LEGISLATIVE COUNCIL

Wednesday 24 May 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 18th report of the committee 1999-2000.

CRIMINAL LAW CONSOLIDATION (SEXUAL SERVITUDE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a brief ministerial statement on the Criminal Law Consolidation (Sexual Servitude) Amendment Bill.

Leave granted.

The Hon. K.T. GRIFFIN: I wish to make a statement to correct one matter in my speech on 11 April 2000 in reply during the second reading of the Criminal Law Consolidation (Sexual Servitude) Amendment Bill 1999. On that day, I moved to insert a new schedule to the bill, and in so doing I said:

> The penalty proposed in this amendment for simple procuring for prostitution is the same as the penalty for the offence of female genital mutilation or for gross indecency in a public place.

I have since discovered that I was wrongly advised on this point. I apologise to the Council for the error. My statement should have been as follows:

> If a maximum penalty of seven years is retained for the offence of simple procuring for prostitution, it will be the same as the penalty for the offence of female genital mutilation or for gross indecency in a public place.

This does not alter the appropriateness of the amendment I moved and the penalty attaching to the offence. In fact, I suggest that it strengthens my argument for the amendment.

QUESTION TIME

WOODEND PRIMARY SCHOOL

The Hon. P. HOLLOWAY: I seek leave to ask the Treasurer a question concerning the purchase of Woodend school.

Leave granted.

The Hon. P. HOLLOWAY: The *Sunday Mail* of 14 May reported that the state government will take the unprecedented step of buying land to block a poker machine tavern near a southern suburbs school. The article pointed out that cabinet had earmarked $3.8 million in this month's state budget to buy the former Woodend Shopping Centre land at Sheidow Park. The opposition has a copy of the minute sent to the Education Department from the team leader of the Asset and Risk Management Section of Treasury, which states:

> It is noted that the purchase cost of the shopping centre opposite Woodend is $3.95 million and that the Land Management Corporation's valuation of the site—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Angus Redford should listen to this: we are talking about probity issues here, and the wise use of taxpayers' money.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: We will see how the Treasurer goes about it, because he is responsible for probity. The document continues:

> . . . the purchase cost of the shopping centre opposite Woodend is $3.95 million and that the Land Management Corporation's valuation of the site as it currently stands is $1.535 million which, with DETE's estimate of refurbishment of $1.5 million, totals $3.035 million. The purchase price on this basis appears to be above market value and is also expensive compared to other recent new school constructions.

The document concludes:

> The analysis shows that the base case of the continued use of Woodend and more intensive use of Sheidow Park is the least costly option by a significant margin under all the scenarios analysed. We suggest that a far more convincing case is required to adopt either of the other options.

The Department of Education also provided advice, also in February of this year, to the effect that the government pay only $3.03 million or less for the renovated property adjacent to the Woodend Primary School. My question to the Treasurer is: why did the government ignore the advice from both his department and the Department of Education and pay such an excessive amount for this property?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's question to the Minister for Education and have a reply prepared for him. The community in the area and the local members, who have been strongly urging the Minister for Education and the government to take decisive action—

The Hon. L.H. Davis: Who was the local member?

The Hon. R.I. LUCAS: I understand it was a Labor member, Mr Kris Hanna. Clearly, what we have now is the Australian Labor Party trying to stop, by the creation—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Let me put this on the record so that it can be circulated to local constituents. I understand that Mike Rann and Kris Hanna are aware of this question that has been put by Mr Holloway this afternoon in this Chamber. I understand that they have been—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I understand that the Leader of the Opposition (Mike Rann) and Kris Hanna have been up to their ears in relation to this. They have been pretending to the local community that they wanted to do what they could to assist it in stopping the tavern from going ahead. The government takes decisive action and now, secretively, they sneak and skulk around the corridors of this house. They ask the Deputy Leader of the Opposition in this chamber, Mr Holloway, to ask me a question to try to torpedo the government's attempts to prevent this tavern, and this gaming machine option, from going ahead next door to the school. I can assure the Hon. Mr Holloway that, when my comments and others are circulated to the local community down there, they will be outraged at the politics of Mike Rann and Kris Hanna, who have taken a personal and devious role—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway will come to order.

The Hon. R.I. LUCAS: —in this matter. They have set up the Hon. Mr Holloway to try to torpedo this initiative by the government in relation to the purchase of the school. I think it is a disgrace that members of parliament—like the Leader of the Opposition, Mr Rann, and Mr Hanna—pretend

that they are down there helping the community and then as soon as action is taken—

An honourable member interjecting:

The Hon. R.I. LUCAS: That is the problem with the whingeing and the whining opposition that we have in South Australia. It asks for action to be taken—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Mr Holloway!

The Hon. R.I. LUCAS: —and when decisive action is taken—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Holloway and the Hon. Mr Cameron!

The Hon. R.I. LUCAS: —it tries to find a way to oppose, with its whingeing and whining, what the government does. First of all the opposition says,'Why don't you do something?' Then it jumps up and down and pretends that it is supporting the community. Then, as soon as the government does something decisive and the community is happy, opposition members skulk around the corridors, and they ask the Deputy Leader of the Opposition to ask these questions in this chamber to try to torpedo this action. Let the community be mindful, because it is quite possible that, if the Hon. Mr Holloway can throw enough mud in relation to this issue and make enough accusations in this chamber, he may seek to stop—

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Mr Holloway has asked his question.

The Hon. R.I. LUCAS: And sadly—I hope it is not true but we have seen it before—they might succeed in stopping this particular decision from the government. So the people in that community might end up with that hotel and with gaming machines next to the school, next to the students, all because of the actions of Mike Rann, Kris Hanna and the Hon. Mr Holloway.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I have called for order three times.

The Hon. NICK XENOPHON: As a supplementary question, did the purchase price for the land include any component by way of compensation for the applicant for the tavern licence and the property?

The Hon. R.I. LUCAS: I will refer that question to the minister and bring back a reply.

ANTI-URANIUM PROTESTS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about the recent anti-uranium protests.

Leave granted.

The Hon. T.G. ROBERTS: There were some very disturbing television scenes recently in relation to the clashes between protesters and the police in the isolated areas of the north of this state. The disturbing thing about the clashes is that, in most cases, the rest of South Australia and Australia, for that matter, has to rely on journalists and film crews to relay the situation that is occurring at the three mine sites in our northern regions as they are all in very isolated areas.

The levels of violence that appeared to be used by both protesters and police would have disturbed anyone who studied the footage that was relayed back to the metropolitan area. I for one would not like to see any further clashes such as those shown recently. What tends to happen, as outlined in other clashes in other parts of Australia, is that levels of violence increase rather than decrease unless a peace plan or a protocol is put in place by the stakeholders, that is, those protesting community concerns and attitudes and those who are employed to defend the castles of the uranium miners.

The *Transcontinental*, the local Port Augusta newspaper, headed its front page article, written by Vicki Folber, with 'Investigation into Beverley clashes', and it stated:

> SA Police is conducting an internal investigation into last Tuesday's violent clash between protesters and police at the Beverley uranium mine, 300 kilometres north-east of Port Augusta.

It went on to say that a number of protesters were arrested and that the protesters were taking some action in relation to the behaviour of the police. It appears that there now has to be some form of independent inquiry to restore sanity to the protests in that area and to get the stakeholders around the table for discussion. My question is: does the Attorney-General believe that an independent inquiry into the violent clashes between the protesters and police could assist in bringing about better relationships between protesters, the police and community expectations on how these matters should be handled?

The Hon. K.T. GRIFFIN (Attorney-General): The simple answer is that I doubt it. In respect of the matters referred to by the honourable member in his explanation, I will have to have the facts established. I will endeavour to have that done and bring back a reply. Some rather disturbing scenes were depicted on television and there were some rather disturbing reports about damage of up to $100 000 to plant, machinery and pipelines. I do not want to comment on it any further than to say that, if that occurred, that would be illegal if it were deliberate damage, and it should not have occurred. I do not want to take it further in the event that, ultimately, alleged offenders are identified and prosecuted. I will take the question on notice, refer it to my colleague in another place and bring back a reply.

GOODS AND SERVICES TAX

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the GST.

Leave granted.

The Hon. P. HOLLOWAY: I refer the minister to the Australian Competition and Consumer Commission's estimates of the price impact of the GST which appeared in this morning's paper. Of particular interest were the urban transport fares estimates, which indicate the following: bus fares, a full fare for two hours, an increase of 6 to 8 per cent; train fares, daily ticket, 8.2 to 9.2 per cent increase; and taxi fares, for a 10-kilometre trip, a 6 to 8 per cent increase. My questions are:

1. Does the minister accept these estimates as representative of the impact of the GST on urban transport in South Australia?

2. What are the price impact estimates determined by her department, particularly in relation to taxi fares?

3. What is the estimated impact of the GST on patronage of the urban transport system?

4. How much of this price increase due to the GST will the government absorb?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): As I understand competition policy and other things, we are not able to absorb the GST. The Treasurer may know more on that subject. However, I have said in this place before and publicly that the GST is not being presented to state governments or the community at large as a one off tax hit without offsets and, in terms of public transport, there are offsets with the diesel rebate. Diesel fuels our train system, unlike train systems across the country, most of which are electrified. Oddly enough, the decision by past governments—and I think it was Mr Blevins who decided not to electrify the rail system, and our new rail cars subsequently have been diesel electric—will have a benefit to all users of public transport in the longer term because the offsets are quite considerable.

It may be that the GST, on an average circumstance across Australia, has an impact of 6 per cent to 8 per cent. If that is so, New South Wales has been quite dishonest in the way in which it has increased its public transport fares in recent months by well over 11 per cent, I understand, and has blamed that all on the GST in terms of passing on the full 10 per cent. There is something that may well be investigated across Australia in terms of an increase in fares by other states as announced in recent months for train, tram, bus and ferry services.

I repeatedly stated that, as is the traditional practice, bus, train and tram fares in South Australia will be announced as part of the fees and charges in the state budget and therefore will be announced tomorrow. Likewise taxi fares will be announced tomorrow, but the government does not approve taxi fare increases or reductions: that is done by the Passenger Transport Board, so there will be a separate announcement by the Passenger Transport Board tomorrow in relation to that.

Finally, to ease the mind of the honourable member, I know that the Hon. Carolyn Pickles, who unfortunately is absent today because of injury, has been asking about the price of fares for public transport in South Australia for probably 18 months. It has not been possible until recent times, when we have had determinations from the Taxation Department, to determine the rebates, the offsets and the application of the federal government's tax package. There is no reason for alarm and I hope and trust that when the honourable member hears the package tomorrow he will be able to congratulate the government for being able to contain the fare issue in South Australia.

ELECTRICITY, PRIVATISATION

The Hon. L.H. DAVIS: I seek leave to make a personal explanation before asking a question of the—

Members interjecting:

The Hon. L.H. DAVIS: A brief explanation, I am sorry. I had been thinking of Nick Xenophon just before I rose to my feet, so that occasioned me to make that unaccustomed slip. I seek leave to make a brief explanation before asking the Treasurer a question on the subject of electricity profits.

Leave granted.

The Hon. T.G. Roberts: How do you spell that?

The Hon. L.H. DAVIS: Electricity?

The Hon. T.G. Roberts: Profit.

The Hon. L.H. DAVIS: If it was Nick Xenophon you would not be spelling it with a 'P' and an 'H', would you? I understand that yesterday the New South Wales budget was brought down in the New South Wales parliament. Notwithstanding the fact that the Treasurer has a budget ahead of him tomorrow, is he aware of the budget contribution from the publicly owned electricity assets in New South Wales and any comments that the New South Wales government may have made about them? I know this will be of particular interest to the Hon. Nick Xenophon.

The Hon. R.I. LUCAS (Treasurer): I admit that I have had other things on my mind this morning, but I am indebted to the honourable member whose assiduous research on these issues did turn up a table or two from the budget statement in New South Wales. My immediate response is that I am delighted that this parliament has taken the decision it took last year to—

The Hon. L.H. Davis: All thanks to Terry Cameron and Trevor Crothers.

The Hon. R.I. LUCAS: Thanks to T.C. the senior and T.C. the junior for the decisions that they took.

Members interjecting:

The Hon. R.I. LUCAS: T.C. squared. The table the honourable member turned up from the budget papers in New South Wales shows quite an alarming reduction—and it does not go back to previous years, just to 1998-99. When one looks at the budgeted figure for dividends from electricity this year (1999-2000), the figure was $488 million. The budgeted figure for next year is $365 million, which is a reduction—

The Hon. T.G. Cameron: That's optimistic.

The Hon. R.I. LUCAS: Well, it is a reduction of $123 million. In the income tax equivalents, because that is the other leg to the story, the electricity budget last year was $294 million and for the budget this year it is $205 million, so there is a reduction of about $89 million. Just doing some rough calculations, we are talking about a $210 million reduction off about $640 million. I have not done the math, but it is probably about a third.

The Hon. L.H. Davis: Over 30 per cent.

The Hon. R.I. LUCAS: There is a reduction of about 30 per cent. The thing that also alarms me—if that is not alarming enough—is seeing these figures, because this is part of the debate we have about trying to predict the future. When one looks at business forecasts in respect of dividends in three years, I notice that the government owned companies in New South Wales predict that they will go back to $480 million. So, they have gone down to $365 million this year but they are predicting they will go back up to $480 million in the full heat of competition. That is one of the issues that we wrestled with over the past 12 months.

Many people poo-pooed the government's position when it cast some doubt about the forward estimates that some optimistic people within businesses and agencies might have had about dividend flow and tax equivalent flow from businesses. It is the Mike Rann-Hon. Paul Holloway view of the world that if you at once ever earn $300 million in South Australia under the monopoly market you will continue to earn $300 million a year under a cutthroat national electricity market.

The Hon. L.H. Davis: Christopher Skase found that that didn't happen.

The Hon. R.I. LUCAS: Christopher Skase found that it did not happen. Heaven forbid, if the whingeing, whining Leader of the Opposition should ever be in a position of responsibility he would find that out, too. The honourable member does highlight that there were some significant problems in terms of the distribution businesses in New South Wales, which highlight, I guess, the essential point that was being made last year that, whilst the government acknow-

ledged that the riskiest parts of the business related to the generation and retail trade, there are risks in all aspects of the business.

Just reading quickly—I do not want to delay question time for too long—the budget statement says:

> Chart 3.4 shows a declining trend for financial distributions since 1997-98 mainly due to the impact of greater competition in the electricity generation sector. In 1999-2000, dividends and income tax equivalents are expected to be around $77 million lower than estimated.

That is a compilation figure for the electricity, water and waste sectors. It continues:

> The reduced contribution from the electricity sector is largely due to lower returns from the distribution sector.

There is further information there, but time will not permit me this afternoon to go through all of the detail. The other issue, which I have not been able to trace through the New South Wales budget papers but which I will be interested to have a look at, is how the particular restructuring of debt and equity has impacted, if it has at all, on the figures that are produced in table 3.9 in particular. It may well be that it has not. There is not enough detail in these two pages.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Down the bottom there is a reference to capital restructure, but how that might impact, if at all, on dividend or income tax equivalent from the electricity businesses I am not sure. It is something I would need to have a closer look at. As I said, the two key issues involve a very significant drop, which is the reality of today, and if I had the chance to have a quiet ale or whatever with Michael Egan at one of these coming conferences in those sorts of places that treasurers disappear to late in the evening I would certainly be warning him about these projections that these figures are going to mysteriously jump back up to the numbers—

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron and the Hon. Mr Davis nail the point. I am sure that if Michael Egan and the New South Wales government had to put a number to the value of their assets, which last year was being talked about at around $23 billion, $28 billion—somewhere in that ballpark—if there are not billions of dollars having been written off already from the value of those assets in New South Wales I will go he for hidey.

GEPPS CROSS CATTLEYARDS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the Gepps Cross cattle selling yards.

Leave granted.

The Hon. IAN GILFILLAN: Previous and present governments have sold all the saleyards at Gepps Cross but nothing has been done from either government to fund the relocation principally at Dublin. Private enterprise has invested over $6 million in the relocation with no financial assistance from the government. There is no government money for a two kilometre stretch of sealed road from Port Wakefield Highway to the saleyard entrance, and no assistance to have power delivered to the site. The present sales of lamb, sheep and pigs is progressing very successfully on a weekly basis at Dublin, but the cattle sales are currently still going on at Gepps Cross, where the lease expires in eight months. If it does continue on I have had advice that the EPA would move to close down the yards, anyway, and if there are no replacement yards at Dublin there will be no cattle selling yards within reasonable range of metropolitan Adelaide.

