LEGISLATIVE COUNCIL

Wednesday 29 March 2000

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the twelfth report of the committee 1999-2000.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.S.L. DAWKINS: I lay on the table the report of the committee on tuna feedlots at Louth Bay.

QUESTION TIME

TRANSPORT, PUBLIC

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 public transport.

Leave granted.

The Hon. CAROLYN PICKLES: I understand that pre-purchased metro tickets can be carried over and used in public transport despite price increases that may have occurred in the intervening period following the initial purchase. My questions are:

1. Will the minister confirm that pre-purchased metro tickets bought in the period before the introduction of the GST will be eligible for use in the period after July 2000?

2. Will the minister undertake to introduce truth in pricing measures to make commuters aware of the reasons for the fare increase?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): In answer to the first question, yes, and in answer to the second question, as the honourable member knows, there has been no price increase this financial year—the fares were frozen. In terms of the fares to apply next year, they will be outlined as part of the state budget, as has been the practice for years in this state. I have already advised publicly what the position will be, and I understand that the honourable member followed me on radio, which rather took the puff out of the exaggerated position she wanted to put in terms of fares.

It is interesting that she has been asking this question for over a year now, yet she has never acknowledged that we froze the fares and the benefit that arose from that. Secondly, it was rather silly to be asking a whole lot of questions relating to the GST over the year when it is only in recent times that all states have had rulings from the federal tax office about how the GST will apply and what offsets there will be for other parts of the tax package.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Those rulings have only recently been confirmed and, as I said publicly, unlike the situation in the two states—not all states as the honourable member just claimed—that have now issued their fares (New South Wales and Queensland), South Australia will gain from an offset in the diesel fuel rebate because our rail system is not electrified, as is the case in the other states. People have claimed for years that they would like an electrified rail system in this state, but we do not have one and, under the GST package, we will gain from that. Those offsets are considerable.

GOODS AND SERVICES TAX

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

Leave granted.

The Hon. P. HOLLOWAY: In response to a question in this Council on 27 July 1999, the Treasurer said:

> By the end of next month [that is, August 1999] we should be in a better position to do a detailed estimate of what departments think the cost of the implementation of the GST might be.

In a letter dated 9 September 1999, in response to another question I asked in this Council, the Treasurer said:

> The introduction of the GST also offers significant benefits to the South Australian public sector in the form of cost savings arising from the lower costs faced by suppliers. The commonwealth government has estimated these savings at $36.6 million in 2000-01, rising to $38.8 million in 2001-02 and $41.4 million in 2002-03. In addition, the reforms to commonwealth-state financial relations represent a major improvement in terms of providing a more certain and buoyant revenue source to state governments in the form of the GST which should, over the medium to longer term, provide an enhanced capacity to meet community demands for essential public services.

However, on 31 January this year, it was reported in the *Advertiser*:

> South Australia will not get any extra cash benefit from the GST for at least six years, with revenue absorbed by massive implementation and administration costs.
>
> The Premier said that the government was looking at getting more money from the tax than it cost to collect in 2006-2007. 'Even then it will be a modest positive flow, possibly as little as $60 million.'

Other media reports have put the cost to the government of implementing the GST at $100 million for each of the next two financial years. My questions to the Treasurer are:

1. Will he confirm the additional cost to the state budget over the next two years of implementing the GST as $200 million?

2. When did the government first discover the magnitude of these costs?

3. Will he provide a breakdown of these costs by department?

4. How will the additional cost be funded?

5. Does the Treasurer now admit that the states have been sold a pup as far as the GST is concerned?

The Hon. R.I. LUCAS (Treasurer): The answer to the first question is 'No' and therefore there is no need for the answer to the second and probably—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: There is probably—

Members interjecting:

The Hon. R.I. LUCAS: Yes. As a result of the answer to the first question being 'No', the second and third questions are largely superfluous because, if the answer to the first question is that it is not $100 million per year for the next two years—

The Hon. P. Holloway: Well, what is it?

The Hon. R.I. LUCAS: That was not your question: your question was, 'Is it $100 million?'

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, he can ask a supplementary question if he wants to but, if he wants to draft his questions, or if he would like some assistance in the drafting of his questions, I am happy to offer that assistance through my office. I am happy to meet with the shadow minister prior to Question Time to assist him in the drafting of his questions should he so desire.

In relation to the longer term—questions 4 and 5—the government does not believe that the state of South Australia has been sold a pup. There is no doubting that in the medium to longer term, however you want to define that—and it was to be around 2004 to 2005, until the deal was done with the Australian Democrats in the Senate, a deal which was largely assisted by the position that the Labor Party in the Senate took in relation to this matter—

The Hon. M.J. Elliott: They don't have a tax policy.

The Hon. R.I. LUCAS: They don't have a tax policy, as the Hon. Mr Elliott indicates.

An honourable member: They still don't have a tax policy.

The Hon. R.I. LUCAS: They do not have one in South Australia, either. Kevin Foley, the shadow Treasurer, as soon as someone suggests anything like a policy to him, says, 'No, we'll think of one of those at the time of the next election.' That is the response of Kevin Foley and Mike Rann. All we get from Foley and Rann is whingeing and whining. That is all we have ever had and all we are likely to get. In relation to the government's position—

The Hon. L.H. Davis: You don't even know your Constitution; you can't call an election any day you like, Paul.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, that is not now, is it?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We'll help the Hon. Mr Holloway with his calendar reading as well, so that we can tell him when October comes and the difference between October and March. From the government's viewpoint, we thought it was a fair wait—2004-2005—but at least that was something in the medium term, seeing an extra benefit to the state, but because of the policy, supported by the Hon. Mr Holloway, of his federal colleagues and the policy enforced on the government by the Australian Democrats in relation to this policy there is a very—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Well, it was a novel—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I will talk about implementation costs in a moment. The Hon. Mr Holloway is not keen to talk about his responsibility and his party's responsibility in delaying extra money to the taxpayers of South Australia. Let me assure the Hon. Mr Holloway that the people of South Australia will be reminded of the quantum of money that we would have got in South Australia for education and health spending but for the actions of the Hon. Mr Holloway and others. So, we will be highlighting—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The people of South Australia will have an opportunity to express their view on the GST between June and October next year when the federal government goes to election. Let me assure the Hon. Mr Holloway that, in March 2002, some six or nine months later, the people of South Australia will have an opportunity to express their view about the government of South Australia. I assure the Hon. Mr Holloway that the people of Australia will have an opportunity to express their view about the GST well prior to the next state election in South Australia.

This has gone to 2006-07 because of the Hon. Mr Holloway and his Labor colleagues and the Australian Democrats in the federal parliament. If he wants to be critical of the delay in getting the extra revenue that we need to spend on schools, hospitals, teachers, nurses and police in South Australia, it is his actions and the actions of his federal colleagues that are stopping us from being able to spend money on those deserving students and hospital patients.

Regarding implementation costs and the savings that the commonwealth government will recoup from the states, the state government—to put not too fine a point on it—is not entirely happy with these issues. Over a long period of time, the state government has put forward a strong view regarding implementation costs. Whilst those costs are certainly not of the order of $200 million over the next two years, as I have indicated to the *Advertiser* in the past they are some tens of millions of dollars. I think the ballpark estimate is about $50 million and not $200 million.

An honourable member: Is that a year?

The Hon. R.I. LUCAS: No, they are the total up-front implementation costs. There are some additional costs that agencies will absorb anyway because, in some cases, agencies are taking the opportunity at the time of new systems development to bring forward expenditure for new systems which would otherwise have to be spent.

Regarding what might be seen as additional new expenditure for portfolios and agencies, it is not an inconsiderable sum but it is certainly much less than the $200 million which the Hon. Mr Holloway claims. Even at that level, it is a significant impost, and the South Australian government, through the Premier and I, has taken up this issue with the commonwealth government. Savings to be recouped by agencies is an issue on which there has been much discussion, certainly at officer level and also at other levels, with the commonwealth government.

There is a huge element of estimation involved in this. Everyone is using the sausage machine that Econtech has developed over recent years. Good luck to Mr Murphy and Econtech and their model. I think that virtually all state governments and the commonwealth government are using the Econtech sausage machine. The ACCC is using the same sausage machine to estimate for government departments and agencies the amount of savings that this machine believes will accrue.

Again, without being critical of this sausage machine, because it is evidently much better than anything else that exists, it is an extraordinarily complex task to try to feed in information and then replicate the operations of a real live economy and produce from that results with which everyone can agree. I think there is no doubt that in South Australian departments and other state and territory departments (of Labor administrations as well) there is a good degree of scepticism about accuracy. I think everyone acknowledges that there will be some savings—it would be difficult not to acknowledge that—but the precise level of savings is an issue involving some debate and dispute. However, from the state government's viewpoint, over the next few years the commonwealth government grants will be reduced by the level of those estimated savings, and that is a budget task that we have to live with.

By way of interjection, the Hon. Mr Elliott pointed out that some commentators such as Access Economics believe that the states will go positive much earlier. From South Australia's viewpoint, I can only hope that Access Economics is right and the commonwealth Treasury is wrong. Access Economics believes that we will go positive, that is, get a net benefit in South Australia—and I do not have the dates with me—some four, five or six years earlier, that is, in the early part of this decade. It believes that we will be one of the states to benefit the most. The reason why it predicts that is that it has a much more optimistic view than has commonwealth Treasury of the revenue to be recouped from the GST.

Some very significant assumptions have to be made about how much tax is not being collected from the current black economy and whether or not the GST will pick up a significant section of this black economy money by way of GST revenue. If that is true—and Access Economics has made some different assumptions in that respect and in some other areas as well about the health of the economy—there will be more GST revenue, and that will come to the states and territories.

The last point I make—and this is the big threat to the future of South Australia—relates to a future federal Labor government. Even though the federal Labor opposition does not have a tax policy, it has said that it will roll back the GST. With due respect, we should never believe the Hon. Mr Beasley and Simon Crean about what they are intending to do on this matter. We have certainly warned our state Labor colleagues in other states that the greatest threat to the future financial strength of the states and territories is if a federal Labor government does what it says it will do—that is, wind back the GST revenue—because it will mean that we will not go positive in South Australia probably for years after that. I can only hope that the Hon. Mr Holloway will join the government and support us against this policy of his federal Labor colleagues. I would hope that over the next week or two he will have an opportunity in this Council to speak out on behalf of South Australia.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: He is silent now; we should let him get some briefing. I would hope that he will speak out on behalf of South Australia and against his federal Labor colleagues in the interests of South Australia.

The Hon. P. HOLLOWAY: I wish to ask a supplementary question. In view of the Treasurer's comments, was the Premier correctly reported when the *Advertiser* stated that South Australia will not receive any extra cash benefit from the GST for at least six years?

The Hon. R.I. LUCAS: It might be even longer than that if the policies of the federal Labor Party come to fruition. If the policies of Mr Beasley are introduced, it could be even longer than that. If Access Economics is correct and the commonwealth Treasury is not correct—

An honourable member interjecting:

The Hon. R.I. LUCAS: —and I am just telling you—the time for getting extra cash will be a shorter period, because it is predicting that it will be (and I am guessing; I will get the exact date) about 2002 or 2003. If Mr Beasley is elected, it will be a later date.

The Hon. T. CROTHERS: Supplementary to that, does the state Treasurer believe that his federal colleague, the Hon. Peter Costello, would have had his original model of the GST closely costed by the federal Treasury aficionados; and, if he does, what impact does he believe the Democrat inspired—

The PRESIDENT: Order! This is getting close to another question rather than a supplementary—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: What does the Treasurer believe the impact on state revenue will be in respect of the $3 billion it cost the federal government to support the Democrat amendments?

The Hon. R.I. LUCAS: It is a most important supplementary question from the Hon. Mr Crothers. From South Australia's viewpoint, you can do some very quick calculations, and I will get some more precise ones. If commonwealth Treasury estimates are accepted, given that we do not go positive until 2006-07—that is, we do not get a net benefit—rather than 2004-05, it will be that difference between those two periods, which could involve from $200 million to $300 million that we could have spent on students, patients and security services in South Australia, as a result of not just the Democrats, to be fair, but the policies of the federal Labor Party as well.

PRISONS, HEALTH SERVICES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question about prison health services.

Leave granted.

The Hon. T.G. ROBERTS: Over the past couple of days the Hon. Robert Brokenshire, the Minister for Police, Correctional Services and Emergency Services, has released press statements and conducted interviews in relation to a number of escapes that have occurred recently in this state. Although he has made some reference to changing the delivery of health services at Yatala, I have not yet seen any printed documentation as to that detail. Two prisoners escaped on transfer from Yatala to the Royal Adelaide Hospital, and that may have been avoidable if the prison services being offered in health were adequate. My questions are:

1. What round-the-clock health services were being provided in prisons in the metropolitan area, including the Remand Centre and lockups, before the recent escapes?

2. What changes will be incorporated in the new government proposal for health services within prisons to minimise the risk of escapes from South Australian prisons during transfers?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the question to my colleague in another place. I think we have to put all this in perspective. No-one can put within a prison health complex all the sophisticated equipment that prisoners may need to have access to for health purposes just on the off chance that one day one of them might need to be examined by way of using such equipment, and that necessarily means that our hospital system has to be prepared to have prisoners escorted to institutions for specialist examination and health care outside the prison walls. I think we have to live with the fact that no government, least of all any government in Australia, has the resources which would require the duplicate of a public hospital being installed behind bars: it is just not practical. I will get some answers and bring them back in due course.

PRICE, Mr D.

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Leader of the Government in the Council a question on the subject of Mr Danny Price.

Leave granted.

The Hon. L.H. DAVIS: Members would be aware that in recent months Mr Danny Price has been actively involving himself in the political debate about Riverlink and the electricity industry in South Australia. Riverlink, of course, is the above ground link from New South Wales and has an ongoing cost to South Australian taxpayers as was proposed. As the government has clearly demonstrated, many of the claims being made by Mr Price have been shown to be wrong. That is a matter of record.

However, in recent weeks I have been informed by members of the South Australian business community that Mr Price has again been active in meeting business people in South Australia and making a series of extraordinary claims about Riverlink and South Australian government policy with respect to Riverlink. My questions to the Treasurer are—

An honourable member: Sue him!

The Hon. L.H. DAVIS: I will resist that interjection, tempting though it may be. Is the Treasurer aware of the recent activities of Mr Price? Can he highlight any claims by Mr Price which are wrong and which have misled members of the business community in this state?

The Hon. R.I. LUCAS (Treasurer): I thank my colleague the Hon. Mr Davis for that question.

An honourable member: Unexpected as it was.

The Hon. R.I. LUCAS: Unexpected as it was. I too have been approached by some prominent members of the business community who have expressed some concern about claims made by Mr Danny Price in recent weeks. It is not surprising—

An honourable member: They were offended by them.

The Hon. R.I. LUCAS: When they found out the truth they were offended, yes. I suppose it is not surprising. Mr Price has been very active and involved himself in the political process here in South Australia for some 12 to 18 months, and these recent examples substantially have again rested on some of the claims I addressed yesterday—claims that the South Australian government had, indeed, stopped Riverlink from proceeding when, as I explained again yesterday in this Council, it was a decision by NEMMCO in June 1998 that refused a regulated asset status for Riverlink, and it did not proceed.

A number of claims have been made by Mr Price about some extraordinary benefits that are alleged to accrue to South Australia. I remember the figures that the Hon. Mr Xenophon and others have been using of a billion dollars or so. I remember saying publicly on a number of occasions that, if the New South Wales government wants to write a contract for this billion dollars worth of benefits written in and guaranteed to South Australia, give us the document and we will sign it. But the Hon. Mr Xenophon and others representing the New South Wales Labor government interests were not prepared to pursue that issue.

However, what is of most concern to me is a recent matter that was raised by a prominent member of our business community in South Australia. The problems that South Australia experienced in February—for the benefit of the Hon. Mr Holloway—did not result from a break in an aluminium bracket but from strikes by Victorian unionists in the Yallourn Power Station, which meant that power was not coming across the Victorian interconnector in the first week of February. As a result of that, we had some significant problems in South Australia.

Soon after that, this prominent member of the business community told me that he was rung by the Hon. Nick Xenophon—or his office—and asked to have a meeting to talk about the power industry and the national electricity market. This member of the business community, who represented one of our more significant business associations in South Australia, was intrigued at this call from out of the blue. Nevertheless, being a hospitable fellow, he said that he was happy to listen to what the Hon. Mr Xenophon was up to.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I don't think it was a long lunch. When this business representative organised to meet with the Hon. Mr Xenophon, the Hon. Mr Xenophon did not turn up by himself: he had in tow, lo and behold, Mr Danny Price. He also brought along a legal adviser. This business representative was intrigued that the Hon. Mr Xenophon, who wanted to talk about power and the electricity market, had turned up with Mr Danny Price and a legal representative—a legal adviser—in relation to whatever it was that they were going to raise with him. I can only quote what this business representative has put to me: he said that he was amazed that what appeared to be the major issue for the meeting was that the Hon. Mr Xenophon wanted—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, there were a number of people at this meeting, not just one.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: The Hon. Mr Roberts, I am tired of hearing your voice.

The Hon. R.I. LUCAS: Hear, hear! This business person was amazed that the major issue that the Hon. Mr Xenophon wanted to talk about was that he wanted this business association to sue the government or ETSA for damages incurred as a result of the recent power dispute. The Hon. Mr Xenophon had also had legal advice: this legal adviser was in this group and he had legal advice to offer to this business association—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —to try to convince it of the legal basis and substance of a claim to sue either the government or ETSA (it was not entirely clear, but it was something to do with the government or ETSA) in relation to the damages that had been incurred by the business.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: No, this was February. How un-South Australian can you be? A member of our South Australian parliament went to a business association and took along Danny Price, a paid lobbyist for the New South Wales Labor Government, and a legal adviser as well, to try to convince this business association to sue either the government or the electricity company which the government was, at that stage, still operating. If the legal action was to be against the government, who was going to pay the cost of the damages? The taxpayers of South Australia would have had to put their hand in their pockets to pay for the legal costs of this damages claim.

If the suit was to be against a particular electricity company, then it would be the electricity consumers,

probably, although there is some question about who would have had to put their hand in their pockets to pay for the cost of the damages. For the life of me I cannot understand how anyone in this chamber, this parliament or this state could involve themselves in this sort of discussion and this sort of meeting. There are some questions, as I said yesterday, that must be asked. There are very close links between Danny Price and the Hon. Mr Xenophon. I believe that people have a right to know who is paying.

I know how much it costs for economic advice because, through the government, we are paying another economic firm (which we chose above Mr Price's old firm) to represent the government on these issues. They do not come cheaply. These people do not give their time for nothing. The question needs to be asked: who is paying for Mr Price's time? Who is paying for Mr Price to fly from Sydney to Adelaide all the time to attend meetings with and to provide advice to the Hon. Mr Xenophon with regard to the costs?

An honourable member interjecting:

The Hon. R.I. LUCAS: He would certainly have frequent fliers points. He has been coming backwards and forwards very frequently. I am not sure who the legal adviser was in relation to this issue. All I have been told is that a lawyer attended this particular meeting to provide the legal advice.

The Hon. P. Holloway: You are making these allegations; who is it?

The Hon. R.I. LUCAS: I am not making any allegations: I am just giving members the facts.

Members interjecting:

The Hon. R.I. LUCAS: I am giving members the facts. That is what parliament is for. We have not been meeting for three or four months and this is the opportunity for us to share information and to ask questions. I am saying that I know—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. R.I. LUCAS: —that people such as Danny Price do not do something for nothing.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They do not do anything for nothing. Their costs are not inconsiderable. Their hourly rates are extraordinary.

The Hon. L.H. Davis: More than lawyers.

The Hon. R.I. LUCAS: I do not know about more than lawyers. I am trying to be truthful in relation to this matter. It might be heading towards that direction.

The Hon. K.T. Griffin: More than South Australian lawyers.

