LEGISLATIVE COUNCIL

Tuesday 4 July 2000

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

First Home Owner Grant,

Gaming Machines (Miscellaneous) Amendment,

Gas (Miscellaneous) Amendment,

Road Traffic (Red Light Camera Offences) Amendment,

Statutes Amendment (Lotteries and Racing—GST).

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 101 and 125.

GOODS AND SERVICES TAX

101. **The Hon. T.G. CAMERON:** What is the estimated fall in passenger numbers for trains, buses and trams if public transport fees rise by 3 per cent following the introduction of the goods and services tax?

The Hon. DIANA LAIDLAW: Public transport fares for Metropolitan Adelaide will increase on 1 July 2000, with the average increase across the various ticket types being 2 per cent. This increase takes account of the impact of the GST and is still below the 3.3 per cent CPI general adjustment for Government fees and charges across the board.

Predicting public transport patronage around the time that the GST is introduced, is a complex exercise which involves a number of uncertainties.

The introduction of the GST—plus other changes in indirect taxes—will alter the prices of other goods and services. For example, the introduction of the GST and the removal of the Wholesale Sales Tax will alter those costs relating to private motoring. As the prices of goods and services change, so will consumer spending patterns change across the full range of goods and services.

In addition to price changes arising from the changes in the tax system, there are other relevant factors that are simultaneously occurring—and the effect of these cannot be readily separated from impacts of the new tax system. For example, from 23 April 2000 significant service improvements were introduced as part of the start of the new bus service contractors in the Adelaide metropolitan area—and these improvements are expected to increase public transport patronage.

SMOKE-FREE DINING

125. **The Hon. SANDRA KANCK:**

1. How many exemptions from smoke free dining legislation are now in place in:

(a) metropolitan Adelaide;

(b) other areas of South Australia;

(c) licensed premises; and

(d) unlicensed premises?

2. How many applications for exemption from smoke free dining legislation are awaiting processing?

3. What has been the average waiting period for businesses seeking an exemption from smoke free dining laws?

4. In how many premises is smoking currently permissible while operators await a ruling on their application for exemption from smoke free dining?

5. How many officers are involved in full-time processing of exemptions from smoke free dining laws?

6. Have there been any ministerial or departmental discussions on the overall efficacy of the smoke free dining laws?

7. Does the minister consider that the implementation of smoke free dining in South Australia has been a success?

8. Have there been any ministerial or departmental discussions with Tourism SA or other bodies about the possibility of promoting South Australia as a smoke free dining state?

The Hon. DIANA LAIDLAW:

1. (a) Metropolitan Adelaide 142 Licensed 34 unlicensed
   (b) Other areas of South Australia 62 licensed 6 unlicensed
   (c) Licensed 204
   (d) Unlicensed 40
2. 6 licensed.
   2 unlicensed
3. In most cases the average waiting period is two months. The waiting period can vary due to circumstances such as the adequacy of the plans provided and issues that arise from the inspection of the premises.
4. Upon application for an exemption under S47 of the Tobacco Products Regulation Act 1997, premises can operate as if their exemption has been granted, for the period of time that their application has been reviewed and decided upon. Currently there are approximately 70 licensed and unlicensed premises where this can occur. This process will be reviewed in the new financial year.
5. Initially there were four full-time environmental surveillance officers (one permanently employed officer and three employed on a temporary basis for eight weeks). Currently there is one full-time environmental surveillance officer.
6. The first evaluation of the smoke free dining legislation, undertaken in May 1999, indicated the efficacy of the smoke free dining laws.

Results from the dining venue and inspection survey indicated that 99 per cent of managers of premises were aware of the smoke free dining legislation, with 98 per cent self-reporting full customer compliance. The smoking policy of premises for indoor dining areas indicated that 79 per cent reported that smoking was not allowed at all in indoor dining areas.

7. Results of the survey of community attitudes and practices after the introduction of smoke-free dining in South Australia indicate the success of smoke free dining in South Australia.

The results from the community survey indicated 80 per cent of the community agreed with the extent of the legislation and two thirds of those surveyed found dining out more enjoyable since the implementation of the smoke free dining legislation. Over three-quarters of those surveyed noticed less smoking in dining areas. Given the indicators from the dining venue and inspection survey (refer VI), implementation of the legislation is considered successful.

8. There have not been any discussions thus far with Tourism SA or other bodies about the possibility of promoting South Australia a smoke free dining state.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

- Police Superannuation Scheme Actuarial Report, 30 June 1999
- Regulations under the following Acts—
  - Fees Regulations Act 1927—Schedule of Fees
  - Financial Institutions Duty Act 1983—
    - Duty
    - Non-Dutiable Fees
  - First Home Owner Grant 2000—Grants
  - Water Resources Acg 1997—Extension of Adopted Policies
- Ministerial Direction to RESI Corporation

By the Attorney-General (Hon. K.T. Griffin)—

- Regulations under the following Acts—
  - Communities Titles Act 1996—Fee for Provision of Information
  - Petroleum Act 1940—Register of Licences
  - Petroleum (Submerged Lands) Act 1982—Variation of Fees
  - Sewerage Act 1929—Other Charges
  - Strata Titles Act 1988—Provision of Information
  - Waterworks Act 1932—Other Charges

Rules—Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Cost for Claim

By the Minister for Justice (Hon. K.T. Griffin)—

Regulation under the following Act—
Emergency Services Funding Act 1998—Remissions, Land

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

South Australian Harness Racing Authority—Report, 1998-1999
Horticulture in the Hills Face Zone Plan Amendment Report
Regulation under the following Act—
South Australian Health Commission Act 1976—Medicare Patients' Fees

By the Minister for Disability Services (Hon. R.D. Lawson)—

Guardianship Board of South Australia—Report, 1998-1999.

ELECTRICITY, PRIVATISATION

The Hon. R.I. LUCAS (Treasurer): I seek leave to make a ministerial statement on the subject of electricity.

Leave granted.

The Hon. R.I. LUCAS: As members will be aware, all parties last year approved the establishment of the Joint Committee on the Electricity Businesses Disposal Process. The objective of this joint committee was to provide a process for members of the government and the opposition to meet confidentially with the Auditor-General to discuss issues relating to the electricity businesses disposal process.

Last week I met opposition members to discuss the proposed legislation and I was asked whether I was prepared to convene a meeting of the committee. On behalf of the government I readily agreed and a meeting was established earlier today. Whilst meetings of this committee are intended to be confidential, it would be fair to say that I was very pleased at the productive nature of the discussions that ensued with the Auditor-General. As I said, whilst these meetings are intended to be confidential, I was disappointed but not surprised to be approached 30 minutes after the meeting by the media, stating that they had been provided with information about the meeting, including that the Auditor-General had recommended a further specific legislative change to the government's legislation.

I am obviously restricted in what I can say, but it would be accurate to say that the Auditor-General did raise the possibility of seeking crown law advice on further tightening of the proposed legislation. This possible amendment does not cut across the substance of the legislation and the government has agreed to seek crown law advice on whether or not such an amendment is desirable.

Members will also now be aware that late last week representatives of the two major businesses involved, CKI Hong Kong Electric and AGL, have issued public statements broadly endorsing the government's description of what bidders were told and the government's proposed legislation. This means that all three parties involved in the major transactions relating to the disposal of ETSA Utilities and ETSA Power have agreed on the proposed course of action. As a result of the joint committee's having now met, it is the government's intention to proceed with the legislation this week in the Legislative Council and next week in the House of Assembly.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. CAROLYN PICKLES (Leader of the Opposition): As the Treasurer has told parliament that he was informed in April of the mistakes made by the consultants in relation to the ETSA lease, were the consultants responsible for those errors paid any or all of their success fees after the discovery by the Independent Regulator of those errors?

The Hon. R.I. LUCAS (Treasurer): When I was first asked this question, I was deliberately cautious in using the words 'some time ago' because at the time of being asked the question—

The Hon. Sandra Kanck: You said, 'around about'.

The Hon. R.I. LUCAS: I think I said 'some time ago'.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Treasurer can answer his own question.

The Hon. R.I. LUCAS: I was deliberately cautious because, whilst I knew it had been some time ago, I was not aware of exactly what the date was. Subsequent to that, I was verbally informed that I was advised in April but, having now checked all the documentation, it would appear that the first written note on a docket or a file with my signature on it is dated 5 May. That means that we would have discussed it on the previous Tuesday at our usual electricity meeting, which would have been about 2 May, and that means that I probably would have received an agenda paper the day before, which I think was Monday 1 May.

Having checked the record, it appears that some time in middle or late March an officer from the Independent Regulator raised a question. There was then discussion with the various consultants. ERSU was officially advised, it tells me, just before Easter—around the middle of April. It then worked through the Easter break. I was unavailable for the bulk of the Easter break. If members can remember, there was also Anzac Day at the tail end of that on 25 April. In the week after Easter I was advised by senior staff from within my own reform and sales unit that there was an important issue that we had to resolve.

I have already answered the question about success fees: that is, the government is paying success fees to only two consultants out of the many consultants that we are employing. We have contractual arrangements in relation to the success fees, and obviously the government would need to follow those contractual obligations.