There is universal demand from the cattle industry right across South Australia, and also interstate in the Northern Territory, New South Wales and South-West Queensland pastoral areas for there to be centralised cattle saleyards, both for fattening and for slaughter. It is rather galling to that large section of the primary industry that where there are millions of dollars of government money going into the Holdfast Shores development, into the Wine Centre, into the—

The Hon. L.H. Davis: Any good developments, Ian?

The Hon. IAN GILFILLAN: Well, they are all good. There is the private convention industry, which is getting approximately an $80 million boost for the extension to the Convention Centre. This government has refused to give or to guarantee a loan for the establishment of these yards. Just recently the condition has been imposed, 'unless the stock agents themselves become joint investors'.

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: It is a unique condition. It is really a very stingy way of this government's trying to squeeze out of contributing a pittance to assist a major South Australian industry, while at the same time—

Members interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: —investing over $300 million of government money in capital projects in the metropolitan area. It is important that these questions be answered. The primary industries minister has said that they are prepared to provide a $1 million loan—I emphasise 'loan'—to the new cattle saleyards but only if livestock agents and Livestock Marketers Limited provide a similar amount. I ask the government, particularly the Minister for Primary Industries and Resources, the following questions:

1. Why is the government so stingy to the cattle industry in comparison with its treatment of the private property developers of Holdfast Shores and private convention and wine industries?

2. In relation to saleyards, has the government ever provided any funds to the T&R Murray Bridge works or Pace Trading Works at Port Pirie?

3. Does the government accept that a viable cattle yard at Dublin is a prerequisite for the success of the livestock industry in this state; and, if not, why not?

4. Would the government prefer to see the cattle industry sale collapse and disappear interstate?

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

MUSIC INDUSTRY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about Music House.

Leave granted

The Hon. A.J. REDFORD: On Friday 12 May last, the federal Minister for the Arts and our state Minister for the Arts (Hon. Diana Laidlaw) announced the launch of Music House at the Lion Arts Centre. That was a precursor for a significant weekend of activity associated with the South Australian contemporary music industry. On Friday evening, the South Australian Music Industry Awards for outstanding contributions to South Australian contemporary music took

place, followed by the National Music Critics Awards. Music Business Adelaide, a conference involving leaders from throughout the contemporary music industry, both in Australia and overseas, took place over the weekend, involving workshops in terms of management and also, significantly, on the Sunday, song writing workshops.

During the course of the weekend there was also an event called Off the Couch, which was designed to give bands that would not otherwise have the opportunity the chance to appear live before audiences in some seven venues at the West End over a period of nine hours. The Off the Couch event has grown from some 2 000 participants to 10 000 participants in just over four years. I have received correspondence in relation to that weekend from various people, including Darren Clark, who described the weekend as follows:

> I regularly attend Music Business events around the country and in various parts of the world, and none of them come close to combining the national and local industries into such a positive and productive event.

He goes on to congratulate the minister. Further correspondence from Heath of Naked Ape Management states:

> It was heartening to see that there could be an industry event—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: The Hon. Ron Roberts might not be interested in this but a lot of us are. I must say that I have never seen anyone from the honourable member's side at any of these events, because they do not care. The correspondence states:

> It was heartening to see that there could be an industry event that was both effective and relaxed. I am particularly allergic to these sorts of things and actually enjoyed myself, and am extremely disappointed that we have nothing in WA that the local could get so much out of on the practical experience front.

Indeed, the Australian Recording Industry Association board meeting was also held, and a letter from Philip Mortlock described the awards night as follows:

> The awards night highlighted the wealth of talent SA has to offer and the impression of that talent getting national and international recognition is certainly evident.

Coming from a representative of the recording industry, that is an extraordinary achievement over the past few years. He went on to say:

> I think, through the development of MBA, you have shown how it should be done.

In light of that, my questions to the minister are:

1. What does Music House mean to the contemporary music industry?

2. What are the benefits of the Music Critics Award, Music Business, Off the Couch and Music House to the industry, from an artistic, financial and business point of view?

The Hon. DIANA LAIDLAW (Minister the Arts): I thank the honourable member for his question and for his enthusiastic participation in the industry and at industry functions, which the music industry acknowledges, as I do. It is the biggest compliment to the industry itself, to the skill of the administrators and the band members, that Music Business Adelaide has been such a success.

If members think back three our four years ago, they will recall that young and not so young emerging South Australian musicians would always have to go to Sydney and the eastern states and invest so much of their own money to access the advantages that eastern states contemporary performers, including country music artists, enjoyed. The advantages of living in the eastern states, because of all the recording companies and music performance opportunities, were overwhelming.

But we have reversed that and it is fantastic, with Music Business Adelaide, to see the industry coming to Adelaide, with more and more young South Australians staying in Adelaide and South Australia because they believe that they can be heard and have opportunities to excel from this base. Of course they will tour, and we would always want that to happen, to get wider exposure. But we have reversed the trend and they no longer believe that to succeed in this industry they must leave this state.

This is tremendous because it has come from the industry itself, with support from government. Young musicians are a very entrepreneurial group of people, and bold not only in their music but in their general outlook. Their success here has meant that the federal government has agreed to spend $1.08 million on a package to support contemporary music in this state. The bulk of that fund, over $500 000, is for the establishment of Music House.

This is the first in Australia, and it will bring all our small groups, from blues music to jazz, the Music Industry Association, Oz Music and the like, together under the one roof. They can share facilities (which will again bring down their costs) and provide tremendous support for each other but also, now that Music House will be established in the Lion Arts Centre, young people will have a base for performance.

It is so difficult for live music to be performed around the Adelaide metropolitan area, because so often people complain. Neighbours complain, whether it be the east end of Adelaide, Holdfast Shores or anywhere else. However, hardly a soul now lives permanently around the Lion Arts Centre, so I am thrilled that they will be able to play as loudly and long, depending on the liquor licence, as they wish.

It is also fantastic to see contemporary music on North Terrace as part of the cultural boulevard. I am thrilled to see music gain such a prominent position. Our collecting agencies and institutions have until now been along North Terrace, with the performing arts in the Festival Centre.

I am particularly pleased that contemporary music will have a strong focus as part of the regeneration of the west end of Adelaide, based around Hindley Street and the new TAFE centre. All in all, this is an outstanding success for South Australia. It is being driven by the industry and it is being supported by government and more recently, because of our success, it has gained federal support, which has led to the establishment of Music House. We are the envy of the other states and overseas countries. I should acknowledge that for the first time this past year South Australia attracted visitors not only from interstate—from all states—but also from overseas for Music Business Adelaide.

ON-LINE GAMBLING

The Hon. NICK XENOPHON: My questions to the Treasurer are:

1. Given the federal government's announcement last week that it planned to introduce legislation for a moratorium for on-line gambling licences, backdated to the date of the announcement, will the South Australian Government support and abide by that moratorium?

2. Is the Treasurer aware whether the TAB and the Lotteries Commission are in the process of developing

interactive on-line gambling sites and, if so, are they caught by the proposed moratorium?

3. Has the state government examined the feasibility of South Australians currently betting on the internet, via their credit cards, being able to void such transactions? If advice has not yet been sought from Crown Law on this issue, will the government seek such advice in the near future?

The Hon. R.I. LUCAS (Treasurer): In relation to the third question, that is the question that the Hon. Mr Xenophon and others on the select committee are exploring at the moment, there is a process that the parliament requires Mr Xenophon, a few others and me, for our sins, to endure and to go through. The honourable member can express his view but I am still not convinced. I do not think the honourable member has changed his view in relation to these issues.

I suspect that there will continue to be a difference of opinion in relation to option three, but I can assure the honourable member that the South Australian government will not go down the path of unilaterally voiding credit card transactions on the say so of the Hon. Mr Xenophon that it is all okay. There is a process that the Hon. Mr Xenophon proposed—I think, on recollection: it is so long ago now—to set up this select committee. We are working our way through that process and, hopefully, we can report in the not too distant future.

In relation to the first question, a most curious set of circumstances occurred last week. I cannot say with any certainty, but I think the federal government has found itself in some degree of difficulty in terms of what it said it was going to do. It was going to immediately issue a moratorium for 12 months whilst it thought about how it would ban interactive gambling. As I have highlighted before in question time, there is very strong opposition from Labor states to the position put by the commonwealth government. I am not sure whether I have said this in this House—I cannot remember now—but it is not true, as I have been reported by the commonwealth minister, that I rejected the position on behalf of South Australia. I indicated that this issue would be a conscience vote for all members in the South Australian parliament. I think as recently as last week the Labor party confirmed that this is a conscience vote for its members. It has always been a conscience vote for Liberal Party members, and it is an issue that ultimately will not be determined by only one person, whether or not he is the Treasurer.

That is the position I put to Senator Alston, and it was therefore not accurate—that is the kindest way I can put it—for him to indicate that the South Australian government had rejected it. He was quite surprised to hear that we had something like a conscience vote here in South Australia. I think they had just been through an exercise in relation to conscience votes and he was surprised to hear a Liberal government indicate that it would have a conscience vote on an issue like this. So there is no government position. I think The Hon. Mr Xenophon knows that as I have discussed this issue with him.

The other point I would like to make is that, when one looks at the press statement from last week, I think the rumour is that the commonwealth is having trouble drafting what it says it wants to want to do, and that is clear when you read this extraordinary letter. The commonwealth made a statement at lunchtime on the particular day and said that it had written to the states. That statement is not true. That afternoon we received a faxed letter from the commonwealth government. I had not seen the fax prior to the public statement. The letter said something like, 'We are still looking at this issue (not the ban; this is about the moratorium) and actively considering the possibility of legislation'.

I am paraphrasing this and I will report it more accurately at a later stage. The commonwealth government said that it was interested in our views about that and at the same time it wanted to know whether we had any views about the ban and, if so, it would be interested in receiving them. The letter also stated that, when the government gets around to drafting the legislation for the moratorium, it would send that to us so we could comment on that as well. That does not sound to me like a minister or a government that knows what is going on.

Members interjecting:

The Hon. R.I. LUCAS: I can only speak as one member of this chamber.

The Hon. A.J. Redford: But you will consult.

The Hon. R.I. LUCAS: I always consult but I would never pretend that I could represent the views of the Hon. Mr Redford, the Hon. Mr Xenophon or other members in this chamber. I am very happy to put my own personal view. The point that I am making is that a situation was put to the governments of Australia a month or so ago which was that the commonwealth government wanted a year to see whether or not it is feasible to ban internet gambling and it wanted the states to introduce moratorium legislation.

As I said before, when Tasmania and Queensland went off their tree about who would pay compensation, the federal government's position was that it was the states' legislation, it was just inviting us to pass it and we would have to worry about the issues of retrospectivity and compensation. To that comment the ministers pointed out that the commonwealth government was saying that, if we did not do it, it would do it anyway, and that is tantamount to a gun pointed at the head. The commonwealth government's position did not move in relation to compensation and retrospectivity, which I thought there might be some sensitivity about.

The Hon. A.J. Redford: Compensation might not be the issue.

The Hon. R.I. LUCAS: It might not be but, as the Tasmanian minister highlighted, he did not accept the position that compensation would not be an issue in relation to Tasmania's circumstances. That was the situation and, if the states did not do it urgently, the commonwealth government would very quickly whack some legislation through both houses of the parliament to apply a moratorium for 12 months and then it would make up its mind. The letter that I received a month later does not indicate that it has got anywhere and indicates a possible process that could go on for months. Basically the commonwealth has been caught short. It might be having some problems. It found that a couple of states intended to proceed anyway so it told everyone that, although it does not know what it is going to do, when it does decide it will nominate a day as the day on which it comes into operation and which will make it retrospective.

I am the first to acknowledge that tax law at the state and federal level is sometimes conducted that way, but generally a government knows what it is going to do before it says that, as from a particular day, certain circumstances will occur. I might be doing some federal ministers a disservice and, if I am, I will be the first to apologise to my federal colleagues. However, so far, having looked at the letter I received after the government made its statement, I have to say that it has not filled me with a great deal of confidence. If I was on their side of this debate I would not feel confident that they knew what they were doing, when they were going to do it and

when they would achieve something from the threats they were making.

The Hon. A.J. REDFORD: I have a supplementary question. Is it not true that, apart from some telephone betting products, generally speaking internet gaming is currently illegal in South Australia and therefore there is really no need for a specific moratorium in this state?

The Hon. R.I. LUCAS (Treasurer): I think the Hon. Mr Redford is aware of my view on this and, whilst I am not a lawyer, I suggest to him that he might like to take further legal advice on this issue. I would always bow to his greater legal knowledge in these issues as I am not a lawyer and not well versed in these legal issues, but I suggest that he may like to take further legal advice on it. The commonwealth government—as it made clear in its statements last week—has been talking about a whole series of issues in relation to any extension of interactive gaming and extension service. Senator Alston talked about changing the games. The Tasmanian minister—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: That is the point I am making. The Hon. Mr Redford keeps talking about the internet. This is the problem Senator Alston had. He kept using the terms 'internet' and 'interactive' interchangeably when they are not.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: That is what I am saying. The Hon. Mr Redford might be talking about one thing, but Senator Alston is talking about something different. It is fine for the Hon. Mr Redford to talk about the internet, but Senator Alston is talking about interactive. I am suggesting to the Hon. Mr Redford that Senator Alston did not understand the difference between the two, but nevertheless he came down on the basis of the wider definition of 'interactive', which includes everything. He conceded that it covered telephone betting and a range of issues which the Hon. Mr Xenophon in his legislation has sought to canvass as opposed to just internet gambling.

When asked the question, Senator Alston made it quite clear that, if that is what is covered, the commonwealth was saying that it did not want any extension of a service in those areas and, if there was a new service or an extension of a service, even if a licence provider had paid for the capacity perhaps to offer telephone betting or whatever else it was and they had not yet done so, that would be an extension of interactive gambling and would be banned under the moratorium.

There was a whole range of things and, under heavy questioning, Senator Alston indicated that he was lumping all of them within the commonwealth's position. Whether that will remain the commonwealth's final position, I am not sure, but its statements last week—and this might have been a safer course—did not talk simply about internet gambling but continued to talk about the extension of services, new services and new forms of gambling, with three or four different descriptors as to the sorts of things that it is trying to ban.

The Hon. T. CROTHERS: Given that the Treasurer has said that Tasmania and Queensland are about to introduce legislation, would a blanket moratorium by the federal government constitute a breach of section 92 of the federal constitution, that is, free trade between the states?

The Hon. R.I. LUCAS: My legal knowledge may be about the same level as that of the Hon. Mr Crothers, so I will not defer to his greater legal knowledge, as I did with the Hon. Mr Redford. The answer is that I do not know. It has been suggested, by some who are wondering why the commonwealth has not proceeded as quickly as it said that it might, that it may well have found a particular quirk or problem with some aspects of the constitution. I do not know that to be a fact; it is just rumour. I am not in a position, as I am not a lawyer, to offer the honourable member any learned legal advice on this issue.

The Hon. NICK XENOPHON: As a supplementary question, is the Treasurer aware that the TAB and the Lotteries Commission are in the process of developing internet gambling sites and, if so, will they be caught by such a proposed moratorium?

The Hon. R.I. LUCAS: No, I am not. I will have to refer the question to the minister. I recall some time in the past 12 months the honourable member complaining that one of those bodies was about to offer a service through the internet. I will ask the honourable member to check his own press releases and public statements on the issue. I will have to defer to his greater knowledge of his own statements on these issues. I am not in a position to know what he said on these issues, but I seem to recall his making a comment in the past 12 months and getting some publicity, I thought, about one of these bodies deciding to extend a service via the internet. I am happy for the honourable member to make his own inquiries about his own statements first. If he has a problem, I will check my records and see whether I can turn up something in relation to anything he might have said. In any event, I will refer the honourable member's question to the minister to see what reply he can offer.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Treasurer a question about the Hindmarsh Soccer Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to the funding deed signed by the South Australian government and the South Australian Soccer Federation on 14 October 1996, and in particular to clause 5 entitled 'Guarantee Fee', which stipulates that the federation shall pay to the Treasurer, in consideration of the Treasurer's provision of the guarantee to the bank and in respect of each financial year and part financial year of the term, a non-refundable guarantee fee of an amount equal to 0.75 per cent per annum of the maximum amount of the guaranteed moneys during the relevant financial year. Clause 5.2 stipulates that the federation shall pay the said guarantee fee to the Treasurer on or before 31 October each financial year or part financial year to which the payment relates.