The Hon. R.I. LUCAS: More than South Australian lawyers; that is probably true. There is a very significant cost and these people do not do this sort of work for nothing. They do not spend all their time advising the Hon. Mr Xenophon—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: In one respect I know what he is up to, and I said this yesterday. Danny Price is a paid lobbyist for the New South Wales Labor government. If he could get Riverlink up, or if he could have kyboshed Pelican Point, or if he could stop any other alternative power supply to South Australia, he could ratchet up the value of the New South Wales assets; and, when Michael Egan and Bob Carr get their way in New South Wales, there will be a nice premium or a nice benefit for New South Wales in all this. But that is a benefit for New South Wales. As I said yesterday, I do not see the benefit in all this for South Australia, for the South Australian community and for South Australian taxpayers.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Does the honourable member support either the government or the businesses being sued?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Does the honourable member support the government or the businesses being sued over a power dispute in Victoria?

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

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway will come to order. I ask the Treasurer to stick to answering the question.

The Hon. R.I. LUCAS: The power dispute in February was caused not by the South Australian government, not by South Australian businesses and not by South Australian workers: it was as a result of Victorian unionists going on strike in the Yallourn power station and stopping power coming across the border through the interconnector. The whole notion that anyone should encourage legal action against the government or our electricity businesses is un-South Australian and leaves many questions in relation to Mr Price's activities and his links with the Hon. Mr Xenophon, which I believe and hope that the Hon. Mr Xenophon will clarify not only for me but for the South Australian community as well.

RAIL SERVICES, OUTER HARBOR

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport a question regarding the Outer Harbor rail line.

Leave granted.

The Hon. SANDRA KANCK: In my role as the Democrats' transport spokesperson, I recently travelled most of Adelaide's metropolitan rail network. Part of the purpose of these journeys was to assess the standard of passenger amenities at the railway stations. The results were mixed, with a vast difference between the best and the worst. In particular, many of the stations on the Outer Harbor and Gawler lines showed signs of long-term neglect. Many of the stations are dilapidated, with poor signage, inadequate lighting, crumbling platforms and shelters defaced with graffiti.

The *Weekly Times* of 23 February reported that the state government proposes to upgrade the Glanville Railway Station on the Outer Harbor line. This upgrade is part of a $4.8 million investment in the rail system that includes the creation of 'seven safe stations', with video cameras, lighting upgrades and extra staff. My questions to the minister are:

1. Will she guarantee the continued operation at current service levels of all the stations on the Outer Harbor line?

2. Will the minister commit to upgrading all stations on the Outer Harbor line to achieve a minimum standard in respect of lighting, signage, shelters, parking and platforms?

3. Is the minister intending to create a two-tiered system for Adelaide's metropolitan railway stations?

4. What are the other six stations to be upgraded as part of the $4.8 million package?

5. Does the minister believe that creating seven safe stations implies that the rest of the network's stations are unsafe?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The last question is a silly suggestion. I can provide the honourable member more information if she wishes in terms of what I should perhaps call the 'super safe' stations. An enormous investment of taxpayers' money is to be made this calendar year in upgrading security and lighting at the nominated stations, one on each rail line. I will provide the honourable member with more information, as I suspect that she is genuinely seeking information, not just a headline.

I do not have the service and investment plans for all the railway stations at my disposal today. I indicate that audits have been undertaken of every station. The honourable member would be aware that the government has a 10-year plan for infrastructure investment in public transport, and the seven super safe stations are the first part of that major investment in the rail system overall. I will get the capital works plan for her and provide that detail.

WORKING HOURS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about the push for a 36-hour week.

Leave granted.

The Hon. J.F. STEFANI: Last Sunday, 26 March, the *Sunday Mail* carried a front-page article entitled, '36 hour push'. The article indicated that some construction unions were negotiating a deal for a shorter working week. The new President of the UTLC was reported as saying that the time had arrived for a shorter working week to balance work and family commitments.

The Chief Executive Officer of the Master Builders Association said that investment in South Australia would stall under a 36-hour week. The *Sunday Mail* Editorial went on to say that it supported fair and just rewards for workers but did not support the concept of a shorter working week. The editorial described a shorter working week as having the effect of a pay rise. It also said:

> Far from creating jobs it will be an active deterrent to firms hiring extra workers, because they face paying more money for less work.

My questions are:

1. Has the Minister considered the effects that a shorter working week would have on the state economy?

2. Does the Minister believe that a shorter working week would guarantee greater job security and job growth to South Australian workers?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I did read the report in the *Sunday Mail* concerning the push by the CFMEU for a 36-hour week in South Australia. The report to which the honourable member refers talks about a shorter working week to balance family and other responsibilities. We have no problem at all with shorter working hours provided those hours are balanced by productivity measures to ensure that this state is not disadvantaged nationally and internationally. If a 36 hour-week were to be imposed without those offsets in South Australia it would, I am advised, result in a minimum cost increase of 5 per cent. It is interesting to note that none of the CFMEU's push in Victoria or any of those supporting it have spoken about productivity offsets.

All members would have seen the recent reports of the enterprise agreement that the Grollo construction group entered into. It appears to have agreed to a 36 hour week. That agreement was greeted with alarm by the Master Builders Association and the federal government. It would appear to have been greatly encouraged by the attitude of the Bracks Labor government in Victoria, and we have recently seen industrial turmoil in Victoria.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Well, do not do it in Question Time.

The Hon. R.D. LAWSON: The industrial turmoil in Victoria is really a contagious disease that we do not want the South Australian community to catch. We have a fine industrial affairs record in this state, with a low level of industrial disputation. Unilateral claims such as that of the CFMEU for a 36-hour week across the board, supported by some in the union movement, will not improve the employment prospects in South Australia. Indeed, they have the capacity to undermine the economic recovery of this state and ultimately will operate to the detriment of not only the unionists but the South Australian community.

TOBACCO LEGISLATION

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Human Services, a question on the subject of tobacco legislation compliance.

Leave granted.

The Hon. R.R. ROBERTS: Some weeks ago I received some correspondence from a small business person in Port Pirie who had received two pieces of advice from the Human Services Department. The first one, dated 19 October, stated:

> Congratulations. The compliance check of your premises on 29 September 1999 at approximately 8.55 a.m. has shown that you complied with section 38 of the Tobacco Act.

He then received further correspondence on 15 February 2000, which states:

> Warning! This retail outlet illegally sold cigarettes to a child.

This business operates in one of the toughest areas in Port Pirie.

The Hon. M.J. Elliott: Like the Bronx!

The Hon. R.R. ROBERTS: It makes the Bronx look like a sissy's paradise. In correspondence, my constituent said:

> The first time I received a letter in October 1999, I rang the Tobacco Control Unit and spoke to a Mr John Gray. I complained that I thought it was absolutely wrong that a minor could be used to coerce or trick my staff, my family or myself into breaking the law. He replied that he did not care what I thought and that they could do anything they wanted in order to stamp out under-age smoking. I asked him if they did the same to the supermarkets and he claimed they were not a problem unlike delis and service stations.
>
> We go to great lengths to stop minors from purchasing cigarettes from us and we ask for ID if we suspect the person is under age. We keep a written record of their name, sex, date of birth, build, hair colour, eye colour, document sighted and the date we sighted the ID.

It is clear that my constituent goes to great lengths to try to comply. The letter continues:

> Those who cannot provide an ID do not get tobacco products. It is almost a daily occurrence that we are abused with foul language and occasionally thinly veiled physical threats for insisting on an ID. The abuse has often been accompanied by physical abuse of stock, counters or the door.

My constituent continues:

> As far as I am concerned, I know our judgment is not 100 per cent perfect and neither is anyone else's, so everybody will be caught sooner or later.

He complains of this kind of zealotry. He also believes that the compliance unit has trained a number of minors to go out and act as decoys, if you like. This is a serious matter for my constituent because 45 per cent of his business revolves around the tobacco industry, and that impinges on the employment of his staff. I think I have clearly demonstrated that under adverse difficulties this man is trying to do his absolute best to comply. My questions to the minister are:

1. Is it true that a number of minors have been trained in entrapment techniques by the compliance unit?

2. How many such minors have been trained and what are their ages?

3. Is it an offence to entice or encourage a minor to cause an offence to be committed by coercion or trickery: that is, the sale of a prohibited substance to a minor?

4. Are these minors being paid to perform these tasks; if so, how much, and are they being paid under an award or an agreement?

5. What protection do these children have in respect of WorkCover or accidents—because I can tell members that some of these small business people are not very happy about this type of activity?

6. What is the span of working hours of minors employed on these functions?

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.

BUSES, PRIVATISATION

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I indicated yesterday, in answer to a question from the Hon. Carolyn Pickles about bus services, that I would provide further information regarding the number of jobs on offer at Serco in terms of contracts won for the operation of bus services and the number of Trans-Adelaide staff that have accepted positions to date.

Just to remind honourable members, in terms of the other successful bus companies, Torrens Transit had placement for 340 jobs overall, it has offered 350 positions to date, and 100 per cent of the bus operators engaged to date are TransAdelaide drivers. In terms of ATE—now called South Link—140 offers have been made; there have been 131 acceptances; 98 per cent are TransAdelaide operators; and overall 96 per cent of the positions have been filled by TransAdelaide employees, and that includes maintenance and administration.

I now have further material in respect of Serco. The bid documents indicated a requirement for 605 full-time equivalent staff. At that time, in terms of the current contracts it operates, Serco employed 310 people; therefore, it required an additional 352 people to commence operations on 23 April, and that includes full-time and part-time employees. I am advised that, of the new staff Serco has employed, 96 per cent of full-time staff have come from TransAdelaide, and 92 per cent of all staff, including part-time and casual, have come from TransAdelaide. On the latest figures I have for Serco, Torrens Transit and South Link, 96 per cent of all bus operators who are to take up bus operating positions with the new operators are currently employed by TransAdelaide. In terms of all new staff who have accepted positions with Serco, Torrens Transit and South Link, 94 per cent are currently employed by TransAdelaide.

A further question was asked about the training for redeployees. I advise that a redeployee arriving at Trans-Adelaide's career service centre will have access to professional counselling. This counselling will address their needs with respect to jobs, family finance, etc. It will also address the preparation for searching for a new job, including preparation of a job application and interviewing techniques. Further, their skills will be identified, and any gaps relating to the type of job that they want will be identified and, as appropriate, a training plan will be developed to bridge these gaps. The training plan will then be actioned with Trans-Adelaide's support in terms of the HECS scheme, course costs and time off to attend courses. The courses can vary from a few days to a certificate course at TAFE or other tertiary studies. It is expected that qualifications gained will be used to find employment in the private or public sector.

BUSES, FUEL REBATE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about planned diesel fuel rebates and the impact on our urban transport system.

Leave granted.

The Hon. T.G. CAMERON: Today's *Australian* carries a story which states that the plan to restrict price reductions for diesel fuel to the bush has created another tax reform anomaly, with almost 90 per cent of urban buses to be denied cheaper fuel. The oversight means only city buses of 20 tonnes will get access to a 23¢ a litre price reduction from 1 July, which will exclude most of the state's bus fleets.

Under the compromise deal to ensure passage of the GST through the Senate last year, the Democrats and the federal government agreed that diesel fuel excise reductions would be restricted to vehicles over 4.5 tonnes in the country and over 20 tonnes in the city. The definition of 'cities' includes large regional centres and semi-rural areas. The Bus Industry Confederation chairman, Mr Keith Todd, has stated that without the diesel fuel rebate bus fares will rise by at least 3 per cent. There is every likelihood that this will lead to a further fall in public transport passenger numbers. My questions are:

1. How much will the additional levy add to our transport bill?

2. Will public transport fares rise as a result of the diesel fuel rebate or will the government absorb the cost?

3. If fares rise by the 3 per cent figure suggested by Mr Keith Todd, can the minister provide figures as to the fall in public transport patronage?

4. Finally, will the state government lobby the federal government to ensure that the rebate is applicable for all buses used for public transport?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I refer the honourable member to the answer I gave earlier to the question asked by the Hon. Carolyn Pickles on essentially the same subject. In terms of the last question, I can say that I have made representations, but the package that has been agreed between the government and the Democrats is not up for amendment, I understand. I refer to the article in the *Australian* that the honourable member referred to: I note that the Democrats are quoted as saying that pollution from diesel fuel is a serious health and environmental factor requiring unpopular measures. Certain-

ly, we have an unpopular situation arising in terms of this diesel fuel rebate and the metropolitan bus situation.

RAIL SERVICES, OVERLAND

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

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that Great Southern Railway has announced plans to increase the number of Overland services from three to four per week on a trial basis. This will complement the weekly Ghan service which also operates via Adelaide and Melbourne. I have long been keen to see more opportunities for rail passengers to travel between Adelaide and Melbourne in daylight hours. I was therefore pleased to learn that under the trial future Adelaide to Melbourne trips will run on a daytime schedule while those in the opposite direction will continue to run at night.

I understand that the state government has been involved in negotiations with the Victorian government and GSR in relation to Overland services. Can the minister provide the Council with details of those negotiations and indicate when the new schedule will commence? Can she also indicate the benefits to regional centres in South Australia situated along the Overland route?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Victorian and South Australian governments have reached a funding agreement with GSR for an investment of $1.6 million for a six month trial of new service arrangements. As the honourable member said, the services will increase from three to four, but the big news and the good news for South Australia, in terms of tourism and promotion of the state generally and for rail passengers, is that after years of lobbying we have finally been able to get a daytime service from Adelaide to Melbourne.

The reason this is possible at this time is not only the funding package but also the fact that federal government investment to improve the line from the South Australian-Victorian border to Melbourne has enabled the trip from Adelaide to Melbourne to be undertaken in 10½ hours. So, GSR can now operate the train from Adelaide to Melbourne and return the same train from Melbourne to Adelaide within a 24 hour period.

Currently it operates two train configurations, which is a highly expensive task, and it is one of the reasons why the operating costs for the Overland have far outstripped revenue in terms of patronage. I must commend the Hon. Peter Batchelor, the new Victorian Labor minister: it has been a positive experience to work with him through this exercise. I should also acknowledge that the additional funding comes not just from transport portfolios in each state but also from the tourism agencies in each state, because the marketing effort to promote this new daytime service and 10½ hour trip by train Melbourne-Adelaide and return will have to be enormous. This funding package lasts for just six months, and the funding from South Australia has been given on the undertaking that after six months' trial there would be no further state funding; we would expect this to be a commercial operation. So, we want to promote this historic train trip: it has been operating for well over a century. We want to promote it strongly and increase patronage.

One of the ways in which we believe we will increase patronage and aim to make this a viable long-term daytime operation will be through the strong marketing effort and the tour packages. In addition, the daytime service from Adelaide to Melbourne will allow the train to pick up people at Murray Bridge and Bordertown in South Australia during daytime hours and not in the middle of the night, which has always been the practice to date—really, only the most dedicated would ever be out at Murray Bridge railway station in the middle of the night and later at Bordertown, or at Ararat at 1 p.m. or Horsham at 3 p.m. to get in to Melbourne.

The Hon. Carolyn Pickles: When is it starting?

The Hon. DIANA LAIDLAW: On 7 May.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No, we announced it today.

The Hon. G. Weatherill: I saw someone get on the train today.

The Hon. DIANA LAIDLAW: That might have been the Ghan. This new daytime Overland will complement the Ghan trip to Melbourne. In fact, the Ghan running Adelaide-Melbourne, having come through from Alice Springs, has given confidence to GSR to believe that this will work well, because there has been such positive feedback on the daytime trip Adelaide-Melbourne. In addition to the tourism trade between Adelaide and Melbourne and reverse, if we can pick up country people in and around the areas of Murray Bridge and Bordertown, Ararat and Horsham, we believe that the patronage travelling to Melbourne with a daytime service will be very strong, and that will help the long-term viability of this new venture.

MINISTER'S REMARKS

The Hon. NICK XENOPHON: I seek leave to make a personal explanation in relation to remarks made by the Treasurer during question time.

Leave granted.

The Hon. NICK XENOPHON: During question time, in the course of responding to a question from the Hon. Legh Davis, the Treasurer alleged that, effectively, I organised a meeting with a business group in South Australia, that there was some element of surprise that Danny Price, an economist, a consultant with Frontier Economics, attended that meeting and, further, that in the course of that meeting a legal representative—a barrister, in fact—gave advice to the meeting that they ought to sue the state government for damages in relation to the electricity industry. It is important that an explanation be made because, whilst it sounds like a good story, it is a gross misrepresentation of what occurred. I will outline what occurred on that day, given that the Treasurer has received a secondhand version of the facts—

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. The honourable member can make a personal explanation if he claims to have been misrepresented. It is not an avenue for the honourable member to engage in a debate. If the Hon. Mr Xenophon claims that the meeting did not occur or that in some way the information that I have provided is wrong, he can seek clarification by way of personal explanation.

The PRESIDENT: I agree with the points made by the Treasurer. The Hon. Mr Xenophon should highlight the points where he has been misrepresented and explain them.

The Hon. NICK XENOPHON: Very well, Mr President. I am sure that there will be other opportunities to debate this matter further.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order.

The Hon. NICK XENOPHON: The facts are these: first, a meeting was arranged with this business group (and I am sure that the Treasurer knows its identity) to discuss issues with respect to the blackout and related issues. It was made clear to the group that a barrister, with experience in trade practices law, would attend that meeting, as well as Danny Price. So, any suggestion that I was attending the meeting alone is simply not the case because a representative of the business group to whom I spoke was well aware who would be attending that meeting. Secondly, it was suggested that I have taken an anti-South Australian position in that advice was given to seek damages.

My recollection of the meeting is clear. In fact, I spoke to the barrister in question a few moments ago simply to confirm that recollection. The barrister gave advice that, under section 87 of the Trade Practices Act, various orders could be sought to vary arrangements, including market arrangements. The barrister's advice to the members of the business group in question was that, whilst damages could be sought under section 82 (flowing from section 46 of the Trade Practices Act, which relates to issues of misuse of market power), such action would not be advisable because the taxpayers of South Australia would effectively be paying for any damages claim.

The barrister's clear advice was that, if this business group was considering taking action, given that members of this business group had previously stated in the media quite clearly that they were seeking to sue the government for damages in relation to losses caused by blackouts, the preferred course of action would be not to seek damages but to seek a remedy in relation to section 87 of the Trade Practices Act. That course of action would involve issues of the competitive framework, including issues relating to varying market arrangements, which could lead to lower prices for consumers. That is quite different from seeking damages. The barrister made his position quite clear that, whilst that course of action was theoretically open—

The Hon. R.I. Lucas: Who would pay for the remedies?

The Hon. NICK XENOPHON: And further to that—

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: Mr President, I listened to the Treasurer's response in silence and I hope that I can receive some protection from the chair. In that regard, members of the business community agreed with the barrister's advice, that the outcome ought to be one for cheaper prices for electricity consumers in the state and a more competitive market. Furthermore, the barrister's approach was very cautious. He did not suggest that there was necessarily a cause of action. The barrister's approach was very clear. He said that the appropriate and prudent step to take, if the members of the business community felt so strongly about this issue, given their previous media statements, was to seek documents by way of pre-action discovery.

That course does not put the state or taxpayers at risk: it simply relates to documents being produced and, on the face of it, if those documents showed issues that would lead to a cause of action under the Trade Practices Act the matter could proceed further. I emphasise that it was not an exercise to seek damages from the state but rather to open up market arrangements that would lead to benefits to consumers in this state—

The Hon. R.I. Lucas: Who would pay for that?

The Hon. NICK XENOPHON: Ultimately, as a rejoinder to the Treasurer's interjection, I thought that the main game in relation to the privatisation of the electricity market was to ensure that consumers received maximum benefits in terms of cheaper prices and, given that the average pool price in South Australia is some two and a half times the price in New South Wales and Victoria, I believed it was appropriate to put this to—

Members interjecting:

The PRESIDENT: Order! We cannot hear the honourable member who is on his feet.

The Hon. NICK XENOPHON: That was the position in relation to the meeting that took place. Whether this business group goes any further, I am not sure, but certainly they were very concerned about the losses they sustained during the blackout. I look forward to a constructive debate rather than ad hominem attacks in relation to the future electricity market in this state.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts can go outside and talk to the Treasurer. Do not take up the time—

Members interjecting:

The PRESIDENT: Order!

MATTERS OF INTEREST

MONARTO ZOOLOGICAL PARK

The Hon. L.H. DAVIS: On Sunday I was fortunate to visit the Monarto Zoological Park. It is located 70 kilometres from Adelaide and comprises 1 000 hectares, or 2 500 acres, of undulating mallee woodland with a wonderful variety of natural flora and fauna. The Monarto Zoological Park was established in 1983 and was first opened to the public in 1993, initially for limited times. Since April 1997, following the opening of the visitor centre, the park has been open every day, including Christmas Day. In 1998-99, 60 000 people visited the park. In 1999-2000 it is expected that 80 000 people will visit this attractive zoological park.