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

Leave granted.

The Hon. P. HOLLOWAY: On 28 June, after exposure of the error in the ETSA Utilities contract, Treasury released a new timetable for the sale of ElectraNet which changes the date of the lodgment of indicative bids from 23 June to 17 July. Final bids, according to the information on the Treasury website, are still required to be lodged by 11 August, leaving little more than three weeks to access them as opposed to the earlier six weeks. My question to the Treasurer is: why has the government halved the time for assessing bids for ElectraNet, given the errors made so far in the ETSA sale process; and what guarantees exist that this

much briefer process will not lead to more mistakes in the ETSA sale process?

The Hon. R.I. LUCAS: The government, through me, has delayed the process for ElectraNet so that the government could resolve a number of issues; one of which is obviously the issue that is before the parliament at the moment. The ElectraNet process does not formally begin until I, as Treasurer, sign a note which accepts a particular party who might have expressed interest in participating as someone who can remain as a participant in the process. At that stage I have the capacity (and have done so on previous disposal processes) of saying to some parties that their expression of interest has not been accepted by the government.

So, that is the start of the process. That process did not start until last week. I had delayed it from one or two of the original time frames so that we could resolve some of these issues. I would need to check the particular timelines that the honourable member has mentioned. If he is still referring to the words 'indicative bid' stages, I suspect that there has been a further refinement since then—

The Hon. P. Holloway: Since 28 June.

The Hon. R.I. LUCAS: Yes. If the member is quoting from the website regarding the 'indicative bid' process then I suspect that there has been a further change as a result of the delays in seeking to resolve this and some other issues. I would need to get the new timeline for the honourable member. Clearly the government will not be rushed into this issue. We will need an appropriate time to consider the ElectraNet disposal process: it and Flinders are probably two of the most complicated disposal processes because of a variety of issues and, certainly, the government does not intend to be, and will not be, rushed into making deliberations.

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

Leave granted.

The Hon. P. HOLLOWAY: The opposition has a copy of a submission by AGL to the Australian Consumer and Competition Commission outlining what it sees as serious problems with the way in which the government has structured its electricity vesting contracts. The submission argues that the government has not delivered the certainty expected by AGL on the price it would pay for electricity and that there will be 'commercial and legal consequences'. AGL warns that, unless substantial changes are made to these contracts, it could result in losses to the company and that the South Australian community could bear the cost of this uncertainty. In light of that, my question to the Treasurer is: will he confirm that the government is now in a serious dispute with AGL over the price at which AGL buys its electricity from South Australian generators and that this has required the intervention of the ACCC? If so, what are the legal and financial implications for the government?

The Hon. R.I. LUCAS: This has been public notice for—I will need to check exactly—at least a month, possibly almost two months. It has been reported in the interstate newspapers and electricity journals for at least the last month or so. It is no surprise to anyone other than the shadow minister for finance that this is an issue. It is not correct, as I understood the honourable member to say, that there might be implications for household consumers. If AGL suffers any losses, as the member knows, there is a CPI cap arrangement in relation to household consumers and small customers, which means that the price of electricity cannot go above that CPI level. Any losses or risks that AGL assumes are losses and risks that it would need to absorb.

It is not correct also to say that the ACCC has had to intervene. AGL has taken up the issue with the ACCC. It is not an issue where there is a dispute between two parties and the ACCC intervenes. The process is that, if anyone such as AGL has a concern with the vesting contracts, it has to take up that issue with the ACCC: it is doing so. The interesting thing is that, of the large number of submissions arguing either for the AGL case or the government of South Australia's case, I am advised that every submission, including the Energy Users Group of Australia, supports the South Australian government's position and opposes to varying degrees, but in most cases strongly, the AGL interpretation of the vesting contracts, with the exception of one submission, I am advised: surprise, surprise, it is that of the New South Wales Labor government, through Treasury, I understand, written by Danny Price, who is now working for the ministerial advisory group. I can assure—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We have already advised of legal action undertaken against Mr Price, and parliament is aware of the legal action that was taken against him in the Federal Court. I would not—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Was it? Okay. The Hon. Mr Holloway defends Mr Price's actions in relation to that case. It is for him to defend Mr Price's actions in that case: certainly, you would never get me defending Mr Price's actions in that particular case. As I said, I am advised that all the submissions support the South Australian government's submission broadly, and strongly oppose AGL's attempt to revoke the vesting contracts. I think the general view, including the Energy Users' view, speaking on behalf generally of consumers and users of electricity, is that the South Australian government's package of vesting contracts is a better package of vesting contracts in the interests of protecting consumers and maximising competition than would be AGL's version of what the vesting contract should be.

It is correct: it is has been correct for some time. As I said, I will check, but this issue has been a matter of discussion with the ACCC for at least a month, possibly as much as two months. I think the ACCC has everything up on its web site: the submissions are either up on the web site or most of them are up on the web site, and it is either in the process or about to start a process of consultation in relation to the vesting contracts.

TRAIN TICKETS

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

Leave granted.

The Hon. A.J. REDFORD: This morning I travelled to work by train. In reading the paper, I noticed that the minister has introduced a system to—

The Hon. M.J. Elliott: Was it on time?

The Hon. A.J. REDFORD: It was exactly on time. It collected me on time and dropped me off on time: it was a very pleasant trip. I must say that I did not see any of my colleagues on the same train; obviously, they were catching—

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: I caught the 6.53, and it arrived at about 7.13—a bit before you would have gotten out of bed. As I read the paper, I noticed that there is a system of checking tickets as one gets off the train. When I got off the train I noticed the TransAdelaide employees checking tickets, and I must say that they did so efficiently and quickly, despite what I read in the paper this morning—

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member says 7.13: he has probably never seen how many people are about at 7.13. We have a thriving economy, and there is a lot of activity. In any event, they checked my ticket and they were very pleasant and quite efficient, and as I said there were no queues. It has been drawn to my attention that the Hon. Sandra Kanck, by press release, has indicated that this checking of tickets is doing nothing to curb under-payment or non-payment by users of our public transport system. Does the Minister for Transport have any response in relation to the assertions of the Hon. Sandra Kanck that this process of checking tickets is doing nothing to curb under-payment?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for catching public transport, paying for his ticket, reporting that the train was on time, and supporting this new initiative of ticket checks at the Adelaide Railway Station and the roving teams across the rail system during the day and, from 7 p.m. at night, of one passenger attendant and one security guard on all trains. I appreciate that there have been delays for some people at the railway stations. We had anticipated that we may have to fine tune the new system, and that is what we will do. As of today, 18 per cent of the PSAs were on the trains checking the tickets to see that everybody had a ticket and to see that the ticket was appropriate—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I said 18 per cent. If their tickets are checked on the train and they all have them, they can pass straight through the Adelaide Railway Station and are not checked again. All the other passengers are trapped on the train—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Yes, we do; we have a separate area for them to pass through when the PSAs at the barriers have been informed that all the tickets on a train have been checked by the PSAs on the train. Where there are no PSAs on the train, we have compulsory ticket checks at the railway station. As I said, there were some delays on the first day of some three or four minutes; yesterday it was down to one or two minutes; and I understand that today it is much more efficient again.

I did see the Hon. Sandra Kanck at the railway station yesterday. I think it is unfair to damn the system before our new PSAs have had time to become fully conversant with the checking of tickets and the passengers have become aware that this will be a daily occurrence and they must have their tickets out to be checked.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I am getting the figures on that, but I can tell the honourable member that we had a phenomenal rise in the purchase of tickets on Sunday and Monday, which is of particular interest since Friday was probably our biggest day for the purchase of tickets for some years because it was pre-GST. You would not think, given the big rise of tickets purchased on Friday, that you would necessarily, in ordinary circumstances, see a very large increase in the number of tickets purchased on Sunday and Monday, but that has been the experience and I am getting the numbers on that at the moment.

Ticket checks are being made at the request of the paying passengers and also train drivers and others within Trans-Adelaide. I have mentioned before that the people who are honestly paying do not like to see people evading the price of the service, particularly when that leads to a poor reflection on patronage overall. The government has always been damned, and so have the train services and public transport generally, for falling patronage but, if we can make sure that everybody is paying and has their ticket, we will see a positive reflection not only in the return from people travelling on the trains but also in overall patronage.

I had wished to make sure that this matter was addressed some time ago, but it has been only with competitive tendering and savings through the systems that we have been able to invest in the employment of 44 new PSAs to undertake this role. Having spoken to some of the PSAs yesterday, I believe that they are particularly pleased to see the positive feedback and they received the initiative, even though some passengers have been disgruntled about the delays that have been incurred on the first couple of days, particularly if those delays have meant that they have missed a connection. We will be seeking, in the interests of customers and the efficiency of transport, to speed up the process further and to make sure that we have stamped out, for all time, fare evasion in our system.

I was interested today to hear comments by Stephen Rowe, the roving reporter on 5AA, who was very enthusiastic in speaking to Barry Ion this morning from one of our railway stations: from his own observation and also given feedback from passengers, he was enthusiastic about this new initiative to stamp out fare evasion and make the system safer overall. There were also calls to my office and to the Bob Francis program on 5AA last night with. I am told a woman phoned in who had not caught a train for years, who was a bit scared about catching one the night before last at 9.30 but who was thrilled to see what she called two guards on the train. She said she is pleased that this government has reintroduced guards after they were taken away by the former Labor government back in 1972.