In response to a question I asked on 9 November last year, the Treasurer provided me with information that the South Australian Soccer Federation had failed to pay guarantee fees of $40 962.05 and $44 386.16 to the state government for the years to 31 October 1998 and 31 October 1999 respectively. In an article in the *Weekly Messenger* dated 26 April 2000, the Manager of the South Australian Soccer Federation, Mr Tony Farrugia, said:

> The government has never said to us, 'Come and pay us.'

The Arthur Andersen report commissioned by the government has further identified that the federation is in breach of the funding deed because it did not impose spectator levies

on matches under its control during the 1998-99 season. The total amount of levies not collected was identified in the report as $15 000. The report also noted that no levies were applied to the J-league soccer matches and other matches played at the Hindmarsh Soccer Stadium during that season.

In its 37th Annual Report, for the year ended 31 October 1998, the South Australian Soccer Federation declared that it had received a net income of $113 000 for the use of the stadium as a training venue by visiting soccer teams. Additional substantial income from this source was also declared in its 38th Annual Report, for the year ended 31 October 1999. In addition, on 1 July 1999 the South Australian Soccer Federation received a grant of $285 000 from the state government. My questions are:

1. Can the Treasurer advise what monetary arrangements, if any, have been made by the government with the South Australian Soccer Federation in relation to any fees payable by the federation to the government for the staging of various soccer matches under its control at the Hindmarsh Soccer Stadium from the beginning of 1999 to June 2000?

2. Has the government sought the payment of the fees due by the federation in relation to the soccer matches played at Hindmarsh and, if so, when?

3. Will the Treasurer advise the Council what action the government is taking to recover the total outstanding amount of taxpayers' funds owed by the South Australian Soccer Federation to the government, and inform the Council of the exact amount due and payable by the federation?

The Hon. R.I. LUCAS (Treasurer): I am happy to take some advice on those questions and bring back a reply. In relation to the last question, as the Hon. Mr Stefani knows from conversations other members and I have had with him, the government is endeavouring to sort its way through the issue. A range of issues are being discussed with all the interested parties. The Hon. Mr Stefani is aware of a number of those subtleties. I am happy to refer the honourable member's questions to the department and bring back a reply as soon as I can.

SMOKE ALARMS

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about smoke alarms.

Leave granted.

The Hon. CARMEL ZOLLO: On 27 May last year I asked a question on public education in relation to smoke alarm installation. In her response at the time the minister said there would be a further campaign at official government level, and, of course, I am aware that such a campaign occurred last November. The Hon. John Dawkins asked a question on smoke alarms recently, and I understood from the minister's response to him that the education campaign had been successful. I believe the minister said that Planning SA had undertaken an extensive survey of the installation of smoke alarms and that the latest information provided to her indicated that there were 400 respondents, 94 per cent of whom had installed a smoke alarm. She clearly indicated in her response that the implementation of the legislation had been effective.

I was somewhat surprised to read in the media a week after the minister's last comments in the chamber that 250 000 home owners are in breach of the new smoke alarm laws. Apparently, according to Archicentre, more than 40 per cent of homes inspected this year did not have a legally required smoke alarm. In the same article of 15 April senior fire safety officer Mr Geoff Matters said:

> fire alarms were crucial to surviving a home fire. This is a question of life and death for home owners and their loved ones. There were 11 deaths in house fires in the past 12 months, and many more injuries.

The minister was quoted as saying: 'We might have to do more to educate people.' Can the minister advise the chamber which survey is correct, whether we should be looking at a wider sample, and whether further education or other campaigns are required to ensure that the legal requirements are being met and lives being saved?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am quite confident about the soundness of the survey undertaken on behalf of Planning SA. I suspect with these things, whether it be when parliament passes legislation for the good of the community, whether it be the wearing of bicycle helmets, the wearing of seat belts, or the installation of smoke alarms, it will always require repeated reminders to individuals about their responsibilities. I think we will progressively see the installation of these alarms as houses change hands and as newer stock is built, but that does not address any shortfall in the meantime where people have not acted in their own interests and according to the law. I remind the honourable member, as I did just a few weeks ago in answer to the question from the Hon. John Dawkins, that there is a considerable penalty attached to the decision by a home owner or a person who owns rental property not to install a smoke alarm. It is much cheaper to install the alarm, whether battery or hard-wired—

The Hon. Carmel Zollo interjecting:

The Hon. DIANA LAIDLAW: Well, it is getting through, and I am quite confident in terms of the outcome of the survey that was undertaken on behalf of Planning SA. That does not mean that everybody has done as they should in their own and their family's best interests. As I say, the penalty—and I have gone through all of this on the floor of this parliament before in answer to the question from the Hon. John Dawkins—is so much greater than the cost of fitting a battery or hard-wired alarm. It would be much cheaper and also much wiser for an individual to do so. It also, as the honourable member suggests, drastically reduces paying the highest price that anybody could pay, which is loss of life, which could be saved by the installation of a smoke alarm. It will be a progressive thing that we will have to continually address. If the Metropolitan Fire Service wants to do it we would encourage it to do so, and there are local councils, the Housing Trust, and real estate agencies. I will speak to Planning SA and see what regular campaigns can be undertaken to remind those who have been remiss, and I would suggest foolish, in not installing a smoke alarm.

MATTERS OF INTEREST

COOBER PEDY OPAL FESTIVAL

The Hon. J.S.L. DAWKINS: Over the Easter weekend I was pleased to visit Coober Pedy. The purpose of my visit was to represent the Premier in opening the annual Opal Festival. The Coober Pedy Opal Festival, which has been held each Easter Saturday for a number of years, celebrates the town's mining heritage and its multicultural community. This year, the activities of the festival commenced with a ball on Good Friday evening and also flowed over into Easter Sunday. An estimated 3 000 people attended the festival. The

town's multicultural diversity, which features some 45 different nationalities, including Croatians, Greeks, Germans, Americans, Serbians, Aborigines and Italians, was a focus of the two day event which offered ethnic music, dance and food.

This year the Coober Pedy Opal Festival received $5 000 in funding through the Regional Events and Festivals Program. Festival activities were held on the oval complex near the entry to the town, following a colourful street parade. The standard of the turfed oval and its associated facilities is a credit to the District Council of Coober Pedy and the community in general. The official opening was held on a stage on the oval. After the opening, the Opal Festival Queen was presented to the guests while four skydivers landed on the oval during the ceremony. Visitors were able to noodle for opals, trying to find a gem in mullock heaps of sandstone and opal potch brought from the minefields. Other activities included mine rescue demonstrations featuring a brand new State Emergency Service vehicle; a backhoe competition; a tug of war between the miners; and a dump shovelling competition. There was also a football match between the 'townies' and the stations.

Sunday's events included a traditional combined church service at the Big Winch overlooking the town; a market-place; an open air singing competition; and a multicultural dance competition. Volunteer announcers from local community radio station Dusty FM played an excellent role in hosting the busy program of events. In addition, an Ambrose golf tournament was conducted on the famous grass free desert golf course. My wife Helena and I witnessed the overseas media enthusiasm for Coober Pedy when we bumped into a German film crew at the golf course on Good Friday.

The hospitality we experienced was excellent and very welcoming. There is little doubt why the many tourists who visit the town, including 16 per cent of international visitors to South Australia, all spread the word about Coober Pedy. There is a great sense of community in Coober Pedy. We met a number of people who came for a short time, whether to do some prospecting or another line of work, and who have stayed and contributed to the community for many years.

I compliment the festival coordinator Mr Stan Shelton and his helpers on their excellent organisation of the festival. I also thank Mr Robert Coro, the President of the Coober Pedy Retail Business and Tourism Association, and the Deputy Mayor Steve Baines for their hospitality during our visit. It was also very pleasing to see the town's long serving mayor (who has since been re-elected), Mr Eric Malliotis, up and about after his recent unfortunate illness. The festival was his first public event following a lengthy stay in hospital, first, in Adelaide and then in Coober Pedy.

LOCUSTS

The Hon. R.R. ROBERTS: I address the subject of locusts. Not to understate the case, there is a crisis in South Australia at the present moment with infestations of locusts which affect not only the farming real estate in our northern areas, in particular, but also the morale of our human resources, that is, the farmers. For the past few years there has been a concentrated effort in our northern regions between the South Australian government (through PIRSA) and the Australian Plague Locust Commission. Indeed, it was lauded in 1998 that with $2 million expended on the program it had been very successful.

During the Estimates last year, my colleague in another place, Ms Annette Hurley, raised this issue with the Minister for Primary Industries (Rob Kerin) and it was noted that for the coming 12 months the budget for all biodiversity programs that PIRSA was likely to face, either known or unknown, was $2.7 million. I have been told—I did not hear this myself—of reports of the minister's being quoted on ABC Radio late last year saying that there was no need to continue at the same level of effort in fighting plague locusts as there was the year before because the matter was under control.

As a person who lives in the northern area, I am fully aware of the problems faced by farmers in our north eastern agriculture areas, in particular. They have had a devastating few years with the vagaries of farming life and they have experienced exceptional circumstances. Despite the efforts of Rob Kerin, the member for Stuart, the member for Frome and the federal member for Grey, they were not able to convince their federal colleagues that these people living in the north-east of South Australia are in need of extra help.

If we combine all the vagaries of farming, all the problems faced by people living in the north-east, and then dump on top of that a locust plague, there is potential for damage not only to the farming infrastructure but also in respect of the mental and financial wellbeing of those people in the north-east. If something is not done immediately to address this problem I can envisage mass walk-offs of farming people from their properties and, in many cases, they will never recover.

The government has had fair warning of this. There were reports in the press as far back as 11 March. Calls were made on the radio, and people were warned by Mr Hopkins from the Grasshopper Control Program within PIRSA that there would be a problem. There was a deathly silence from the minister's office for some weeks until he returned from an overseas trip promoting food products from South Australia—and I do not criticise that. At that stage the locusts were already down around Mambray Creek, and one remembers the contributions from Mr Louie, who I understand spent $7 000 of his own money to try to overcome this problem.

There has been too little too late in respect of this matter. In fact, it was reported on the radio this morning that hundreds of acres of crops are being devastated on the east coast. Clearly, this is a national crisis. This has the potential to spread all over South Australia and, indeed, it is spreading into New South Wales. I call on this government to immediately initiate a crisis program with its federal colleagues.

In that regard, I have several questions for the minister. First, can the minister confirm that the $2 million funding figure will be in addition to the $2.7 million allocated in past budgets for the line 'detecting and responding to adverse events and emergencies'? Secondly, does the minister believe that additional funding will be sufficient to fight what is the worst locust plague to hit South Australia in 70 years? Thirdly, given that Ovine Johnes Disease is also a serious threat to the sheep industry in South Australia, and the question of compensation to Kangaroo Island sheep farmers with affected flocks has yet to be settled, does the minister believe sufficient funding will be set aside to fight the spread of OJD?

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: Today, I refer to the financing arrangements for the development of the Hindmarsh Soccer

Stadium and the agreements reached between the state government and the South Australian Soccer Federation in relation to the upgrade of these facilities.

It is important for me to mention that my involvement with soccer began early in 1999 as a member of parliament, when the management committee of the Adelaide City Soccer Club, as well as the West Adelaide Sharks, sought my assistance. The financing arrangements for the upgrade of the old stadium were covered by a funding deed signed by the state government and the South Australian Soccer Federation on 14 October 1996. This document outlined the conditions under which the government provided $5.1 million toward the upgrade, and also guaranteed the balance of the expenditure, namely $6 million, for the federation's two loans with the National Australia Bank.

These loans are for a term of 20 years. Loan repayments were to be made from the collection of a $3 levy from spectators using the grandstand seats and a $2 levy on all spectators attending the matches played at the Hindmarsh stadium. The stadium, including the playing pitch, is on land owned by the City of Charles Sturt and leased to the South Australian Soccer Federation for a period of 21 years. This lease agreement is subject to the Retail and Commercial Leases Act 1995.

Under the funding deed, the South Australian Soccer Federation was obliged to provide the state government with a first mortgage over the lease as well as a fixed charge over the levy accounts into which the moneys collected for the spectator levy were to be paid. The Arthur Andersen report, commissioned by the government and released to the various parties in March 1999, identified that the first mortgage over the lease had not been executed and that the fixed charge over the levy account had not been implemented.

The report also identified that the Ernst & Young financial analysis of the redevelopment of the stadium and the feasibility study that was based on the 1995-96 season did not take into account any potential decrease in attendance numbers. It further identified that there had been no feasibility study conducted on how the $2 million fitout costs would be repaid. Unfortunately, there have been numerous other breaches of the conditions of the funding deed by the South Australian Soccer Federation.

These include the requirement to keep separate accounts of expenditure and marketing and the requirement to maintain a detailed breakdown of the stadium income, as well as a separate balance sheet for the assets and liabilities of the Hindmarsh Stadium Profit Centre. The report also identified that the federation did not meet the requirement to spend $100 000 per year for three years, commencing October 1996, to promote the use of the stadium and soccer generally. Amongst other things, the Arthur Andersen report found that the federation had failed to collect levies for the 1998-99 season on the Premier and State League matches under its control that were played at Hindmarsh stadium. The amount of uncollected levies was $15 000.

These are but a few of the details of failures by the South Australian Soccer Federation to meets its commitments under a funding deed in which the South Australian government provided a guarantee for $6 million backed by taxpayers' funds. The inability of the South Australian Soccer Federation to meet many of its obligations since 1997 has required the government, as guarantor of the federation's debt, to meet the shortfall in loan repayments to the National Australia Bank, requiring the expenditure of more than $1 million in taxpayers' funds.

Finally, it would be a brave government that would entrust any further responsibility to this organisation in relation to the future management and administration of the Hindmarsh Soccer Stadium facilities. It would be an even braver government that would provide any financial or in-kind support for the federation to gain a second NSL licence for a privately owned, albeit government funded, soccer team.

MARINOS, Mr C.

The Hon. CARMEL ZOLLO: I speak on the sad passing of a great South Australian, Mr Con Marinos AM JP, who died on 8 May this year aged 68. He was born in Larnaca, Cyprus in 1931. I wish to acknowledge Con Marinos and his achievements as well as expressing my sincere sympathy to his wife Margaret, his children, grandchildren and siblings.

I attended Mr Marinos' funeral, in my capacity as Chair of the Cyprus SA Parliamentary Friendship Group, as did several of my colleagues from all sides of politics, including the Hon. Julian Stefani from this chamber and the Hon. Mike Rann, Leader of the Opposition. There were also dozens of representatives from community organisations. This was indicative of the level of respect and admiration Mr Marinos commanded over the years.

He was a tireless advocate for so many people and causes. He always fought for social justice and the betterment of those less fortunate than he was. He was a unique figure in the migrant history of this nation. It can be said that his goal of leaving this world a better place was true of Con Marinos' lifetime efforts. He will be remembered for his strong sense of justice, his advocacy of an understanding, diverse multicultural Australia and, importantly, for his efforts in the Greek Australian community, in particular, his campaign for justice for Cyprus.

Con Marinos arrived in Australia in 1949 alone, with precious little, as did so many other immigrants at that time. His only resources were his fine intellect and his willingness to work hard. He started his working life in Australia on the railways in Sydney, and moved on to run a Greek club. It was there that his passion for the welfare of new migrants emerged. His brother Tony then joined him in Australia and they went to work on the Snowy Mountains scheme, where Con met his wife, Margaret Burton. In 1954 they were married and lived in Adelaide.

In Adelaide he turned his entrepreneurial spirit to establishing a food distribution company in which he worked for most of his life. In 1956 Con Marinos met with Don Dunstan and began a long friendship over the common cause of justice for Cyprus. It was Mr Marinos who first convinced Don Dunstan to go to Cyprus, hence beginning what has become a bipartisan involvement by the South Australian and commonwealth parliaments in advocating for a just and viable solution for a united Cyprus.