The park has 29 staff, including keepers. Many of the staff live in houses within the park. The park also has 50 volunteer tour guides with an additional 10 land care volunteers. These volunteers do a wonderful job and many come from Adelaide to help with the park, having engaged previously in training and guide courses to give them accreditation.

Visitors can see an exciting range of animals through a one hour safari bus tour. Alternatively they can walk along the many nature trails which provide visitors with an opportunity to enjoy the mallee woodland, wildlife and diverse flora.

The park also has an extraordinarily fine visitor centre. It has won architect awards from the Royal Australian Institute of Architects. It has a strong environmental ethic. Design strategies minimise energy consumption and damage to the natural environment, through the utilisation of subsidence towers for cooling, use of recycled timber, etc.

On Sunday I was involved in a behind the scenes bus tour of the Monarto park with Steve, an amiable keeper, as tour guide. The park boasts the largest giraffe herd in Australia:

there are 12, with two baby giraffes. We watched four male cheetahs languidly leave their overnight enclosure to roam free in their very attractive sanctuary.

Other exotic animals from South Africa, South America and Asia include zebra, Barbary sheep, antelope, bison, blackbuck, Mongolian wild horse, ostrich and oryx. Australian animals include bilby, betton, kangaroo, yellow-footed rock-wallaby, emu and mala. Monarto is a party to an international breeding program which assists endangered species. Monarto has 40 mala of the 200 mala in captivity in Australia. They are believed to be extinct in the wild. Since September 1994, 52 bilbies have been bred from just two bilbies.

Monarto works closely with other free range zoos in Australia, and these include the Western Plains Zoo at Dubbo in New South Wales, Yookamurra Sanctuary in South Australia, the Northern Territory Conservation Commission and the Kanyana Wildlife Rehabilitation Centre in Western Australia. The fact that this zoo has been so successful is a tribute to the people who run it. I was fortunate to meet the recently appointed director of the zoo, Chris Hannocks, and enjoyed this natural wilderness sanctuary, this open range zoological park, which is a very fine visitor attraction for South Australia. I urge all members, if they have not already done so, to visit this zoo at the first opportunity.

GOODS AND SERVICES TAX

The Hon. T. CROTHERS: I take this opportunity to talk about the GST and taxes in general. It is an open secret that politicians are very fearful of the public when it comes to introducing new taxes. They are so fearful that new taxes are no longer imposed on us—we get levies instead. We have the Torrens Valley catchment levy and the emergency services levy here. In Canberra we have the East Timor levy and a levy to raise additional funding for Medibank. There is no doubt that people want more services, but they do not want to pay for them. There is also no doubt that the present system of taxation is in a parlous state. It is a ramshackle mishmash of taxation provisions that allows cheating to go on unchallenged and underhanded on a massive scale.

One might well turn to the system that will come in on 1 July—the GST. If one looks at the history in Australia of the GST over the past 15 to 20 years, one finds that the Hon. Mr Keating, former Prime Minister of this nation, under the guidance of Treasury officials, was a supporter of a form of GST in the early days of the Hawke government. Many other nations have a GST and I have no doubt that, after being bitterly opposed to the GST and then waking up to it and what it meant, I could have supported the Costello model of the GST. I have no doubt that Peter Costello, as I said in a supplementary question, had his GST model costed to the nearest cent by the aficionados of the Treasury.

What happened? John Howard got so desperate to get the measure passed by the Senate that he sold himself out to the amendments emanating from Senator Meg Lees, the Leader of the Australian Democrats. To her eternal credit, Senator Stott Despoja and a Democrat senator from Queensland refused to support it, crossed the floor and voted with the Labor Party in opposition to the Lees' amendments. I believe that they are yuppy amendments, by and large. Senator Lees suggests that the amendments are aimed at the people I represent, the blue collar workers, but I question that. I believe that the amendments will benefit most the people who reside in Stirling and Burnside, and in the state seat of Davenport, who usually support the Democrats.

The amendments will cost the Treasury some $3 billion in revenue. If Costello had it costed, and I am sure he did, the question that exercises my mind is: where will he get the additional $3 billion from? He has a number of options: he can lift the GST from 10 to 11 per cent or he can reduce the income tax cuts that he has promised to give the ordinary workers of this nation. In all my life I have never seen Peter Costello as angry as he was when he was forced to appear with the Prime Minister and Senator Meg Lees at a press conference at which Lees and Howard announced their great victory. I believe it is a great tragedy because it has turned the GST into as much of a mishmash, higgledy-piggledy system as our present taxation system is.

That is what I believe has happened thanks, in my view, to political grandstanding by the Leader of the Australian Democrats. But they will pay a price, because the Australian population is much more worldly wise than it was 20 years ago with respect to having long memories about those who put their own political interests in front of the interests of the people of this nation. As I said, that day of reckoning has to come, and I believe that the former Premier of Victoria saw part of it in the last Victorian state election.

Time expired.

KRASTEV, Ms I.

The Hon. T.G. ROBERTS: I pay tribute to a member of the Labor Party and a member of the South Australian community who passed away just recently after a long battle with cancer. I was fortunate enough to visit Irene Krastev in the week prior to her death in the Royal Adelaide Hospital to pay my respects to her as a member of the Labor Party and a good supporter of migrant women, in particular, in this state and of all working class women in Australia.

Irene Krastev was a very active member of the community. Her politics led her to the Labor Party in the early 1950s after she arrived from Bulgaria. She became a very active member of the Labor Party and a very active member of many organisations in Adelaide. She represented peak bodies at a national level as well as in the state. She was on the Munno Para council from 1971 to 1978 and she was Chairman of the Munno Para Work and Town Planning Committee. She was a member of the Lyell McEwin Hospital Board from 1973 to 1975. She served dutifully on the South Australian Egg Board from 1984 to 1987, which was a paid committee in contrast to the voluntary organisations whose meetings she always attended to represent the interests of the people of this state. She was also a member of the Citrus Board from 1988 to 1993. I had a feeling that she was on the Milk Board, but it is not listed in her CV.

She was a member of the Social Security Appeals Tribunal from 1986 to 1993, she was a foundation member of the United Ethnic Communities of South Australia and she was secretary of that organisation in 1986. Her community service included the role of Treasurer of the Business and Professional Women's Association from 1973 to 1977. She was President of the Migrant Women's Lobby Group and a member of the South Australian Multicultural and Ethnic Affairs Commission's Migrant Women's Advisory Committee from 1987 to 1989. She was Chairman of Cooperative Housing for Older Women and a member of the Advisory Committee on Ethnic Aged Issues. She was Vice President of the Ethnic Ageing Action Group in 1988 and a member of the Older People's Advisory Committee for the South Australian Commission for the Ageing in 1994.

She worked for the Bulgarian community as an interpreter in the law courts and in dealings with police and hospitals. Indeed, when she got a phone call from anywhere at any time of the day or night, she would make herself available as an interpreter. She spoke seven languages but she was very modest and she claimed that she spoke four languages fluently and that in the other three she could speak, be understood and understand but was not fluent in the written or spoken language. In my estimation, from the way she presented herself, I think that she was fluent in those languages as well.

It would be very difficult for a woman like Irene to be heralded in any arena or forum except parliament by someone who knew her and observed her at a personal level. She did not put herself forward for any gongs, tributes or awards but she went about her work tirelessly, trying to better the life of all South Australians in this state regardless of their colour, creed, religion or political persuasion. There is one story, but I do not have time to refer to it; perhaps I will incorporate it in a speech later on.

AHRENS ENGINEERING PTY LTD

The Hon. J.S.L. DAWKINS: I was pleased to learn recently that Sheaoak Log firm Ahrens Engineering Pty Ltd completed a $2 million project at the Sydney Olympic complex ahead of time, at the end of February. Ahrens Engineering, which has 70 employees based at the small Sturt Highway locality, constructed an extension to the existing Exhibition Building, which will be used as a warm-up area for competitors in the basketball, handball and badminton tournaments at the Sydney 2000 Olympics.

Company principals Stefan Ahrens and his father, Bob, told me that the Industrial Supply Office of the Business Centre alerted them to the opportunity for Ahrens Engineering to be involved in such an important project. The information provided by the Industrial Supply Office, or ISO, which is part of the Department for Industry and Trade, enabled Ahrens Engineering to initially be placed on the tender list. Eventually, after negotiations by Sheaoak Log-based staff, the company won the performance based project from a number of other tenders. The Ahrens family feels that, without the information provided by the ISO, the contract would have gone to an interstate company and the South Australian economy would not have benefited at all. They were particularly grateful to ISO manager Graham Sutton and staff members Chris Plumb and Stan Guzinski, who were well aware of the company's business and its products. Ahrens Engineering plans to make this project a stepping stone into the larger market on the eastern seaboard.

All the fabrications for the Homebush project were undertaken at the Sheaoak Log factory and then transported to Sydney. A special team of local employees was then sent to the harbour city to erect the 8 500 square metre building, which is situated adjacent to the Homebush Railway Station. Following the completion of the Olympic project, Ahrens Engineering is gearing up to do the structural work for the Hindmarsh Island Bridge at Goolwa. This well-respected and longstanding family company is an excellent example of businesses which thrive despite being based in small, rural communities. It now has a total staff of more than 100, since the well-known Sherwell silo making firm came under its umbrella in recent times.

I have long been of the opinion that all levels of government must do all they can to allow such rural-based companies or businesses to continue to succeed, in addition to our efforts of trying to attract new industries to the regions. As Stefan Ahrens said:

> It is great when government and private enterprise can work together as a team for the benefit of South Australia.

OVERSEAS CHINESE ASSOCIATION

The Hon. CARMEL ZOLLO: Early last month I was very pleased to represent the Leader of the Opposition at the celebrations for the Chinese New Year held by the Overseas Chinese Association and to participate in the evening celebrations. I congratulate the Overseas Chinese Association for the very important part it plays as the peak body of the community in South Australia in assisting to ensure the access and equity of its community and in the role it plays in the promotion of its community's culture.

The association is a non-profit organisation that represents 2 000 members, comprising some 600 families. The association was originally established in the 1960s and incorporated in 1980. It was formerly named the Indochinese Association because half the members came from Vietnam, Cambodia and Indochina, while the other half came from China and South-East Asia. As a peak group the association concerns itself with welfare and education issues as well as social issues. However, it places its strongest emphasis on education.

The celebration of the customs, traditions and culture and, most important of all, the language of the people is so vital in our multicultural society. Without its own language to express a people's uniqueness, culture eventually dies. I have heard it said many times that language is the custodian of a race of people—a sentiment with which I am certain we would all agree. I congratulated the Overseas Chinese Association on the evening for having been pivotal in its recognition of this factor.

The association has established the first Chinese language ethnic school. The community purchased the old Findon Primary School, and I understand that there are now 800 students participating in language classes. I could not think of a better use of a public building. The old school also houses the Chinese Community Centre to promote Chinese culture.

The association also runs four broad-based welfare programs in the areas of community settlement services, gamblers' rehabilitation services, a low income support program and a commonwealth-funded respite for carers. Michelle Dieu from the association recently highlighted in the publication *Echo Express* issues confronting the Australian-Chinese community ranging from the need for better support networks for the elderly, to the need for youth to access information, recreation and an understanding of their legal rights. Ms Dieu also highlighted the issues of unemployment and training, racism, drug and alcohol-related problems, family conflicts, law and the police system.

Of course, governments have a responsibility to provide services that are important, relevant and accessible to people of all ethnic and cultural backgrounds. Government funding is a recognition of such responsibility but, of course, extra finance is always welcome, so I was pleased to see the success of the New Year celebrations, which assisted in providing funding for the school.

The year 2000 is the Year of the Dragon. I learnt that dragons are considered superior to other animals and those born in the year of the dragon are dauntless, dynamic and

delightful, amongst other qualities. I also learnt that New Year's Eve is the best time for members of a family to talk to each other, discuss their experiences and achievements, and exchange their ideas and plans for the next year. All I can say is that we can all learn from such great Chinese wisdom—a time to be united and reflect on our lives as family members can only be for the best.

I would like to congratulate Mr Peter Do, the President of the Overseas Chinese Association, and his strong committee for their obvious tireless work on behalf of their community, as well as the honorary President of the Overseas Chinese Association, Mr Simon Koh. Mr Koh is also President of the Australian-Asian Chamber of Commerce and Industry. Also, I was very pleased to meet Mr Quoc Long Ha, President of the South Australian Zhu Lin Buddhist Association and Deputy President of the Overseas Chinese Association. There are 24 committee members and it was an honour to be one of the guests on the evening asked to give out certificates in recognition of the work of the members. I wish all members of the Chinese-Australian community good fortune in this very special Year of the Dragon, the year of the Golden Dragon.

FOOTBALL, COUNTRY

The Hon. CAROLINE SCHAEFER: I congratulate Minister Laidlaw and all concerned on the great success of the Adelaide Arts Festival and the Fringe. Both are not only fun but are of considerable positive economic impact to the state. We are often reminded of the great economic flow-on of major sports such as the AFL, the V8s, athletics, etc. Today, I would like to draw attention to something of a poor cousin, the South Australian affiliated football leagues and clubs, and the impact they have in country areas. As the affiliates say in a report recently sent to me:

> Country football is an integral part of the social fabric of rural and regional communities. It is the major activity where families meet on a regular basis and gives young men an opportunity to express ability and team discipline.

Of course, Mr Acting President, you would also know that in most country leagues netball is played at the same venue and in conjunction with football. So each Saturday and Sunday the two sports combined do make a real family occasion. Less well known is the economic impact of the country football leagues. There are 26 affiliated leagues and 203 affiliated clubs. They have provided the following information in their report. Each league and club makes a direct contribution to metropolitan, regional and rural income through their annual expenditure items. Figures returned from the leagues and clubs indicate a total expenditure of $16 million per annum, 90 per cent of which occurs at club level. Annual operating costs of the clubs vary from $56 000 to $48 000. Despite difficult times and falling populations, only 43 clubs and two leagues have any outstanding debts, and the majority of those are under $10 000.

It is estimated that over 7 000 people work in a voluntary capacity for these affiliated leagues and clubs. At an average of seven hours each for an 18 week season at $10 an hour, that equates to $9 million worth of voluntary labour. It is also estimated that over 1 million kilometres per week is travelled to and from the footy. At just 15¢ per kilometre (10¢ for fuel and 5¢ for maintenance) that is $3 million per season spent on maintenance and fuel in country areas.

There is a total of 36 218 participants in these football programs throughout the state, and of course many more who attend netball or watch one of those sports. Junior numbers for the football have increased by 18 per cent in the last 12 months since 1998, and in spite of declining populations football continues to grow in country areas. Clearly, the claim that country football is the traditional heartland of Australian football is correct—and long may this be so. I wish country football and its supporters well at the beginning of this season.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I want to raise a matter which I regard of the utmost urgency, and that is the control of genetically modified canola plantings in South Australia. I refer to an article in today's *Advertiser* which highlights a matter about which I have been agitating for some time. The article states that a company called Aventis is currently carrying out canola trials in various places in South Australia and an allegation has been made of improper dumping of waste. I think that is incidental to the main story. The final paragraph of this article states:

> Aventis said its SA trials would include the growth of genetically modified canola crops in up to 22 council areas during the next 12 months.

That involves 1 200 hectares across Australia. This is a belated attempt to try to close whatever we can of the door before the horse (keeping South Australia genetically modified free) has totally bolted.

I am scandalised by the ineptness of the Minister for Primary Industries' response to this. It was very few months ago that he attacked me and others for scaremongering, he said that this technology was progress, and that it was counterproductive for anyone even to question it. I would say that he has been bludgeoned by the reaction of the Farmers Federation and others into saying, as is quoted in the article this morning:

> Primary Industries and Resources Minister Rob Kerin promised to raise community concerns about experimental genetically engineered canola crops with the federal Agriculture Minister Warren Truss.

About time, I might say. We have been taken for a ride by these companies, not only Aventis but also Monsanto, and I also have details about a company called AgrEvo. It is very difficult to know which company is which, but this public information sheet indicates that the expected date of release in South Australia was October 1999.

Information about these trials was sent to the South Australian Department of Primary Industries and Resources, the South Australian Department of Environment and Natural Resources and the South Australian Office of the Environment Protection Authority, as well as a hatful of councils, some of whom claim not to have received the information. I know first hand, having heard Nick Kentish's account at the Farmers Federation conference, his experience that he had been growing these canola trial plots for three years but it was only in the last year that he had been informed that they were genetically modified—and under pressure, I understand, from regulatory control from the federal parliament.

The Interim Office of the Gene Technology Regulator, in a document which it has just made available, refers to 'the risks of these trials' and states:

> Greater use and reliance on a few herbicides; unfavourable environmental impact/s; gene transfer to wild or uncultivated plants;

pleiotropic effects (a number of possibly unrelated effects) of transgenes; development of volunteer weed problems; development of herbicide-resistant weeds; public and consumer acceptability of transgenic plants and their products; reduced biodiversity; and development of monopolistic chemical/seed companies.

That is very well put by the very organisation which is supposed to be controlling what is going on. Whether gene manipulation is right or wrong is an important question, but it is not the critical one. We know that the world is demanding consumer choice for material which is not genetically modified. The fools who are making the decisions in South Australia are spoiling the chances of South Australia benefiting for maybe decades in money in farmers' pockets for retaining South Australia as genetically modified free. There is no clear evidence that genetic modification improves the lot of farmers. It improves the lot of chemical companies who can lock farmers into not only the seed but also the herbicides that are required. I cannot emphasise this strongly enough. The South Australian Government, if it cares about South Australia and primary industries, must act now not only to stop but to wind back these dangerous tests of genetically modified crops in South Australia.

EMERGENCY SERVICES LEVY

The Hon. IAN GILFILLAN: I move:

That this Council recommend to the government and the House of Assembly the introduction and passage of a bill to amend the Emergency Services Funding Act 1998 to give effect to the following principles:

1. The amount to be raised by the levy should be limited to $82 million (adjusted to allow for inflation since the beginning of the 1998-99 financial year);
2. The levy should be based on the value of improvements on the subject land and not on the value of that land;
3. The categories of land use to be recognised for the purpose of calculating the levy should be defined by regulation to allow for greater flexibility in determining land use factors;
4. Emergency services areas should also be defined by regulation to allow for greater flexibility in determining the area factors; and
5. The current restrictions on judicial review in section 10(9) of the act should be removed.

The points I raise in this motion are the substance of a bill which was drafted and ruled out of order in this chamber yesterday because it deals with a taxation matter. It is important to emphasise that not only the world at large but this chamber believes that this is a taxation measure. On that basis, I have serious concerns about what the government has done to distort what was originally good press, a good public response to the principle of inequitable distribution of responsibility for the level of contribution to emergency services when the government introduced the levy in its first form.

At that time, several ministers repeated publicly that it was to be revenue neutral or a clear indication that those of us who had been paying insurance premiums would not be expected to pay more and could even be blessed with a reduction in the overall contribution. This quite clearly has not happened. I would be very surprised if every member of this chamber has not had at least some indications of dissatisfaction and grumbles, in varying forms of intensity, from members of the public who are hurting because their bills for their emergency services are extraordinarily high.

I will quote one example of such a person, and this just happened to come to me yesterday—and it is one of many that I have—from a person in Port Lincoln. A man there says the charges on both his small property and his mother's house have gone from $47 to $380, and he also has the imposition on a car and trailer, and so on, which he is not taking into account in this total of $380. That is an extraordinary increase and, as I have indicated, it is not unique. I have not seen clear evidence that the government knows just quite what it will gather as total revenue from this tax, and it is time that we continued to call it a tax in its current form.

The intention of my bill is not to cut funds from emergency services or in any way to diminish the amount of funding that should go so that emergency services can properly execute their responsibility. However, as it was in previous times an expected contribution from general revenue, if there was to be an increase of funding—and I am talking about the increases required by the CFS, the SES, the MFS and the ambulance service and, in certain ways, the police where they are related to emergency services—that funding should be catered for in the budget allocation of general revenue.