There are some teething problems as we all get used to the ticket checks, and I would ask our customers to have a little bit of patience. The system, while it will be fine-tuned, has been developed on the basis of community concern and feedback, and after discussions with the unions, the PSAs themselves and the train drivers, to find out the best way in which we could efficiently and most effectively deal with this fare evasion and safety issue on trains.

The Hon. SANDRA KANCK: My supplementary question is: in the light of the number of students whom I saw running after they got through the barriers to catch their bus connections, the number of passengers whom I encountered swearing after they got through the barriers, and the fact that this morning at 10 past 8 the gates were opened simply to let all the passengers come through because there was such a backlog, how is it that the minister will be able to maintain patronage on the rail services?

The Hon. DIANA LAIDLAW: I reinforce what I have already said, which the honourable member would know had she listened to my answer rather than simply trying to damn this initiative, namely, that there was a phenomenal increase in the purchase of tickets on Sunday and yesterday.

Members interjecting:

The Hon. DIANA LAIDLAW: What it means is that they have been travelling without paying their way, which has led to the patronage decline overall.

Members interjecting:

The PRESIDENT: Order!

The Hon. Sandra Kanck interjecting:

The PRESIDENT: Order, the Hon. Sandra Kanck!

The Hon. DIANA LAIDLAW: Rather than just speaking without knowing the facts, I can inform the Hon. Sandra Kanck that nobody was just let through the floodgates. The people who were let through without ticket checks at that barrier passed because their tickets had been checked on the train as that train was coming through. As I said, tickets were checked on 18 per cent of trains that were coming through today. If they were flooding through, as the honourable member said, that is the way it has been in the past and it is not the practice for the future.

SAND MOVEMENT

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Transport—I am not sure whether it is just in her own right or also representing the Minister for Environment—a question about sand movement costs.

Leave granted.

The Hon. M.J. ELLIOTT: I have asked a number of questions in this place about the cost in relation to sand movement around the Glenelg development and also the West Beach development, about the costs of dredging at both of those sites. In answer to previous questions I have been informed that the cost of the dredging and other sand movement costs at those two places was about three-quarters of a million dollars per year. I have been recently informed that there has been a continued blow-out in the costs of such movement, a suggestion that, indeed, at Glenelg alone the cost is now in excess of $1 million, and at West Beach it is approaching that figure. I ask of the minister, first, can she now confirm what the current costs of sand dredging and sand movement around those two development are, and can she also inform me as to whether it is the Department of Environment, which is responsible for coastal management, that is bearing those costs, whether it is her own department, or whether there is some sort of cost sharing between the departments?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will have to get advice on the exact costs. I do not have them with me, therefore I am unable to confirm on the spot. Certainly, Transport SA on behalf of the government is responsible for the dredging and the issues at Glenelg, and we have been as part of the Holdfast Shores indenture. Otherwise, coastal management and sand dredging are certainly the responsibility of the Minister for Environment, and I will have to seek information from that source.

The Hon. M.J. ELLIOTT: I have a supplementary question. Will the minister ensure that all costs associated with that development, not just hers but under other ministers, will be identified and brought back to this place?

The Hon. DIANA LAIDLAW: I will certainly convey the questions to the Minister for Environment, where he is responsible for such work, and I am sure that he will provide a full answer. I would highlight in relation to the work that I am familiar with involving Transport SA and Glenelg that the approval process always envisaged a sand management and dredging issue. It was approved on that basis, and that therefore there would be costs involved. It was always a matter of management of the issue. The honourable member is highlighting a figure; he does not know it, and he is seeking confirmation of it. I have said that I will seek the answer for the honourable member; but I certainly will not speculate.

EMERGENCY SERVICES LEVY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question about the invoicing of the emergency services levy.

Leave granted.

The Hon. J.F. STEFANI: When the government first announced the introduction of the levy, South Australians were advised that the estimated amount to be collected from mobile property was $35.6 million. This was later revised to $34.9 million in the 1999-2000 budget papers. On 29 June the Minister for Police, Correctional Services and Emergency Services advised me that, as of 1 April 2000, approximately 20 000 fixed property owners had not been issued with a levy notice. The minister could not advise me of the exact amount to be collected but gave me an estimate of $1.4 million, being the value of the invoices not yet issued. My questions are:

1. Have the invoices been issued to the various property owners and, if so, what is the total amount invoiced?

2. Will the minister advise me and this Council of the total amount collected on mobile properties from 1 July 1999 to 30 June 2000?

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

PALLIATIVE CARE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about regional palliative care funding.

Leave granted.

The Hon. CARMEL ZOLLO: I have been made aware of concern in relation to two issues in the delivery of palliative care in regional South Australia. The first matter concerns the levels of funding available to provide the requisite number of hours needed to provide for home care palliative care to death respite needs. I understand that most patients in country South Australia are being forced into hospital care due to a lack of adequate in-home respite care, with the towards the end of life respite care often ending up being the nursing-type care.

I am certain that all would agree that, during such a difficult time, rural patients should not be put under further stress by being forced to leave their families only because they are not able to access the same level of care that a city patient could expect to receive in their own home. Not only does this place the patient under even more stress but it also imposes enormous stress on the family, which then has to deal with the separation issues.

The second concern that has been brought to my attention is the lack of total area service coverage in the Lower North Health Services area (Burra, Clare, Balaklava, Riverton etc.), which I understand is the only area not to have a palliative

care coordination funded service. My questions to the minister are:

1. Is further funding to be directed to home care palliative care in regional South Australia?

2. Will funding be made available to the lower north region of South Australia to provide palliative care services?

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

GOVERNMENT RADIO NETWORK

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Administrative and Information Services a question about the government radio network.

Leave granted.

The Hon. J.S.L. DAWKINS: A report in the Mount Barker *Courier* of 21 June quotes Basket Range CFS volunteer Mr Gary Bau on the subject of the new government radio network. Mr Bau said:

> . . . the new network would provide better coverage for the Hills. 'For the first time we won't have to worry about the geography of the Hills,' he said. 'It will mean a better quality of radio transmissions, we will have many more channels available for users within the CFS than we've had before. And for the first time we will be able to communicate with other users such as police, SA Ambulance Service and even MFS, as well as all the other government agencies on the network.'

My questions to the minister are:

1. Will he report on the progress of the government radio network?

2. Is the transition of the network to the CFS proceeding satisfactorily?

3. Is Mr Bau correct in his claim that the new network will provide better coverage in the Adelaide Hills?

The Hon. R.D. LAWSON (Minister for Administrative and Information Services): I thank the honourable member for his question and I know the support he has given over the years to the CFS.

The Hon. M.J. Elliott: You've got the same article.

The Hon. R.D. LAWSON: Yes. The honourable member provided me a with a copy of the item that appeared in the *Courier* under the heading, 'Radio network on trial'. I was delighted to see Mr Gary Bau quoted in such a positive light in relation to the government radio network. Members may recall that Mr Bau, who has been the communications officer for the Basket Range CFS or a service in that region for some years, made a number of sceptical comments about the government radio network when it was first announced.

Those comments were seized upon by the Hon. Mike Rann and other detractors of the government radio network, but I am very pleased to see that Mr Bau, having become familiar with the network and having joined the transition working party of the CFS, is now understanding the benefits that will come from the contract. Mr Bau notes in the same article the following:

> From a CFS volunteer point of view, we've had a good input into the design of our system and we are very pleased with the outcomes. . . The initial testing has been beyond our expectations and we are confident. This new technology is like going from a push button radio to digital television in one step.

The network is progressing satisfactorily, on budget and on time. The contracted constructor and operator of the network, Telstra, has delivered all that it is required to deliver and on time, and the transition on to the network of the CFS is presently being undertaken.

I noted on a web site that Mr Bau went to Kangaroo Island where the network is being tested and, from Kangaroo Island, he was able to hear transmissions from the Burnside CFS, and that is an indication of the power of the new equipment.

GAMBLING, PROBLEM

The Hon. NICK XENOPHON: My questions to the Treasurer, representing the Minister for Education and Children's Services, are as follows:

1. Given the findings of the Productivity Commission's report on Australia's gambling industry as to the significant number of Australians affected by problem gambling—

Members interjecting:

The PRESIDENT: Order! It is difficult to hear the honourable member asking his question.

The Hon. NICK XENOPHON: —of the order of 10 per cent if we include the 2.1 per cent of Australians with a significant gambling problem, and between five to 10 others affected by each problem gambler, and the impact that can have on the children of problem gamblers, often referred to as the most innocent and vulnerable victims of gambling addiction, has the Education Department carried out any studies or surveys or does it propose to carry out any studies or surveys on the impact of problem gambling on school-age children?

2. Does the Minister for Education concede that, based on the Productivity Commission's report, there are many thousands of schoolchildren affected directly or indirectly by problem gambling in their families and that the impact on these children ought to be investigated, particularly in relation to their welfare and the impact on their schooling?