Con Marinos became active in the Australian Labor Party and was a leader in encouraging the adoption of multicultural policies in the ALP. He was recognised this year for his efforts in the ALP when he became only one of a handful of people ever to have been awarded an honorary life membership of a branch. Mr Marinos was one of the few Greek Australians ever to receive the Australia Medal, in 1985 for his contribution to the community.

One of Con Marinos' great attributes was his honesty and the manner in which he was never backward about articulating his beliefs. Although a passionate ALP supporter, he was equally respected by people from all political backgrounds.

He was always concerned with the ideals of democracy and providing welfare and educational services to the community. He was an active member of the Greek Orthodox Community of South Australia Inc., and spent much of that time as vice-president.

As President of the Justice for Cyprus Committee (SEKA) for many years, Con Marinos raised the profile of the Cyprus issue to the top of the agenda for many local and national parliamentarians. He always took the opportunity to remind anyone who would listen—and, I am told, sometimes even those who would not—of the injustices suffered by the Cypriot people and the need for Australia to be at the forefront of calling for a united Cyprus.

Most of all, Con Marinos will be remembered for his hard work, the love and devotion he gave to his wife and family, and the legacy of his effort given to his extended family in the Australian Greek and Cypriot community.

MUSIC INDUSTRY

The Hon. A.J. REDFORD: Earlier today I asked a question of the minister concerning a fantastic weekend for the music industry, in particular, the events of Music Business Adelaide, Off the Couch, the South Australian Music Industry Awards and the Shoot the Couch program. First, I go on record as congratulating Warwick Cheatle for all the work that he has done not only as an adviser to the minister on contemporary music but in initiating and seeing to fruition the Music Business Adelaide concept, which has attracted some of the megastars of the music industry in South Australia to share with younger musicians their experiences and their successes, advising them on how that success can be repeated in respect of their own careers.

I also had the opportunity of attending the South Australian Music Industry Awards. Avalon Sperring deserves great credit for the way in which the function was organised: it was most professional and attracted an extraordinarily large crowd at Heaven 2 and, judging by the reaction of the crowd, was well received.

I also had the opportunity to attend Shoot the Couch, which was a photographic exhibition of young people engaged in contemporary music. In that respect, Carclew and the staff there deserve every credit. Indeed, in so far as the Off the Couch program is concerned, which as I said earlier has the object of allowing large numbers of frustrated young musicians to develop and perform their own original music, it was organised by Carclew, and I congratulate Judy Potter and her staff and, in particular, Steve Mayhew and Hilary Abel for all the work they did in putting that together.

I must say that not all the music was what I would normally listen to. I took my daughter along and she was most interested in listening to the band Testeagles. The band did not start until about midnight and it played until about 3 a.m. To my untrained ear, it was the equivalent of standing next to a Boeing 747, but the reaction from the young people was extraordinary. Indeed, Testeagles scooped the pool in so far as the awards were concerned and it deserves every congratulation and best wishes for the future. In terms of Off the Couch, I spent some time wandering around the various venues to watch some of the younger bands perform. Some of the music was not exactly my cup of tea but there was an extraordinarily positive reception from large numbers of the young people who attended.

A number of venues were made available for this event, and I will name them because I think they are very important for the future of the music industry. Nexus, the Lion Bar, Cargo Club, Heritage Hotel, Enigma Nightclub, Super Mild Nightclub and the Swing Cat Club all deserve our thanks and acknowledgment for providing opportunities to these young people. One band by the name of Khiama—an Irish-style band of two young people (who I doubt would have been out of their teens or, if they were, only just) with a violin and a banjo—captivated the audience. In fact, it was interesting to note that not one person who wandered in—and people were wandering in and out of the various venues—left once they heard them. If I am any judge, I would think that they have a great future and I wish them every success.

It was a pleasure to witness the work of these young people, not only their artistic endeavours but the organisational skills they displayed in coordinating and framing the various events. They were young and enthusiastic and deserve every accolade. Indeed, the music and the atmosphere was enough to whet the appetite of even the most cynical in our community. The whole program provided great opportunities for our youth and it is a great success story and a great credit to the minister who coordinated it.

Time expired.

SA FIRST

The Hon. T.G. CAMERON: SA First recently held its first state conference and about 50 delegates from around the state came together to endorse the SA First party policy, to pre-select candidates for state parliament, to ratify the party's rules and constitution and to elect the party's new and expanded state executive. The policy team has been hard at work for the past nine months preparing policies in a number of areas—agriculturally from the ground up.

Policies debated at the conference included parliamentary reform, water, transport, tourism and carers. Further policies will be released later this year following the November conference. Today, however, I would like to concentrate on SA First's water policy for South Australia. Water is fundamental to the long-term social and economic future of South Australia. As the driest state on the driest continent, issues of sustainability, quality, supply, aquifer replenishment, waste management and water salinity are major challenges that face us all. It is imperative that the three fundamental issues about water be understood, respected and acted upon.

First, water is the people's resource, a resource that must be conserved, enhanced and prudently managed in the interests of all South Australians. Secondly, South Australia needs a comprehensive water management plan that addresses supply, conservation, aquifer replenishment, waste management, salinity and quality for the entire state. Thirdly, the Murray River must be saved and South Australia must be at the forefront of that campaign. SA First believes that the water resources of South Australia must remain under the control of the people of this state and that SA Water must remain a South Australian government owned and controlled public utility.

SA First believes that the South Australian government must ensure that SA Water actively and vigilantly protects the supply of water in this state and that we do not sell, privatise or hand over SA Water to any other government authority or to private interests. The water resources of South Australia must remain in the hands of the people and never be sold off. Our water must be properly managed by the state, through SA Water, which has world leading skills, knowledge and

expertise. South Australians have a basic, fundamental right to a reliable and affordable supply of clean, unpolluted drinking water. SA Water should use its world leading technology to guarantee that supply. SA First, as I have already outlined, does support the development of a total water management plan for South Australia.

SA Water is a recognised world leader in water management and technology and has won numerous awards as a testimonial to that fact. The relevant state authorities should be empowered to implement a management plan and to enforce waste water management and pollution regulations. The Murray-Darling Basin and its deterioration is a national environmental disaster that directly threatens the social and economic lifeline of South Australia. SA First, therefore, strongly supports the creation of a Murray-Darling Basin authority with legislative commonwealth powers to deal with this environmental disaster.

However, the Murray-Darling Basin authority must have teeth. This authority must have the power to implement its charter, to require the compliance of all states and to impose substantial penalties and sanctions for non-compliance. This authority must be backed by specific legislation. It must be in a position to ensure the compliance of New South Wales, Queensland, Victoria, the ACT and South Australia as well as having the power to impose substantial financial penalties to act as a genuine disincentive for further pollution and degradation of the Murray-Darling river system. South Australia can no longer be held to ransom by land clearance in Queensland and New South Wales cotton growers, and the Victorian government held captive by one politician representing the Snowy River region.

It is estimated that we have just 20 years to get our act together on the Murray before the water becomes undrinkable. Either we move quickly to fix the water problems we have created for ourselves over the past 200 years or we will all suffer as a result of it.

EDUCATION, MIDDLE SCHOOLING

The Hon. M.J. ELLIOTT: I refer to middle schooling. I had the opportunity when I first went teaching to teach in a high school. I left education for a while and, when I returned to the school system, I spent two years teaching grades 6 and 7 in an area school, pretty well in a traditional primary school environment. After those two years I returned to the high school environment again. I have to say that, having taught in a primary school environment, I really had my eyes opened as to how badly teaching is carried out in early high school years. The transition that we expect of children between years 7 and 8 is unreasonable. I noted that an article in the *Advertiser* of 22 May about Aboriginal graduates from high schools quoted Aboriginal Education superintendent Jillian Miller and states:

> . . . the lowest school retention rate for Aboriginal students was between years 7 and 8—primary to secondary school—when students moved from 'a close relationship between one or two teachers to a situation where there is a lot of teachers among many students'.

I would argue that, whilst there is not a high drop-out rate between years 7 and 8 among non-Aboriginal students, I do believe that transition actually sets in train events that are a major contributing factor to the very high drop-out rate later in high school. In South Australia our retention rates have now plunged so that I think only two-thirds of our students, some 66 per cent, are finishing year 12.

Early school leaving certainly costs a lot of money. Work that was done nationally indicated that the average cost to the taxpayer of early school leaving is about $1.3 billion per year. Noting that South Australia has a higher than average drop-out rate, it is not unreasonable to assume that it is costing South Australian taxpayers perhaps close to $180 million-plus a year just as a consequence of early school leaving.

We have messed around in South Australia for too long in terms of addressing middle schooling. Some schools have what are called middle schools, but that is really just a structural arrangement in which years 8, 9 and 10 have been separated from years 11 and 12, and one school is now admitting year 7 students. Unfortunately, those schools have high school teachers who are still teaching in the traditional high school method and, for the most part, children leave year 7, where they have one or two significant adults in their school life, to a situation in which they have a minimum of eight, and more likely 12, 13 or 14 different adults, often in just 40-minute batches through the week. As a result, the children do not form significant relationships with the teachers and, importantly, teachers very easily get into the mind-set that they have to survive only the next 40 minutes and then they are out with the next batch. Unfortunately that happens with some classes.

It is important that we look at middle schooling in high schools where perhaps three or four teachers cover most of the subjects to which the children are exposed. I was involved in a trial of middle schooling a couple of years before I came into this place when I was teaching at Renmark High School. In that trial, one teacher took maths, science and another subject like health, and a second teacher took a lot of the language-based subjects, and then specialist teachers were used to teach physical education and technical studies, for instance. The children who were involved in that program found it a very valuable experience. I recall that the year after the trial those students came up to me in the yard and said how they liked the way it was done last year and that they did not like it this year.

The government has not been prepared to take on middle schooling because it says that some cost will be involved. There is a major cost involved in not addressing the issue, and that is because our kids are dropping out, they are not settling into high school and they are not getting quality education. It is not the fault of the teachers. We are not making the system work properly, and it is a matter of the government taking the bit between its teeth, and the amount that it would save would pay the pittance that is needed to get this to work.

INDEPENDENT INDUSTRY REGULATOR

Notices of Motion, Private Business, No. 9: Hon. A.J. Redford to move:

That the regulations under the Freedom of Information Act 1991, concerning Exempt Agency—Independent Industry Regulator, made on 25 November 1999 and laid on the table of this Council on 28 March, be disallowed.

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

That this Notice of Motion be discharged.

Motion carried.

PLUMBERS, GASFITTERS AND ELECTRICIANS

Adjourned debate on motion of Hon. R.R Roberts:

That the regulations made under the Plumbers, Gasfitters and Electricians Act 1995, concerning exemptions, made on 28 October 1999 and laid on the table of this Council on 9 November 1999, be disallowed.

(Continued from 12 April. Page 890.)

The Hon. R.R. ROBERTS: When we last visited this matter it was the subject of discussions between myself and other parties with respect to a situation at the production area at Snack Foods in respect of plumbing work in that facility. This matter came before the Council on 28 October last year. The regulation seeks to provide that one company can be exempted from the provisions of a licensing act. The work that I am talking about is usually performed on stainless steel piping in a food production area. Members will understand that work carried out in food production areas, whether it be at National Dairies, Snack Foods, the brewery or Garibaldi, is critical.

There are very good and sound reasons for this work, which is usually performed by a mechanical services plumber and, as part of a mechanical service plumber's training, he is instructed in specialised welding in such establishments. As I said, essentially most people would recognise them as being used in food production areas but they are also used in hospitals for sterilising systems and similar equipment.

I am advised that Snack Foods does not employ any suitably qualified plumbers. I am certain that it is not the only establishment in South Australia that does not have such plumbers. Snack Foods contends that, although it has employees who are not qualified and not licensed to do the work, which is the important question here, they want an exemption to allow unqualified people to undertake it. The company is being supported, unfortunately, by the Master Plumbers Association for reasons that I cannot understand.

Provision is made for some pieces of equipment that are not directly connected to the public water supply infrastructure, and I understand what is put forward in that regard. A testable back-flow prevention device, which is registered with SA Water, has been installed at the perimeter of the complex, and that device protects the public water supply infrastructure. While that is an important consideration, that is not where a problem is likely to occur. A problem is very likely to occur within the confines of the plant. Much of this equipment is under pressure and is involved in food production.

I do not want to kick Garibaldi around because it has been kicked around enough, but hindsight shows how foolish it would be if someone came into this chamber and suggested that licensing provisions in an establishment of that kind ought to be exempted from the provisions of the act and the very important safeguards that are provided by a licensing system ought to be sideswiped, simply because one organisation does not have a mechanical services plumber.

The other thing I am concerned about with the Employers Association is that it is not training these people in these very important trades. One wonders, if we are successful in attracting greater and more productive industries to South Australia, whether we may find later that highly skilled workers are not available to provide these services and we will have to ask the question, 'Where will it stop?' It is Snack Foods today: will it be National Dairies tomorrow, the brewery the next day, and the Royal Adelaide Hospital the next day? Will it involve the cooling towers on the air-conditioning systems in one of our public hospitals? We do not need to go much further to understand what we are talking about: it is a very serious situation.

It is my submission to this Council that this exemption should not be granted for one company simply because it does not employ these particular tradespeople. These tradespeople are available but would have to be contracted in to perform this work, which requires a high degree of skill and safety not only for the public but also for the people working in the area. There are implications with the outbreak of public diseases, which could occur if this work was not performed in a satisfactory way and contaminants were able to get into the production systems of this organisation.

It is bad law and a bad regulation. If one employer does not have specialist people on his payroll for one reason or another, whether because the employer is too mean, too poor or, for another reason, and does not want to contract in those people to perform this licensed work, where will it finish? Will we have a situation where, because someone does not have access to a licensed electrician in their small business or their private house, they will apply for an exemption because they do not employ that sort of skilled or licensed labour?

It is important to note that this licensing system was not just an afterthought of some person. Before licensing arrangements are put into place, there is a great deal of consultation, investigation and work. If we have a licensing system to protect the health and safety of the workers or the public, or to protect the production methods of our very important manufacturing industries, it ought to be kept in place, and only in the most extraordinary circumstances ought there be any deviation from the licensing system. This regulation seeks to exempt not only the work that I am explaining, which I understand is the crux of the situation—the specialist welding on the stainless steel piping—but other aspects. The regulation provides:

(5a) An employee of *The Smith's Snackfood Company Ltd* (the Company) is exempt from the requirement to be registered under the act as a plumbing worker in respect of cold water plumbing carried out in the course of his or her employment in relation to any food processing plant or associated pipes or equipment downstream from the secondary testable backflow prevention device that is downstream from the primary testable backflow prevention device connecting the Company's pipes and equipment at the Company's site at 553-567 South Road, Regency Park, 5010, to the public water supply system.

Whilst the explanation would lead one to believe that the regulation relates only to the welding of the pipes, clearly if you read it closely you see that it allows any unqualified person, who has to be only an employee of Smith's Snackfood Company Pty Ltd, to work on any part of the plumbing system. So in any other organisation or manufacturing situation the plumbers would have to be registered, yet we give an exemption to one company. It is bad regulation and bad law and I ask members of the Council to join with me and reject this regulation.

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

ABORIGINAL POLICIES

Adjourned debate on motion of Hon. T.G. Roberts:

That this Council—

1. Condemns the federal government for its totally inappropriate and insensitive statements on the patronising and failed policy practised for 60 years of removing thousands of Aboriginal children from their parents and extended families into institutions and foster homes; and

2. Calls on the Prime Minister and the Minister for Aboriginal and Torres Strait Islander Affairs to correct this unfortunate interpretation of this miscarriage of social and human justice against Aboriginal people.

(Continued from 5 April. Page 795.)

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

Leave out all words after 'That this Council' and insert 'on behalf of the South Australian parliament, restates its apology to the Aboriginal people for past policies of forcible removal and the effect of those policies on the indigenous community and acknowledges the importance of an apology from all Australian parliaments as an integral part of the process of healing and reconciliation'.

The amendment proposes that all the words in the motion moved by the Hon. Terry Roberts after the words 'That this council' be deleted and that essentially we start again.

The Hon. R.R. Roberts: That is complete opposition.