We were deceived by the government which said that the levy would be used only to go directly to emergency services allocations and that nothing would be taken from the general revenue contribution and replaced by the emergency services levy. The select committee discovered that to be a blatant mistruth, because the ambulance service benefited $750 000 directly as a contribution from the levy and directly as a reduction in the contribution from general revenue. That is the big fear I have—that this tax can be manipulated by the government of the day to cover a wide range of expenditure, thus relieving pressure on the general revenue and allowing it to use money which it properly should have allocated for emergency services for what could be, at times, quite blatant political purposes. The government of the day—whether it be Labor or Liberal—cannot be trusted—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The number of audible conversations has increased to the extent that it is difficult to listen to the member.

The Hon. IAN GILFILLAN: Thank you, Mr Acting President. Whether the government of the day is Labor or Liberal, to have an open-ended form of taxation available to be drawn through a levy, so-called, is very tempting. That is why the opposition to date has not shown any enthusiasm for supporting, in the first instance, my amendment to restrict the actual purposes for which the emergency services fund could be allocated. That was in the original bill. It voted against that on two occasions, and it made me—I think with justification—very suspicious of the fact that, when it gets to power, it will see this whole system as a taxation milch cow, and it will be able to blame the previous government for having introduced it. This current government bleats, 'The act puts a lid on it, and the act controls where it can be spent.'

The fact is that suddenly a magical $20 million appeared to knock the top off what was going to be collected because of public backlash and politician backlash—of which I was one—and there is talk that there may be more. However, the act enables any government to raise up to the amount which is calculated at $141 million and, as I said before, I do not think that anyone knows exactly what they will collect, and I would suspect that it will be considerably more. That opinion is shared by others who have done calculations to get an estimate.

The purpose of this motion is to indicate clearly to the government and to the other place that legislation must be

addressed that puts a ceiling on the amount of money that can be drawn through this process. When it was introduced, it was introduced as a levy with a specific purpose. It has been bastardised to now be a taxation measure, and that is why my bill was thrown out of this place—because it was a taxation measure. It is on that basis that, if this parliament wants to have public acceptance of the levy, the public must be convinced that it knows it will not be milked for more than a set amount, and that is the amount that was promised to be collected at the introduction of the legislation. If the opposition is serious about pursuing this and giving the scheme integrity, it will support this measure. However, I have very serious doubts about that.

I happened to get in my letterbox from a charming member of the lower house, the honourable Vini Ciccarello—although she is not so honourable in this particular circumstance—a little flyer, and people can have access to this. It is easily enough found. This is the action the Labor Party says should be taken on the emergency services levy. It does not mind currying animosity towards the government. It reads:

> You can do something about the emergency services tax. If you want to question the amount of emergency services tax you are paying or complain about this new tax, send your details. We will add your complaint to the growing number of those we have received from people in the community and pass them onto Mr Olsen.

Big deal! That will really transform the whole system! My identification of this verifies my earlier suspicion: a lot of sound and fury signifying nothing, a lot of jumping up and down. However, the proof will be here in this place if the opposition wants to support—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. IAN GILFILLAN: I will come to the advisory committee. I am not sure whether the Hon. Paul Holloway is referring to the Economic and Finance Committee.

The Hon. P. Holloway interjecting:

The ACTING PRESIDENT: The Hon. Mr Gilfillan should stick to his text and ignore the interjections.

The Hon. IAN GILFILLAN: I must not be drawn into trying to interpret what the Hon. Paul Holloway is saying: I cannot translate that. However, I can translate the intention of this flier, which is to encourage people to shoot off their mouth and make a loud statement so that the opposition will be able to parade about as if it is really indignant about it. If it is indignant about it, it should support the Democrats' attempt to put a lid on it so that we can have honesty in government when it introduces new measures. That is part of the background to my call to limit the amount to be indexed to the amount that applied when the levy was introduced, which we supported. However, we do not support an open-ended tax, which this levy virtually has become.

The other paragraphs are not so significant but do cause serious concern to various people. First, the act specifically identifies land uses which, from area to area, often do not allow enough flexibility to reflect the difference between the hazards or the liability for different activities. A classic example is the difference between a dryland cereal property and an irrigated vineyard property. We believe that in determining the levy there needs to be more diversity in the options available for that, and that is why I am suggesting that this should be determined by regulation. The regulations would then be much more sensitive and flexible and could be scrutinised by that extremely reliable parliamentary committee, the Legislative Review Committee, to make sure that there are no distortions or abuse of the process.

The same applies to the areas or the zones. I believe that they also should be determined by regulation so that more sensitivity can be exercised and so that the people who are paying the levy can feel that they are paying a levy that is reflective of their vulnerability to an emergency and the availability of the service. For example, my location on the extreme eastern end of Kangaroo Island is not nearly as likely to be serviced by the MFS in the event of a serious fire as if I were in a unit in Norwood. For public acceptance there needs to be that sensitivity in the legislation.

I also believe that the same principle should apply to the value of properties, so that the levy is based on the improvements and not the value of the land. The land itself is not vulnerable to the emergency that may occur—fire, flood or whatever—that requires the service to attend and deal with the crisis. It would be very simple for the levy to be based on the capital improvement of the land and not on the unimproved land value.

The last paragraph contains an amendment that we previously attempted to include, and that is that the act contain scope for judicial review. That would mean the removal of section 10(9), which at this stage prohibits judicial review. I hold to the view that that is unparliamentary in a South Australian sense and against the flow of justice.

I support the amendment which we twice tried to get through this place and which was more definitive in spelling out the areas where the emergency services levy could be directly applied. We did not believe that an emergency services levy should be applied to the wide range of areas that was covered, such as education, to prevent circumstances which might lead to an emergency. That leaves the door open for a government to stretch the areas where this money could be spent.

In conclusion, I urge the chamber to support the motion. If it is successful in this place it will act as a very clear pointer to the government and the House of Assembly to introduce a bill which can put into effect these measures, and having been introduced there it could return here and become law. Unless we get action similar to my first move, which is to apply a cap, give a firm identification of the amount that can be gathered by this tax, and make it a genuine levy again, there will be a public rejection—an embarrassing rejection for the government—of what in its pristine form was a very good system and principle which could have been introduced had the government not been so greedy in attempting to get, in the first instance, virtually double—

The Hon. R.R. Roberts interjecting:

The ACTING PRESIDENT: Order! We have heard enough from you today.

The Hon. IAN GILFILLAN: I know that this is not germane to the debate, but there are times when the Hon. Ron Roberts adds remarks which, if not erudite, are entertaining. I conclude my remarks by urging the chamber to support the motion, because I believe it is the only way we can save the levy and gain the support of South Australians for it.

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

CONSTITUTION (PARLIAMENTARY SITTINGS) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill seeks to amend section 7 of the Constitution Act which relates to the intervals between which parliament must sit. The current position is that pursuant to section 7 parliament needs to sit once every 12 months. We have recently seen the situation where parliament was away for some 125 days—one of the longest breaks over the summer period in many years. My office has undertaken an analysis of the number of sitting days and the longest breaks between sittings from 1967, and I seek leave to table that purely statistical table.

The PRESIDENT: Do you want it incorporated in *Hansard* or do you want to just table it? If it is tabled it will not go into *Hansard*.

The Hon. NICK XENOPHON: I seek leave to incorporate it in *Hansard* without my reading it. The table, which is of a statistical nature, sets out sitting days and breaks between sittings.

Leave granted.

SA Parliament—No. of sitting days and longest breaks between

Session	Year	Opening of Session	Last Days of Sitting	No. of Sitting Days	Longest Breaks—Dates	No. of Days	
38/3	1967	20.6.67	3.11.67	57			
					4.11.67 – 15.4.68	141	B
2 MAR	1968				ELECTION		
39/1	1968	16.4.68	17.4.68	2			
					18.4.68 –24.6.68	68	B
39/2	1968-69	25.6.68	20.2.69	68	13.12.68 – 3.2.69	53	D
					21.2.69 –16.6.69	116	B
39/3	1969	17.6.69	5.12.69	64	4 – 21 July 1969	18	D
					6.12.69 – 27.4.70	143	B
39/4	1970	28.4.70	30.4.70	3			
					1.5.70 – 13.7.70	74	B
30 MAY	1970				ELECTION		
40/1	1970-71	14.7.70	8.4.71	75	6.12.70 – 22.2.71	79	D
					9.4.71 – 12.7.71	95	B
40/2	1971-72	13.7.71	6.4.72	74	26.11.71 – 28.2.72	95	D
					7.4.72 – 17.7.72	102	B
40/3	1972	18.7.72	24 Nov 72	54			
					25.11.72 – 18.6.73	206	B
10 MAR	1973				ELECTION		
41/1	1973	19 Jun 1973	27 Jun 1973	4			
					28 June 1973 – 23 July 1973	26	B
41/2	1973-74	24 Jul 1973	28 Mar 1974	69	30 Nov 1973 – 18 Feb 1974	80	D
					29 Mar 1974 – 22 July 1974	116	B
41/3	1974-75	23 Jul 1974	18 Jun 1975	74	29 Nov 1974- 17 Feb 1975	82	D
					19 June 1975- 4 Aug 1975	47	B
Election 12 July 1975							
42/1	1975-76	5 Aug 1975	19 Feb 1976	45	14 Nov 1975- 2 Feb 1976	81	D
					20 Feb 1976- 7 June 1976	107	B
42/2	1976-77	8 Jun 1976	28 Apr 1977	65	10 Dec 1976- 28 Mar 1977	109	D

					29 Apr 1977- 18 Jul 1977	81	B
42/3	1977	19 Jul 1977	17 Aug 1977	11			
					18 Aug1977 – 5 Oct 1977	49	B

Election 17 September 1977

43/1	1977-78	6 Oct 1977	22 Mar 1978	45	9 Dec 1977 6 Feb 1978	60	D
					23 Mar 1978- 12 Jul 1978	111	B
43/2	1978-79	13 Jul 1978	1 Mar 1979	55	24 Nov 1978- 5 Feb 1979	74	D
					2 Mar 1979- 23 May 1979	83	B
43/3	1979	24 May 1979	22 Aug 1979	11	1 June 1979 – 30 July 1979	60	D

Election 15 September 1979

					23 Aug 1979- 10 Oct 1979	49	B
44/1	1979-80	11 Oct 1979	12 Jun 1980	35	14 Nov 1979- 18 Feb 1980	97	D
					13 June 1980 – 30 July 1980	48	B
44/2	1980-81	31 Jul 1980	11 Jun 1981	56	6 March 1980– 1 June 1980	88	D
			Xmas break		5 Dec 1980- 9 Feb 1981	67	D
					12 June 1981 – 15 July 1981	34	B
44/3	1981-82	16 Jul 1981	18 Jun 1982	68	12 Dec 1981- 8 Feb 1982	59	D
					19 June 1982 – 19 July 1982	31	B
44/4	1982	20 Jul 1982	14 Oct 1982	27	17 Sep 1982 – 4 Oct 1982	18	D

Election 6 November 1982

					15 Oct 1982- 7 Dec 1982	53	B
45/1	1982-83	8 Dec 1982	2 Jun 1983	26	18 Dec 1982- 14 Mar 1983	87	D
					3 June 1983 – 3 Aug 1983	62	B
45/2	1983-84	4 Aug 1983	10 May 1984	56	10 Dec 1983- 19 Mar 1984	100	D
					11 May 1984- 1 Aug 1984	82	B
45/3	1984-85	2 Aug 1984	16 May 1985	60	8 Dec 1984 – 11 Feb 1985	66	D
					17 May 1985- 31 Jul 1985	76	B
45/4	1985	1 Aug 1985	7 Nov 1985	31	21 Sep 1985 – 7 Oct 1985	17	D

Election 7 December 1985

					8 Nov 1985- 10 Feb 1986	95	B
46/1	1986	11 Feb 1986	25 Mar 1986	12	7 Mar 1986 – 24 Mar 1986	18	D

					26 Mar 1986- 30 Jul 1986	127	B
46/2	1986-87	31 Jul 1986	14 Apr 1987	57	5 Dec 1986 – 11 Feb 1987	69	D
					15 Apr 1987- 5 Aug 1987	113	B
46/3	1987-88	6 Aug 1987	14 Apr 1988	55	4 Dec 1987 – 8 Feb 1988	67	D
					15 Apr 1988- 3 Aug 1988	111	B
46/4	1988-89	4 Aug 1988	13 Apr 1989	48	2 Dec 1988 – 13 Feb 1989	74	D
					14 Apr 1989- 2 Aug 1989	111	B
46/5	1989	3 Aug 1989	19 Oct 1989	24			
Election 25 November 1989							
					20 Oct 1989- 7 Feb 1990	111	B
47/1	1990	8 Feb 1990	11 Apr 1990	21	12 Apr 1990 – 14 May 1990	33	D
					12 Apr 1990- 1 Aug 1990	112	B
47/2	1990-91	2 Aug 1990	11 Apr 1991	56	14 Dec 1990 – 11 Feb 1991	60	D
					12 Apr 1991- 7 Aug 1991	118	B
47/3	1991-92	8 Aug 1991	6 May 1992	58	29 Nov 1991 – 10 Feb 1992	74	D
					7 May 1992- 5 Aug 1992	91	B
47/4	1992-93	6 Aug 1992	6 May 1993	62	27 Nov 1992 – 8 Feb 1993	74	D
					7 May 1993- 2 Aug 1993	88	B
47/5	1993	3 Aug 1993	2 Nov 1993	24	10 Sep 1993 – 5 Oct 1993	26	D
Election 11 December 1993							
					3 Nov 1993- 9 Feb 1994	99	B
48/1	1994	10 Feb 1994	18 May 1994	28	31 Mar 1994 – 11 Apr 1994	12	D
					19 May 1994- 1 Aug 1994	75	B
48/2	1994-95	2 Aug 1994	27 Jul 1995	70	2 Dec 1994 – 6 Feb 1995	67	D
					28 Jul 1995- 25 Sep 1995	60	B
48/3	1995-1996	26 Sep 1995	1 Aug 1996	55	1 Dec 1995 – 5 Feb 1996	67	D
					2 Aug 1996- 30 Sep 1996	60	B
48/4	1996-1997	1 Oct 1996	24 Jul 1997	51	6 Dec 1996 – 3 Feb 1997	60	D
Election 11 October 1997							
					25 Jul 1997- 1 Dec 1997	130	B
49/1	1997-1998	2 Dec 1997	2 Sep 1998	42	12 Dec 1997 – 16 Feb 1998	67	D
					3 Sep 1998- 26 Oct 1998	54	B

49/2	1998-1999	27 Oct 1998	5 Aug 1999	48	11 Dec 1998 – 8 Feb 1999	60	D
					6 Aug 1999 – 27 Sep 1999	53	B
49/3	1999-2000	28 Sep 1999		17 to date + 24/27	24 Nov 1999- 27 Mar 2000	125	

Conclusion
(1) Parliament is scheduled to sit 41 days in the current parliamentary session (1999-2000), 44 days if optional week is used.
(2) The 1999-2000 break of 125 days is the longest within a session since 1973.
(3) It is also the longest Christmas break since 1973.
Only 2 longer breaks in the last 27 years (either within or between sessions)
127 Days in 1986 between sessions
130 days in 1997 at election time.
Note: 'B' means between sessions and 'D'" means during a session.

The Hon. NICK XENOPHON: This bill is about some very basic principles: the supremacy of the parliament and the accountability of the executive branch of government to the parliament of the state. Many in the community would say that the break that we have had of some four months is contrary to the basic principle that the parliament should have essential checks and balances on the executive branch of government. A break of four months is certainly not conducive to that. The senior lecturer in politics at Flinders University, Professor Dean Jaensch, said in an article in the *Advertiser* of 28 March, in essence, that 52 sitting days a year was 'only one day a week, and that is not what parliament should be about'. When this bill was announced publicly on Monday, Professor Jaensch, on commercial radio, was quite supportive of it. He said (and I will paraphrase him) that parliament ought to be a forum for community concerns and that it is absolutely essential for parliament to be a forum for debate, a forum for discussion and a forum to consider issues that are of concern to the community.

I want to make it absolutely clear that I am not suggesting in any way that, because there has been a long break, members of parliament have in some way been idle. I know that that is not the case for members in this chamber, and it is certainly not the case for members in the other house, notwithstanding the unkind remarks that members of the other house make about this chamber and the—

The Hon. Ian Gilfillan interjecting:

The Hon. NICK XENOPHON: That's right. The Hon. Ian Gilfillan makes a telling point that he finds it a relief to be sitting in parliament because it gives him a break from his hectic duties as a member of parliament representing his constituency—which, as we all know, in this case is the entire state, not a mere 22 000 voters or so as is the case per seat in the other house.

There is not much more that can be said about this matter, other than the proposal to ensure that parliament must sit at least every 10 weeks, although there is a proviso in subclause (3) of the amendment that the maximum permissible period is 70 days, but if writs are issued for a general election within 70 days after a sitting day the maximum permissible period is extended by the period commencing on the day on which the writs for the general election are issued and ending on the day on which the last writ to be returned for the election is returned. That seems to me to be a commonsense approach, given that, if an election is called, it is reasonable to extend the period of any break.

I urge all members of this Council to support this bill. It is necessary for the community to know that the parliament has an important function: to monitor the role of the executive to make the executive arm of government accountable. Many in the community would consider the break of four months that we have had to be an excessive one. It is not suggested in any way that members have been idle in that period. The point of this bill is to ensure that parliament does sit regularly and that parliament can hold accountable the government of the day—of whatever political persuasion—and I urge honourable members to support this bill.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

SELECT COMMITTEE ON OUTSOURCING OF STATE GOVERNMENT SERVICES

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

That the time for bringing up the report of the committee be extended until Wednesday 5 July 2000.

Motion carried.

SELECT COMMITTEE ON WILD DOG ISSUES IN THE STATE OF SOUTH AUSTRALIA

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

That the time for bringing up the report of the committee be extended until Wednesday 5 July 2000.

Motion carried.

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

The Hon. A.J. REDFORD: On behalf of the Treasurer, I move:

That the time for bringing up the report of the committee be extended until Wednesday 5 July 2000.

Motion carried.

CRIMINAL LAW (FORENSIC PROCEDURES) ACT

Order of the Day, Private Business, No.14: Hon. A.J. Redford to move:

That the regulations under the Criminal Law (Forensic Procedures) Act 1998 concerning Qualified Persons, made on 15 July 1999 and laid on the table of this Council on 27 July 1999, be disallowed.

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

That this Order of the Day be discharged.

Motion carried.

LEGAL PROFESSION

Order of the Day, Private Business, No. 20: Hon. Nick Xenophon to move:

That the Legislative Council requests the Legislative Review Committee to investigate and report upon the issue of the treatment of disqualified legal practitioners and their association with legal practice during any such disqualification.

The Hon. NICK XENOPHON: I move:

That this Order of the Day be discharged.

Motion carried.

ECOTOURISM

Order of the Day, Private Business, No. 21: Hon. J.S.L. Dawkins to move:

That the Environment, Resources and Development Committee investigate and report on Ecotourism in South Australia, having regard to—

I. The appropriate scale, form and location of ecotourism developments;
II. The environmental impacts of such developments;
III. The benefits to regional communities and the state of such tourism;
IV. Strategies for promoting ecotourism; and
V. Any other relevant matter.

The Hon. J.S.L. DAWKINS: I move:

That this Order of the Day be discharged.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MINING OIL SHALE AT LEIGH CREEK

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee on mining oil shale at Leigh Creek be noted.

(Continued from 17 November. Page 475.)

The Hon. R.R. ROBERTS: This motion was addressed by my colleague the Hon. Terry Roberts when it was laid on the table. The mining of oil shale at Leigh Creek has a long history. A number of constituents have written to me on numerous occasions in respect of this matter. It is clear that the oil shale, as it relates to the new contracts that have been written with ETSA, may be the subject of much more debate than we have previously seen. It is clear from evidence that has been put to me that there are definite mining opportunities for the oil shale in terms of turning it into commercial oil which would lead to significant profit.

My understanding is that that situation now does not form a very large part of considerations for contracts at Leigh Creek. I agree that the committee's report be noted in line with the motion moved by the Hon. J.S.L. Dawkins but indicate that it would be my expectation that we will be revisiting this matter in one form or another at another time. I support the motion.

