseboats and self-drive mini-buses. These conveyances were never meant to be caught by the legislation and the solution is to exclude all such conveyances from the definition of 'public conveyance' in the Act.

The definition of 'regulated premises' in the 1997 Act was also widened to cover the consumption of liquor at events such as football matches and large functions generally in public places where liquor is consumed and an entrance fee is involved.

Advice is that informal private events held at places such as Belair Recreation Park (to which admission is now gained by the payment of an entrance fee) are also likely to be caught by the current definition of 'regulated premises', which was never intended.

The Bill makes it clear that it is paid admission to the event itself that is the key rather than admission to the public place in which the event is held. The amendment also allows premises, places or conveyances to be declared by regulation not to be regulated premises.

Section 41 of the Act provides for the grant of limited licences authorising the sale or supply of liquor for a special occasion or special occasions. There are occasions when liquor is not sold or supplied at an organised event but is brought in and consumed by persons attending the event and so it is necessary to broaden section 41 to allow a limited licence to be granted authorising the consumption of liquor on regulated premises.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 4—Interpretation

This clause amends the definition of 'public conveyance' to exclude conveyances that are available for self-drive hire from the ambit of the definition. The definition of 'regulated premises' is amended to provide that a public place will only fall within the scope of the definition while it is being used for the purposes of an organised event admission to which involves payment of money, whether directly or indirectly. The same definition is also amended to exclude any premises, place or conveyance that the regulations exclude from the scope of the definition.

Clause 3: Amendment of s. 41—Limited licence

This clause provides that a limited licence may also be granted to allow for the consumption of liquor in circumstances when it would otherwise be unlawful (eg, on regulated premises).

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

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

This Bill amends the Criminal Law Consolidation Act to give the Director of Public Prosecutions a right of appeal against a decision by a Judge to acquit a person charged with a serious offence. The Bill is consistent with government policy as set out in the Community Safety Policy. The reform is aimed at ensuring that serious errors by a judge do not allow an alleged offender to escape justice.

The proposed amendment was first introduced into parliament in 1995. It was a blow to victims of serious offences when the Opposition and the Democrats refused to pass the amendment. Accordingly, the government introduced a Bill containing the amendment at the beginning of 1998, and reintroduced the Bill in October 1998. On both occasions, the Bill had not progressed past the second reading stage when Parliament was prorogued.

Under amendments to the *Juries Act 1927* enacted by the Labor government in 1984, an accused person has a right to elect to be tried for a criminal offence by a Judge sitting alone. The amendment was in response to the recommendation of the Mitchell Committee that a person accused of an indictable offence should be able to opt for a trial without a jury just as a person accused of a minor indictable offence could opt by choosing to have the matter dealt with by a Magistrate.

Recent figures obtained from the Office of Crime Statistics indicate that in 1995, there were 21 trials by judge alone, of which 7 resulted in acquittal. In 1996, there were 27 trials by judge alone, of which 6 resulted in acquittal. In 1997, there were 28 trials by judge alone, of which 9 resulted in acquittal. These figures suggest that the number of trials by Judge sitting alone is increasing.

There continues to be concern about judgements made and directions given by the Courts. The fact that a Judge has made a mistake does not mean that the mistake should not be rectified. In Magistrates Courts where the decision to acquit is made by one person, the Magistrate, the Crown has a right of appeal. Where a person elects to be tried by Judge alone, no matter how wrong an acquittal may be on the evidence, a decision by one person means that an accused person goes free. To provide the Crown with a right of appeal against a decision by a Judge to acquit an offender will provide an important check on the Judge's decision.

The High Court has made it clear in *Davern v Messel* that there is no principle precluding an appeal from an acquittal in Australia. All that is involved is the common law principle which Parliament will, in the absence of unambiguous provision to the contrary, be presumed as a matter of statutory interpretation to have observed.