The Hon. DIANA LAIDLAW: No—

Members interjecting:

The Hon. DIANA LAIDLAW: Before the Hon. Ron Roberts says something that he may regret, because he does not understand what his party did in the lower house (and that may be a possibility), I would like the honourable member to understand that not only did the Labor Party move in this Council the motion before us but Ms Frances Bedford, the member for Florey, moved the same motion in the other place. What is of interest in terms of the accusation that has now been made by the Hon. Ron Roberts that my amendment negates the motion is the fact that my amendment is exactly the amendment that the member for Florey moved to her own motion in the other place. She moved an amendment to her motion in the other place and my amendment today reflects her amendment to her own motion.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It was the amended motion moved by Frances Bedford, who amended her original motion, that the government supported in the other place and it went through unanimously.

In terms of reconciliation and the sensitive issues we are dealing with here, this is not a political point scoring exercise: it is about human decency and care and the future. I ask members of the Legislative Council to seriously consider the amendment I am moving, because it takes into account the way in which the other place dealt with this sensitive matter. The amendment I move reflects a Labor amendment to a Labor motion. Clearly, in the other place the Labor Party was more than prepared, in moving this same amendment, to back it and gain the unanimous support of all members for the motion.

My amendment, if passed, would mean that both houses of the South Australian parliament were able unanimously to support the same motion. In terms of advancing the issues of Aborigines and the interests of our community as a whole, I strongly advocate such an approach. My amendment reads as follows:

That this Council, on behalf of the South Australian parliament, restates its apology to the Aboriginal people for past practices of forcible removal and the effect of those policies on the indigenous community and acknowledges the importance of an apology from all Australian parliaments as an integral part of the process of healing and reconciliation.

There is no question that many Aboriginal children were forcibly removed from their families. In my view it is not a matter of whether or not that constituted a generation. I suspect that that is an umbrella term, that the word 'generation' need not be literally interpreted and that to do so would be pedantic and looking to the past.

In acknowledging that there is no question that many Aboriginal children were removed and that there was so much hurt to their families and themselves, I point out that it does not matter how many children were involved because, whether or not we define it as a generation, it is time to acknowledge past hurt and to move on positively—and, hopefully in this parliament, unanimously.

In recognising past injustices to Aboriginal people through the forcible removal of children from their families, the South Australian parliament was the first in the country to offer an apology to Aboriginal people. We did that on a united bipartisan basis across the parliament with all members agreeing. I hope that next week, when we pass this motion, we can adopt the same constructive approach.

A number of practical measures have been undertaken in South Australia to remedy past wrongs. A major focus as a government and as a state has been the support of ATSIC's South Australia's Link-up Program. This program provides family tracing and reunion services to families of separated children along with a referral service to specialist counselling, if required.

The Minister for Aboriginal Affairs has established a key advisory group to advise on directions and programs that should be undertaken to progress reconciliation measures. I note that, as part of this process, and with an advisory forum, the minister is looking at a whole-of-government Aboriginal affairs policy. Other innovative programs being undertaken include the Families Project in Port Augusta, which works with families in the area who are facing difficult family circumstances and seeks to minimise the need for formal government intervention to deal with those circumstances.

It is important that reconciliation is approached with a spirit of goodwill. Unless both Aboriginal and non-Aboriginal people approach reconciliation with an eye to the future and a willingness to compromise—and perhaps one of the first demonstrations of compromise could be in this place by agreeing to this motion—the importance of these practical programs to strengthen Aboriginal families will be undermined and the reconciliation process itself could falter.

Reconciliation is about a shared commitment to finding a way to promote a real future for all South Australians without losing sight of the lessons of the past. One of the joys I gain from the arts portfolio is working with Aboriginal artists and communities in South Australia, including Aboriginal people in prisons. We all know that there is an over-representation of Aboriginal people in our prisons. One of the excellent projects that has been undertaken in the past couple of years has been to bring Aboriginal artists into the prisons to work with Aboriginal people, to get them to express themselves, their hopes for the future and past issues through visual arts.

Also, we have established the Australian Aboriginal Cultures Gallery at the South Australian Museum and have brought out from storage world class collections of Aboriginal work. I urge all members who have not been to the Australian Aboriginal Cultures Gallery at the South Aust-

ralian Museum to do so. It is free, but more than that it is a wonderful collection: nothing else like it can be seen anywhere in the world. It is our own Aboriginal culture and heritage, and we must learn more about it and celebrate it. This is a wonderful way to educate ourselves, and it is a wonderful path to reconciliation.

As part of the opening of the Australian Aboriginal Cultures Gallery the government provided further funds to the South Australian Museum to engage four trainees who are gaining experience meeting visitors and learning more about their culture. Tandanya, the National Aboriginal Cultural Institute in Grenfell Street, is to install airconditioning over the course of this coming summer. That will make it a much more attractive venue for its celebrated exhibition program of contemporary Aboriginal and indigenous work.

At the last Festival the *Beyond the Pale* biannual contemporary Aboriginal art program was extraordinary. It was wonderful to see contemporary work on display at the Art Gallery of South Australia. That exhibition opened at the same time as the Australian Aboriginal Cultures Gallery, which looked at cultural artefacts and past objects of importance to Aboriginal communities across Australia.

I repeat my remarks in moving the amendment: I ask members opposite not to play politics with this issue or with the motion. I ask them to recognise that I am simply taking a step that their colleagues in the other house took, so that it can be a unanimous view put by the House of Assembly and the Legislative Council, and overall by this parliament, for an apology from all members for past policies of forcible removal and their effect on indigenous communities.

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

EMERGENCY SERVICES LEVY

Adjourned debate on motion of Hon. I. Gilfillan:

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.

(Continued from 29 March. Page 698.)

The Hon. CAROLINE SCHAEFER: The Hon. Ian Gilfillan must indeed be pleased with yesterday's announcements by the government because they do in fact address most of his concerns in what he attempted to turn into a private member's bill and then moved as a motion. In fact, in some cases the government has gone further than that which the Hon. Mr Gilfillan suggested. He moved that the amount raised by the levy should be limited to $82 million, and in fact the amount will now be $76 million. An Adelaide family with a $140 000 house, two cars and a trailer will save $57 on their previous contribution. There would not be anyone in this Council who did not agree that there was a need for a fairer system of collecting an emergency services levy, and there would be no-one in this Council who did not also agree that our emergency services personnel, be they sea rescue, ambulance, CFS or MFS, all have the right to better services and facilities than they previously have had.

There was a generally held view, certainly in the country, that certainly fire emergency services were below par to at least 25 per cent and that extra money had to be raised somehow. However, I think we would all acknowledge that people were concerned by the extent of the levy, and indeed there will be some people who will not be happy until the levy is abolished altogether. But one of the principles of the Liberal government was to indeed have visible taxes. If we were to raise extra money one of the principles was to be that people knew where we raised it from and what it was for. Indeed, this levy was an attempt to do that, but certainly the people who criticised the levy to me then turned around and said, 'No, no, it would have been far better if you had just hidden it in general revenue so that no-one in fact knew where it came from or how much it was going to be.'

Certainly, the extent of the emergency services levy has proven to be unpopular. The government has admitted that and now, of course, we are being accused of doing backflips, instead of people saying that we have done the right thing. We have listened to the people and we have adjusted the charges. Some of the significant changes will be to the levy on cars and motorbikes, which has been reduced from $32 to $24. A total of $76 million is what will now be collected, and even Mr Gilfillan thought that $82 million would be a suitable amount.

The big winners, I suppose, in the change are hospitals, nursing homes and retirement villages, which will now be moved into a special community use category and, for example, a $5 million retirement village in the metropolitan area, which would have paid $8 425 in the previous financial year, under the new budget will pay $239, and the $40 concession for pensioners and self-funded retirees will remain, so that they should pay significantly less than they previously did, particularly with that concession remaining. Another concession is that only one partner in a self-funded retiree or pensioner family needs to be over 60 for them to access the $40 concession.

The emergency services levy will no longer be paid on boats, trailers or caravans. The charities levy benefit will be increased and charities will pay considerably less. As an example, the Blind Welfare Association was formerly paying $1 279; it will now pay $423. Properties in this new category will also be charged a fixed rate per property of $20, compared to the previous charge of $50. Again, as some examples: the Scout Hall at Blackwood—old levy $84, new levy $23; Meals on Wheels, Hindmarsh—old levy $229, new levy $38; chapel at Glanville—old levy $124, new levy $27.

Again, one of the big winners, I suppose, are those country areas or those primary producing areas which are close to the city and which were formerly rated as Greater Adelaide Area. They are now rated in with Regional Area 1. What this amounts to is that properties in the councils of Mount Barker, Alexandrina, Victor Harbor, Yankalilla and Barossa have been moved from the Greater Adelaide Area to other areas that attract lower levy rates. The towns of Goolwa, Victor Harbor, Mount Barker, Nuriootpa and Kapunda, which have populations of over 3 000, will go into Regional Area 1. The remaining parts of these councils which have lower population towns will go into Regional Area 2. These are all part of the recommendations of the Emergency Services Reference

Panel. The emergency services levy on citrus picking trailers have been removed. They will be treated as other trailers and that levy will be removed.

The specific benefits to farmers, which is the area that perhaps most interests me, include the fact that primary producers' goods carrying vehicles in the Adelaide Hills peri-urban areas have been reduced from $32 to $12 to bring them into line with other rural areas, and I have mentioned the reclassification of those peri-urban areas. The fixed fee of $50 on properties in unincorporated pastoral areas has been removed altogether, and levy accounts of less than $20 on properties in Regional Area 3 will not be issued. No levy applies to properties with a capital value of less than $1 000 in Regional Areas 2 and 3, and that will make quite a difference to a number of people who have contacted me, who have blocks of land in very small country towns which, as they say, they would be battling to sell and which, in fact, have very little paper value, but they were to pay the levy on each of those blocks previously.

The removal, as I have said, of trailers, recreational boats and caravan levies and the reduction of the levy on cars and larger motorbikes from $32 to $24 will make a huge difference to a lot of country areas. The government has also changed the rules relating to the payment of the fixed $50 fee on non-contiguous adjoining farms. Previously, there was one fixed fee on non-contiguous blocks of land provided they were in the same council area. It has now been decided that that will be extended to adjoining council areas, so that if you have several blocks of land in adjoining council areas the one flat fixed fee of $50 will apply.

I guess it is early for us all to get the details of the new reductions, but the total effect is a considerable change in the amount of money to be collected and, indeed, I suppose, in the direction that the emergency services levy has taken. No doubt a number of people will consider that this change has been all their own good work but, nevertheless, the government of the day is the one that makes the decisions.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: I think this government has listened to the people, and, indeed, in this case, to Mr Gilfillan, and I expect that he will be so pleased he will probably change his motion to praise the government for its changes.

The Hon. L.H. DAVIS: I join with my colleague the Hon. Caroline Schaefer in speaking to this motion, which has been proposed by the Hon. Ian Gilfillan. I do not intend to go over the detail that the Hon. Caroline Schaefer has cited, because she accurately reflects the very significant reductions that have occurred in the emergency services levy, with the amount of money required to be contributed by the public falling from $100 million to just $76 million annually. In fact, that is $6 million less than the amount that the Hon. Ian Gilfillan proposed in the first paragraph of his motion. To that extent, one imagines that the Australian Democrats at the crack of dawn will put out a motion of congratulations to the government on its initiatives with the emergency services levy.

I want to put some perspective on this issue because, in this day and age, when it is all too easy to hector a government for its decisions, it is appropriate to look at the background to the emergency services levy. I wonder whether the Hon. Paul Holloway can remember when it was introduced. Can you remember when it was introduced?

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: Was it 18 months ago? Well, the Hon. Paul Holloway, the financial spokesman for the Labor Party, says that it was introduced about 18 months ago. With that sort of knowledge, he is likely to remain where he is for a long time. In fact, my understanding is that it was released in the budget last year and that the detail was contained in that legislation.

The Hon. Caroline Schaefer: There was an emergency services levy before that, though, but local government collected it.

The Hon. L.H. DAVIS: At the point where the government implemented this new scheme of collecting moneys for the emergency services levy, the government was not of the knowledge that it would be able to pass its bills for the lease or sale of the Electricity Trust assets. People have forgotten that; and people should remember that, at the time of the budget when the levy proposals were initiated in May 1999, when indeed there was a proposal for a $100 million levy on power bills, which was aptly and appropriately named the 'Rann tax', we did not know that the Hon. Trevor Crothers was going to join with his colleague the Hon. Terry Cameron to support the passage of the ETSA legislation. That, of course, has made a dramatic difference to the government's ability to deal with this situation.

It should be made quite clear that the successful sale or lease of electricity assets (which is shortly to be concluded—within the next few months) has taken the pressure off the state budget, as was indicated during the protracted debate on the ETSA sale or lease proposal. That is an incontrovertible fact. It was said at the time of the debate that those measures, if approved by the parliament, would enable the government to lift some of the financial penalties that the innocent victims of Labor's mismanagement had had to bear.

Of course, we should never forget that $3.15 billion was lost on the State Bank; $800 million was lost on SGIC; $100 million was lost on timber schemes of various kinds, including one in New Zealand, where there was this bizarre proposal to float logs across the Tasman to Beachport; and there would have been a loss on the bizarre proposal to make a government car called 'Africar' in Murray Bridge or Mount Gambier. That is what Mike Rann and John Bannon were about—Africar. The Labor government racked up losses of $4 billion—$5 billion with interest—and had the temerity then to oppose the privatisation of the Electricity Trust, although that same party when in office had supported the privatisation of the State Bank; had sold off an 86 per cent share in the gas company; had stood by idly as John Bannon, then President of the Labor Party, supported the privatisation of Australian Airlines, which incorporated TAA and, ultimately, Qantas; had supported the privatisation of the Commonwealth Bank; and had made an in principle decision to at least partly privatise Telstra. That was the hypocrisy of the Labor Party.

To return to the nub of the debate, back in the 1980s, after the horrific consequences of the Ash Wednesday bushfires had been properly appraised, there were various proposals to look at the funding of emergency services on a more equitable basis. The Labor government knew, full well, that the funding of emergency services was both inadequate and inequitable. What did it do about it? It did nothing. It did nothing in the 10 years from 1983 to 1993. So, when this government came into office, it started a review of this situation and looked at the mishmash of ways in which moneys were collected through insurance companies, councils and government.

We now have a situation where the government does collect the taxes and, following the announcements of yesterday, I do not think too many people will disagree with the proposition that we now have a very equitable emergency services levy. Over the past few months, the government, following the privatisation of the Electricity Trust, has been able to reduce the amount collected from the public by some $45 million and, as I have said, also focus on the inequities that were created when the emergency services levy first was introduced in the 1999 state budget. As a Council we should congratulate the government for the way in which it has taken heed of community comment on the emergency services levy.

The Hon. R.R. Roberts: Listen!

The Hon. L.H. DAVIS: It has listened. I am not sure how many meetings Mike Rann has had, Paul. You might be able to tell the Council one day. The *Sunday Mail* reported that he had had 113 Labor Listens meetings but elsewhere we have been told that he had had hundreds of meetings.

Members interjecting:

The Hon. L.H. DAVIS: I suggest to the Hon. Mr Gilfillan, after hearing his motion, which has been overtaken by the events of yesterday, that it may be appropriate to note the comments of the Council and graciously withdraw the motion as it now stands.

The Hon. M.J. ELLIOTT: When the government first introduced the concept of this levy, the Democrats were supportive of the legislation. At the time of the introduction of the levy some people, through taxes, were paying $56 million per year towards the contribution for emergency services; $13 million was coming from the state government; and $13 million was coming from local government. The total amount was $82 million.

There is no doubt that there was inequity in that some people were paying via insurance and some were not, and it was on that basis that the Democrats supported the introduction of a levy that ensured that everyone paid. However, we are mindful of the fact that this levy should have been raised for a specific purpose, that it should have been used only for a particular purpose and, in effect, we should have had a form of hypothecation. The motion we are now speaking to acknowledges that, all together, $82 million was being spent on emergency services, and that was what this levy was meant to replace.

The reason for that figure was to say that, if there is to be a levy, which is hypothecated for emergency services, that would have been a relevant figure. The levy that the government introduced initially was $140 million. In fact, the levy still is $140 million. The *Advertiser* talks about a cut. It is not a matter of semantics; what has happened is that the levy is still of the same amount but we have now had introduced this mystical beast called a government rebate. However, the levy has not been cut and it will be open to successive governments to cut the rebate and for the levy to escalate to $140 million just on the current numbers that have been set in regulation and are capable of being refixed—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I think that is exactly why Labor would not agree to our amendments. Labor members have been cynical in terms of the game they played, whereby they were critical but were not prepared to put an absolute ceiling—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: The device they came up with would not actually work, and they know damn well it would not work.