The Hon. J.S.L. DAWKINS: I thank all members who have spoken in this debate and urge all other members to support the motion.

Motion carried.

STATUTES AMENDMENT (WARRANTS OF APPREHENSION) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982; the Criminal Law (Sentencing) Act 1988 and the Young Offenders Act 1993. Read a first time.

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

That this bill be now read a second time.

The bill deals with two separate issues. One is the issue of warrants for apprehension of persons on leave, licence or parole who are believed to have breached the terms of their conditional liberty. These amendments are directed at clarifying and simplifying the process of apprehension of such persons. The other is the enforcement provisions applicable to youths who are released from detention in a training centre, on leave or licence. In this case, the object is to clarify the enforcement provisions of the Young Offenders Act. At present the Correctional Services Act and the Criminal Law (Sentencing) Act each permit the Parole Board, where it cancels an offender's release on licence, or where it suspects a breach of parole to apply to a justice for a warrant to apprehend and detain a parolee or licensee for the purpose of bringing him or her before the board or pending determination of the proceedings.

The Criminal Law (Sentencing) Act and the Young Offenders Act also confer analogous powers on the Training Centre Review Board in respect of conditional liberty of youths. This bill will permit both boards to issue a warrant of apprehension without application to a justice. Given the statutory role of the Parole Board, its constitution and its independence from the Department of Correctional Services, it is not considered that there is a need for the justice to independently examine the rationale of the Parole Board's decision. The same may be said of the Training Centre Review Board, of which the judges of the Youth Court are members.

It is noteworthy that this power existed in the Parole Board under the former Prisons Act 1936 (s.42M(4)), and that parole boards, or their equivalents, in New South Wales, Queensland, Victoria and Western Australia can all issue warrants.

In addition, where the board chooses to apply to a justice for a warrant, as they may need to do when the warrant is to be enforced outside the state, the bill makes clear that the justice fulfils his or her duty by issuing the warrant without independently examining the basis for the request, unless it is apparent on the face of the warrant that no grounds exist. It is appropriate to permit him or her to rely on the information supplied by the relevant board. This will clarify the role of the justice and will also prevent any technical argument that a warrant is invalid because a justice relied upon information supplied by the board and failed to inquire beyond it. The object of the amendments then is to streamline apprehensions and to prevent proper apprehensions from being frustrated on technical grounds.

Parole or licence is, of course, only conditional liberty. The parolee or licensee has already been found guilty of an offence sufficiently grave to warrant a sentence of immediate imprisonment, thus the provisions of the bill do not constitute any unacceptable interference with liberty. Some clarification is also required to the enforcement powers in respect of youths who have been sentenced to detention and are released on leave or conditional licence. Section 40 of the Young Offenders Act provides for leave of absence from a detention centre for specific purposes such as attendance at a medical appointment or performance of community service obligations.

It presently provides that a youth is unlawfully at large if the youth remains at large after the revocation or expiry of

such leave. Being unlawfully at large is an offence under section 48. However, while the youth will know in advance the duration of the leave, and thus will know when it has expired, the youth will not necessarily know when leave has been revoked by the board before expiry. It is not appropriate that the youth be guilty of an offence when at large on what he or she reasonably believes to be lawful leave if that leave has been revoked without notice to the youth. The remedy is, however, that upon revocation of leave, the youth may be apprehended, as section 40 currently provides. Of course, although the youth will not be committing an offence by remaining at large after revocation of leave, equally he or she is not serving a sentence, and this is also made clear.

Section 41(1) currently provides for periods of unsupervised leave. No particular purposes or criteria are specified. Section 41(2) provides for conditional release, an altogether different thing. Conditional release is only available after the youth has served at least two-thirds of the period of detention to which he or she was sentenced. The board must be satisfied that there is no undue risk of reoffending and that the youth's behaviour in the training centre has been satisfactory. There must be a supervisory condition and there may be other conditions as the board thinks fit. In particular, by subsection (5a), there may be a home detention condition.

It is clear that these are two quite different types of leave and, accordingly, the section 41(1) leave is given its own section, section 41A. Separate provisions are then made for the enforcement of this type of leave. There is specific provision for apprehension of youths who remain at large after the revocation or expiry of section 41A leave. Again, the offence of being unlawfully at large is confined to cases where the leave has expired. In addition, section 41 is amended to give the board power to issue a warrant directly to apprehend a youth who fails to observe the conditions of release and the role of the justice is clarified as above.

Finally, section 48 is amended to make clear that it does not apply to a youth who has been released on home detention under section 41. I commend the bill to honourable members and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses
PART 1
PRELIMINARY

Clause 1: Short title
Clause 2: Commencement
Clause 3: Interpretation
These clauses are formal.

PART 2
AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

Clause 4: Amendment of s. 76—Apprehension, etc., of parolees
This clause amends section 76 of the principal Act to provide the Parole Board with a means of issuing a warrant for the apprehension of a parolee without having to apply to a justice and to clarify the role of a justice where such an application is made. Under the proposed amendments—

- two members of the Parole Board may issue a warrant for the apprehension of a person suspected (on reasonable grounds) of breaching a condition of parole, for the purpose of bringing the person before the Board;
- where a person who has been summoned to appear before the Parole Board fails to appear, the Board may issue a warrant for the apprehension of the person for the purpose of bringing the person before the Board;
- a justice is required to issue a warrant on application under the section unless it is apparent, on the face of the application, that no reasonable grounds exist for the issue of the warrant.

PART 3
AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 5: Amendment of s. 24—Release on licence
This clause proposes equivalent amendments to section 24 of the *Criminal Law (Sentencing) Act 1988* in relation to the issue of a warrant for the apprehension of a person who is serving a sentence of indeterminate duration and who has been released from custody on licence by either the Parole Board or the Training Centre Review Board.

PART 4
AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 6: Amendment of s. 37—Release on licence of youths convicted of murder
This clause proposes equivalent amendments to section 37 of the *Young Offenders Act 1993* in relation to the issue of a warrant for the apprehension of a youth who has been sentenced to life imprisonment and has been released from detention on licence by the Training Centre Review Board.

Clause 7: Amendment of s. 40—Leave of absence
This clause amends section 40 of the principal Act to ensure that the position of a youth on revocation or expiry of a leave of absence is consistent with that of an adult prisoner granted a leave of absence under section 27 of the *Correctional Services Act 1982*.

Clause 8: Insertion of s. 40A
This clause inserts a new provision which replaces section 41(1) of the principal Act (see clause 9). The new provision ensures that the position of a youth on revocation or expiry of a leave of absence authorised by the Training Centre Review Board is consistent with that applicable on revocation or expiry of a leave of absence granted by the Chief Executive under section 40.

Clause 9: Amendment of s. 41—Conditional release from detention
This clause amends section 41 of the principal Act to—

- remove subsection (1) (as discussed above);
- ensure that the consequences for a youth who breaches a condition of release under this section are not inconsistent with those for an adult who has breached a condition of parole;
- to make equivalent amendments to those proposed elsewhere in the measure in relation to the issue of a warrant for the apprehension of a youth who has been released from detention by the Training Centre Review Board under this section.

Clause 10: Amendment of s. 48—Escape from custody
This clause makes it clear that the offence of being unlawfully at large does not apply in relation to a youth released on home detention by the Training Centre Review Board in accordance with section 41.

Clause 11: Amendment of s. 61—Issue of warrant
This clause makes a minor amendment to section 61 of the principal Act to clarify the provision.

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

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

HIGHWAYS (MISCELLANEOUS) 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.

This Bill amends the *Highways Act 1926* to provide authority to raise tolls; to clarify the powers of the Commissioner of Highways in relation to roads under the care, control and management of the Commissioner; to improve provisions relating to a number of other operational matters; to place the Commissioner under the direction

of the Minister; to repeal obsolete provisions; and to repeal anti-competitive provisions as required under the Competition Principles Agreement.

As background to the introduction of this Bill, various aspects of the Highways Act have been reviewed and commented on for the last 15 years and it is timely, in addition to introducing tolling provisions for the Third Port River Crossing, to update and clarify operational and governance provisions that have now been in effect for three quarters of a century.

This Bill therefore proposes amendments to the Highways Act in three major areas—Governance, Operations and Finance. It also proposes the removal of obsolete provisions and the repeal of two sections (obsolete in any event) relating to the Competition Principles Agreement.

The main features of the Bill are as follows:

Governance

1 The Commissioner of Highways is not statutorily subject to direction by the Minister and this statutory independence is not considered to be the most appropriate arrangement for providing accountability to the Minister, and the Parliament for transport matters in the 21st Century. Therefore, the Bill makes the Commissioner subject to the direction of the Minister and abolishes the office of Deputy Commissioner. (No appointment to this latter office has been made for some time and the Commissioner delegates powers as necessary to cover absences.)

Operations

2 At present, when the Commissioner takes over 'care and control' of roads from councils, this relates to the transfer of councils' road powers in relation to *'construction, reconstruction, repair or maintenance'*. It does not relate to any other road or traffic related power of councils or the responsible Ministers. Therefore, to avoid confusion as to the Commissioner's powers in relation to the strategic road network, it is essential that this network be clearly placed under the Commissioner's control.

The Bill puts beyond doubt that the Commissioner can take over care, control and management of a road and can assume the road-related powers of a council expressed in Part 2 of Chapter 11 of the *Local Government Act 1999*. The Bill also adopts the definition of 'roadwork' contained in that Act. Meanwhile, as is the case at present, councils will continue to be able to exercise their powers in respect of those parts of roads (for example footpaths and verges) not taken over for care, control and management purposes by the Commissioner.

These proposals do not seek to change the relative powers and responsibilities of State and Local Government. Rather they clarify operational boundary issues as they relate to roads under the care, control and management of the Commissioner.

3 The Bill gives the Commissioner power to remove or trim trees or vegetation affecting road safety on a road under the care, control and management of the Commissioner. This measure removes a major point of ambiguity as between the respective powers of the Commissioner and local councils.

4 The Bill repeals provisions relating to 'main roads' and applies the present main roads statutory and regulation making powers to roads under the care, control and management of the Commissioner. The original purpose of declaring roads to be 'main roads' appears to have been as a means of identifying and funding council roads of strategic importance—but a road has not been proclaimed to be a main road for many years.

5 The Commissioner has a number of explicit powers in relation to controlled-access roads. These include compensation, erection of notices, signs and barriers, road closures and access to property. The Bill clarifies issues relating to access to property from controlled-access roads and provides for a notice period to landowners before a road is proclaimed to be a controlled-access road.

Finance

6 The Bill retains the Highways Fund. However, the purpose of the Fund is extended to encompass direct tolling arrangements for the Third Port River Crossing, and a provision for shadow tolling if and when required—but does not otherwise change the present purposes of the Fund. It is noted that South Australia is one of the few States that does not have a provision for tolling road infrastructure.

7 Direct tolling on the Third Port River Crossing Bridge is necessary in order to attract equity participation by the private sector in the bridge project.

Direct tolling provisions will apply specifically to the Third Port River Crossing. The provisions of the Bill will enable the Commissioner to enter into arrangements with other parties to build, own, operate and transfer the bridge. The Bill will also provide flexibility in the acquisition and vesting of the land needed for the Gillman Highway and Third Port River Crossing project. The land and the bridge will be able to be vested separately and the Gillman Highway will not vest in the local council unless the Commissioner vests it in the council. Obviously that would be a subject of negotiation between the Commissioner and the council.

The Bill provides for shadow tolling—a process by which the Government would pay an operator on some form of per vehicle basis to operate infrastructure, but where individual drivers or vehicles would not pay a toll direct. Generally applicable enabling provisions will permit payment to operators of infrastructure in individual situations. Payment of a shadow toll, if and when required, will be through the Highways Fund.

Some $18.5m in Commonwealth funding allocated under the Roads of National Importance scheme is contingent on the provision of matching State funds. The capacity of the Government to allocate matching funds to the Third Port River Crossing/ Gillman Highway project is contingent on the acceptance of a direct tolling regime that will permit private sector equity participation.

Competition Policy

8 The Competition Policy Review of the Act in 1998 found that the Act does not contain anti-competitive provisions except for provisions relating to the licensing of *'Highway lighthouses and traffic beacons'* and to *'Advertisements on the Anzac Highway'*. Both sets of provisions are no longer used—and are now covered to the extent appropriate by provisions in the *Development Act 1993* and the *Road Traffic Act 1961*. The Bill repeals them.

9 In conclusion, the Bill repeals a number of obsolete references and updates those provisions which are subject to amendment.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Substitution of ss. 2 to 6

This clause repeals obsolete and unnecessary provisions and rewords section 2 of the principal Act to remove references to "main road".

2. Act not to apply to City of Adelaide

This section provides that the Act does not apply to or in relation to the City of Adelaide but requires the Adelaide City Council to comply with any notice given by the Commissioner to the Council as to the construction or reconstruction of a road in the City so it conforms with the construction or reconstruction of an adjoining portion of road under the care, control and management of the Commissioner.

Clause 4: Amendment of s. 7—Interpretation

This clause removes obsolete definitions and inserts definitions of "privately owned land", "roadwork" and "shadow tolling payment scheme".

Clause 5: Substitution of s. 10

This clause redrafts section 10 of the principal Act to remove spent provisions.

10. Appointment of Commissioner

This section empowers the Governor to appoint a person as Commissioner of Highways for a term of five years.

Clause 6: Substitution of s. 13

This clause repeals the section providing for the appointment of a Deputy Commissioner of Highways and substitutes a new provision.

13. Ministerial control

This section subjects the Commissioner of Highways to the control and direction of the Minister.

Clause 7: Substitution of ss. 14 and 15

This clause removes obsolete provisions relating to staffing and substitutes a new provision.

14. Staff

This section provides for the Commissioner of Highways to make use of employees or facilities of an administrative unit of the Public Service of the State or any other employees engaged for the purposes of the Act.

Clause 8: Repeal of s. 17

This clause repeals section 17 of the principal Act.

Clause 9: Repeal of ss. 18 and 19

This clause removes spent provisions.

Clause 10: Amendment of s. 20—General powers of Commissioner

This clause amends section 20 of the principal Act to clarify the Commissioner's powers to acquire land for the purposes of the Act, to contract for the right to remove materials from any land for the purposes of the Act, and to deal with or dispose of land vested in the Commissioner. The amended section incorporates the provisions of section 20A of the Act repealed by clause 11 of this measure.

Clause 11: Repeal of s. 20A

This clause repeals section 20A of the principal Act (see clause 10).

Clause 12: Amendment of s. 20B—Power to acquire land in excess of requirements

This amendment is consequential on the use of the term "roadwork".

Clause 13: Amendment of s. 20BA—Acquisition in case of hardship

This clause makes a minor amendment to section 20BA of the principal Act consequential on the repeal of section 20A.

Clause 14: Substitution of s. 20C

This clause substitutes a new provision.

20C. Commissioner may exercise powers of councils under section 294 of the Local Government Act 1999

This section empowers the Commissioner, with the approval of the Minister, to exercise the powers of a council under section 294 of the *Local Government Act 1999*.

Clause 15: Amendment of s. 24—Advice to councils

This amendment is consequential on the use of the term "roadwork".

Clause 16: Substitution of ss. 26 to 27A

This clause repeals sections 26 to 27A of the principal Act and substitutes new provisions.

26. Powers of the Commissioner to carry out roadwork

The section empowers the Commissioner to carry out roadwork both outside council areas and, with the approval of the Minister, in council areas.

It also empowers the Commissioner to assume the care, control and management of a road in a council area and provides for the provisions of Part 2 of Chapter 11 of the *Local Government Act 1999* to apply to roads under the care, control and management of the Commissioner.

It prevents councils exercising their powers under that Part of that Act in relation to roads under the care, control and management of the Commissioner except to such extent as the Commission may approve, and provides for any action a council takes or has taken to exclude vehicles generally or vehicles of a particular class from a road under the care, control and management of the Commissioner to have no effect unless approved by the Commissioner.

The section also empowers the Commissioner to carry out further roadwork at the request of a council and to require a council to pay half of the cost of street lighting installed by the Commissioner in the council's area.

26A. Powers of Commissioner in relation to trees, etc. on roads

This section empowers the Commissioner, for the purposes of road safety, to remove or cut back any tree or other vegetation on or overhanging a road under the care, control and management of the Commissioner on an adjoining portion of road.

26B. Total or partial closure of roads to ensure safety or prevent damage

This section empowers the Commissioner to close a road under the Commissioner's care, control and management if of the opinion that it is unsafe for pedestrians or vehicles (generally or vehicles of a class) or is likely to be damaged if used by vehicles generally or vehicles of a class.

26C. Certain road openings, etc. require Commissioner's concurrence

This section provides that if a council has excluded vehicles from a road and the road runs into or intersects with a road vested in the Commissioner or the Minister or a road under the care, control and management of the Commissioner, the council cannot remove the exclusion without the concurrence of the Commissioner.

Clause 17: Amendment of s. 27CA—Vesting of roads outside districts

This clause removes a reference to "main roads" and an obsolete provision.

Clause 18: Amendment of s. 27F—Power of entry on land

This clause removes a reference to "inspector".

Clause 19: Substitution of ss. 28 and 29

28. Annual report

This section requires the Commissioner to submit an annual report to the Minister and requires the Minister to table the report in Parliament. It provides that these requirements can be met by incorporating the Commissioner's report in the annual report of an administrative unit for which the Minister is responsible and tabling that report in Parliament in accordance with the *Public Sector Management Act 1995*.

29. Protection from liability

This section protects the Commissioner and any officer or employee engaged for the purposes of the Act from civil liability for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of powers, functions or duties under the Act and transfers liability to the Crown.

Clause 20: Repeal of ss. 29A and 30 and heading

This clause repeals sections 29A and 30 of the principal Act.

Clause 21: Amendment of s. 30A—Power to proclaim controlled-access roads

This clause amends section 30A of the principal Act to require the Commissioner to give notice to affected landowners of a proposed proclamation of a controlled-access road if the proclamation has the effect of closing off or reducing any means of access to privately owned land and prohibits the Commissioner from recommending the making of such a proclamation unless the Commissioner—

- is satisfied that no means of access to the land from the controlled-access road is reasonably required for the land; or
- is satisfied that some other reasonably convenient means of access to the land from the controlled-access road is available for the land; or
- is of the opinion that access to the land from the controlled-access road is undesirable.

Clause 22: Repeal of s. 30C

This clause repeals section 30C of the principal Act.

Clause 23: Amendment of s. 30D—Powers of Commissioner to erect fences and barriers

This clause removes references to section 36A of the principal Act repealed by this measure.

Clause 24: Amendment of s. 30DA—Access to property

This clause amends section 30DA of the principal Act to prohibit the Commissioner from closing off a lawful means of access to privately owned land from a controlled-access road unless the Commissioner—

- is satisfied that no means of access to the land from the controlled-access road is reasonably required for the land; or
- is satisfied that some other reasonably convenient means of access to the land from the controlled-access road is available for the land; or
- is of the opinion that access to the land from the controlled-access road is undesirable.

The clause also allows a permit to construct a means of access to impose conditions as to the dimensions of the means of access.

Clause 25: Amendment of s. 30E—Offences in relation to controlled-access roads

This clause amends section 30E of the principal Act to make it an offence for a person—

- to construct, form or pave a means of access to a road in contravention of section 30A or a condition of a consent given in writing by the Commissioner;
- to contravene or fail to comply with a condition of a permit under section 30DA.

Clause 26: Insertion of s. 30F

This clause inserts a new provision.

30F. Evidentiary provision

This section allows a document signed by the Commissioner stating certain things to be used in legal proceedings, in the absence of proof to the contrary, as proof of the matters stated in the document.

Clause 27: Substitution of s. 31

This clause repeals section 31 of the principal Act and substitutes a new provision.

31. Highways Fund

This section provides for the continuation of the Highways Fund, specifies what money it consists of and requires the Treasurer to pay into the Fund licence and registration fees under the *Motor Vehicles Act 1959* (less such amount as is necessary to pay interest on loans for roads and bridges and the administrative expenses incurred in collecting the licence and registration fees).

It also empowers the Treasurer to make advances to the Fund in anticipation of licence and registration fees to be raised and paid into the Fund.

Clause 28: Amendment of s. 31A—Adjustment of Highways Fund

This clause amends section 31A of the principal Act to remove references to the Loans Fund.