The Crown has had a right of appeal against acquittal under the Canadian Criminal Code on a question of law alone for almost a century. The Supreme Court of Canada, in *R v Morgentaler, Smoling and Scott* has said that the provision does not offend the provision of the Canadian Charter of Rights dealing with double jeopardy protection. Similarly the Canadian Courts have held that an appeal on questions of fact does not violate the constitutional protection

against double jeopardy, for example in *R v Century 21 Ramos Realty Inc and Ramos*.

This Bill provides that the Court, on hearing an appeal against acquittal by judge alone, can dismiss the appeal or allow the appeal and order a new trial. The new provisions will only apply to proceedings in relation to an offence allegedly committed after the amendments come into operation.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 352—Right of appeal in criminal cases

This clause proposes to amend section 352 of the principal Act to allow the DPP (with the leave of the Full Court of the Supreme Court) to appeal against the acquittal of a person tried on information by a judge sitting alone.

Clause 3: Amendment of s. 353—Determination of appeals in ordinary cases

This clause amends section 353 of the principal Act to deal with an appeal against acquittal.

Proposed subsection (2a) provides that, on an appeal against acquittal, the Full Court may dismiss the appeal or allow the appeal and direct a new trial and may make any consequential or ancillary orders.

Clause 4: Transitional provision

This clause provides that the proposed amendments only apply to proceedings relating to offences committed after the commencement of the measure.

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

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (DEFINITION OF JUDICIAL OFFICE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* by adding to the definition of 'judicial office' in section 2 the office of commissioner of the Environment, Resources and Development Court. At present, there is no provision for auxiliary appointments to that Court, but only for permanent appointments, either full-time or part-time. This Bill makes such provision.

Auxiliary appointment is a method of providing additional judicial resources to a court when a short-term need arises. An auxiliary appointment may be made for a term of up to 12 months, with the possibility of extension for a further 12 months. It is to be contrasted with permanent appointment. Examples of the use of auxiliaries include the situation where a judicial officer is on extended leave or where, due to a legislative change, there is a temporary increase in the workload of the court. The use of auxiliary appointments helps to prevent or reduce temporary backlogs in the work of the court, and increases the capacity of the court to deal expeditiously with new matters coming before it, and so improves the efficiency of the court's service to litigants. This was the original rationale for the Act.

By providing for the appointment of auxiliary commissioners of the Environment, Resources and Development Court, the Bill will extend these benefits to the users of that Court also. I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 2—Interpretation

This clause amends the definition of 'judicial office' in the principal Act so as to include the office of commissioner of the Environment, Resources and Development Court.

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

STATUTES AMENDMENT (MAGISTRATES COURT APPEALS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Magistrates Court Act 1991 and the Supreme Court Act 1935. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The purpose of this bill is to make sure that all appeals from the Magistrates Court are dealt with at the appropriate level. It ensures that the resources of the Full Supreme Court are not called in aid unnecessarily, but are available in cases which properly require the Full Court's consideration.

This is indeed already largely the case in appeals in civil and summary criminal matters. Those appeals already go from the magistrate to a single judge of the Supreme Court. However, in criminal appeals from a magistrate in minor indictable matters, the appellant (who may be the police or the defendant) presently has a choice as to whether to appeal to a single judge of the Supreme Court, or to the Full Supreme Court. In practice, it has been far more common for the appellant to elect to appeal to a single judge, but the option to go directly to the Full Court has been available.

In all appeals from the Magistrates Court to a single judge, whether civil or criminal, the judge can refer the appeal for hearing and determination by the Full Court, if he or she thinks fit. This means that where an appeal raises a complex legal issue, for example, it may be referred to the Full Court. There is also a further right of appeal from the single judge to the Full Court, but in summary matters, this is only by leave of either the judge or the Full Court.

The government considers that there is generally no need for appeals to go directly from the Magistrates Court to the Full Supreme Court. They should ordinarily be dealt with by a single judge, as indeed they most often are. This is simple, sensible, and conservative of resources. However, the single judge should always be able to refer appropriate matters to be determined by the Full Court. The bill will therefore amend the Magistrates Court Act to provide that all appeals from that Court lie to a single judge of the Supreme Court, who may in his or her discretion refer the matter to the Full Court.