The Hon. T.G. Cameron: They are just protecting revenue for after the next election, like they always do.

The Hon. M.J. ELLIOTT: Of course they are. This is about honesty. I have said in this place on a number of occasions that, if the government felt there was a need to increase tax revenue to provide increased services, the Democrats would be prepared to go down that path.

The Hon. P. Holloway interjecting:

The Hon. M.J. ELLIOTT: Let me get to that bit. It is true that the community generally has a view that, presuming the government is spending its current funds wisely, if it comes to a choice of cutting services or paying an increased tax or, in some cases, improving a service and paying an increased tax, the community would come at it. But this is not what they were told the emergency services levy was about: they were told that the emergency services levy was for emergency services.

The government then got very cute and started redefining what emergency services were. Anyone who examines what was being defined as emergency services will see that many things were included that were not covered by insurance and not covered by the $13 million contribution by the state government or the $13 million from local government. It threw in the functions of the police service and a range of other things, and they were very considerable sums. At the end of the day, this was a general revenue measure disguised as an emergency services levy. But the government got so greedy that everyone saw through it.

The Hon. T.G. Cameron: Especially its own supporters!

The Hon. M.J. ELLIOTT: Especially its own supporters, and very big supporters at that. I am reliably informed that, while some wealthy supporters of the Liberal Party were hurt by the levy, other wealthy supporters, such as some of the big retailers, are now gaining significant reductions. They were getting them even before the introduction of the so-called changes in equity. There are big retailers who just cannot believe their luck and, indeed, a significant cross-subsidy has occurred as a consequence of this levy. And that still has not been fixed. So, there are some rich mates that the Liberal Party looked after from the start, and there were some rich mates that it really did in.

Members interjecting:

The Hon. M.J. ELLIOTT: At least they were always able to afford it, I suppose. The Democrats effectively said that, to keep the government honest, we would support the introduction of an emergency services levy. Effectively, it should have been hypothecated to the purpose of emergency services. We tried to achieve that in terms of amendments to the original bill; and this motion, just by putting on a cap of $2 million, effectively tries to do the same sort of thing.

There are a number of important questions that we will still be waiting on. They include: what happens to those people who over the past six months have paid the full levy? The government, having admitted that there was significant inequity, is saying that there are six months of inequities that it will leave there, even though it was clearly wrong.

By the size of the rebate that has now come in, the government seems to be admitting that it really did get it wrong. I am very thankful that Roy Morgan wrote a letter to the government and explained to it what it had done. I am thankful that someone in the government took reading lessons

and perhaps some simple arithmetic lessons so that they could understand what Roy Morgan was telling them. For learning to read what Roy Morgan had to say, the government deserves to be congratulated.

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. T. CROTHERS: The Hon. Mr Cameron and I considered this matter jointly and we believe that the quantum of money—

The Hon. Ian Gilfillan: Is this a joint statement?

The Hon. T. CROTHERS: We were supporting you up until you just spoke. I thank the Hon. Mr Gilfillan for interjecting. The facts are that we felt, once we were freed from the strictures of the Labor Party caucus in respect of whether or not we should support this matter—

The Hon. T.G. Roberts interjecting:

The Hon. T. CROTHERS: I am speaking on behalf of both of us. If you listen quietly, you will learn something. We found that the take that was being sought was certainly excessive. That was not only our view but that of most of the public, and certainly of the Democrats. It certainly was not the view of the Labor Party when it considered the matter in its caucus some time ago.

The Hon. Carmel Zollo: I said that in my second reading contribution.

The Hon. T. CROTHERS: I realise you did, and I congratulate you for that glimpse of honesty.

The Hon. Carmel Zollo interjecting:

The Hon. T. CROTHERS: That was the fault of our caucus at the time in not determining the quantum. That makes it even worse. I do not know what our shadow ministers were thinking about. Anyway, as I have said, once the Hon. Mr Cameron (of SA First) and I, freed from the strictures of the Labor Party caucus, considered this matter on merit, we believed that the quantum of money being asked for was excessive.

In fairness to the government, we also thought that one of the reasons why it might be excessive was that the state government, quite rightly, sought to join up the state in an unadulterated way in respect of radio and telecommunications. Part of the quantum of the money, although it was not said by the government, may well have been used for that purpose, given its title—the emergency services levy. Having said that, the government should have come clean on what it intended to use the money for. In our view, it was an amount in excess of that which was required. We were set to support the Hon. Mr Gilfillan's motion, based on the merit of his proposition, but, because of the leaks—all budgets seem to be leaked now—that have emanated out of the—

An honourable member interjecting:

The Hon. T. CROTHERS: Yes, indeed. Because of the leaks that have emanated in respect to the budget that will be brought down tomorrow, whilst the bill gives us a platform to speak and voice our dissension, we should not progress it until we learn the real truth (I suspect we have already learned the truth by way of paper leaks) about the reduction in the emergency services levy that I believe will be announced tomorrow.

In a brief nutshell, that is my position and the position of my colleague from SA First, the Hon. Mr Cameron. I repeat again: freed from Labor Party restrictions and with freedom of thought, when he and I considered the matter on merit and whilst there was merit in the principle of what was being proposed, it was the quantum of money that was going to flood into the Treasury that really concerned us to the extent that we would have supported the Hon. Mr Gilfillan. Subject to what we find out tomorrow officially in respect of the reductions that I believe will take place, because I know that a number of the Liberal backbenchers, particularly those in more marginal seats—

An honourable member interjecting:

The Hon. T. CROTHERS: As I have said, I am not saying they are: we will wait and see. Those in the more marginal seats in particular were certainly right on the wheel of the Premier and his cabinet. I conclude with those brief remarks. I am sorry if my remarks have been cutting to some but the whole proposition really did incense us.

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

EXEMPT AGENCIES

Order of the Day, Private Business, No. 21: Hon A.J. Redford to move:

That the regulations under the Freedom of Information Act 1991 concerning exempt agencies, made on 29 July 1999 and laid on the table of this Council on 3 August 1999, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

STATUTES AMENDMENT AND REPEAL (SECURITY AND ORDER AT COURTS AND OTHER PLACES) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Sheriff's Act 1978, the Courts Administration Act 1993 and the Ombudsman Act 1972, and to repeal the Law Courts (Maintenance of Order) Act 1928. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

On Thursday, September 9, 1999, Wayne Noel Maddeford was listed to appear for sentence on a charge of armed robbery and a charge of assault with intent to resist arrest before Judge David of the District Court sitting in a court room in the Way Building. Maddeford was on bail pending sentence and, on surrendering his bail, was requested to enter the holding cell area to be searched. He declined to do so and assistance was summoned. Before that assistance could be employed to search the prisoner, Judge David entered the court room and began to deliver sentence. When Judge David indicated that he would impose a sentence of immediate imprisonment and completed his remarks, Maddeford vaulted from the dock, produced a knife and appeared intent on getting to the Judge. Maddeford stumbled, grabbed a court reporter who happened to be close by, and held her hostage, threatening to kill her. Maddeford finally surrendered about 4 hours later.

The Sheriff, as the court officer responsible for the security of all persons within court precincts, has compiled a comprehensive report on the incident. The Sheriff has found that the incident was the result of two factors. First, Maddeford entered the dock before the court had convened and second, Maddeford was not searched prior to sentence being passed upon him.

Since the incident, the Sheriff, with the support of the Chief Justice and the State Court Administrator, has put into place more thorough security arrangements. The principal features of the new arrangements are that searches have been implemented at the entrances to court premises at the Sir Samuel Way Building, Adelaide Magistrates Court, Adelaide Youth Court, and the Elizabeth and Port Adelaide Magistrates Courts. The entry searches

consist of an 'airport style' walk through metal detector, an x-ray scanning device for baggage and a hand held metal detector and body pat down procedure where indicated. Hand held metal detector searches have been put in place at the Holden Hill and Christies Beach magistrates Courts. The Courts Administration Authority wants to extend these procedures and make them comprehensive.

However, the current legislation does not clearly give the Sheriff the legal authority to search people in this way. Certainly, the rules of what is and what is not allowable have not been before the Parliament and spelled out in legislation so that everyone may know their rights and obligations. The issues are complicated by the notion, firmly established by the highest of authorities, that there is a principle of open justice at common law, whereby the public is entitled, in the absence of any rule to the contrary, to attend a court hearing and see and hear justice done. There is no statutory authority for subjecting any person to a search at the entrance to a court building as a condition for the exercise of that right. It may be that the inherent power of the court suffices for the security arrangements to be carried out. But the matter should be addressed by Parliament and the rules publicly debated and put into place.

That is what has happened interstate. As a matter of practice, court security is governed by statute in the Victorian *Court Security Act*, 1980; the Queensland *Law Courts and State Buildings Protective Security Act*, 1983 as amended by the *Law Courts and State Buildings Protective Security Amendment Act*, 1998; the Northern Territory *Court Security Act*, 1998; the Tasmanian *Admission to Courts Regulations*, 1995; and, in process, the Western Australian *Court Security and Custodial Services Bill*, 1998. Each is different and there is no great display of commonality of treatment, although there is a degree of commonality of result, generally speaking.

There are a large number of issues that must be addressed in framing such legislation. That is in itself a reason for taking the issues through the Parliamentary process. The issues are discussed in some generality in the discussion which follows.

The legislation deals with security in relation to 'participating bodies'. 'Participating bodies' are defined to mean the courts that are participating courts within the meaning of the *Courts Administration Act* 1993, and any other body declared by regulation. The provision for declaration by regulation is to enable the addition of other bodies for whom the Sheriff may be responsible for security. An example might be an ad hoc body such as a Royal Commission.

Responsibility for court security in 'participating bodies' is now vested in the Sheriff and that will continue to be the case. As a result, court security matters fall under the aegis of the *Sheriff's Act 1978*. The powers of Sheriff's officers, particularly court orderlies are also partly contained in the *Law Courts (Maintenance of Order) Act* 1928 and it is convenient that the latter should be repealed and the law on the subject should be merged into the same statute. The *Law Courts (Maintenance of Order) Act* 1928 is the product of a different age enacted for different purposes and has outlived its utility as a separate instrument.

The Sheriff should be able to exercise his powers through persons appointed by him. These persons may or may not be persons appointed under the *Courts Administration Act* 1993. The Sheriff is responsible to the principal judicial officer of the relevant court or other body in relation to the general level of security in and around the court or other body for which that person has responsibility.

The Bill is then set out as follows. Division 2, containing proposed section 9D, sets out the general powers of security officers. Division 3, containing section 9E, contains the powers of search required as a result of the hostage taking incident. Division 4 contains some consequential matters which will be explored in more detail below and then some miscellaneous amendments are made.

So far as general powers are concerned, there is first a general power granted to court security officers to give reasonable directions to those who are on or within the precincts of court premises for the purposes of maintaining or restoring court security or securing the safety of persons attending court. This power includes the power to refuse entry to or expel a person from court premises where that course of action is reasonably necessary for the maintenance of court security or order in court premises. It will occur, in particular, when a person refuses to comply with the reasonable directions of a court security officer. Reasonable force is authorised for the purpose.

Second, there is a sequence of conditions under which a security officer may take another person into custody in various ways. They include cases in which a person refuses to comply with the officer's lawful directions, a person is behaving in an unlawful manner, a person is being brought into court in custody, where the person is on bail but the bail is revoked, where a person surrenders into lawful custody, where a person has escaped lawful custody or appears to have escaped, and where the security officer is ordered to take steps by the presiding officer to take a person into custody or to restrain a person appearing before the court. In cases of escaped prisoners, the power is one of arrest. In the case of unlawful behaviour, the security officer is given a discretion to exclude the person from the premises or to detain the person until he or she can be surrendered to the police (as the case may require). In other cases, the officer keeps a person in custody for the purposes of the court itself.

Third, the section contains a power to seek information reasonably required for the purposes of determining whether a person is entitled to attend particular proceedings. A security officer may exclude a person from the proceedings if the person refuses to provide relevant information or if there are reasonable grounds to suspect that the person is not entitled to attend the proceedings.

So far as the power to search is concerned, the key to the structure of the rights and obligations conferred by the section is the distinction made by the section between those who are obliged to attend the court or other body for any reason and those who are not so obliged. In relation to those who are not obliged to attend, the policy objective of the section is that the right to attend court and other participating bodies is to be subject to the search regime set out in the section by consent. If the person does not consent, the security officer is entitled to exclude the person from the premises of the court or other body using such force as is reasonable in the circumstances. Put another way, a person not obliged to attend the court is not obliged to be searched. He or she has a choice in the matter.

The situation is different where a person is obliged to attend court. In such a case, excluding the person from the court would both frustrate the business of the courts and provide people with an excuse for not complying with their legal obligations. In such a case, therefore, in the interests of court security, a person obliged to attend court is also obliged to be searched as set out in the proposed section as a part of that legal obligation. For this purpose, the Bill provides a definition of a person obliged to attend court, and a statement that a person obliged to attend court is not excused from that obligation or any other requirement or undertaking because he or she has been lawfully removed from or denied access to court premises. It also allows a security officer to require a person to state whether he or she is required to attend the court and, if there is a refusal, deems that person to be required to attend.

In either case, the Bill provides a regime for the manner and conduct of the search at the entry to court premises. The Bill proposes to allow the non-contact search of the person in the first instance by a scanning device and the search of belongings either by a scanning device or physically. One might describe this regime as 'airport' type security. This is, of course, a power of random search in the sense that there need be no grounds for believing that the person to be searched has anything which might be a security risk on or about his or her person. Where there are reasonable grounds for believing that there is a security risk item in the possession of the person, the Bill proposes a power to require that the item be produced and for a more thorough physical search of the person. By contrast, where a person is required by law to attend court, that more thorough physical search may be conducted if necessary without the requirement that there being reasonable grounds to do so.

It should be noted that there are some protections built into the Bill. These are that the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person, and, in relation to a physical search, a person cannot be required to remove inner clothing or underwear, nothing may be introduced into an orifice of the person being searched and, where practicable, there should be at least two persons present and the search should be conducted by a person of the same sex as the person being searched. In addition, a physical search should be conducted in a manner that, so far as is practicable, respects the cultural values or religious beliefs of the person being searched.

The Bill also provides for the familiar mechanism of enabling court security to require that an item that falls within the definition of a restricted item be lodged with court security for safe keeping while the person is on court premises to be returned, when the person leaves. If the item is one which it is unlawful to possess, such as illicit drugs or an illicit weapon, court security is given the power to detain the person or the item to be handed over to the police as soon as reasonably practicable or both.

There are three further matters which should be mentioned. First, the Bill proposes a series of amendments to the *Ombudsman Act* 1972 which are designed to give the Ombudsman a jurisdiction to

hear complaints in relation to the exercise of the powers by the sheriff and sheriff's officers. This is done because, where significant powers are given over the freedom and liberty of the subject, it has been the generally accepted rule for many years now that there should be a body, external to that exercising the powers, to which a citizen should be able to go in order to get an independent examination of any complaint that he or she might make.

Second, the Bill proposes amending the *Courts Administration Act* 1993 so as to enable the State Courts Administration Council to delegate its authority under the Sheriff's Act as it is proposed to be amended in this Bill in relation to the provision of court security to the Sheriff.

Third, the Bill proposes a widening of the power to make regulations on the recommendation of the State Courts Administration Council in order to provide scope for detailed rule making about court security should the need arise.

I commend this bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 1: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF SHERIFF'S ACT 1978

Clause 4: Substitution of long title

The long title is altered to reflect the inclusion in the Act of duties and powers relating to security and order at courts and other places.

Clause 5: Insertion of Part 1 heading

This measure divides the Act into Parts to assist in organisation of the new material proposed to be added to the Act.

Clause 6: Amendment of s. 4—Interpretation

The amendments—

- add the Youth Court to the definition of court;

  (Sections 7 (Provision for case where sheriff should not execute process), 8 (Duties of the sheriff) and 9 (Sheriff to attend at sittings) will apply in relation to the Youth Court as well as the Supreme Court, District Court, Environment Resources and Development Court and Magistrates Court.)
- insert definitions relevant to proposed Part 3 dealing with security and order at courts and other places.