Clause 29: Amendment of s. 32—Application of Highways Fund

This clause amends section 32 of the principal Act to allow money in the Highways Fund to be applied in making payments under a shadow tolling payment scheme.

Clause 30: Substitution of ss. 35 to 39

This clause repeals sections 35 to 39 of the principal Act and substitutes new provisions.

35. Annual program of roadwork

This section requires the Commissioner to submit to the Minister for approval before each financial year a program of roadwork proposed by the Commissioner for that financial year.

36. Standing approvals, etc.

This section empowers the Minister to give standing approvals under the Act.

Clause 31: Substitution of Part 3A

This clause removes obsolete provisions relating to the Birkenhead Bridge and substitutes a new Part dealing with the Gillman Highway-Third Port River Crossing Project.

PART 3A
GILLMAN HIGHWAY—THIRD PORT RIVER CROSSING PROJECT

39A. Interpretation

This section defines "Gillman Highway", "Project Agreement", "Project property" and "relevant council".

39B. Status of Gillman Highway

This section provides for Gillman Highway to be regarded as a public road for all purposes and as a highway for the purposes of Part 2 of Chapter 11 of the *Local Government Act 1999*.

39C. Gillman Highway not to vest in council

This section provides that despite the *Real Property Act 1886* no part of Gillman Highway vests in the relevant council unless the Commissioner, by order under this Part, vests it in the council.

39D. Care, control and management of Gillman Highway

This section places Gillman Highway under the care, control and management of the Commissioner subject to any order of the Commissioner under this Part.

39E. Power to obstruct right of navigation

This section empowers the Commissioner or private participant to obstruct a right of navigation for the purpose of carrying out work in relation to the Third Port River Crossing and excludes claims against the Crown, the Commissioner, the private participant or any agency or instrumentality of the Crown arising out of an obstruction of a right of navigation under this section.

39F. Dealings with property under Project Agreement

This section empowers the Commissioner by written order to deal with Project property in accordance with the terms of the Project Agreement between the Commissioner and the private participant in the Project.

39G. Payments to private participant

This section enables the private participant, if the Project Agreement so provides, to retain the proceedings of tolling under this Part (including expiation fees and prescribed reminder notice fees paid in respect of alleged offences against the Part). It also allows for a shadow tolling payment scheme if the Project Agreement so provides.

39H. Toll for access by motor vehicles to the Third Port River Crossing

This section empowers the Minister to fix a toll for access by motor vehicles to the Third Port River Crossing, makes it an offence for a person to drive a vehicle on the Crossing without paying the appropriate toll unless exempted, provides for exemptions, empowers the Minister to authorise the installation of devices for the collection of tolls and other works and makes it an offence to operate such a device contrary to the operating instructions or to intentionally interfere, etc. with such a device.

The section also allows for a toll (including expiation fees and prescribed reminder notice fees) to be collected and retained by the private participant, for the private participant to authorise persons to issue expiation notices and for the private participant to be an issuing authority for the purposes of the *Expiation of Offences Act 1996* in relation to alleged offences against the Part.

39E. Liability of vehicle owners and expiation of certain offences

This section is modelled on section 174A of the *Road Traffic Act 1961*. It makes the owner of a motor vehicle driven on the Third Port River Crossing without payment of the appropriate toll, or in contravention of conditions of an exemption from the obligation to pay a toll, guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the owner provides a statutory declaration setting out the details of the driver or, if the ownership of the vehicle was transferred before the alleged offence was committed, details of the transfer and transferee.

Clause 32: Substitution of ss. 41 and 41A

This clause repeals sections 41 and 41A of the principal Act and substitutes new provisions.

41. Maintenance of the Birkenhead Bridge

This section provides that—

- the portion of the Birkenhead Bridge and its approaches vested in the Minister continues to be under the care, control and management of the Commissioner;
- the portion of the Birkenhead Bridge and its approaches vested in the council in whose area the Bridge is situated continues to be under the care, control and management of the council.

It also empowers the Commissioner to obstruct a right of navigation for the purpose of carrying out work in relation to the Birkenhead Bridge and excludes claims against the Crown, the Commissioner or any agency or instrumentality of the Crown arising out of any obstruction of a right of navigation by reason of roadwork under the section.

41A. Offences by body corporate

This section provides that if a body corporate commits an offence against the Act, each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty applicable to the principal offence unless it is proved that the member could not, by the exercise of reasonable diligence, have prevented the commission of that offence by the body corporate.

Clause 33: Amendment of s. 42—Right of council to recover costs for repair of road damaged by construction of public works

This clause amends section 42 of the principal Act to remove a reference to "main road".

Clause 34: Amendment of s. 43—Regulations

This clause amends section 43 of the principal Act to remove references to "main roads" and substitute "roads under the care, control and management of the Commissioner" and to remove power to regulate speeds on controlled-access roads as this is dealt with in the *Road Traffic Act 1961*.

Clause 35: Transitional provision

This clause provides for certain roads subject to a notice issued under section 26 of the principal Act as in force before the commencement of this clause to be taken to be subject to a notice under that section as in force after that commencement.

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

MOTOR VEHICLES (MISCELLANEOUS) 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 purpose of this Bill is twofold.

First, to implement the Joint Select Committee on Transport Safety recommendation of October 1999 to increase the 80 kilometres per hour speed restriction on learner drivers, in certain circumstances, to 100 kilometres per hour.

Second, to amend section 139 of the *Motor Vehicles Act 1959* (the principal Act). The sunset provision relating to the existing authorisations granted by the Registrar to examine motor vehicles for the purposes of section 139 will be repealed, as will paragraph

(a) of section 139(2) which restricts whom the Registrar may authorise to examine motor vehicles.

Speed Limits for learner drivers

After passing a written test, a novice driver can obtain a licence either by undertaking a 40 minute vehicle on road test (VORT) or by completing a competency based training (CBT) course over a period of time (generally 12 hours) conducted by a licensed motor driving instructor. About 75 per cent of learners choose the competency based training option.

Currently, a learner driver must not drive at a speed exceeding 80 kilometres per hour. On gaining a provisional licence, the novice driver may drive unsupervised at speeds of up to 100 kilometres per hour. There is no opportunity to acquire the basic driving skills necessary for this speed while on a learner's permit. The amendments would allow learner drivers to gain these skills under qualified supervision and in particular circumstances.

It is proposed to limit the allowed increased speed to a learner driver driving with a licensed motor driving instructor in a vehicle that is fitted with a braking system that allows the brakes to be applied by the instructor from the passenger seat next to the driver, and where the vehicle is easily identifiable as a vehicle used for driver instruction.

Motor driving instructors undergo a compulsory training course involving the assessment of the instructor's ability to control the vehicle from the front passenger seat. If a learner driver loses control of a vehicle during a training session, an instructor is better qualified and equipped to deal with the situation than other licensed drivers. The majority of driving school vehicles are fitted with brakes that can be applied from the passenger seat and generally advertise that fact.

Learner drivers who are not trained by licensed motor driving instructors may practise with friends or family members who are licensed drivers but they will be restricted to a maximum speed of 80 kilometres per hour. If, however, they undertake any instruction from a licensed motor driving instructor, they will be able to practise at the higher speed within the circumstances allowed.

The amendments only allow the increased maximum speed to apply while a learner driver is driving a vehicle that is readily identifiable as a vehicle used for driver instruction. Such identification must be more elaborate than just the fixing of an "L" plate to the vehicle. This will enable identification of the vehicle for enforcement purposes. The police will know that it may not be necessary to take action against such a vehicle travelling between 80 kilometres per hour and 100 kilometres per hour in a 100 kilometres per hour or more zone. They will be able to confine their attention to unmarked vehicles displaying "L" plates being driven at a speed in excess of 80 kilometres per hour.

The amendments will benefit country novice drivers and those holding learners' permits learning to drive heavy vehicles. They will have an avenue through which to gain practice with trained instructors at speeds more commonly experienced in their local environment or work—including overtaking techniques.

The two driving trainer organisations in South Australia, the *Australian Driver Trainers' Association* and the *Professional Driving Trainers' Association* support the proposal.

Authorised Examiners

The sunset provision

The *Motor Vehicles (Inspections) Amendment Act 1996* introduced a number of vehicle anti-theft measures. The measures included the requirement for pre-registration identity inspections of new vehicles (level 1 inspection), specifically stating the existing power of the Registrar, inspectors and authorised persons to examine a vehicle to ascertain whether it is reported stolen, and requiring the Commissioner of Police to provide the Registrar with information on the suitability of a person to be an authorised person.

The last measure was intended to enable the authorisation of people from the private sector and to ensure that only appropriate persons were authorised as examiners. It was envisaged that these people would be used to carry out the new pre-registration examinations and, in some cases, stolen vehicle examinations (level 2 inspections) to compensate for the withdrawal of the police from this type of work.

The debate in Parliament revealed that there was no objection to authorising people from the private sector to carry out pre-registration identity examinations (level 1 inspections) as these inspections provide little opportunity for corruption. However, there was objection to stolen vehicle (level 2) and defective vehicle (level 3) inspections being carried out by non-government employees. Accordingly, the Registrar's power to authorise examiners was restricted to employees of vehicle dealer businesses selling new vehicles and inspectors authorised under section 160 of the *Road Traffic Act 1961*.

The Hon Sandra Kanck proposed the restriction be reviewed after three years, by the insertion of a sunset clause, because "[the section] will come back into Parliament and it will give us an opportunity to keep an eye on the legislation and the way it is working. If there is any evidence of corruption through using these people in the private sector, we will be able to address it at that time." (*Hansard, Thursday 5 December 1996*).

An investigation of the private sector authorised examiners undertaking pre-registration examinations was undertaken by Transport SA in the third quarter of 1999. The investigation looked for evidence of corruption as evidenced by reports of contraventions of sections 135 (making false statements in information and records) and section 139 (contravening the authorised examiners code of practice). Between 1 July 1997, when the legislation came into operation, and 23 August 1999, when the investigation was undertaken, only two of 1 200 authorised pre-registration examiners were reported by the police for contraventions. The authorisations were subsequently revoked. The SA Police (SAPOL) has undertaken to notify the Registrar of such contraventions as they arise so that appropriate action can be taken.

This action, together with the requirement that a person applying to be an authorised pre-registration examiner supply a National Police Certificate (record for previous 10 years), and a further check by Transport SA with SAPOL for other offences, establish adequate procedures to ensure that private sector pre-registration authorised examiners are suitable persons. These procedures will apply to future authorisations. Given the relatively small number of authorisations which have had to be revoked, it is considered that there is no evidence of widespread corruption. Where there is evidence of corruption, it is dealt with appropriately.

Removal of restriction who may be authorised.

Initially, the Registrar seeks to authorise people from the private sector to carry out change of engine examinations to verify information about vehicle alterations given by the owner under the Act. These examinations have been possible since amendments to the principal Act came into effect on 6 September 1999 (*Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998*) but, to date, have not been carried out. Some of the people already authorised to conduct pre-registration checks would be authorised to examine change of engines but, in addition, other categories, such as engine re-conditioners and engine fitters, would be authorised.

It is necessary to clarify that the proposed change of engine examination is not a level 1 or 2 inspection. The examination will only verify the information about the vehicle's identifiers and the engine number of the new engine which is required to be provided by the owner. This would be recorded on a standard form and sent to the Registrar, signed by both owner and examiner. It would ensure that engine and vehicle have been correctly identified, and increase the accuracy of information on the Register. The examiner would not have the access to the stolen vehicle database that level 2 inspectors do.

However, using the information provided by the owner and examiner, the Registrar would be able to check the vehicle and engine details against stolen vehicle information to ensure that it was not a stolen vehicle being disguised using identifiers from another vehicle.

Transport SA (at Regency Park) and the police (who carry out inspections in country areas) have insufficient resources to undertake new examinations. In addition, the current locations for examinations are very limited. If private sector people are not able to be authorised, the Registrar will NOT start the proposed change of engine examinations, and an opportunity will be lost to improve the accuracy of information on the Register.

Although it is not currently intended, it is acknowledged that this amendment would enable the Registrar to authorise people from the private sector to carry out any of the examinations permitted under section 139.

This would have the advantage of enabling the Registrar to respond more quickly and flexibly as different kinds of examinations are required. For example, if level 2 or 3 inspections were outsourced at some time in the future, the Registrar would be able to authorise appropriately qualified, fit and proper employees of businesses to carry out the inspections. Extending authorisations to appropriate people in the private sector would improve service delivery, especially in remote areas, by giving the public a greater range of locations where vehicles can be examined.

SAPOL has expressed concern that if level 2 and 3 inspections are to be undertaken by people in the private sector there should be procedures in place to ensure that the risks of illegal activity by these people are minimised. This is accepted and, while reiterating that at the present time it is not intended to outsource such inspections, the Registrar has undertaken to involve SAPOL, and co-operate with it, in developing such procedures. Such co-operation has already occurred, for example in developing the procedures for assessing applicants for the pre-registration examinations. Fit and proper person guidelines were developed by officers from Transport SA and SAPOL, who then assessed the applicants against the guidelines.

Continuing the use of private sector people to carry out pre-registration vehicle examinations, and commencing to use private sector people for change of engine examinations, will help ensure that the information about the vehicle, recorded on the Register of Motor Vehicles, is accurate. In turn, this will assist the effectiveness of other vehicle anti-theft measures. The ability for the Registrar to authorise people he considers appropriate to carry out a particular examination, without the current restriction will enable greater flexibility in responding to changing needs for examinations.

The SA Vehicle Theft Reduction Committee has agreed with the authorisation of new or new and second hand motor vehicle dealer employees, plus other categories such as engine fitters and engine re-conditioners, to examine change of engines. The Motor Trade Association, Royal Automobile Association, the Insurance Council of Australia, SAPOL and the Attorney-General's Department are represented on the Committee.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 75A—Learner's permit

The proposed amendment provides that, generally, drivers who hold a learner's permit must not drive a motor vehicle on a road any where in the State at a speed exceeding 80 kilometres an hour.

However, if the holder of the learner's permit is driving a motor vehicle that is fitted with a braking system that allows for the service brake to be applied from the front passenger seat, the vehicle is readily identifiable as a vehicle used for driver instruction, and the learner driver is accompanied by the holder of a motor driving instructor's permit, he or she may drive at a speed not exceeding 100 kilometres an hour.

The maximum penalty for failing to comply with this subsection is a fine of $1 250.

Clause 4: Amendment of s. 139—Inspection of motor vehicles

The first proposed amendment to this section provides for the striking out of subsection (2)*(a)*. That paragraph provides that an authorisation to examine motor vehicles could only be granted to certain classes of persons. It is proposed to remove that restriction.

The second proposed amendment to section 139 provides for the striking out of subsection (3)—the "sunset" provision. Subsection (3) provides that authorisations to examine motor vehicles granted by the Registrar under section 139 will expire on the third anniversary of the day on which subsection (2) of section 139 came into operation. If the amendment is passed, authorisations will no longer expire by this means.

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

ROAD TRAFFIC (RED LIGHT CAMERA OFFENCES) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. 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.

This Bill proposes amendments to section 79B of the *Road Traffic Act 1961*.

The purpose of the amendments is to introduce demerit points for red light offences detected by camera. This will move South Australia more into line with the national demerit points scheme, which provides that demerit points are incurred for speeding and red light offences, without distinction based on the manner of detection. This measure was agreed nationally by Transport Ministers under the terms of the Light Vehicles Agreement 1992, as part of the National Driver Licensing Scheme. Implementation is therefore required under National Competition Policy.

Demerit points already apply to all camera-detected offences (speeding and red light) in NSW, Victoria, Tasmania, Queensland and Western Australia. The ACT does not use cameras for detection. While the Northern Territory uses cameras it has not yet introduced the demerit points scheme—a matter that has been the subject of comment by the National Competition Council. Meanwhile South Australian drivers incur demerit points for camera detected offences committed interstate.

Imposing demerit points on drivers who run red lights will help modify their driving behaviour, and reinforce with the public the seriousness of the offence. In 1998 there were 7476 road crashes at signalised intersections in metropolitan Adelaide, in which 8 people were killed and 172 suffered serious injuries. Introducing this Bill is part of the Government's commitment to improving road safety—which is of course the true purpose of retaining camera-detected offences.

Section 79B establishes an offence against the registered owner of a vehicle shown by camera to have been involved in one of various offences against the *Road Traffic Act*, mainly speeding and failing to stop for a traffic light. There are a number of defences available to protect a registered owner from liability in the case where the registered owner was not driving the vehicle at the time, and to enable the registered owner to nominate the actual driver.

Specifically, if the registered owner was not driving, he or she must provide the name of the driver by way of statutory declaration. If the identity of the driver is unknown, the registered owner must use reasonable diligence to try to identify the driver, and must provide a statutory declaration setting out the reasons why the driver's identity is unknown and the inquiries made to try to identify the driver.

The intention underlying the section is to find the actual driver and make that person responsible for his or her behaviour on the road through the imposition of a fine or expiation fee.

If the registered owner expiates the offence, the matter is ended. If the registered owner nominates a driver, the expiation notice is reissued to the nominated driver in respect of an offence, not under section 79B, but under the provision creating the offence of speeding, disobeying a red light, etc. If the driver expiates or is convicted of the offence he or she incurs demerit points.

The Bill does not change these features, except where the registered owner is a body corporate and the offence is a red light camera offence.

The Bill proposes the following changes.

Section 79B(8) is to be amended to allow for disqualification arising from the aggregation of demerit points in a case where the offence is a red light offence. In order to apply demerit points to red light offences under section 79B, the offence would be added to the demerit points schedule (attached to the Motor Vehicles Regulations).

If the registered owner fails to nominate the driver of the vehicle, the registered owner will receive the demerit points for this offence (that is, 3 demerit points).

For a registered owner who is an individual, these are the only amendments which are necessary to impose demerit points for a red light camera offence.

Where the registered owner is a body corporate, it is necessary to have a person to whom the demerit points can be attributed. If an expiation notice were sent to a company, the company could pay it and end the matter. In this way the driver would never be made responsible for his or her behaviour. The owners and drivers of non-company vehicles would be at a relative disadvantage.

Further amendments remove the existing requirement that the company be given the opportunity to expiate a red light camera offence, and double the maximum penalty for a red light camera offence where the vehicle is owned by a company (to $2 500).

The company would continue to have an opportunity to nominate the driver or to provide evidence by statutory declaration that the driver is unknown and detailing the inquiries made to try to ascertain the identity of the driver. Failure to nominate or to satisfy the police that the company had used reasonable diligence to try to identify the driver may lead to the police prosecuting the company for the offence.

Other jurisdictions have similar special arrangements to ensure that a company nominates the driver. These apply to both speeding and red light offences. For example:

- Victoria has provisions which require an owner to nominate the driver or show reasonable diligence in the attempt to identify the driver. It has a separate offence, with an expiation fee of $600 for failure to nominate. Suspension of registration of the vehicle for 3 months may also result.
- New South Wales has provisions which require an owner to nominate the driver with a reasonable diligence provision. The penalty for failure to nominate is $1 100 for a company, $550 for an individual.
- In Queensland, the company must either nominate the driver, satisfy a reasonable diligence requirement, or pay an expiation fee five times the expiation fee an individual would have paid (for an individual this is between $130 and $180, depending on the speed).
- Tasmania has a separate provision requiring an owner to nominate the driver. The expiation fee for a company is $600. The maximum penalty is $2 000 for a first offence and $4 000 for a second offence.
- In Western Australia, there are no special provisions to deal with companies which do not nominate the driver. Legislation to require a company to provide the name of the driver has been drafted, but has not yet passed.

On the company providing the name of the driver, an expiation notice would be sent to this person. Demerit points would only be incurred if the driver expiated or was convicted of the offence.

The introduction of the new law would be accompanied by publicity explaining its effects and suggesting to companies that they make the use of log books for the accurate identification of drivers—or adopt some other means of recording who is driving the company vehicle (a practice that should be in place in any event, for CTP and other insurance purposes).

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B of the principal Act.