The government also considers that the further right of appeal from the single judge to the Full Court should remain in all cases, but should be by leave. That leave could appropriately be granted by either the single judge or the Full Court. By limiting the appeal to cases of leave, it is hoped to ensure that matters reaching the Full Court are those which raise issues properly deserving of the Full Court's attention. Accordingly, the Bill amends the Supreme Court Act to make the further appeal available by leave only. That is, matters reaching the Full Court from the Magistrates Court will be filtered, either by a single judge or by the Full Court itself, to see that they are appropriate for Full Court consideration.

This reasoning reflects the reality that few of the cases coming before the Magistrates Court justify the immediate consideration of the Full Supreme Court on appeal, while at the same time providing a sufficient mechanism of access to the Full Court for those cases which do.

I commend this bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2
AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 4: Amendment of s. 42—Appeals

Section 42(2)*(b)* of the *Magistrates Court Act 1991* currently provides that an appeal in a criminal action (other than one relating to an industrial offence) lies to the Supreme Court. Subsection (3) provides that if such an appeal relates to a minor indictable offence the appeal is to the Full Court unless the appellant elects to have it heard by a single Judge.

The amendment removes subsection (3) and provides that all such appeals are to the Supreme Court constituted of a single Judge. The amendment also empowers the Judge to refer the appeal for hearing and determination by the Full Court.

Clause 5: Amendment of s. 43—Cases stated

Section 43(2)*(b)* of the Act currently provides that the Court may reserve a question of law arising in a criminal action (other than one relating to an industrial offence) for determination by the Supreme Court and, in the case of a question arising from proceedings related to a minor indictable offence, the question is to be determined by the Full Court unless the parties agree to refer it to a single Judge.

The amendment alters paragraph *(b)* and provides that all such reservations of questions of law are to be determined by the Supreme Court constituted of a single Judge unless referred by the Judge to the Full Court.

PART 3
AMENDMENT OF SUPREME COURT ACT 1935

Clause 6: Amendment of s. 50—Appeals against decisions of judges and masters

Section 50(1) of the *Supreme Court Act 1935* provides for an appeal to the Full Court against a judgment, order, direction or decision of a judge. Subclause (3) of the proviso deals with the circumstances in which leave of the judge or of the Full Court is required for the appeal. Paragraph *(a)* is altered so that such leave is required in all appeals from an order of a judge made on appeal from the Magistrates Court.

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

MOTOR VEHICLES (HEAVY VEHICLES SPEEDING CONTROL SCHEME) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. DIANA LAIDLAW: 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 aim of this Bill is to introduce a scheme for the management of speeding heavy vehicles. The scheme will help reduce the incidence of speeding among heavy vehicles by making the registered owner of the vehicle responsible for repeated speeding incidents. Extending responsibility for speeding from drivers to owners, and introducing penalties which impact on the operation of a transport business will improve road safety in rural areas and prevent some businesses from operating to the disadvantage of those with good driving practices in place.

The amendments incorporate a staged set of penalties approved by Transport Ministers at the Australian Transport Council in November 1997. The penalties target the registered owners of heavy vehicles repeatedly detected driving at 15km/h or more over the speed limit for the type of vehicle, over a 3 year period. Penalties will range from a warning to suspension of registration for 3 months. The scheme recognises that owners often pressure drivers to speed, but that speeding penalties only target drivers.

Similar schemes have been introduced in New South Wales and Victoria and by the commonwealth in relation to federally registered vehicles in the last year. The details of the schemes are different. The fact that there are discrepancies in the schemes has been raised with the Commonwealth Minister for Transport and Regional Services, who has responded indicating support for any moves to bring the schemes closer so as to ensure maximum national uniformity.