Clause 7: Insertion of Part 2 heading

Provisions dealing with matters of administration relating to the office of the sheriff and to the appointment of officers are designated as Part 2 of the Act.

Clause 8: Amendment of s. 6—Deputy sheriffs and sheriff's officers

Currently section 6 envisages that sheriff's officers (other than members of staff of the State Courts Administration Council) will receive the fees prescribed by regulation. These fees relate to various matters of execution of process.

Under the proposal section 6 may be used for appointing not only officers to execute process but also officers to act as security officers. Consequently, there needs to be a greater level of flexibility for determining the remuneration and other terms and conditions of appointment of the officers.

The amendment provides that those sheriff's officers who are not members of staff of the State Courts Administration Council will be appointed on terms and conditions approved by the Council.

Clause 9: Amendment of s. 9—Sheriff to attend at sittings

Section 9 of the principal Act is amended so that the sheriff is required to have an officer attend any criminal session of a court (as defined—see the explanation to clause 6).

Clause 10: Insertion of Part 3—Security and Order at Courts and Other Places

A new Part is inserted dealing with the sheriff's duties in relation to security and order at courts and other places.

DIVISION 1—ADMINISTRATION

9A. Sheriff's responsibilities

This section sets out the general responsibility of the sheriff in relation to the maintenance of security and orderly conduct at the premises of participating bodies.

A participating body is a participating court within the meaning of the *Courts Administration Act 1993* or a person or body declared by regulation to be a participating body.

Currently the participating courts under the *Courts Administration Act 1993* are as follows:

- the Supreme Court;
- the District Court;
- the Environment, Resources and Development Court;
- the Industrial Relations Court of South Australia;
- the Youth Court of South Australia;
- the Magistrates Court;
- coroners' courts;
- Court of Disputed Returns established under the *Local Government (Elections) Act 1999*;
- Warden's Court;
- Dental Professional Conduct Tribunal;
- Equal Opportunity Tribunal;
- Legal Practitioners Disciplinary Tribunal;
- Medical Practitioners Professional Conduct Tribunal;
- Pastoral Land Appeal Tribunal;
- Police Disciplinary Tribunal;
- Soil Conservation Appeal Tribunal.

9B. Security officers

This section provides for appointment by the sheriff of sheriff's officers as security officers.

9C. Identification of security officers

This section requires a security officer to be issued with an identity card (which may employ a system of identification using a code rather than a name) and to produce the card for inspection at the request of a person in relation to whom the officer intends to exercise powers.

DIVISION 2—GENERAL POWERS

9D. General powers

This section sets out the general powers that may be exercised by security officers. The provision is based on the powers and functions of court orderlies under the *Law Courts (Maintenance of Order) Act 1928* (proposed to be repealed by this measure).

The powers are—

- to give a person on or within the precincts of the premises of a participating body reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the premises or for securing the safety of any person arriving at, attending or departing from the premises (subsection (1)*(a)*);

  (It is an offence not to comply with a direction—see subsection (2).)
- to deal with a person who refuses to comply with such a direction or who is behaving in an unlawful manner by refusing entry to or removing the person or by handing the person over into the custody of a police officer (subsection (1)*(b)*);
- powers related to persons in or to be taken into lawful custody (subsection (1)*(c)* to *(e)*);
- to arrest an escapee (subsection (1)*(f)*);
- to act at the direction of a participating body in relation to security or orderly conduct of proceedings (subsection (1)*(g)*);
- to exclude persons not entitled to attend particular proceedings and to seek information for the purpose of determining a person's entitlement to attend (subsection (1)*(h)*).

DIVISION 3—POWERS OF SEARCH

9E. Conduct of search for restricted items

This section sets out the powers of security officers to conduct searches of persons on or about to enter the premises of a participating body. The reference to premises extends to any place exclusively occupied by a participating body in connection with its operations (whether on a permanent or temporary basis).

The searches are conducted for the purposes of finding restricted items. A restricted item is defined as—

- an explosive, an explosive device or an incendiary device;
- a dangerous article, firearm, offensive weapon or prohibited weapon, in each case within the meaning of section 15 of the *Summary Offences Act 1953*;
- an item that a person is prohibited from using or possessing while on the premises (or a particular part of the premises) of a participating body by rules of the body or by direction of the body or a member of the body given generally or in a specific case;
- any other item that is reasonably capable of being used to jeopardise the security of persons or property or the orderly conduct of proceedings.

A security officer is entitled to ask any person on or about to enter the premises whether the person is required by law to attend the premises (see subsection (1)*(b)*). If a person is required to

attend, additional searching powers are available. If a person refuses to answer, the security officer may regard the person as being required by law to attend (see subsection (7)).

New section 4(2) provides that, for the purposes of the measure, a person is required by law to attend the premises of a participating body if, and only if—

- the person is brought to the premises in lawful custody; or
- the person attends the premises as required by the terms or conditions of a bail agreement; or
- the person attends the premises in obedience to an order, summons, subpoena, or any other process having the same effect as a summons or subpoena, made or issued by the participating body or a member or officer of the participating body;
- the person attends the premises in obedience to a summons under the *Juries Act 1927*.

Under subsection (1)*(a)* security officers may carry out searches of persons and possessions by means of scanning devices and physical searches of possessions in the ordinary course of their duties.

Under subsection(1)*(b)* and *(c)*, a person may be frisked by a security officer but only if the person is required by law to attend or there are reasonable grounds for suspecting that a restricted item is in the clothing or on the body of the person. A person may be asked to remove outer clothing but not inner clothing for the purposes of such a search. A person may be asked to open his or her mouth but force cannot be applied for that purpose nor anything removed except by or under the supervision of a doctor. Except in circumstances where it is not practicable, a witness must be present and the search must be carried out by an officer of the same sex as the person being searched. The search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.

The power of search is provided in a manner that avoids the need for security officers to require people attending court to identify themselves.

If a person refuses to be searched, they may be refused entry to or removed from the premises. In doing so, a security officer may use only such force as is reasonably necessary for the purpose. If the person is required by law to attend, a security officer may apply reasonable force to secure compliance with the search requirements.

DIVISION 4—MISCELLANEOUS

9F. Dealing with restricted and other items

This section sets out what a security officer may do with items found in the possession of a person who is on or about to enter the premises of a participating body. The section will apply whether or not the item is found in the course of a search conducted under Division 3.

The items covered are restricted items, items that an officer believes on reasonable grounds to be restricted items and items that an officer believes on reasonable grounds to be in the unlawful possession of a person.

The options open to a security officer are—

- to refuse the person entry to or remove the person from the premises, using only such force as is reasonably necessary for the purpose;
- if the officer believes on reasonable grounds that the person is in unlawful possession of the item—to cause the person and the item to be handed over into the custody of a police officer;
- to require the person to surrender the item;
- if a person who is required by law to attend the premises refuses to comply with a requirement to surrender an item—to apply reasonable force to remove the item from the person's possession.

Any item surrendered or removed is to be held in safe keeping while the person is on the premises or, if the item is believed to have been in the unlawful possession of a person, handed over into the custody of a police officer.

9G. Security officer may act on reasonable belief that person required by law to attend premises

This section ensures that a security officer acts lawfully in exercising powers if the officer believes on reasonable grounds that a person is required by law to attend the premises of a participating body.

9H. Refusal of entry to or removal from premises is no excuse for non-attendance

This section provides that the fact that a person is lawfully refused entry to, or removed from, premises or a part of premises under this Part is not, for the purposes of any Act or law, an excuse for non-compliance with a requirement or undertaking to attend the premises.

Clause 11: Insertion of Part 4 heading

This amendment is consequential on the proposed division of the Act into Parts.

Clause 12: Substitution of s. 10

Section 10 is updated so that it applies the procedure on arrest in relation to all participating bodies.

Clause 13: Amendment of s. 11

These amendments are consequential and ensure that the offence of hindering extends to the exercise of powers by a security officer and the offence of false representation extends to representation as a security officer.

Clause 14:Insertion of s. 15A—Non-derogation

The new section provides that nothing in the Act derogates from the powers of the sheriff or a participating body under any other Act or law.

Clause 15: Amendment of s. 16—Regulations

Section 16 is amended to provide general regulation making power as regulations are contemplated by provisions inserted by this measure. Regulations are to be made on the recommendation of the State Courts Administration Council. The one exception is the existing power to make regulations prescribing fees payable to the sheriff in relation to the sheriff's duties.

Clause 16: Statute law revision amendments

Amendments of this nature are set out in the Schedule.

PART 3

AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 17: Amendment of s. 12—Delegation

This amendment simply ensures that the State Courts Administration Council may delegate powers that it has under Acts other than the Courts Administration Act. Under the amendments to the Sheriff's Act the Council is given power to approve terms and conditions of appointment of sheriff's officers who are not members of the staff of the Council.

PART 4

AMENDMENT OF OMBUDSMAN ACT 1972

Clause 18: Amendment of s. 3—Interpretation

Administrative act is currently defined so as to exclude an act related to the execution of judicial process. This exclusion is removed so that the exercise of powers by sheriff's officers in relation to the execution of process will be subject to the Ombudsman's scheme. The exclusion of an act done in the discharge of a judicial authority remains.

The sheriff is included as an authority to which the Act will apply.

Subsection (2) is altered so that it is clear that the sheriff will be responsible for the acts of deputy sheriffs and sheriff's officers.

Clause 19: Amendment of s. 9—Delegation

The opportunity is taken to ensure that powers given to the Ombudsman under other Acts may be delegated.

Clause 20: Amendment of s. 19A—Ombudsman may issue direction in relation to administrative act

Section 19A allows the Ombudsman to direct an agency to refrain from performing an administrative act for a specified period. Since this would be inappropriate in relation to the execution of judicial process or the exercise of other duties of the sheriff, the amendment provides that the section does not apply in relation to the sheriff.

Clause 21: Amendment of s. 25—Proceedings on the completion of an investigation

The amendment requires a copy of any report of the Ombudsman in relation to the sheriff to be given to the State Courts Administration Council as well as to the Minister.

Clause 22: Amendment of s. 30—Immunity from liability

The opportunity is taken to extend the immunity provision to acts carried out under other Acts.

PART 5

REPEAL OF LAW COURTS (MAINTENANCE OF ORDER) ACT 1928

Clause 23: Repeal

The Act is repealed.

Clause 24: Transitional provision

The transitional provisions deal with ensuring that court orderlies remain in employment as sheriff's officers.

SCHEDULE

Statute Law Revision Amendments of Sheriff's Act 1978

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

DAIRY INDUSTRY (DEREGULATION OF PRICES) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

This bill brings into effect an agreement between the Australian dairy industry, the commonwealth government and the States to deregulate the Australian dairy industry in a coordinated and orderly manner.

This has been requested by the dairy industry itself at a national level and has the full support of the Australian Dairy Industry Council, the Australian Dairy Farmers Federation, and, at the State level, the South Australian Dairy Farmers Association, milk processors, vendors and milk hauliers.

The dairy industry, at all levels, has been very concerned that deregulation through a piecemeal removal of price and supply controls across Australia, could cause dislocation and confusion in the industry.

The South Australian Government has done all in its power to ensure that the changes that now need to be made will be implemented under the best possible conditions for the State's dairy farmers. The industry now has an agreement with the states and the commonwealth that dairy farmers will be entitled to structural adjustment assistance over the next eight years, conditional on each State removing milk price and supply control arrangements from its statutes.

The Bill is designed to come into effect at the same time as similar legislation in the other milk producing states. It will deliver to dairy farmers the opportunity to assess and restructure their businesses so that they can operate in a new, deregulated market environment. The result of this adjustment will be that South Australia's dairy industry will be more competitive and will have its export prospects further enhanced.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause removes the definitions of 'authorised price equalisation scheme' and 'farm gate price' from the Act.

Clause 4: Amendment of s. 12—Functions of the Authority

This clause removes paragraph *(a)* of section 12 which refers to the Authority's functions of recommending the imposition, variation or removal of price control in respect of dairy produce.

Clause 5: Amendment of s.15—Accounts and audit

This clause removes subsection (3) of section 15 which refers to the audit of any money collected and paid under section 23(3) of the Act or under a price equalisation scheme.

Clause 6: Amendment of s. 19—Licence fee

This clause inserts subsection (1a) which provides that the regulations may prescribe differential licence fees.

Clause 7: Repeal of Division 2 of Part 4

This clause removes Division 2 of Part 4 of the Act which deals with the control of the price of dairy produce of specified classes and the farm gate price for milk.

Clause 8: Repeal of Division 3 of Part 4

This clause repeals Division 3 of Part 4 of the Act under which the Minister may set up price equalisation schemes or approve voluntary price equalisation schemes.

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

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 May. Page 1072.)

The Hon. T.G. CAMERON: I fully expect interjections from lawyers in the Council, but be that as it may. The Criminal Law Consolidation Amendment Act 1995 codified the law in relation to those accused of a crime who suffer from severe mental impairment. It repealed the concept of indeterminate sentences whereby people who pleaded insanity or defended on those grounds could be held for an indeterminate period of time and thus it was rarely used. People who should have been part of the treatment system were directed to the correctional system. It also separated the trial of sanity from the trial of the offence, whereas before the legislation they were dealt with together.

Previously, while the prosecution had to prove that a defendant was guilty beyond reasonable doubt, the defence had to prove insanity only on the balance of probabilities, and this was changed by the 1995 act. However, some new questions of law have arisen since then. This bill deals with several amendments relating to the order of proceedings and defences, alternative verdicts, breach of licence, jury disagreements, pre-trial matters and other minor changes. It inserts an explanation of when a defence is allowed by common law or statute. It provides for charges to be made on possible alternative verdicts. It clarifies the process of what happens if a trial just proceeds with a trial of mental competence before the trial of the offence and vice versa. Currently, different outcomes can occur, depending on whether or not the trial judge chooses to try the competence before the offence. This measure clarifies that process and provides that during the trial of the offence questions of mental competence are to be excluded.

It clarifies how the court shall proceed after each part of the trial (competence and offence) after how the court finds. It allows the crown to ask the court to review the decision to release a person on licence if they believe that that person has contravened or will contravene the licence. The court may, after allowing submissions, confirm the order, provide for detention, vary the conditions and/or make further orders. It also provides that a supervision order is suspended for the period of detention if a person under licence commits an offence and is sentenced. It allows counsel for the defendant to proceed at their discretion on behalf of the defendant if they believe the defendant is mentally unfit to properly instruct them.

It also gives the court the power during a trial to order the examination of a defendant by a psychiatrist or other expert if the court believes that such a report may speed up the trial. It goes on and makes clear that an appeal lies by leave against a decision of competence, fitness to stand trial or on the objective elements of the case. It goes on and inserts a definition of 'criminal inquest', so that it includes a trial of an issue that is to be tried by jury. SA First supports this bill. It clarifies the proceedings of a trial where there is a question of mental competence and other relevant issues that have arisen after the proclamation of the Criminal Law Consolidation (Mental Impairment) Act 1995. SA First agrees with this bill and the supporting arguments that have been used by the Attorney.

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

JURIES (SEPARATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1043.)

The Hon. T.G. CAMERON: The Juries Act 1927 provides that members of a jury shall not be separated; subsequent amendments permitted jurors to be separated prior to deliberations. As I understand the bill before the Council, it proposes that members of a jury shall be permitted to separate with the permission of the court with just reason after deliberations have begun. The court could also place conditions on such separation. The bill also updates archaic words and makes giving false statements to the jurors' questionnaire or failing to return the questionnaire completed without reasonable excuse an offence and raises the maximum penalty for an offence by a juror from $1 000 to $1 250.

I understand that similar legislation has been enacted in New South Wales and Victoria. I am sure that if I make a mistake on any of this I will be corrected by the Attorney. This bill brings South Australian legislation into line with several other states and it gives the court some discretion to allow jurors to be apart from each other in some circumstances and to allow conditions to be imposed. It provides for compassionate leave for jurors after deliberations have begun. It is still an offence to discuss the case with any non-juror of that case. SA First supports this bill.

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

YOUNG OFFENDERS (PUBLICATION OF INFORMATION) AMENDMENT BILL

In Committee.

Clause 1.