3. What plans does the department have to educate schoolchildren as part of the curriculum as to the harm associated with problem gambling?

4. Will the minister indicate how many primary schools provide free breakfast for students and how many students are part of that program and, further, what difference has there been in the number of students receiving such free breakfast since 1993?

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

MENTAL HEALTH

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question regarding Glenside Hospital and mental health care in South Australia.

Leave granted.

The Hon. SANDRA KANCK: Despite the time and money spent on the recently released Brennan report, major mental health issues are still not being addressed. Mental health patients are placed in either open or closed beds. The closed beds are in locked wards with higher nursing staff ratios for patients who are assessed as dangerous to themselves or others. At present, Glenside Hospital has only 20 such beds in the Brentwood wards. The resources of Grove Close, a properly staffed, step-down ward, were transferred to the forensic department of James Nash House

last year, precipitating a crisis in closed bed mental health care for mainstream patients in South Australia.

Now, when the Brentwood wards overflow on an almost daily basis, clients are put into other open wards in the hospital. The clients are assigned a nurse, known as a special, to prevent them from absconding from the open ward. This is a costly way in which to deal with these clients, and it is not secure. Further, it is perceived by the administration that a client intent on leaving the grounds of the hospital will be able to do so merely by out-running the special. As a consequence, the nurses chosen to act as specials are, as much as possible, chosen for their capacity to chase the patients. Compounding the problem is that often no staff are available to be suitably allocated as specials. This problem becomes particularly acute on weekends. My questions to the minister are:

1. What training are administrative staff given to assist in choosing nurses with appropriate running ability to act as specials, and are mental health nurses who seek employment in South Australia told that running ability is an essential prerequisite for the job?

2. How many acute patients have absconded from Glenside Hospital since the transfer of Grove Close ward?

3. How does the Department of Human Services intend to address the crisis in closed bed mental health care in South Australia?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer that question to my colleague in another place and bring back a reply.

NAIDOC

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement issued today by the Hon. Dorothy Kotz, Minister for Aboriginal Affairs, on the subject of the National Aboriginal and Islanders Day Observation Committee known as NAIDOC.

Leave granted.

TRUCKS, INTERSTATE

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question on the subject of interstate transport trucks.

Leave granted.

The Hon. R.R. ROBERTS: Along with my colleague in another place, Ralph Clarke, I have received information from people involved in the trucking industry who are very concerned about the state of their industry and the payments systems in place. For about six months now 'subbies', as they call themselves—these are owner-drivers in most cases—under the control of dispatchers have been suffering from two things. I am advised that, in the first six months of this year, they have had to deal with a $250 return trip Adelaide-Sydney in respect of the cost of diesel. These people are under continuing pressure from trucking contractors, and their plight has been somewhat exacerbated as a result of the introduction of the GST.

There are a number of stories in relation to the treatment of some of the subcontractors. I refer to an article which appears in the *Owner Driver,* which is a trucking magazine, and which discusses what is about to happen as a result of the GST. There are other examples, and I draw the minister's attention to the article and invite her to read it. The article states:

> Subbies at one major courier group were shocked to see that the company letters they delivered to all customers recently claimed a 4.5 per cent surcharge due to fuel rises—backdated.
>
> But they haven't yet been paid any fuel surcharge—although it is largely their fuel that is the justification for the increase.
>
> These same subbies investigated and found that their company is offering customers a 0.46 per cent price cut from July 1 due to the benefits of GST on transport costing—but was expecting a 6 per cent rate cut from their local subbies.

These matters are being raised with the federal minister John Anderson in an attempt to seek some relief.

The Transport Workers Union of Australia has been looking at these issues, and in some correspondence that it sent to Mr John Anderson it referred to 'enforceable cartage rates'. I am advised as follows:

> The present TWU/ARTF Interstate Owner-Drivers Agreement provides for recommended minimum cartage rates between capital cities, however, pursuing a recommended rate in a tight market does not work.

That is as a result of some of the matters I have just outlined. They suggest that there need to be provisions for owner-drivers under the Workplace Relations Act that would allow cartage rates to be established in a form similar to that under the legislation applying in New South Wales. Clearly, some relief is available under the Workplace Relations Act, which I understand is a federal act, but obviously there is provision for New South Wales as a state authority to provide some relief. My questions on behalf of subcontractors in South Australia are:

1. Is the minister aware of the legislation that exists in New South Wales?

2. Will she undertake to investigate that system with a view to trying to implement it in South Australia?

3. Will she cooperate with her federal minister, John Anderson, in looking at a provision within the federal Workplace Relations Act which would allow some relief for transport contractors to get some relief from dispatchers?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am interested in the honourable member's reference to New South Wales as if that state had provided some satisfactory means of relief, because the honourable member would know that the industrial action that has been taken by subcontractors has been focused on New South Wales. While there may be an argument that some relief is provided by the New South Wales state government, in fact it clearly is not working to the satisfaction of subcontractors, because that state is the focus of the industrial action. I will obtain some more advice about the New South Wales scheme, notwithstanding the comments I have made.

It may well be that, because New South Wales is the biggest centre for freight forwarding and because New South Wales is the focus of so many of our interstate trucking companies, the subcontractors have chosen to focus their industrial action in that state. Certainly, the subcontractors with whom I have spoken understand that it is an issue with the freight forwarders. That is essentially where the argument must be addressed and resolved. I agree that subcontractors in the trucking industry have had a tough time of it, as has trucking across Australia, because of the increase in the price of diesel: the way in which it has hit this industry in terms of contracts that have been negotiated and prices resolved has been quite unbelievable. The unforeseen increases in diesel have really hit the trucking industry hard. So have the

increases in interest rates at a time when outlays have increased. Many of them work on a fixed contract, therefore their income has not increased and then they have also had to pay off higher interest rates for their prime mover and the other equipment that they use.

Certainly, the diesel rebate will help them, but it will not necessarily offset what is assumed to be even higher increases in diesel prices in the near future because of fluctuating supply and OPEC nations' issues. As I said, I have met with some subcontractors. I have also met with the livestock transporters and SARTA generally about these issues, and I will take the honourable member's questions and concerns seriously and look further at what may be done. However, ultimately, it will have to be an issue under subcontracting arrangements between the subcontractors and the freight forwarders.

The Hon. R.R. ROBERTS: I have a supplementary question. Is the minister undertaking any other strategies to provide relief other than in the areas that I have just suggested?

The Hon. DIANA LAIDLAW: The matters have been raised with the federal minister.

WORKERS' ENTITLEMENTS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about sacked workers' entitlements?

Leave granted.

The Hon. G. WEATHERILL: On 16 June this year an article in the *Advertiser* referred to the former workers of Revitt Kitchens. These workers were put off because the company went broke, and they missed out on all their entitlements. The Prime Minister, John Howard, set up a federal government scheme, and there was a hue and cry around Australia when he helped out his brother when his brother's company went broke. The federal government has put aside $50 million to assist workers who are sacked because companies do not pay insurance to ensure that their workers get appropriate entitlements.

Under the federal government's scheme, those workers who should get $20 000 receive only $10 000 from the federal government; and the South Australian government, if it went along with the scheme, would pay the other $10 000. This would give workers most, but not all, of their entitlements. The state government feels very sorry for these workers, and it is probably very sorry for the 100 workers who will be put off at Perry Engineering and who will receive only half their entitlements.

Because the South Australian government is so damned stingy, it is refusing to go along with the federal government to support these workers. Why will this government not support the federal government and make sure that these people get their entitlements, or move some legislation in this place to make sure that firms put that money aside to pay insurance so that the workers get their money? They are entitled to that money and they should get it.

The Hon. R.D. LAWSON (Minister for Workplace Relations): The honourable member says that the South Australian government is so damned stingy that it will not join the commonwealth government's scheme. He can make the same criticism of the New South Wales Labor government, the Queensland Labor government, the Victorian Labor government, and every other state and territory government in this country. The commonwealth government announced an employee entitlement scheme, and I commend the Hon. Peter Reith, the federal minister responsible, for it. I think it is hypocritical of the honourable member, from the Labor side of politics, to criticise inaction in this area when the Australian Labor Party presided over governments for many years and did nothing at all to provide any support or assistance for workers who did not receive entitlements in consequence of the bankruptcy of their employer.

I should also correct the honourable member when he said that the scheme was set up by John Howard to help out his brother: it is true that the Prime Minister's brother was a director of a company, National Textiles, which was the first company to receive this assistance. But as the Prime Minister himself said, he was damned if he did and damned if he did not. The recommendation from the commonwealth scheme had come forward, and it was not based upon any family relationship of the Prime Minister to the particular company.

I commend the federal government for initiating this scheme. I think it is a worthwhile scheme for it to operate, but it really is a federal scheme. If the federal government wants to have the cooperation of the states and the territories, it has to sit down with the state and territory ministers and governments to work out a truly national scheme. We have always been prepared to talk about and develop proposals for the scheme, but at the moment there are some elements of the commonwealth's scheme that are simply unattractive from the point of view of any state government joining it. For example, the commonwealth scheme, which involves a payment by the commonwealth, does not have such deleterious effects on its budget because most of the money paid over in these schemes is applied to outstanding taxation and the commonwealth government gives with one hand but takes with the other. However, the state government does not have any similar interest in payments of this kind.