The scheme will allow for a hierarchy of penalties to be imposed on heavy vehicles exceeding the speed limit for the type of vehicle by 15km/h or more within a rolling three year period as follows:

- the first breach will incur a warning
- the second breach will result in the owner being required to demonstrate that the speed limiter is operating effectively
- the third breach will result in a 28 day suspension of registration
- the fourth and subsequent breaches will result in a 3 month suspension of registration.

Where a vehicle is not already required to have a speed limiter fitted, another step will be added, so that the second breach will result in a requirement that a speed limiter be fitted, the third will result in a requirement that the owner show that the device is operating effectively, the fourth will result in a 28 day suspension and the fifth and subsequent breaches will result in a 3 month suspension of registration.

Once a driver of a vehicle registered in South Australia has expiated or been convicted of a relevant speeding incident, the Registrar will record it on a register, showing the date and place of the offence. The Registrar must notify the registered owner of the entry. The registered owner will have the opportunity to challenge the accuracy of the register.

If the Registrar requires a speed limiter to be fitted to a heavy vehicle within a certain time, the vehicle must not be driven on a road after this time unless a speed limiter has been fitted and is operating effectively. Contravention of this requirement will be an offence and the driver and the registered owner will each be guilty. It will be a defence for the driver that he/she was not the registered owner and had no knowledge of the requirement to have the speed limiter fitted. It will be a defence for the registered owner that in consequence of an unlawful act the vehicle was not in his/her possession or control at the time of the alleged offence

Under the *Motor Vehicles (Miscellaneous) Amendment Act 1999*, passed in the last session of Parliament, an aggrieved person has the right to an internal review of the Registrar's decisions followed by further right of review by a court. Those review provisions will also apply to this scheme.

Suspension of registration will only apply to a vehicle if the offences occurred within the previous 3 years and there was a continuity of registered ownership over the period of the offences whether the same person or associated persons appear on the register as registered owners over the period. Interstate experience has been that contrived transfers are often made solely for the purpose of escaping the suspension of registration. The extension of the scheme to include associated owners will largely close a major avenue for the avoidance of the sanctions. 'Associated person' will mean spouse, brother or sister, child, parent, person living in the same household, persons in partnership, person in trust relationships as well as related companies. A transfer of vehicle registration to a non-associated person will clear all speeding incidents from the register.

Suspension will not alter the expiry date of the vehicle's registration, nor will registration be able to be cancelled, transferred or renewed during the period of suspension.

There is provision for recognition of corresponding schemes operating in other jurisdictions so that an offence in another jurisdiction will count as an offence here and the Registrar will report offences committed by vehicles registered in other jurisdictions to the appropriate registration authority.

This scheme will replace existing measures in the *Road Traffic Act 1961* to control speeding heavy vehicles and a necessary consequential amendment to that Act is included in the Bill.

There will be a publicity campaign directed to the road transport industry advising it of the details of the scheme. The scheme targets what might be called the rotters in the industry—responsible sectors of the industry have already indicated their support.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of Part 2A

PART 2A
HEAVY VEHICLES SPEEDING CONTROL SCHEME

71C. Interpretation

This proposed new section contains definitions of terms used in the proposed new Part 2A.

'Heavy vehicle' is—

- a bus with a GVM over 5 tonnes
- any other motor vehicle with a GVM over 12 tonnes

· a motor vehicle of a prescribed class.

'Bus' is a motor vehicle built mainly to carry people that seats more than 9 adults (including the driver).

For the purposes of the new Part, a heavy vehicle is to be taken to have been involved in a relevant speeding offence if—

· a person has been convicted of an offence in this State of driving the vehicle at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle
· a person has expiated an offence in this State in respect of which an expiation notice has been issued alleging that the vehicle was driven at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle
· the registration authority under a corresponding law has notified the Registrar of an offence in another State or Territory involving the driving of the vehicle at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle and a person has—
  · been convicted of the offence or
  · paid the amount payable under an infringement notice or penalty notice issued under the law of that State or Territory in respect of the offence.

71D. Registrar to register relevant speeding offences

The Registrar of Motor Vehicles is to register in the register of motor vehicles details of each relevant speeding offence in which a heavy vehicle registered under the principal Act has been involved.