Under section 79B(2) (the "owner" offence), where a vehicle appears from a red light or speed camera photograph to have been involved in the commission of a "prescribed offence" (a red light or speeding offence) the owner of the vehicle is guilty of an offence against this section unless the owner can prove—

(a) that the "prescribed offence" had not in fact been committed; or

(b) that the owner has by statutory declaration named another person as the driver; or

(c) that—

(i) (in the case of a company) the vehicle was not being driven at the relevant time by an officer or employee of the company acting in the ordinary course of his or her duties; and

(ii) the owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the driver; and

(iii) the owner has provided a statutory declaration stating the reasons why the driver is not known to the owner and the inquiries made by the owner.

The maximum penalty for the offence is a fine of $1 250. However, under subsection (4), the owner cannot be prosecuted for the offence unless the owner has first been given an expiation notice under the *Expiation of Offences Act 1996* and allowed the opportunity to expiate the offence. Under the regulations the expiation fee for this "owner" offence is currently the same as for the "prescribed offence" (the red light or speeding offence) itself.

This amendment inserts a penalty clause into subsection (2) that increases the maximum penalty for the "owner" offence to $2 500 where the owner is a company and the prescribed offence in which the vehicle appears to have been involved is a red light offence. In that situation the amendment also changes the existing requirement that the company cannot be prosecuted until it has been sent an expiation notice into a requirement that the company cannot be prosecuted until it is sent a notice in the prescribed form. (In all cases other than where the owner is a company and the prescribed offence is a red light offence, the existing requirement that an expiation notice first be sent remains in place).

Wherever an expiation notice, expiation reminder notice or summons is sent out in respect of the "owner" offence, a prescribed notice is currently required under subsection (5) to be sent with it. This notice is required to indicate where a copy of the relevant photograph can be seen or obtained and under the regulations the notice sets out the defences available to the owner (e.g. naming the driver in a statutory declaration). Under new subsections (4), (4a) and (5) the requirement that a notice be sent with each expiation notice, reminder notice or summons remains and will now also apply to the new notice that has to be sent to a company before it can be prosecuted for the "owner" offence where the prescribed offence is a red light offence. Information must be provided as to where the photograph can be obtained and, as before, it is intended that under the regulations these notices will set out the defences that are available to the owner.

This clause also repeals subsection (8) of section 79B and inserts a new subsection (8). Subsection (8) currently provides that a person convicted of the "owner" offence cannot by reason of that conviction be disqualified from holding or obtaining a driver's licence. New subsection (8) expands that rule to apply where the owner is convicted of *or expiates* an "owner" offence, but also introduces an exception where the disqualification results from an aggregation of demerit points in a case where the prescribed offence in which the vehicle was involved was a red light offence.

Finally, this clause repeals subsection (9) of section 79B and inserts new subsections (8a) and (9). Subsection (9) is an evidentiary provision that currently provides that in proceedings for an "owner" offence, the police can provide a certificate to the effect that (as required by subsection (4)) the defendant was given an expiation notice and allowed the opportunity to expiate before the prosecution was commenced. The certificate is proof of those facts in the absence of proof to the contrary. New subsection (9) retains this provision and extends it to the notice that is now required to be given to a company before the commencement of a prosecution for the "owner" offence where the prescribed offence is a red light offence. New subsection (8a) is a service provision for the purposes of that new notice.

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

HISTORY TRUST OF SOUTH AUSTRALIA (OLD PARLIAMENT HOUSE) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the History Trust of South Australia Act 1981 and to make a related amendment to the Parliament (Joint Services) Act 1985. 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.

Old Parliament House was previously named the Constitutional Museum. It was placed under the care, control and maintenance of the History Trust when the Trust was created in 1981. The Trust opened the Museum in 1980 and it continued to operate as a museum until 1995.

In 1995, the Government made a decision to close Old Parliament House museum, move the State History Centre to Edmund Wright House and relocate Parliamentary offices (from the Riverside building) to Old Parliament House. This decision was based on falling attendance numbers at the museum, making the best use of Edmund Wright House and savings in rental from the relocation of Parliament offices. Parts of Old Parliament House remain open to the public, primarily for educative purposes.

These changes required the agreement of the History Trust pursuant to Section 15(1) of the *History Trust South Australia Act 1981* (Act), which states that:

'The constitutional museum shall be under the care, control and management of the Trust.'

To facilitate the above, the Act was amended in 1995 to include an additional clause, Section 15(4), which states:

'. . . the Trust may, with the consent of the Minister, make the constitutional museum available for the purposes of the Parliament, on terms and conditions approved by the Minister.'

Late in 1997, the History Trust central directorate co-located with State History Centre staff in Edmund Wright House. Subsequently, the Speaker and President requested that the ownership of Old Parliament House be transferred to the Crown for the purposes of the Parliament—and the History Trust has supported this course.

To effect this transfer, the Act needs to be amended to remove any responsibility for the Constitutional Museum from the Trust. Then the ownership of the building will revert to the Crown through the Minister for Government Enterprises. This is consistent with the legal status of new Parliament House. Whilst the care, control and management of the Old Parliament House will rest with the Minister for Government Enterprises, the Speaker and Presiding Officer will have the responsibility for day to day management of Old Parliament House.

The Crown Solicitor advises that amendment of the Act to remove History Trust's responsibility for Old Parliament House will have the effect of reverting the whole of the Parliament House Site as originally described in the Parliamentary Buildings Act of 1877 to unalienated Crown Land under the care, control and management of the Minister for Government Enterprises.

However, as this relies on following the Ministerial succession of the Commissioner of Public Works (as defined in 1877) and the outcome of a number of legislative changes over the past 123 years, the Crown Solicitor believes it would be prudent for the Minister for Environment and Heritage, to whom the *Crowns Lands Act, 1929* is committed, to publish a notice in the South Australian Government Gazette pursuant to Section 5*(d)* and *(f)* dedicating the whole of the Parliament House site for the purposes of Parliament and granting care, control and management of the whole of the site to the Minister for Government Enterprises. If, for any reason, the Government wished a land grant (fee simple title) to issue for the whole of the Parliament House Site then, immediately following the rededication and granting of care, control and management, the Governor could pursuant to Section 5aa of the Crown Lands Act issue a land grant to the Minister for Government Enterprises upon trust for the purposes of Parliament. This would mean that a certificate of title for the Parliament House Site would be issued to the Minister for Government Enterprises. However, as it would be issued in trust for the purposes of Parliament, it could not be dealt with for any other purposes.

I commend this Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of long title

This clause is consequential.

Clause 4: Repeal of s. 3

Section 3 of the Act is now unnecessary as the official consolidation of the Act set out a detailed, up-to-date, summary of provisions.

Clause 5: Amendment of s. 4—Interpretation

Clause 6: Repeal of s. 5

Clause 7: Amendment of heading

These clauses are consequential.

Clause 8: Amendment of s. 15—Historic premises

The premises formerly known as the constitutional museum, and now as *Old Parliament House*, are no longer to be held under the care, control and management of the History Trust of South Australia. Instead, it is intended to dedicate the whole of the Parliament House site for the purposes of the Parliament pursuant to the dedication under the *Crown Lands Act 1929*.

Clause 9: Transitional provision

These provisions provide a mechanism to ensure that any rights or liabilities of the South Australian History Trust of South Australia relating to Old Parliament House may be dealt with in an appropriate manner.

Clause 10: Amendment of the Parliament (Joint Services) Act 1985

Consideration of the position of Old Parliament House has led to the proposal that a consequential amendment be made to the *Parliament (Joint Services) Act 1985* to clarify that references to "Parliament House" in that Act extend to Old Parliament House, and any appurtenant land.

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

JOINT COMMITTEE ON TRANSPORT SAFETY ON THE DRIVER TRAINING AND TESTING INQUIRY

Adjourned debate on motion of Hon. Diana Laidlaw:

That the report of the committee on the Driver Training and Testing Inquiry be noted.

(Continued from 11 November. Page 396.)

The Hon. IAN GILFILLAN: I know that the Hon. Sandra Kanck is on her way so I shall make a few penetrating comments on my own behalf just to hold the floor. I am quite certain that the report does contribute to the general standard of driver training and testing in South Australia, and I would reflect that my colleague will want to make more particular observations on it than I am able to. It is because the Democrats regard this matter as so important that she is determined to speak to it.

Members interjecting:

The Hon. IAN GILFILLAN: It is probably one of the more valuable of my contributions in this place, but lamentably I now have to conclude.

The Hon. SANDRA KANCK: I had not intended to speak on this motion until yesterday when I was shocked to learn that the minister had removed herself from the committee. We had consensus on the recommendations, and I was so shocked by the minister's announcement yesterday that I felt compelled to say something today. Had I had the opportunity to speak on the motion yesterday when the minister moved to replace herself with the Hon. Angus Redford, I would have opposed it because I do not want the minister to leave the committee.

This has been a very workable committee, and that has come about because we have had three women on the committee—I specifically say 'women'—the Hon. Diana Laidlaw, the Transport Minister; the Hon. Carolyn Pickles, the shadow transport minister; and me, the Democrats' shadow transport spokesperson. There have also been three House of Assembly members on the committee, but I do not think that their contribution falls into quite the same category.

We have worked together extraordinarily well and made an enormous amount of progress, resolving issues where there might have been disagreement very amicably at all times. So, it is a real pity that the minister has seen fit to remove herself. I understand the reasons for her doing so, but I am sure the committee will not be as good as it was. I thank the secretary of the committee, Chris Schwarz, and Trevor Bailey, our research officer, who has been a quiet and stalwart worker in the background providing us with a lot of different information almost at our beck and call. He has been very impressive.

One matter in the context of the report which I want to talk about but which has not received any media attention is the committee's recommendations regarding motorcycles. I was rather surprised by the presentation from the Motor Cycle Riders Association which told the committee that its figures show that the majority of accidents in which motorcyclists are involved are not their fault. I do not have the figures to dispute this, but my experience on the road is such that when I find a motorcyclist either in front of or behind me I immediately begin to drive cautiously. Every now and then I end up driving behind one, and when a motorcycle rider observes all the rules I always think, 'What's wrong; why isn't he breaking the road rules?' So, this evidence from the

Motor Cycle Riders Association was difficult to come to terms with.

I first became interested in the power of motorcycles in the mid 1980s when I was employed by the Hon. Ian Gilfillan at a time when he held the transport portfolio for the Democrats. So, when we received a written submission—

The Hon. T.G. Roberts: You could tell by his contribution.

The Hon. SANDRA KANCK: Yes, you could tell by his contribution, as the Hon. Terry Roberts says. It just goes to show that memory can go back a long way. When we received a submission that raised this issue of the power of motorbikes, I was quick to pick that up. It has now been included in the report under, I think, recommendation 20, which recommends that Transport SA investigate replacing the current 250ml engine capacity restriction applying to novice motorcyclists with a variety of criteria including 'motorcycle power:weight' ratio as a means to promote novice rider safety. I am hopeful that once Transport SA investigates this matter we will see a sensible move in this regard so that young motorcyclists on L and P plates will ride a less powerful motorbike in the future.

Yesterday, the minister gave notice of the introduction of legislation in this place today regarding speed limits for L plate drivers when learning to drive so that when they become fully fledged drivers they will not suddenly find that, having driven at no more than about 65 km/h, they can suddenly travel at 110 km/h and therefore not do so in a safe way. The fact that we were able to reach a consensus on these things and that the report that we brought into parliament five or six months ago is already being acted upon indicates the value of this committee. I support the motion.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for speaking to this motion. The legislation that I introduced a few moments ago stems from the good work of the committee. I highlight the fact that the government has taken seriously the work of this committee and the issue of driver training and testing. I also highlight that further regulations are being prepared at the moment arising from the committee's recommendations in terms of driver intervention programs and other matters.

I thank the Hon. Sandra Kanck for her kind comments about me personally and the conduct of the committee and the way in which it applied itself to the reference before it. I endorse those sentiments. The committee has worked well. In many respects I will miss the close working relationship that I had with all members of the committee, particularly the Hon. Carolyn Pickles and the Hon. Sandra Kanck. However, there is so much legislation before us relating to transport that I know I will be in constant contact with them.

I thank all members for not only their contribution to this motion but also transport safety in this state through their membership of this committee which it has been my pleasure until now to chair.

Motion carried.

OFFSHORE MINERALS BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 311.)

The Hon. J.S.L. DAWKINS: This bill seeks to create a legislative regime to cover mineral exploration and mining in coastal waters off South Australia and to mirror the commonwealth legislation that applies in adjacent commonwealth waters. The administration of the minerals regime that applies in commonwealth waters adjacent to South Australia is probably not something that is well known by members of this place, and I might spend a moment or two on it.

The administration is shared between the commonwealth and the South Australian governments, and it operates through two institutions, a joint authority and a designated authority. The joint authority consists of the commonwealth Minister for Resources and Energy and the corresponding state minister, and it administers all offshore minerals activity in commonwealth waters adjacent to South Australia. The joint authority is responsible for major decisions relating to titles, including grants, refusals and the like and, in the event of disagreement, the views of the commonwealth minister will prevail. The state minister is the designated authority and has responsibility for the usual day-to-day administration of commonwealth legislation. Under the auspices of the Australian and New Zealand Minerals Energy Council (ANZMEC), a model bill to apply in state coastal waters has been developed by the Western Australian government. This model bill has been developed in consultation with parliamentary counsel in other states, including in this state, and has provided the basis for the development of South Australia's Offshore Minerals Bill.

In accordance with the offshore constitutional settlement, the bill mirrors the commonwealth's Offshore Minerals Act 1994 and will ensure that exploration and mining proposals in commonwealth and state waters receive consistent treatment, and this is particularly important if the projects straddle both jurisdictions. The bill applies to South Australia's coastal waters, which are defined to be those that are three nautical miles seaward from the baseline determined under the commonwealth Seas and Submerged Lands Act 1973. Just to describe that better in South Australian terms, the baseline encloses Spencer Gulf, Gulf St Vincent, Investigator Strait and Backstairs Passage by a line taken from the mainland to the western extremity of Kangaroo Island, along the south coast of Kangaroo Island, and then from the eastern end of the island to the mainland.

Mining in the gulfs, Investigator Strait and Backstairs Passage will be regulated under the Mining Act 1971. The bill provides a legislative framework for the administration of a range of mining licences in South Australian coastal waters and has regulation making power to detail relevant regimes in relation to royalties and environmental management. In the interim period, the respective on shore regulatory regimes will continue to apply in state coastal waters. It is expected that environmental management regimes will be consistent with arrangements applying on shore.

While there has been some interest in offshore minerals occurring in South Australian waters in recent years, I would concede, as the Hon. Sandra Kanck did in her contribution, that there have been no applications or permits currently in force. This bill complements South Australia's offshore petroleum legislative regime which was established some 16 years ago. Since the establishment of the commonwealth complementary state regime, there has been significant petroleum exploration activity in South Australia's offshore waters. This has proven to be a good test for the legislation. I welcome the fact that this measure has been introduced. It is obviously something that will serve the state well in the light of such activity.

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

PRICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 March. Page 683.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their expressions of support for the second reading of this bill. The Hon. Ian Gilfillan made several comments. He suggested that the retention of declarations over a number of goods and services not subject to formal price control has resulted in an administrative burden on South Australian businesses for some time. I point out that the accounts and records to be kept by a seller of declared goods and services are those that all prudent operators would keep, namely, the costs of producing or acquiring the goods or services for sale, and the price at which those goods or services are sold. No accounts or records are required by the regulations to be kept, nor does the Commissioner require any additional accounts or records to be kept.

The Hon. Ian Gilfillan also inquires as to why the government has not revoked most of the declarations not subject to formal price control until now. All previous declarations of goods and services were revoked by an order in 1980, and a new list of goods and services was declared at that time. Some of the items presently declared but now being revoked were still the subject of monopoly or near monopoly markets, with no other method of price monitoring available until recently. Gas prices, for example, are now overseen by the pricing regulator established under the Gas Act 1997. Other goods or services are now the subject of suitably competitive markets, which has the inherent effect of keeping a rein on prices.

The honourable member also enquires as to why declarations remain if there is no need to fix prices for such goods or services. The report of the review panel explains that price fixing is not the only method of formal price control. Others include the less intrusive methods of price monitoring and price justification where the Commissioner researches or is notified of price movements and investigates irregularities with a view to possible fixing of prices if warranted. The need to do so remains for some of those goods which will retain their declared status and not so for those goods which have suitable oversight mechanisms or are the subject of competitive markets, as already noted. Again, I thank honourable members for their support for the second reading of this bill.

Bill read a second time and taken through its remaining stages.

WRONGS (DAMAGE BY AIRCRAFT) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 March. Page 679.)

The Hon. SANDRA KANCK: It appears to me that this is a sensible bill. It follows the passage at a federal level of the Damage by Aircraft Act 1999, which provides for compensation when injury or damage is caused on the ground from either an aircraft crashing or from dropping something, but that federal legislation applies only to international and interstate flights. This bill picks up on basically the same thing and applies it at state level to intrastate flights.

If I were to be injured by a piece of aircraft falling out of the sky, presuming I was still competent to speak after the event, I would be glad to have unlimited liability for that type of accident, because it means that anyone in that situation will not have to go to court to prove negligence. I think that it will also have some reasonably positive consequences as it will cause the owners of aircraft that are operating in that intrastate sphere to make sure that their planes are adequately looked after. Can the minister tell me—and perhaps we need to go back to the original definitions in the act—whether this will also apply to hot air balloons?

I think that there was a possibility that this legislation could result in a slight increase in insurance in the aviation industry, but I believe that that will be offset by the message that it gives to the operators of aircraft to make sure that their aircraft are in good condition. Therefore, I indicate that the Democrats will support this legislation.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): In concluding the debate—

The Hon. Sandra Kanck: Did you hear my question?

The Hon. DIANA LAIDLAW: Do you want an answer, yes or no?

The Hon. Sandra Kanck: It will not hold me up on whether or not we pass the legislation.

The Hon. DIANA LAIDLAW: I will provide a considered answer to that matter either within the next few minutes or tomorrow. I thank the honourable member for indicating that that will not hold up the passage of the bill. I have confirmed that the Hon. Terry Cameron does not wish to speak to this matter. When we had a briefing on the bill last week, the Hon. Nick Xenophon raised a question for which I have since provided an answer, and I understand that that answer satisfies him. I will read it in a few moments. I also thank the Hon. Carolyn Pickles—

The Hon. T. Crothers: I think there was reference to sandbags falling from hot air balloons. To gain altitude they throw out the sandbags. Quite a good point, actually.

The Hon. DIANA LAIDLAW: Yes, it is a good point.

The Hon. Sandra Kanck: It is a good point. That is why I was asking it. You might want to put in a regulation afterwards to deal with hot air balloons.

The Hon. DIANA LAIDLAW: It may be that it is covered in some other form. A hot air balloon may not be deemed to be an aircraft because it has no motor. I do not have the definitions from the act with me at present. I was asked by the Hon. Carolyn Pickles whether the bill is supported by industry, for example, the General Aviation Association and Civil Aviation Safety Authority, and I advise that Transport SA did not consult with aviation organisations which would be engaged in interstate flights, as these were covered by the commonwealth Damage by Aircraft Act 1999, and those consultations were undertaken by the federal government last year.

Transport SA focused consultation on local organisations which deal with aviation issues. The General Aviation Association (currently called the Commercial Aviation Association) provided the best means of consultation available. It represents a range of small aircraft operators in the state and includes insurance industry representatives in its membership. The association supported the commonwealth bill and the state's intention to enact similar legislation, recognising that the provisions were already in effect in

all other states other than South Australia and Queensland and that the effects of the bill would be minor, in any event.

The Civil Aviation Safety Authority is a commonwealth statutory authority responsible for air safety regulation. Transport SA did not believe that it was necessary to consult this body as the bill did not concern an aviation safety matter. A further question was, 'Will insurance premiums for aircraft operators increase; will that have an adverse effect by way of ticket price increases; will prices be monitored; and what has been the interstate experience, if any?' I advise that the impact of the strict unlimited liability scheme contained in the bill was discussed with the General Aviation Association. Two of the association's members who represent the aviation insurance and underwriting part of the industry advised that there would be no effect on insurance premiums.

The commonwealth Regulatory Impact Statement, prepared for the commonwealth Damage By Aircraft Bill 1999, states:

> According to aviation insurance sources and the two major domestic airlines, the impact on business, including small business, will be minimal or nil. . . The new act will affect the small minority of smaller operators and private owner/operators, who have not carried insurance for these liabilities in the past and may now consider taking out insurance in the light of the new regime. If they do so, the cost will vary according to each owner's profile and needs, and an operator's fleet, safety record, accident profile, area of operation, and insurer.