I believe that the 50:50 contribution being proposed by the federal government is not only an unfair reflection of the capacity of the respective governments to pay but also not a fair reflection of the ultimate destination of the payments. I am continuing my discussions with the federal minister and my state and territory colleagues to ensure that we have an effective national scheme to protect all workers.

PETROL PRICES

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Treasurer, representing the Premier as Minister for State Development, a question about petrol pricing.

Leave granted.

The Hon. T.G. ROBERTS: At lunchtime today I attended a meeting convened by the Hon. John Dawkins MLC, the purpose of which was to go through some of the programs that are being put forward by the state government in implementation of the Regional Development Task Force and some of the recommendations in the report. I must say that the meeting was well attended, in a bipartisan way, by members on both sides of the house, and genuine interest was shown in picking up some of the problems that are developing in regional areas in response to federal governments of both persuasions that have brought in an economic rationalist approach to distribution of income, leaving some of the poorer states and regions in difficult circumstances.

The task force makes recommendations around governments and signals that there needs to be greater cooperation between local, state and federal governments. It goes on to

outline some of the proposals that have been put forward by the commonwealth and the state to bring about some action in relation to this report.

My question of the Treasurer and the Premier is: in relation to the draft report and the recommendations, will the state government work with the regional development boards and the convenors of those boards to lobby the federal government to compensate regional development bodies in dealing with the economic difficulties that have grown from the disparity that has been encouraged in the differences in the petrol pricing regime that has come in since the introduction of the GST?

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

PRAWN FISHERY

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 relating to a $1 million payback to prawn fishers.

Leave granted.

The Hon. IAN GILFILLAN: In 1987, the Gulf St Vincent prawn fishery restructure was initiated by the former Labor government. In that year the government paid $2.8 million in compensation to five prawn fishing boat owners, and the remaining 10 owners accepted an obligation to repay the sum over 10 years. Those who accepted the payout and quit the industry obviously felt uneasy or unable to accept that increased level of debt, given the poor performance of the gulf prawn fishery at the time. In effect, they felt they had no choice, or little choice, but to give up their chosen trade. However, if they had known how the government would subsequently treat the remaining prawn fishers, they probably would have acted differently. The gulf prawn fishery did not recover, so under pressure the then Labour government agreed to abolish the requirement that the loan must be repaid within 10 years. The government over the 1990s absorbed over $2 million of the buy-back debt and interest. Last year this parliament passed the Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) (Charges on Licences) Amendment Act.

The 1999 amendment act had the effect of wiping off $1 million from the remaining debt overnight, on condition that the prawn fishers did not sue the government over its shoddy handling of the prawn fishery. Supposedly, prawn fishers were still too poor to service what remained of the debt that had been agreed back in 1987. However, it appears that the government got it wrong again. The *Advertiser* of 8 October 1999 carried an article under the heading 'Best prawn harvest'. This established that the Gulf St Vincent prawn harvest for 1998-99 was the best for some time, up to 40 tonnes from the previous year, with a catch of 320 tonnes, or $5 million worth of prawns in just 44 nights. I note that this increased catch, $5 million in 44 nights, was made in the fishing season before the parliament decided to give $1 million in public money to the same people. I said at the time of the debate:

> . . . no more and no less than a bribe to prevent prawn fishers taking legal action against the government.

The bill did not facilitate the removal of any licences or quota from the fishery. Not even the government claimed that the bill did anything to help the recovery of the Gulf St Vincent prawn fishing industry. The money was paid apparently because the government feared that prawn fishers would be successful in suing over the failed 1987 buy-out of the industry. The prawn fishery obviously has not recovered to the levels it experienced in previous decades. It does appear to be recovering, because of the larger catch in 1998-99, but this is not due to the $1 million of taxpayers' money handed over in the 1999 amendment act.

It has been suggested to me that the gulf prawn fishery is not in fact recovering at all and the larger catch may be due merely to more efficient methods of trawling. Nevertheless, the $1 million payout has reminded the five fishers who accepted the 1987 buy-out that they were misled. They were misled in thinking that their only alternative was to repay a huge debt to the government in only 10 years. They were virtually forced out of the industry, the only industry they knew. At least one of them, Mr Lee Salvemini, of North Haven, is now angry and feeling cheated. Mr Salvemini is now seeing his former colleagues and competitors enjoying their best catch for years—$5 million in 44 nights—and then getting a $1 million top-up from the taxpayer. My questions to the minister are:

1. Did the government take into account the improved 1998-99 catch when deciding to offer $1 million to the remaining prawn fishers in 1999? If not, why not?

2. Does the minister agree that the five who accepted the buy-out offer in 1987 have a right to feel shafted?

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

WATER SUPPLY, CEDUNA

In reply to **Hon. IAN GILFILLAN** (3 August 1999).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following information:

1. The price of water provided to farmers west of Ceduna has not been increased from $1.70 to $8.00 per kilolitre. A new agreement to cart water until 30 June 2001 to farm tanks located between the end of the private pipeline and Penong was approved in November 1999. Farmers have agreed to pay double the gazetted price of water for all water carted. This is the same rate used in previous agreements and presently means that water costs $1.82 per kilolitre.

2. Given that the price of water has not changed, the government does not expect any change to farm viability.

3. There has been no suggestion that water carting to Penong will cease while the town does not receive a reticulated supply. The current agreement will continue.

4. In August 1996, a deed for the giving of a grant of $2 million by the state government was ratified by the government and the District Council of Ceduna.

A condition of the agreement was that the government would have no future liability or involvement in construction of the scheme, its operation, asset replacement or further extension west towards Penong.

A further condition of the agreement was that after completion of the works, the District Council of Ceduna will use its best endeavours to ensure that SA Water's obligation to continue to provide deliveries to consumers in the designated and extended areas will eventually cease.

RESIDENTIAL TENANCIES

In reply to **Hon. R.R. ROBERTS** (4 August 1999).

The Hon. K.T. GRIFFIN: I have been advised by the Commissioner for Consumer Affairs of the following information:

1. Will the minister ensure that the corrections are made in the next printing of the Adelaide Metropolitan Directory as well as the Upper North, Far North, Eyre Peninsula Directory to make the residential tenancies phone number more legible and easier reference for constituents?

The necessary correction has been made for the next print of the Adelaide Metropolitan Directory to ensure that the privately run

company cannot insert their directory entry in the middle of the residential tenancies entry. Unfortunately, no action can be taken to prevent the entry from the privately run company appearing immediately before or after the residential tenancies entry.

An additional entry under residential tenancies has been inserted in regional directories to make it easier for customers to locate the 131882 telephone number, which will connect them to the nearest regional office of the Office of Consumer and Business Affairs, for the price of a local call.

2. Can amendments be made to the Upper North, Far North, Eyre Peninsula directory before the closing date of 26 November 1999?

Yes, amendments will be made to all regional directories.

3. What innovative programs can the minister come up with to advise constituents of this anomaly within the system?

Letter box and promotional campaigns conducted in regional areas clearly identify that residential tenancies is a service provided by regional offices of the Office of Consumer and Business Affairs.

This campaign was conducted in the Upper North during the week of 19 to 23 April 1999 with respect to the Port Augusta and Whyalla regional offices.

All written material from the tenancies branch with respect to residential tenancies is produced under the banner of the Office of Consumer and Business Affairs and contact telephone numbers are included.

It is hoped that the proposed action will reduce the likelihood of customers being unable to contact the tenancies branch for the cost of a local call.

SAGRIC INTERNATIONAL PTY LTD

In reply to **Hon. IAN GILFILLAN** (9 November 1999).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following response:

1. The decision was made to sell the government's ownership of SAGRIC International Pty Ltd in order to maximise SAGRIC's contribution to the South Australian economy. With a sale to the private sector SAGRIC will be able to obtain access to venture capital and undertake activities in growing areas of demand which have not been possible for it to do under Government ownership. I am confident that SAGRIC's domestic and international reputation will continue to grow following the recent sale.

2. The sale process is now complete with settlement occurring on 29 February 2000. The successful tenderer and new owner of SAGRIC is Coffey International Ltd ('Coffey').

3. Coffey is an engineering service and project management publicly listed company with its head office based in Melbourne. It has a significant involvement in aid projects and is a significant contractor to AusAID, the Asian Development Bank and the World Bank. Coffey sees the acquisition of SAGRIC as an opportunity to strengthen its presence in Adelaide and to develop greater links with the business community on both an economic and professional level. The current head office of SAGRIC will be maintained in South Australia as will current staffing levels.

GUN CONTROL

In reply to **Hon. IAN GILFILLAN** (4 May).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Deputy Commissioner of Police of the following information:

1. Why have the promises of 22 January not been kept? When will they be kept?

SAPOL still intends establishing stolen firearm information on a web site. Delays have occurred due to the need to establish security protocols, obtain the appropriate authority and introduce procedures. It was anticipated that stolen firearms information would be in place; however, the complexities being encountered with respect to security, while still ensuring the recovery of stolen firearms, has extended the implementation time.