An exception to this will be made for vehicles that were stolen or otherwise unlawfully taken from the control of the registered owner or operator when the offence occurred.

71E. Notice to be served on registered owner

When an offence is registered in relation to a heavy vehicle, the Registrar is to send a notice to the registered owner that—

· describes the entry made in the register; and
· if the vehicle is not already required to be fitted with a speed limiting device, contains a statement of the Registrar's obligations under the new Part with respect to the fitting of speed limiting devices; and
· contains a statement of the Registrar's obligations under the new Part with respect to the suspension of vehicle registration; and
· advises of the right to apply for the review of decisions under the new Part.

71F. Removal of entries relating to offences on certain change in registered ownership

The Registrar is to remove from the register any entry relating to an offence registered in relation to a heavy vehicle if the registered ownership of the vehicle changes completely and no newly registered owner is an associate of a previously registered owner.

71G. Correction of register

The Registrar may correct the register at any time on application or on the Registrar's own initiative. A decision of the Registrar on such an application will be taken to be a decision on a review under Part 3E and hence may be appealed against to the District Court under that Part.

71H. Requirement to fit speed limiting device

The Registrar is to require the fitting of a speed limiting device to a heavy vehicle if the register records that the vehicle has been involved in a second speeding offence in three years. This applies only to heavy vehicles not already required to be fitted with such a device under the vehicle standards. It will be an offence punishable by a maximum fine of $2 500 if such a vehicle is subsequently driven on a road without there being an effectively operating device fitted to the vehicle in accordance with the Registrar's requirement.

71I. Requirement to satisfy Registrar as to fitting and effective operation of speed limiting device

The Registrar is empowered to require the registered owner of a heavy vehicle to satisfy the Registrar that a speed limiting device is fitted to the vehicle as required under the vehicle standards or by the Registrar and that the device is operating effectively.

The registration of the vehicle may be suspended by the Registrar if the owner fails to comply with the Registrar's requirements under this provision.

71J. Suspension of registration

The registration of a heavy vehicle is to be suspended if the register records that the vehicle has been involved in multiple speeding offences during a three year period.

The number of speeding offences that will trigger the suspension is—

· three (including the last offence) in the case of a vehicle required to be fitted with a speed limiting device under the vehicle standards
· four (including the last offence) in the case of a vehicle that has been required by the Registrar under the new Part to be fitted with a speed limiting device.

The period of suspension varies according to whether the vehicle's registration has previously been suspended in the three year period as a result of a speeding offence—

· 28 days if the vehicle's registration has not previously been so suspended
· three months if the vehicle's registration has previously been so suspended.

71K. Registration not to be renewed, transferred, cancelled, etc., during period of suspension

The registration of a heavy vehicle cannot be renewed, transferred or cancelled during a period of suspension under this scheme nor can the vehicle be re-registered during such suspension.

71L. Notification of relevant speeding offences to other registration authorities

The Registrar is required to notify the registration authority under a corresponding law if a heavy vehicle registered by that authority is involved in a relevant speeding offence in this State.

Clause 4: Amendment of s. 98Z—Review by Registrar or review committee

Section 98Z which allows for the review of various specified decisions of the Registrar is amended so that the review and appeal process will apply to decisions of the Registrar under the proposed new Part 2A.

Clause 5: Amendment of Road Traffic Act

This clause makes a consequential amendment to the *Road Traffic Act* removing section 81 of that Act. That provision will be replaced by the new section 71I proposed to be inserted in the *Motor Vehicle Act*.

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

HIGHWAYS (ROAD CLOSURES) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Highways Act 1926. Read a first time.

The Hon. DIANA LAIDLAW: 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 aim of this Bill is to introduce a measure to make it explicit that any action that a Local Government Council takes, or has taken in the past, to exclude vehicles generally, or vehicles of a particular class, from a road under the 'care and control' of the Commissioner of Highways has no effect after the commencement of the provision, unless the Commissioner determines otherwise.