It goes on to state that coverage for third party on the ground liabilities is the smallest of the cost components in aviation insurance. New South Wales, Victoria, Western Australia and Tasmania have had legislation imposing strict unlimited liability on operators for many years, and cannot provide assistance in the question of whether ticket prices will increase as a result of the bill.

I was also asked, 'Is it correct to say that this bill applies to a very small proportion of aircraft operating within South Australia? Are there any figures about the percentage of the industry to be affected by the bill?' I advise that the bill is intended to fill the gaps left by the commonwealth Damage by Aircraft Act 1999, which is limited to the areas over which the commonwealth has constitutional power. Essentially, the bill applies to aircraft flying intrastate where the operator is not a body corporate. It is difficult to estimate what percentage of the industry would be affected by the bill. However, approximately 800 aircraft are registered in South Australia. Of these, about half are registered to individuals rather than corporations.

In terms of amendments that I am to move, the Hon. Nick Xenophon asked me whether, if a plane drops seed or fertiliser or weedicide on the wrong property, it would be exempt from claims of damage. Section 29A provides for strict and unlimited liability for aircraft damage, which is defined in section 29A(1) to mean personal injury, loss of life, damage or destruction in South Australia that is not covered by the commonwealth act but would, had the aircraft been engaged in trade and commerce among the states, have been covered by the commonwealth act. Section 29A(4) sets out a number of qualifications that apply when determining the question of liability for aircraft damage.

New subsection (5) is to be inserted in order to remove any doubt about whether or not the strict liability principles apply in relation to aerial activities such as seeding, crop dusting, etc. New subsection (5), which I will move to insert during the Committee stage, provides that section 29A does not apply to any such activities unless the damage is caused by an impact between the aircraft or part of the aircraft and the ground or by a substantial impact caused by something dropping or falling from the aircraft. There are two matters. First, I do not know whether a hot air balloon is an aircraft and, secondly, I do not know whether a sandbag dropped from a hot air balloon would be deemed as something substantial dropping or falling from an aircraft. However, I have undertaken to find that out.

Under new section (5), if there is a misapplication of seed, fertiliser, weedicide, etc.—for example, if weedicide is applied to the wrong crop—the ordinary principles of negligence will apply in order to determine liability for any damage arising from those actions. I understand that that explanation has satisfied the inquiries from the Hon. Mr Xenophon in terms of the amendments that I am to move to this bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. DIANA LAIDLAW: I move:

Page 2, line 14—After 'object' insert:
(other than a person or object in the aircraft)

This amendment essentially deals with the issues that the Hon. Mr Xenophon raised earlier, but in brief I explain again that this amends proposed section 29A(4)(c). This amendment makes it clear that the ordinary principles of negligence will apply in determining liability for any damage suffered by a person or object in—I stress the word 'in'—an aircraft as a result of an impact between any part of the aircraft and the person or object, for example, as a result of air turbulence. The principles of strict and unlimited liability do not apply in that case.

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

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 2, after line 20—Insert new subsection:
(5) This section does not apply to damage arising from operations of any of the following kinds carried out from an aircraft:
(a) seeding;
(b) the spreading of fertiliser, weedicide, pesticide or other agricultural chemicals;
(c) firefighting;
(d) the dispersal of pollutants;
(e) any similar operations,
unless the damage is caused by an impact between the aircraft or part of the aircraft and the ground or an impact between a substantial thing dropping or falling from the aircraft and the ground.

This amendment is to insert a new subsection (5). It amends proposed section 29A by adding a new subsection which excludes from the bill damage arising from various operations carried out from an aircraft. The effect of this amendment is that damage arising from aerial seeding, fertilising and other such operations will continue to be dealt with in accordance with the ordinary principles of negligence. This matter was raised with me by the member for Flinders, Ms Liz Penfold, and I thank her for drawing this matter to my attention. I understand that the amendment satisfies the concerns and also meets with the approval of all members in this place.

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

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 2—
Line 30—Leave out 'from the flight' and insert:

by reason only of the flight
Line 31—Leave out 'from'.

These amendments amend proposed section 29B(2). They will eliminate any possibility that a person might seek to rely on this provision to evade a nuisance or trespass action solely on the basis of satisfying the requirements of paragraphs (a) and (b) of the subsection. Paragraph (a) provides that an aircraft must fly at a height that is reasonable having regard to prevailing weather conditions and other relevant circumstances; and paragraph (b) provides that an aircraft must be operated in accordance with the relevant air navigation regulations.

Amendments carried; clause as amended passed.

Clause 4, schedule and title passed.

Bill read a third time and passed.

ABORIGINAL LANDS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement on Aboriginal communities in the Anangu Pitjantjatjara lands made by the Minister for Aboriginal Affairs in the other place.

Leave granted.

NATIVE TITLE (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 520.)

The Hon. T.G. ROBERTS: The opposition has no objection to this legislation. We will be supporting it. We will cooperate this evening to get it through all stages. I understand that it is a facilitating bill and contains amendments to the Native Title Act 1994, whereas the bills previously introduced by the government were to amend four other acts. This bill simplifies the matter by separating out the machinery processes under the miscellaneous bill from the Native Title Act and the issues around validation and confirmation with which we will be dealing, hopefully after further negotiations, sometime in this Council.

The miscellaneous bill is straightforward. It recognises state bodies, although I understand that the state bodies are not used in this state: most claimants go through the commonwealth court. There are amendments to the definitions of sections and changes to the notification processes. In summary, it is a technical bill which we support and which we will facilitate, hopefully, this evening.

The Hon. SANDRA KANCK: This bill is one of a series of bills that is replacing what was previously before this chamber, namely, the Native Title Bill 1998. I addressed that bill last year and expressed a degree of repugnance about it. Certainly, I am pleased to be dealing with this bill in this form: it has been broken up, I suppose, into bite-sized chunks. It is probably a sensible move by the government to have done it this way, because members would be aware, for instance, that the Senate would not approve the Northern Territory native title legislation. I suspect that had we gone ahead with the 1998 bill it would have had a similar fate.

I am quite comfortable supporting this bill in terms of splitting up what was in the Native Title Bill 1998. The uncontroversial aspects have been included in this bill. The other bill with which we are yet to deal and which is listed on the *Notice Paper*, the Native Title (South Australia) (Validation and Confirmation) Amendment Bill, is one that I believe remains controversial. Those parts dealing with the Land Acquisition Act are not included in either of the two pieces of legislation we have before us. I am particularly pleased about that, because I think that they were some of the most horrendous parts.

As a result of my briefing with the Attorney-General's staff, I understand that, probably some time this year, we will be dealing with the land acquisition aspects. Further on there will be mining and opal mining, and further on from that there will be petroleum mining. As I indicate, the Democrats are quite comfortable with this current bill and we will be supporting it, but I would like to know from the Attorney-General about the progress on these other pieces of legislation with which we will be dealing and what sort of timetable he envisages.

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

ROAD TRAFFIC (MISCELLANEOUS NO.2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 680.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contribution to this debate. For some years this matter has been of concern to emergency services personnel, which led to the government establishing a working party comprising representatives of the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, the South Australian Ambulance Service, the Saint John Ambulance and the South Australian Police to examine the operational needs of emergency services with specific reference to the safety of their personnel. I wish to reassure the Hon. Sandra Kanck that, while the personnel concerns might not have come to her attention, they were alive and well and had been brought to the attention of the government.

It was on that basis that the working party was established between the Minister for Emergency Services (the Hon. Robert Brokenshire) and me. This bill arises from the recommendations of the working party. I wanted to put the Hon. Sandra Kanck's mind at rest and thank the Hon. John Dawkins for raising these matters yesterday and seeking also to reassure the honourable member. The Hon. Carolyn Pickles raised a number of questions. I advise that any speed limit, whether or not indicated by sign, is the maximum speed applicable in the circumstances. Drivers have a duty to adjust their speed to meet the prevailing circumstances regardless of the prevailing speed limit.

If road and traffic conditions surrounding the scene of an emergency incident are such that the speed of 40 km/h would be considered unsafe by the prudent driver, then the speed of the passing vehicle must be reduced. The provision that a driver must slow down to a reasonable speed will apply to short-term emergencies or until emergency services personnel are able to exhibit signs to denote the appropriate speed limit. To illustrate, if an ambulance crew is attending to a person on a road, it would be unusual for them to be in attendance for more than 15 to 20 minutes, so that the placement and recovery of signs would hinder rather than assist the ambulance personnel.

The placement of the ambulance and the display of the flashing lights will alert drivers and provide protection to the ambulance officers and their patient. The crew of the first emergency vehicle to arrive at the scene of the more extensive emergency would be engaged in assessing the situation and arranging the dispatch of additional resources. In the intervening period there is a need to warn and slow down other traffic. This is achieved through the presence and display of the flashing red and blue lights. As additional personnel and resources arrive at the scene, further and more extensive traffic control devices can be installed to provide greater protection to the emergency services personnel and others involved in the incident.

The Speed Limit Past Emergency Incidents working party, to which I referred earlier, convened its investigation in 1997, and I highlight this matter to the Hon. Sandra Kanck, because I think it relates to her concerns. This action was taken as a result of extensive representations from emergency services personnel who drew attention to the dangers they faced in carrying out their vital work as a result of the thoughtless actions of some drivers failing to reduce speed when passing emergency situations.

In view of the extensive experience and expertise contained in the working party, specific union comment was not sought, and I say that in direct reply to the Hon. Carolyn Pickles. I have no doubt that, amongst the personnel on the working party, the union perspective would have been represented because the emergency services comprise both volunteer and paid employees. However, the Volunteer Fire Brigades Association was most vocal in its support for the introduction of a speed limit past emergency incidents. During the period of the working party and since its recommendations, I have received a considerable number of letters from emergency services personnel seeking advice as to when the recommendations will be implemented. I have no doubt that the recommendations of the working party are well supported and that direct union involvement would not have added to or detracted from these recommendations.

The additional safety provisions relate to the ability to install traffic control devices, including speed limit signs, and to use stop-go batts. Previously I could grant approval for the installation of traffic control devices only to those authorities outlined in the Road Traffic Act. This did not include the emergency services. Following amendments to the Road Traffic Act and the introduction of the Australian road rules, approval to install traffic control devices can now be granted to a wider range of organisations.

The Hon. Sandra Kanck: That is a good idea.

The Hon. DIANA LAIDLAW: Yes, it is. Currently staff within Transport SA are working with various emergency services to identify the authorities they require and to arrange the necessary delegations. It should be mentioned that it will be necessary for emergency services personnel to be trained in the use of these devices to ensure greater safety for themselves and other road users.

As is so often the case, South Australia is leading the way. While this practical proposal was raised with the Australian road rules working party, it was not adopted because the Australian road rules is essentially a sign-based system. However, the safety of our emergency services is state based rather than a national issue and the provision of this additional measure is considered essential for the welfare and safety of our emergency workers. Emergency services staff have indicated that the progress of this legislation is being monitored in the other states and, if adopted, will be used to encourage similar laws in their jurisdictions.

This law will be enforced by police in the same way as any other law and appropriate penalties will be imposed. In addition, arrangements will be made for emergency service workers to complete an incident form, which will be forwarded to police for investigation. A similar form has been used by Transport SA roadworkers for several years and it provides a mechanism for them to report drivers who jeopardise the safety and welfare of roadworkers.

In the past, police have been able to prosecute drivers who drive at excessive speed past an emergency incident for careless, reckless or dangerous driving under the provisions of sections 45 and 46 of the Road Traffic Act. This amendment will remove the need to prove the various elements of these offences and replace them with a single offence of exceeding the speed limit. Police will still be able to use sections 45 and 46 in appropriate circumstances. There is already an obligation on drivers to drive with due care and attention. This provision simply reinforces that requirement. However, police will be asked to provide a three-month education period during which motorists will be cautioned, unless the offence is such that a prosecution is warranted. This is a clarification and simplification of an existing law which requires drivers to exercise due care.

Members will recall that, with the Australian road rules, many of the new rules simply defined what the police had done for many years in terms of due care but nobody really understood what the umbrella term 'due care' meant because it had not been written down until the Australian road rules. As I mentioned, the Australian road rules is a sign-based system and we could not pursue this matter under that system. However, we have the opportunity with this legislation to define for the benefit of our emergency services workers what we would normally wish to require in terms of due care from motorists driving past such an incident.

The Hon. Carolyn Pickles also asked about an RAA inquiry relating to a median strip and I advise that a median strip is defined in the dictionary of the Australian road rules and includes a dividing strip which is an area or structure that divides a road lengthways. No further definition is considered necessary and I hope that will satisfy the RAA and the Hon. Carolyn Pickles.

In response to the Hon. Sandra Kanck, I advise that representations have been received over several years from a number of Country Fire Service brigades and State Emergency Service units regarding the speed at which vehicles are driven past emergency incidents. It was in recognition of this concern that approval was given for all emergency services to use flashing blue lights in combination with their flashing red lights. The blue light is acknowledged as having greater visibility in certain lighting conditions than the red lights. However, this did not improve the situation and the present amendment is in response to these concerns.

I advise also that police occupational health and safety provisions require that a police vehicle's flashing lights are turned on in a variety of situations apart from emergency incidents, for example, checking a vehicle, questioning a driver, and ticketing a vehicle parked in a clearway. The amendments will mean that motorists will also have to slow down for these situations. This may cause minor inconvenience to motorists, but the purpose is to ensure the safety of police officers and motorists driving up behind the police vehicle. It is consistent with the aims of the amendment bill. Police operational procedures would not allow a police

vehicle to use its flashing lights for the purposes of charging motorists speeding past the vehicle.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. SANDRA KANCK: During my second reading contribution yesterday I asked a question which I do not believe has been adequately answered, that is, have there been any deaths or injuries to emergency services workers as a consequence of there not being a speed limit at the current time?

The Hon. DIANA LAIDLAW: I hope you are not suggesting that we stall this and wait for a death or an injury before we act.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: No, I do not have that information to hand, but this matter was investigated fully by emergency services volunteers and paid officers in the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, the South Australian Ambulance Service, St John's Ambulance and South Australia Police. Those people, volunteers and paid officers, work with members of the public, and it is in our interests that they be given maximum protection in terms of their work at the roadside and in an emergency.

In an emergency situation there can be a lot of trauma, a lot of running around to try to get all the medical equipment together, and there can be fire or other problems. In those circumstances we believe that we should ask other motorists in the area to respect that activity and slow down to a maximum of 40 kph. During her second reading contribution yesterday, the honourable said:

I suspect many people out of curiosity slow down anyway and probably below 40 kph. However, there is sufficient concern that not enough motorists are doing that, and the people attending these emergency incidents believe that their lives and those of the people they are trying to help are being put at risk. I respect that concern. I can say very strongly that a few years ago road workers raised a similar matter with me and I brought that matter before the Parliament. I spoke to the union movement, the Transport Workers Union, and others at the time and they were adamant that, when they were working near a road—not even in an emergency situation—people should be asked to slow down in the vicinity of where they were working.

I was very pleased to champion those amendments in terms of worker safety. However, I believe that the case in respect of emergency services workers is even stronger. I think it is doubly important that motorists passing an emergency situation be asked to slow down. I know that the honourable member's concern particularly relates to police vehicles that may have their light on when checking a vehicle or questioning a driver, because the police officer is unprotected and out of their vehicle. I think that in those circumstances and with their flashing lights engaged, whether or not you think it is fair, people would probably slow down anyway. That is not an emergency incident—I acknowledge that—and it is not the type of situation that this bill is designed for.

The Hon. Sandra Kanck: It will catch them.

The Hon. DIANA LAIDLAW: You say that it will catch them. This relates to emergency incidents and not just the police with an operational issue. Therefore I repeat very strongly the advice I have received from the police: police operational procedures do not allow a stationary police vehicle to use its flashing lights for the purpose of apprehending motorists who speed past their vehicle. So it is not intended that the police will be out there trying to apprehend people who speed past an incident which is not deemed to be an emergency. Nevertheless, I believe that it will be a useful provision for police who are out of their vehicle and unprotected at the roadside and who are questioning a driver about their bald tyres or not using their indicator.

Just as I have always sought to assist in protecting the interests of unprotected road users, cyclists and pedestrians, I equally think that, when they are out of their vehicle and working at the roadside, the police warrant protection. However, this bill is not specifically designed to cover such a situation.

The Hon. SANDRA KANCK: I do like to have evidence when I am trying to find a way to support a piece of legislation and the evidence is not forthcoming. I am told that people feel something, it is their perception, and it is a dangerous way to pass legislation. It seems to me that this really is using a walnut—

An honourable member interjecting:

The Hon. SANDRA KANCK: Thank you; a hammer to crack a walnut. It seems to me to be nanny state stuff. As I said yesterday, most people drive carefully. Where is the evidence that 1 per cent, 2 per cent, 5 per cent or whatever it is are doing it stupidly? If I had something to show that 10 per cent of motorists pass these emergency incidents in a stupid way, driving at 80 km/h or something, then I might be able to say that this is sensible legislation. Given that we have no evidence before us, my experience is just as valid as that of these other people, and my experience is that people do slow down, that people do drive sensibly. The suggestion that the police will not book anyone who speeds past when they have pulled someone over and their lights are flashing makes a mockery of the law. It says to people, 'Okay, the law says that, because the police have pulled someone over and are booking them, and their lights are flashing, you are obliged to travel at 40 km/h or less as you pass that vehicle but, if you drive at a higher speed, you will not be charged.' Why have a law like that? That is stupid.

The Hon. DIANA LAIDLAW: It is not stupid. If the honourable member had used the four months over the parliamentary break to even read the second reading explanation, let alone the legislation, she would understand that this bill relates to the speed of vehicles passing emergency incidents. The police stopping a person to check bald tyres or whatever is not deemed to be an emergency incident.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, it is an operational issue. Secondly, in terms of the Hon. Sandra Kanck's moral outrage, if she had read the second reading explanation she would have seen that this important legislation follows a government working party report. I introduced this bill on 18 November and not once has she asked to see the working party report and, if you believe that I could get legislation of this nature past the Attorney, or anybody else, if there was not substance to the concerns of the members of the working party and if the report had not identified good cause, you give me either credit for being foolish or credit for being smarter than is warranted.

This legislation is soundly based and I am quite disturbed by the honourable member's lack of regard for the safety of emergency workers who are doing important work and who wish to have the benefit of this respect from other motorists

in the road system when they are attending an emergency incident. I know I have the support of the Labor Party in this matter and I thank members for that. The Hon. Terry Cameron has indicated his support; the Hon. Trevor Crothers has said 'Yes' in a silent manner by nodding his head; and I have been told that the Hon. Nick Xenophon has no objection to the legislation.

If it was any other circumstance where the honourable member had only two weeks—not four months—to look at it, I would suggest that we adjourn the debate until tomorrow, but I think in terms of the numbers in this place and the time that the honourable member has had to raise these matters with me or to speak to any of the members of that working party, she would have had the peace of mind also to be supporting this measure like all but the Democrats in this place.

The Hon. SANDRA KANCK: The minister is saying that it applies only in emergency services. That is not what it says. It provides:

(1) A person must, while passing an emergency vehicle that has stopped on a road and is displaying a flashing blue or red light (whether or not it is also displaying other lights)—

(a) drive at a speed no greater than 40 kilometres per hour; or

(b) if a lesser speed is required in the circumstances to avoid endangering any person—drive at that lesser speed.

It does not state 'emergency situations' at all. I repeat that I think it is bad law when you say that this is the law that must be obeyed but then in certain circumstances, which people have to guess at, the law will not actually be in force. That is stupid law as far as I am concerned, and I think the whole thing ought to be redrafted.

In relation to the report, I did not feel I needed to read it, because the minister had put it in her speech and I believed that parliament was the appropriate place in which to raise this matter in debate. I still believe that is what we should be doing. I think many members of the public, when they become aware that this legislation has passed, will be very angry at the government because it is stupid in parts. It is quite clear, as the minister says, that she has the numbers. Although I do not support the clause, I indicate that I will not divide on it.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.20 p.m. the Council adjourned until Thursday 30 March at 2.15 p.m.