2. If the police cannot afford a $1 500 database, why is there no police phone hotline available for the same purpose?

The cost of the database is not an issue. Staff at firearms branch already receive phone calls from the public questioning whether or not a firearm is stolen. These calls are made to the firearms branch number listed in the phone book and so there is no need for an additional hotline number.

3. Why can buyers of cars check whether a car is stolen but buyers of guns cannot make a similar check?

The ultimate aim is to provide this information on a web site with respect to firearms. However to ensure that the information is accurate and to ensure we do not assist in the trafficking of stolen firearms, there is a need to consider a number of complex issues, both legal and administrative. Currently, members of the public wishing to purchase a particular firearm can and do telephone the firearms branch to question whether or not the firearm has been reported stolen.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 29 June. Page 1404.)

Clause 3.

The Hon. CARMEL ZOLLO: I move:

That subclause (b) be deleted.

The opposition will be opposing this interpretation; we maintain that there is no need for it. We will also be opposing all consequential clauses where there is a reference to it, namely clauses 4, 23, 25, 26, 28, 29, 30, 31, 33, 36, 37, parts of 38, 40, 41(b) and 42. Other than making some brief comments, particularly on clauses 26 and 28, I would like to use this as a test clause in the interests of expediency. Depending on whether the committee approves or rejects this clause, I may be moving an amendment to clause 37.

Along with the Australian Liquor Hospitality and Miscellaneous Workers Union, SA Branch, the opposition is disappointed that the Attorney sees fit not ever to consult the LHMWU in matters that clearly affect its members, and that the union is not invited to be part of the liquor licensing review working group. The LHMWU has pointed out that, originally, responsibilities accruing to an approved manager were those of generally one person in each premises who essentially had the responsibilities that accrue to a manager, that is, the supervision of all staff and all that goes with that, and the requirement to ensure that staff understood their responsibilities in relation to their work, including any onus imposed by the licensing and gaming legislation.

I understand that, since the last changes to the act in 1997, licensed premises such as hotels and clubs have sought and been given approval for many ordinary employees to be approved as responsible persons. In fact, the union had the award modified in terms of the classification structure.

The level 5 food and beverage supervisor definition now includes an employee who has the appropriate level of training, including a supervisory course, and who has the responsibility for the supervision, training and coordination of food and beverage staff or stock control from a bar or series of bars, and all means an employee who currently holds approval pursuant to the Liquor Licensing Act 1997 as a responsible person and who is appointed by the employer or manager to act as the responsible person.

I am told that the experience of the union is that employees at generally much lower levels are being approved as responsible persons by the Liquor and Gaming Commission, with employers in the industry arguing that acting in the capacity of a responsible person should be at a lower level than currently exists. We maintain that in practice the replacement of 'manager' with 'responsible person' will have

some dramatic effects, not only in the policing aspects of liquor consumption but also on ordinary employees who are required as part of their job to complete applications for approval by employers without the faintest idea of the ramifications.

The union that represents the employees assures us that they are not paid at the level to take on these responsibilities. Will the Attorney undertake to bring back statistics that list how many people have been approved as responsible people since the 1997 changes to the act and the ages of the people approved? Also under this test clause, does the Attorney believe that it should be mandatory for a manager of a site to be the holder of responsible person approval?

Is it conceivable that a hotel or club manager, in the true sense of the word, could avoid the scrutiny of the fit and proper test required under the act but still have control over the site and, if so, is this something that should be supported by the commissioner? I ask members to oppose this amendment and its consequential clauses. We think it inappropriate to virtually not limit the number of responsible people. What is it that we are trying to achieve? Rather than spreading accountability, should we not be trying to ensure that the right people are responsible?

The Hon. T. CROTHERS: I am somewhat at a loss to comprehend the problems that the union believes confront it in this matter. I heard what the Hon. Carmel Zollo said and I can understand that, but I would say that in respect of responsible persons you really must go further into the act to be more specific as to what is meant in the definition of 'responsible person'.

I would say that you must turn your attention, which in my view somewhat limits a court of law, to the broader parameters that the union and the last speaker would attribute to the definition of 'responsible person'. If you look at section 124 of the act, 'Power to refuse entry or remove persons guilty of offensive behaviour,' that will be amended by striking out 'manager' wherever occurring and substituting in each case 'responsible person'. Again, in section 125, 'Power to bar,' you will see that that section of the principal act is to be amended, if this council deems so, to substitute the words 'responsible person' in respect of power to bar.

It seems to me that when you marry that with the clause to which the previous speaker referred, you then get more specificity in respect of what constitutes a responsible person. In addition, if the union believes that I am wrong, then the proper place to sort that out in respect of classification would be in the Industrial Court or the commission, I would think. However, I do not think that that is the case, because when you go further into the act you will see that the definition of 'responsible person', whether by accident or by design, is in no small measure more closed up when you refer to what it says about responsible persons in sections 124 and 125 of the proposed amendments to the act.

My concern is in that area but is not the concern that the union has exhibited some knowledge of, or that the previous speaker has exhibited some knowledge of. My concern lies in another area which, when I was secretary of the union, we had terrible trouble with, and at the appropriate time, in both section 124 and section 125, I will raise that matter with the minister. I am supporting the Attorney's position.

The Hon. T.G. CAMERON: I will be supporting the Attorney's amendment.

The Hon. K.T. GRIFFIN: What the Hon. Trevor Crothers said is correct.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I will address the issues that the honourable member wants to raise when we get to that clause. In response to the Hon. Carmel Zollo, I draw attention to section 97 of the principal act, which provides:

> The business conducted under a licence—
> (a) must at all times when the licensed premises are open to the public, be personally supervised and managed by a natural person (a responsible person) who is—
> (i) the licensee or a director of the licensee; or
> (ii) a person approved by the licensing authority to be a manager—

and that is proposed to be deleted—

> (iii) some other person approved by the licensing authority; or
> (b) must be supervised and managed in accordance with—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Yes, but there are something like 4 000 licensed premises, and it is likely that many more than one person will be the responsible person. As the Hon. Trevor Crothers said, a number of obligations are imposed on a responsible person. Under our new liquor licensing regime, in the principal act enacted in 1997 it was always the intention that, putting aside the issue of who should manage in financial management terms, there be at least one person on the premises who was the responsible person appropriately trained and recognised by the liquor licensing authority who could accept the responsibility for closing down, not serving, and ensuring that the practices and procedures in respect of not serving minors, not serving intoxicated persons and so on were observed. The focus was on the responsible person, and not really on the manager. Although not deliberately so, in a sense the manager was a transition from the old act, which required a manager to be identified—

The Hon. T. Crothers: The manager related more to clubs.

The Hon. K.T. GRIFFIN: Yes, but a manager had to be identified and, under the previous legislation, that person was the responsible person at all times. We did not think that worked effectively because it was preferable to have people who were trained on the spot all the time as responsible persons. If there is an issue with the union about the status of the person for classification purposes, that is an industrial issue that is better resolved in the industrial commission than under the Liquor Licensing Act. It does not matter what a person is called in the Liquor Licensing Act: it is what that person's work responsibilities are and perhaps their description, in the broader sense of the word, related to their duties in the day-to-day activities of licensed premises, that matter.

We can call such people anything under the law if the parliament enacts that. They could be called a supervisor, a manager or a responsible person. However, I guarantee that, with 4 000 licensed premises each having at least one responsible person, there are probably well in excess of 10 000 people who are responsible persons. They may not be managers but, with respect to the service and consumption of alcohol, they have the responsibility to ensure that the provisions of the act are properly maintained.

That is the distinction. There is nothing sinister in this from my point of view about classification because, ultimately, it is a matter of evidence. What are a person's work responsibilities if they work in licensed premises? If a person's work responsibilities are as a manager—directing, hiring, firing, perhaps making decisions about running the show—as opposed to administering the responsibilities under

the Liquor Licensing Act, it is a matter for the industrial commission to assess what their duties are and to make the appropriate determination, unless an enterprise agreement is in place.

The Hon. T. CROTHERS: I will add some other rationale to underpin my support of the very good contribution made by the Attorney. The problem that my colleagues have to understand is that the hours of trading have changed considerably across the licensed area. For example, we can look at the hours of trading in the Casino and of many hotels, which have Sunday trading now. The old act talked vaguely about the licensee shouldering his or her responsibility, but it is just not physically possible for that person to be on their feet 6½ days a week, 20 hours a day, and look after all the functions imposed on them by the licensing act.

Basically, two sets of legalities apply to what the Attorney is referring to. One is the licensing act itself and the other is the industrial award that covers the area, that is, the hotels, clubs, etc. award. In addition to what I have said to substantiate what the Attorney highlighted about the lengthier, more onerous nature of the manager or person responsible, other things have occurred in Adelaide such as the increase in accommodation hotels, so there are now many subdivisions in hotels. The same applies to the Casino because there are many bars, restaurants and gaming rooms within the Casino; likewise within the hotel industry, where bottle shops are more widespread than before. In addition, clubs can now perform functions in addition to what they were able to do under the old act, and there is the sheer size of some of the premises.