The Hon. T.G. CAMERON: I support this clause. For the benefit of the Committee I indicate that I will support the government's bill and any amendments moved by the Attorney. I have had quite a detailed look at this matter. I place on record my appreciation to the Attorney-General for forwarding a great deal of correspondence on concerns expressed by the Youth Affairs Council. I read in detail its concerns, and I thank the Attorney for writing to me and addressing those concerns. I merely report to the Committee that I have been persuaded by the Attorney's reasoning and I will support his bill and amendments in total.

The Hon. A.J. REDFORD: I did not make a second reading contribution so I will make a couple of comments about this bill now. Generally speaking, in an ideal world it would be nice not to have the publication of people's names and details until after they are convicted, but this is a development that I think is welcome because it is not really designed for the purpose of naming people or looking for high profile people or anything of that nature, nor is it there to enhance the titillation of the public: it is there to enhance the proper and considered scrutiny by the general community of what goes on in this court. When one reads the bill and the amendments, one sees that it is certainly not there to provide us with a daily coverage of headlines or anything like that.

Juvenile justice is a very important community issue and warrants public scrutiny on a continuing basis because, from time to time, we are all affected by the issue. Although in some cases public scrutiny is not welcome, in the long term it does improve our system of justice and the delivery of justice. I would like to think that this sort of measure—and I know that we do not have any jurisdiction in this regard—could be extended to the Family Court where people either are correctly critical of it or incorrectly critical of it. I think that greater public disclosure and greater public scrutiny would bring some of the issues confronting the Family Court out into the open and enable a proper and considered community debate to take place about its processes and performance.

In that respect, I support the bill and its clauses. I still am of the view that, in a perfect world, it would be desirable not to publicise people's names unless and until they are convicted, but I acknowledge the pressures on government and that it would be a highly controversial step to take at this juncture. In that regard, I go on record as saying that I am not exactly pushing the government in that direction at this stage, but it is something about which we all ought to be mindful.

The Hon. T. CROTHERS: Just for the edification of the Attorney and other members—

The CHAIRMAN: Order! There are a couple of conversations going on and members' backs are to the chair. If people want to lobby and talk, please go outside. I cannot even see the Hon. Mr Crothers.

The Hon. A.J. Redford: He blocks him out all the time: what Terry Cameron does is grossly unfair.

The Hon. T. CROTHERS: Don't you think you speak enough when you are officially on your feet? Independent Labour will support the Attorney-General's position both with respect to the bill and any amendments that he might move. I, too, read the letters from the Youth Council, and I was more assuaged by the logic of the Attorney-General than I was with its logic. I understand what it is saying, but sometimes and occasionally governments of the day must pass legislation in the interests of good governance for all. For the Attorney-General's information, I indicate that I will support the bill.

Progress reported; committee to sit again.

NATIONAL TAX REFORM (STATE PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from 23 May. Page 1081.)

The Hon. CARMEL ZOLLO: As already mentioned by my colleague the Hon. Paul Holloway, the opposition, for administrative purposes, has no option but to support the bill. It is a consequence of the enactment of the GST legislation by the Howard Liberal government, aided and abetted by the Democrats: it is certainly not what the Labor opposition wanted to see. However, we now need to pass this legislation to facilitate the federal Treasurer's bringing home the GST.

The GST is a federal tax, even if it does suit Treasurer Costello to pretend that it is a state tax: it is part of the commonwealth-state financial agreement. The Hon. Paul Holloway spent some time going through the provisions of the legislation, and I will not attempt to repeat his comments. The GST is now almost upon us. Whilst this is the biggest change to the taxation system in Australia since the Secoond World War, the current taxation system is being replaced by a system which has been around since the Second World

War and which has been found wanting in most countries that have adopted it in one form or another.

For most of us, the GST has been the reality for nearly a year. In the past year we have seen prices increase to take care of the GST that will be applicable to services post 1 July. The main ones that come to mind include GST on insurance premiums, pre-paid funerals, subscriptions and membership fees. I believe that many prices for goods have been adjusted upwards over the past 12 months in anticipation of the GST.

It is easier to get away with price increases well before the GST starts as there will be many eyes watching prices once the GST takes effect—at least during the first few months. But how do we know whether everybody has been and will be doing the right thing? We all know that businesses will not be required to put details of the GST payable on their receipts—again, thanks to the Democrats, who refused to support a Labor amendment to the legislation which would have required those details on all receipts. So much for the Liberal's advertising attacking Labor's hidden taxes and allegedly current complex system. What sheer hypocrisy!

The new system with its exemptions and anomalies is far more complex and, by law, traders and service providers have no obligation to provide clear details of the GST payable. However, it is pleasing to note that some big retailers will do the right thing and show the amount of GST payable on receipts, and hopefully all other service providers will follow suit.

If we think the ACCC will be able to protect us from abuses and exploitation in all circumstances, then I think we live in a fantasy world. It simply does not have the resources, for a start, and I think people themselves will eventually not be bothered with such surveillance. It will simply be another curse that society feels obliged to tolerate. Anyway, that is probably what the government hopes will happen, but I am sure that people will vent their anger when voting at the next election.

I have a sister-in-law who has lived in New Zealand for nearly 30 years and I remember having a chat to her on one of her visits to Adelaide after the introduction of the GST in that country. I remember her comments well: regrettably, after the initial anger, one just has to get used to it. The federal government has also abused public trust by using public moneys for what is really political advertising and not providing details of changes to the system. If the GST is so good for us, why do we need to spend over $360 million on taxpayer funded advertisements telling us what a good thing the GST is? I understand that next week the federal opposition will be moving an amendment to the current ACCC legislation on false and misleading advertising of the GST to cover the government, and its agencies as well.

Just what community service or information does the Liberal commercial with the chains provide? It would be an embarrassment even during an election campaign. Of course, if you believe the hype one would think that we are about to enter utopia where income taxes are going down, lots of other taxes are being eliminated, prices are going to fall, and social security benefits are all going up. But nothing is said about the 10 per cent tax that will be applied to virtually all goods and services, a very regressive tax. But, overall, taxes are not being reduced. The actual amount of overall revenue being collected by the federal government is not going down. I am sure we could all think of so many other areas that the advertising money could have been spent on, whether it be hospital funding or education or assistance for the unemployed.

The big sweetener for us all in relation to the GST is supposed to be cuts to personal income tax, costing around $12 billion. But even according to the budget papers the so-called biggest tax cuts in history disappear in just one year, but the GST remains forever. It is estimated that after two years Australian taxpayers will be paying around $600 per year more in income tax than they are now, and of course they will also be paying the GST. The fact is that the Howard Government should have made these tax cuts before now, irrespective of the GST. The tax cuts have virtually disappeared even before they are made as a result of the increase in interest rates and the falling Australian dollar.

In South Australia we all know of the fiasco and impact on the economy that has occurred for the best part of this financial year with poor car sales because of the anticipation of the GST. The administration of this new tax has certainly not gone that smoothly. Many have yet to apply or receive their ABN numbers, and I know of one small business owner who has had reason to apply for at least four ABN numbers and only has received one to now. I also know of other people who do a very small amount of interpreting work on an hourly rate basis and find themselves having to obtain an ABN number, otherwise they would face losing half their money in tax and not getting it back until the end of the year. A recent media release from the National Tax and Accountants' Association summed up the federal budget and GST as a failure, as follows:

> Taxpayers and indeed all Australians know that the Howard government has blatantly misled them about the true cost of the GST; that is, they now know housing, petrol, airfares, beer, and virtually all household items, including daily goods and services, are going to cost much more than they were originally told by Peter Costello and John Howard. The public is aware that the tax cuts simply won't be enough to cover price rises resulting from the 10 per cent GST, apart from the additional cost of businesses passing back an estimated $12 billion in GST setup costs on to consumers, together with rolling interest rate rises and the falling Australian dollar.

Whilst the federal government refused to put the GST details on the docket, I was pleased to see the opposition's amendment get up in the other place requiring state government agencies to list GST separately on their invoices. However, after further compromises this requirement will come into being on 1 January 2001, as the government believed it could not be ready for this requirement by 1 July this year. I note a further government amendment filed in this Council in relation to compulsory third party motor vehicle insurance, which says 1 July 2003.

One of the cleverest GST slogans which was around during the last federal election I think best sums up what the GST is all about, as follows:

> The GST in a nutshell: paid by the working class, collected by small business, redistributed to the rich.

I guess the Australian people will give their verdict on the GST at the next election.

The Hon. T.G. CAMERON: I rise briefly to indicate that SA First will be supporting this legislation. Whether you at this stage support or oppose the GST, this bill has to go through. I refer to a couple of comments from the previous speaker, the Hon. Carmel Zollo. I guess, as she has correctly pointed out, a verdict on this tax will be passed at the next election. When voters at the next election sit down to consider their vote I just hope they remember that it was Meg Lees and the Democrats that gave us this GST. At least we always knew what the Liberals were going to do. They were always going to introduce a GST, but we assumed, incorrect-

ly, that the Democrats would live up to their election promises and that they would be opposing the GST.

The Hon. M.J. Elliott: We never said we opposed the GST. We never said that. Don't act like Lucas and tell lies and try to put it on the record, because we never said that.

The Hon. T.G. CAMERON: Well, you will have an opportunity to speak later, won't you?

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: You can correct me then. As I said, I think the electorate will have an opportunity at the next election to pass a verdict on the GST.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: Well, I noticed that you opposed it, and the last Morgan poll has got your vote going down by nearly 45 per cent. So I would not be terribly confident.

The Hon. M.J. Elliott: What are you on?

The Hon. T.G. CAMERON: I don't know what we are on, but I do know that the support for Independents and others rose by 33⅓ per cent since Morgan's first poll. But that is only speculation on my part; what we do know as a fact is that your vote is halved. I do not know whether that has a lot to do with the internal infighting that is going on in the Democrats between the Senator Stott Despoja supporters and Meg Lees, but if the phone calls that our offices are getting are correct about the internal ructions going on within the Democrats about their preselection processes in seats that they are hopeful of winning at the next election and the ongoing battle between the Lees and Despoja supporters are any guide then you have a bit of work to do between now and the next election.

The Hon. M.J. Elliott: As you see, I am not looking at all worried, because it is all bull.

The Hon. T.G. CAMERON: Well, you might sit there smiling confidently. You are in the fortunate position of not having to face the electorate at the next election; Sandra Kanck will. Anyway, I want to comment on one other point that the Hon. Carmel Zollo made in relation to the amount of money being spent publicising the GST. There is no doubt in my mind that in relation to that money—she mentioned a figure of $360 million; I have heard other figures of $350 million and perhaps even more—a bit of government advertising is going on with that money. However, if you move around and talk to small business people and you talk to consumers, the ignorance out there in the community about what is coming on 1 July is astounding, and I would urge the government to use its best endeavours to try to educate the electorate about what is coming.

The Hon. P. Holloway: Not with those chains ads, though.

The Hon. T.G. CAMERON: Those unchain ads are a disgrace. If I were Peter Costello I would take them off the television immediately. Whilst I agree with what the Hon. Carmel Zollo has said in relation to that $360 million that is being spent, there is a need for the government to properly go out there and educate the electorate in relation to this tax. Ignorance is at a high level: no-one seems to know what tax they will be paying on what. There is a lot of work to be done between now and 1 July, and I urge the federal government to get on with it.

The Hon. NICK XENOPHON: My contribution will be brief. I note the comments of the Hon. Terry Cameron and the Hon. Carmel Zollo in relation to this Bill, that is, it has to be supported because effectively it dovetails with the commonwealth provisions in respect of the GST. A number of small business proprietors to whom I have spoken in the past few weeks have expressed a great deal of concern about the compliance costs of the GST. They are concerned that they are particularly onerous. Indeed, one small business proprietor told me that he felt like 'chucking it in' because of what was required of him. There is quite a bit of confusion in respect of that and enormous resources are required of small businesses to comply with the GST. Clearly, this is a cause for concern.

The other concern expressed to me when discussing the issue with people in the community is that, while they say that they believe tax reform is necessary, the benefits of tax reform, in terms of tax cuts and the like, have been watered down. Accountants with whom I have had discussions tell me that accountants with whom they have had discussions in New Zealand (where they have had the GST for a number of years) are amused at the GST put in place here because it is much more complex than the New Zealand system as a result of amendments moved in the Senate. As a consequence, they believe it will be much more costly for businesses to deal with, in terms of compliance and accounting costs. I support the bill, but I believe that there is concern in the community about the implementation of the GST and I hope that the federal government deals with those concerns expeditiously.

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

APPROPRIATION BILL

The House of Assembly requested that the Legislative Council give permission to the Treasurer, the Hon. R.I. Lucas MLC, to attend at the table of the House on Thursday 25 May 2000, for the purpose of giving a speech in relation to the Appropriation Bill.

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

That the Legislative Council grant leave to the Treasurer, the Hon. R.I. Lucas MLC, to attend in the House of Assembly on Thursday 25 May 2000 for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

Motion carried.

GAMBLING INDUSTRY REGULATION BILL

In committee.

(Continued from 12 April. Page 913.)

Clause 3.

The Hon. NICK XENOPHON: At the outset, I indicate that my contribution this evening will be quite brief. I have had discussions with the government in respect of this matter. I have had a discussion with the Treasurer and, in deference to the Treasurer who is preparing the budget speech, it was his preference that further consideration in the Committee stage be adjourned until next week because of his commitments this evening. In deference to the Treasurer on this occasion I think that that is the appropriate thing to do because the Treasurer has a particular interest in this bill.

At this stage, however, I would like to reflect on one of the queries raised by both the Treasurer and the Hon. Legh Davis, in terms of the definition of 'gambling venue'. There was a concern by the Australian Hotels Association, set out in its detailed response to the Gambling Industry Regulation Bill, with respect to this clause. In a nutshell, the concern of the Australian Hotels Association is to the effect that any pub,

TAB outlet or any lottery outlet within a hotel would be caught by these provisions.

I have discussed this matter with Parliamentary Counsel and conveyed the concerns of the Australian Hotels Association to them. There is an amendment on file, which I have not yet moved but which, I believe, deals comprehensively with its concerns in terms of the definition of 'gambling venue'. The proposed amendment in relation to the TAB refers to 'an office or branch of the TAB at which totalisator betting is conducted'; in relation to the Lotteries Commission, 'an office or branch of the commission at which tickets in lotteries conducted by the commission may be purchased'; and, further, that 'a gambling venue' means (in relation to the TAB) 'an office or branch of the TAB where totalisator betting is conducted'. The advice I have received from Parliamentary Counsel, which I accept as being appropriate and sound in the circumstances, is that this amendment deals with the concerns of the Australian Hotels Association.

Since then I have received a letter dated 23 May from Ms Jodie van Deventer on behalf of the Australian Hotels Association. The letter, which I believe has been circulated to other members with an interest in this bill, proposes a new definition of 'gambling venue' which would exclude licensed premises in relation to the TAB and also in relation to the Lotteries Commission. My position, following discussions with Parliamentary Counsel, is that the amendment, which is on file and which was drafted by Parliamentary Counsel, would deal with the issues raised by the Australian Hotels Association. It may be that another honourable member will seek to move an amendment in due course along the lines of the amendment suggested by the Australian Hotels Association. That remains to be seen.

Clause 3 has a number of definitional provisions with respect to clauses throughout the bill. Given the indications of support—or should I say opposition—from various parties and individual members in relation to this matter, I believe it would make more sense, after further consideration of this clause next week, for final consideration of clause 3 to be postponed until after the final clause of this bill has been dealt with. In that way it can be tidied up. If the situation is that only a few clauses of this bill are passed—which appears likely given the expressions of support and opposition to various clauses—it would make more sense for clause 3 to be dealt with after the other clauses of the bill have been voted on.

I would like to think that all members have a commitment to reducing the incidence of problem gambling and gambling addiction in the community, given the enormous and devastating impact that it can have on many thousands of individuals in the South Australian community. For that, I rely on the findings of the Productivity Commission's national gambling survey and its results for South Australia. I would like to think that we can progress this bill substantially next week.

In relation to the Casino (Miscellaneous) Amendment Bill that I introduced, which has seen very little activity in the past few weeks, I also put members on notice that I would like that bill to be dealt with, given that it contains only a small number of clauses. Members have had more than ample time to consider their positions in relation to it.

Progress reported; committee to sit again.

STATUTES AMENDMENT (WARRANTS OF APPREHENSION) BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 6 p.m. the Council adjourned until Thursday 25 May at 2.15 p.m.