As background, Local Government Councils' road construction powers are suspended when the Commissioner of Highways issues a Notice pursuant to section 26 of the *Highways Act 1926* to the effect that the Commissioner intends to take over the maintenance and repair of a road for a term. This process is known colloquially as the Commissioner taking over 'care and control' of the road concerned. The original purpose of this section was to provide the State government with the capacity to rectify deficiencies in Council roads. However, for many years it has been the statutory mechanism by which the Commissioner takes over care and control of the strategic network of major arterial roads throughout the State.

Suspension of a Council's powers when the Commissioner issues a Notice pursuant to section 26 of the Highways Act does not extend to the suspension of the traffic management powers presently contained in the *Local Government Act 1934*. Nevertheless, bar one

recent exception, in the 73 years of operation of the Highways Act Councils and the Commissioner have always been able to reach an understanding that the metropolitan road network can accommodate a variety of traffic movements—from pedestrians, cyclists and cars, through to commercial delivery and heavy freight vehicles.

Unfortunately, this understanding has now been placed in doubt by the actions of a Council, making it necessary for the Government to take immediate steps to ensure the continuing integrity of the strategic road network. The economic, budgetary and social significance of developing and maintaining an efficient arterial road network cannot be overestimated. In particular, because of our distance from interstate and overseas markets, efficient freight transport movements are critical to the viability of business in this State—and to the retention and growth of jobs in our manufacturing, retail and export sectors.

A related concern is the adverse impact on neighbouring Council areas which would inherit an influx of traffic if another Council is allowed to proceed unchecked to exclude vehicles generally, or a particular class of vehicles, from the State arterial road system.

Overall, the Government will not tolerate a Council, acting unilaterally, undermining the integrity of the strategic road network—or, in turn, to burden other Councils with extra traffic through their areas.

The main features of the Bill provide:

1 That any action taken by a Council before the commencement of the new section to exclude vehicles generally, or vehicles of a particular class from a road under the care and control of the Commissioner, will cease to have effect when the new sub-section comes into force unless the Commissioner determines otherwise; and

2 That any action taken by a Council after the commencement of the new sub-section to exclude vehicles generally, or vehicles of a particular class from a road under the care and control of the Commissioner, will not have effect unless the Commissioner determines otherwise.

Road closures or traffic restrictions in force in respect of roads under the care and control of Councils will not be affected.

The amendment is consistent with a new provision in *the Road Traffic Act 1961*—namely a new section 32 which was inserted by the *Road Traffic (Road Rules) Amendment Act 1999* and assented to on 5 August 1999. It is due to be proclaimed on 1 December 1999 and specifically requires the concurrence of the Commissioner where a Council proposes to close, or impose traffic restrictions on, a road under the care and control of the Commissioner.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 26—Powers of Commissioner as to roads and works

Clause 3 proposes an amendment to s. 26 of the principal Act to provide that where a section 26 notice of the Commissioner's intention to take over the maintenance and repair of a road for a term is given, or has previously been given, then, during the term of the notice or the balance of that term, any action that the council takes or has taken to exclude vehicles from that road is not or ceases to be of any effect unless approved by the Commissioner by notice in writing to the council.

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

STANDING ORDERS COMMITTEE

The House of Assembly appointed a Standing Orders Committee consisting of the Speaker and Messrs Atkinson, De Laine, Lewis and Meier with power to act during the recess and to confer or sit as a joint committee with any Standing Orders Committee of the Legislative Council.

PUBLISHING COMMITTEE

The House of Assembly appointed a Publishing Committee consisting of Mr Hamilton-Smith, Ms Hurley and Messrs Koutsantonis, Scalzi and Venning with power to act during the recess and to confer or sit as a joint committee with any Publishing Committee of the Legislative Council.

The PRESIDENT: Order! There is a problem with the wording of that message because this Council does not have a publishing committee. I will see how we can overcome that problem.

ADJOURNMENT

At 6.17 p.m. the Council adjourned until Thursday 30 September at 2.15 p.m.