All of that has necessitated the rationale that underpins the Attorney's suggestion. In addition, I point out for those who have some industrial nuance that the employees of hotels and clubs are governed under an element that is contained in the hotels clubs, etc. award, which is called the contract of hiring. That stipulates how a person is hired on the commencement of their employment with a hotel, club or licensed premise, and the classifications of that award delineate the rate of remuneration relative to what they should be paid under their contract of hiring.

I know about the hotels and clubs award because I was the only one who could work the little computer we had. When quarterly wage indexation applied, I used to spend two days working out the hundreds of rates of pay for the hundreds of classifications and the time plus 25 plus 50 plus 75 plus 100 plus double time that was contained in that award.

I think, again, that the union intends well, and it is good to see it, even if it did not come to see me, representing its members. In my view it is much better than has been the case in recent years. It is good to see that it is in touch with the Labor Party, even though it neglects to approach me as a former long serving member of that union both as a paid officer (the longest serving ever) and as branch secretary. It is a pity that the union has adopted that approach, because it is a relatively new team and I could impart some of that experience that has accrued to people like me who have had long service in the union over the years.

Having said that, and for many other reasons which I will come to when we deal with clauses 36 and 37, I am supportive of what the Attorney is endeavouring to do. Like my colleague from SA First, I shall be supporting this provision. However, I have other concerns in respect of matters further up the track.

The Hon. CARMEL ZOLLO: Does the Attorney undertake to bring back those statistics for which I asked? Is it possible for him to do so?

The Hon. K.T. GRIFFIN: I am sorry that I did not respond. I will endeavour to bring back whatever information is reasonably available. I do not know whether the Liquor and Gaming Commission keeps those statistics of the ages of responsible persons who might be authorised—

The Hon. Carmel Zollo: I suggest that the form would have provision for the birth date. They are very extensive forms.

The Hon. K.T. GRIFFIN: Over 18, certainly. It is a question of whether the information is readily accessible. If we have 10 000 records to go through, we will not do it manually. However, there should be a record of the number. I will endeavour to bring back whatever information I can reasonably gather from the Liquor and Gaming Commission without going over the top and spending days or weeks collating the information. That is the best offer I can make to the honourable member.

The Hon. CAROLYN PICKLES: My question is on section 3a of Part A. I refer to the way today we can purchase alcohol by mail, telephone, facsimile, internet and so on. This is a conscience vote for members of my party with regard to the purchase of alcohol, an indication that we have curious conscience issues on some things. I guess everybody has purchased alcohol by direct mail or certainly through wine clubs and things like that. My question to the Attorney is: what are the protections to ensure that minors do not purchase alcohol in this way?

The Hon. K.T. GRIFFIN: This issue was the subject of consideration in the early part of the committee on the last occasion we discussed this. Other members raised questions about the risk of minors obtaining access to liquor under this bill. The concerns that were raised related to a perception that the bill would permit liquor to be delivered to premises and left there without being handed over to any particular person. That is incorrect because, if one looks at the definition in clause 3 of 'direct sales transaction', one sees that such a transaction is a transaction in which the liquor is delivered to the purchaser, or a person nominated by the purchaser, at the residence or place of business of the purchaser, or some place nominated by the purchaser. So the licence only permits a transaction in which liquor is delivered to a person, not a transaction in which liquor is left at a place. If a delivery driver attends the nominated address but finds no-one home, he or she may not leave the liquor. If he or she does so, the delivery is not one permitted by the licence and a breach of licence conditions has occurred: there are sanctions which attach to that.

It follows that the delivery process does provide a safeguard against supply to minors. The delivery person will be face to face with the purchaser and can require identification and verification that the recipient is an adult and the very strict provisions of the Liquor Licensing Act in relation to sale or supply to minors does provide some very stiff sanctions if liquor is sold or supplied to someone who is a minor. Whether it is the delivery person or the licensee—whoever makes that delivery to a person who may not appear to be over the age of 18—identification will be required and, if that identification is not required and delivery occurs to a person who is a minor, an offence has been committed.

The Hon. CAROLYN PICKLES: I agree with what the Attorney says, but it has been my experience that I have put on a form 'Please leave on the back verandah' and it has been

left on many occasions. It is naive to expect that a delivery company will not leave the package when it may not know that it is wine. How would it know that it is wine? Is it always marked 'wine'? Is it a crate, is it identified as wine, or is it just supposed that the company is delivering a package to a person to whom it has been paid to deliver? How does it know it is wine?

The Hon. K.T. GRIFFIN: I am not sure how it would know it was wine. I presume it is by the weight of the box and the rattle of bottles, and maybe the marking, if it comes from Cellarmasters or LiquorLand. Let us face it, that can occur now with the mail order companies that are licensed: it can be delivered. This is a direct sales licence where the specific conditions that we are seeking to impose provide a condition against leaving at premises: it has to be delivered to a person. It may be that, in relation to mail order companies, we ought to look at that at some time in the future. They do take a risk, of course: if it is left, for instance, someone might steal it, so there may be a complaint about lack of delivery. If it is in fact delivered to a person who is under the age of 18 years, then the delivery person does commit an offence. However, this direct sales licence—and we have to remember that we are talking about a direct sales licence—by internet or some other telephonic or telecommunications means, requires delivery to a person.

The Hon. CARMEL ZOLLO: I want to assist the Attorney. My experience with e-commerce has been payment beforehand either by a card or a cheque, with a signature on delivery.

The Hon. K.T. GRIFFIN: That confirms what I have been putting to members.

The Hon. NICK XENOPHON: I indicate that in relation to clause 3(b), which inserts a definition of 'responsible person', I support the government's position. This is a reasonable reform. It is in keeping with the ethos of the act and it is unfortunate that the union, in this case, is taking what many in the community would regard as a retrograde view. It is ignoring the ethos and the provisions of the act in terms of its objectives as to the responsible serving of alcohol and for those reasons I will be supporting that provision. In relation to clause 3(a), which inserts a definition for 'direct sales transaction', what mechanisms will be in place for the commission to monitor the effect of this provision in terms of direct sale transactions, particularly through the internet? In other words, is it proposed that the commission will be keeping a watching brief on these transactions, given that we will now be expanding the sorts of transactions that will be taking place because of electronic commerce?

The Hon. T. CROTHERS: The Leader of the Opposition asked a very good question in so much as it reaches further out into the vagaries that will confront all governments in respect of computerisation and everything else. In terms of the wine industry in this state or even the brewing industry, once they go onto the internet and they have the capacity to trade, orders could flow in from overseas. How then, if you have legislation that mitigates against the licensee or the responsible person for delivering to a minor, do you police that overseas? It seems to me that the question asked by the Hon. Ms Pickles—

The Hon. K.T. Griffin: We do not police it overseas.

The Hon. T. CROTHERS: Of course you cannot; I understand that. Bully for me: I am not silly. The Attorney-General may recall that some years ago I asked him a question about the laws affecting computers and so forth. It raises the broader question of how governments everywhere—and not just in terms of the licensing act—should be addressing some form of enforceable regulation. Anyone who has gone global with the use of computers and so forth believes that governments should be addressing some enforceable international series of obligations. To that extent, whilst I am supportive of what the Attorney is trying to do, I do understand—and I take the opportunity to raise the issue again because I know it is exercising the mind of the Attorney-General in this state and other attorneys elsewhere—that the question goes to the heart of the utilisation of the internet, computers and so forth. However, I am supporting the Attorney's position.

The Hon. K.T. GRIFFIN: I will deal with the Hon. Nick Xenophon's question first. There are basically two ways in which issues come to the notice of the Liquor and Gaming Commissioner. One is on complaint, and that is a fairly powerful means by which the Liquor and Gaming Commissioner can become involved. For example—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: A complaint from anyone, such as employees, customers, parents—a whole range of people.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Yes, there are all sorts of options. The second is the compliance program, and the Liquor and Gaming Commissioner is likely to be (as with other licensees) doing random checking. That random checking may be in relation to bookkeeping or a whole range of issues which go to determining whether or not the licensee is acting in accordance with the law, which also includes in accordance with the conditions on the licence. That would be dealt with in what is generally the normal way in which matters either come to the notice of the commissioner or are identified as part of a compliance program.

In relation to the Hon. Trevor Crothers' point, it is important to note that in clause 13 we identify that a direct sales licence authorises the licensee to sell liquor at any time through direct sales transactions provided that, if the liquor is to be delivered to an address in this state, the liquor is dispatched and delivered—so it has to be dispatched and also delivered—only between the hours of 8 a.m. and 9 p.m., and not on Good Friday or Christmas day. So, they are the times for a retail liquor merchant.

We cannot control what happens interstate or overseas. I acknowledge the point made by the Hon. Trevor Crothers that e-commerce will present, and the internet already does present, some challenges to governments. We have seen it in relation to issues such as internet gambling, internet pornography and a whole range of other information. In a sense, it is an extension of those devices, but a much more ethereal extension as, say, Cayman Islands financial transactions, or Liechtenstein, which was one of the earlier tax havens available—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: And Norfolk Island at one stage. So, this is really an extension of that, although it is much more difficult to police. Governments around the world are wrestling with ways in which they can deal with those who break the law in relation to the material they put on the internet or the sort of material they might otherwise communicate electronically.

The Hon. T. CROTHERS: I understand what the Attorney is saying to me about not being able to control it internationally, but one would think that the attorneys-general of the states, territories and federally could get their act

together so that we present a united front with respect to having ground rules for the equalisation of computers. To that end I disagree with the Attorney when he says that it is not possible to have any control outside this state.

Indeed, if Australia has to have its voice heard relative to international rules with respect to the computerisation of different matters, it would be better if it speaks with one voice and not as a federation of states similar to Canada and, to a lesser extent, the United States. I remind the Attorney of the immortal words of Abraham Lincoln with respect to this matter: 'A house divided amongst itself cannot stand'. However, I understand what he is saying.

The Hon. K.T. GRIFFIN: With respect, I did not say that it was impossible; I said that it was very difficult. I think some people would say that it is impossible, and there are lots of competing interests. With pornography there are issues about the appropriateness of binding an internet service provider and placing obligations on the service provider, as opposed to obligations upon the content provider. There are occasions where we can successfully deal with those who put material which is unacceptable or which otherwise breaks the law on the internet, but it is not easy to track down those people. As an example, I refer members to the debate in Victoria in relation to CrimeNet, where a judge aborted a trial on the basis that access to that internet site was prejudicial to the rights of the accused.

That is on the agenda of the Standing Committee of Attorneys-General. We have internet pornography on the agenda for the censorship ministers' meeting. There is also, at the state and federal level, e-commerce legislation; and, hopefully, we will deal with that in the not too distant future in this state, following the lead of the commonwealth. So, there are ways in which we are dealing with these issues. There is also the Online Council, which is a group of state, federal and territory ministers. I do not underestimate the difficulty, but I think we have to face up to the reality that it is very difficult.

The Hon. T.G. ROBERTS: It is difficult to work out what the numbers are for clause 3(a) because it is a conscience vote, and the Attorney has answered some of the questions that I put on notice. However, it appears that clause 3(b), with the Hon. Mr Crothers and the Hon. Terry Cameron, will pass. I add a note of caution in relation to the term 'responsible person'. A university student approached me during the break. This 19-20 year old had been made a responsible person for certain premises. The person whom I thought should have been the responsible person and who should have taken the responsibility absented themselves deliberately from the premises and allowed this junior person to take responsibility for very difficult circumstances, which included, in some cases, breaking up altercations. They are fairly rugged premises, and I do not blame the manager—

An honourable member interjecting:

The Hon. T.G. ROBERTS: I will not name the premises. That is an illustration of the transfer of responsibility to a dedicated responsible person who really did not have the experience to be the responsible person. As a young person, this dedicated responsible person was not experienced enough to intervene in a lot of the difficult situations, particularly when trying to evict a speedy, slowed-down old drunk who still fancied himself as a middle weight boxer.

There are circumstances where nominated people are put in a position that is not life threatening but where injuries could result from some of the work they have to do. Absentee landlords do put undue responsibility on to young people, and in some cases young women, which makes it worse because physically they cannot deal with a lot of these difficult situations. Does the Attorney have an answer to these problems? Generally, these people are not owner-managers but managers of group complexes where responsibility is hard to trace. How would the Attorney reply to the question, 'What responsibility have I if an altercation starts, damages are caused, say, a fire breaks out, or there is some other serious event?' Who ultimately bears the responsibility in respect of circumstances like that?

The Hon. K.T. GRIFFIN: I am puzzled by the honourable member's reference to a proprietor or licensee acting in an irresponsible manner. All responsible persons have to be approved by the Liquor and Gaming Commissioner, and that includes, as I understand it, police checks, and they must have an understanding of the industry and the law. There is a requirement for them—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: The responsible persons have to demonstrate a capacity to deal with all difficult situations and they can be required to attend training courses to ensure that they are properly equipped to deal with those sorts of situations. If there is irresponsibility on the part of the licensee—maybe leaving inadequate numbers of staff on the premises, or disappearing himself or herself—it may be an issue for discipline because, if the premises are not being managed responsibly, that is an issue that will go to the competency of the licensee to carry on the business. If the honourable member wishes to identify discreetly and confidentially to the Liquor and Gaming Commissioner the information he has just provided, there can be some checks made.

The Committee divided on the amendment:

AYES (6)

Holloway, P.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	Zollo, C. (teller)

NOES (15)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Dawkins, J. S. L.
Elliott, M. J.	Gilfillan, I.
Griffin, K. T. (teller)	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.
Xenophon, N.	

Majority of 9 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 to 6 passed.

Clause 7.

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

Page 4, line 12—Leave out 'It' and insert:

Except as otherwise allowed by a condition of the licence, it

The purpose of the amendment to section 34 in this bill is to make clear that restaurants must trade at all times as restaurants, and, for example, may not use their licences to trade as nightclubs or entertainment venues. If they wish to trade as such businesses they should obtain the appropriate licence for this purpose. Hence the bill clarifies the current stipulation that it is a condition of a restaurant licence that the supply of meals to the public must be the primary and predominant service at the premises by making clear that this stipulation applies at all times.

However, there may be situations in which it is appropriate for the restaurant to continue trading and serving liquor, even when its predominant activity is not the supply of meals to the public; for example, when the kitchen is closed or when a private function is in progress. To cover this it is proposed that licensees be able to apply to the licensing authority for licensed conditions permitting trade in this way. These applications would be considered on a case by case basis, having regard to the objects of the act and the responsible service and consumption principles.

The Hon. CARMEL ZOLLO: I indicate that this is a conscience vote for opposition members, because it relates to changes in the sale and consumption of alcohol. I personally oppose the amendment to the section, for the reasons outlined before. I think this clause is a bit like turning back the clock and I wonder where the push for change or indeed the need for change is coming from. Perhaps the Attorney can respond specifically to this question.

The Hon. T. CROTHERS: I am supporting the proposed amendment. Let me stand on my experience in telling the committee why I do so. When you have a set of laws that must be adhered to they must be functional. I must say in respect of the trading patterns of the restaurants that, ever since the time they were able to acquire a licence, the liquor licensing law that applies to restaurants has been more honoured in the breach than in the adherence to the law. Restaurants were never meant to be in competition with hotels or clubs. When one checks with the department of industry one will see that restaurants are fly by night places; there are probably more bankruptcies than in any other business that I know of. I may be wrong on that, but if there are not actually more they are certainly right up there with the leaders.

It has been my experience that the problem with restaurants is that many a chef who comes out of their time thinks that he or she is God's gift to the culinary arts, and they are very stiff-necked people at times, particularly when they have finished their time, and so they open up a restaurant. In the words of Isaac Newton: 'Eureka! I have now found my place.' But because they lack business nouse and experience in the restaurant trade a lot of them finish up going bankrupt. Some of them, of course, who have acumen do succeed. But, at the end of the day, the restaurant was never meant to be anything more than what the Attorney-General's amendment describes. So, where the act is of importance, you cannot—as I heard by way of interjection as I rose—say that a thing has gone on for so long, or that that practice has been happening for so long, that it should now become part of the act. That is not so, particularly as it applies to this act. It is not so and it never has been so, and it never should be so.

That is the problem with restaurants. There are many, many hundreds of restaurant licences. Not all restaurants, but many of them cheat in respect of wages and conditions. Restaurants are currently covered by two industrial organisations. I will not go back on the history of how that came to be, but it is a very black, nefarious history in respect of what I know about it, and it emanates back to the days of the old Democratic Labor Party. I will not say too much more than that, unless I am forced into it. But the position is that the amendment is correct in what it seeks to do. It seeks to protect. You can open up a restaurant, and there are some decent restaurants, but you can get the use of an old shop and open up a restaurant. You cannot do that with club premises, you cannot do that with hotel premises and you cannot do it with motel premises.

I have seen some motels having good kitchens open but which have had to close because there was some club with so-called 'voluntary labour', which was a cheating euphemism for paying them 20 per cent of what the award rates were, and the bona fide motels, hotels and clubs, and even restaurants, could not compete with that. I even had restaurants ringing me up, when I was a paid official of the union, complaining about the actions, particularly up and down Hindley Street and in the city, of other restaurants. They were observing the award to the letter, paying the right wages, while their fellow competitors in the restaurant industry were not.

This is an amendment whose time came about 15 years ago. It was never addressed then, because there were too many people still talking about Adelaide as the Athens of the south, and where we were trying to develop into the Paris of the southern hemisphere. Of course, what was occurring was that there was a proliferation of licences, almost to an obscene level. There were over 1 200 club licences at one stage, and there were 600 hotel licences. I cannot recall how many restaurant licences there were, but there were plenty. But there were some decent restaurants and decent restaurateurs, and, indeed, swimming against the tide in those days, we had some members who chose to belong to what they considered to be a stronger union which would more fairly represent them than the other union.

In fact, I can recall one Chinese restaurant, which was well known, in relation to which two young Australians of Chinese ethnic origin came in and joined the union. In those days the statute of limitations for going back in respect of checking award time and wages records here was three years. It has now, I understand, fallen into line with the commonwealth, and it is six years. That Chinese restaurant was well known and well frequented by the bons vivants, such as myself in better times, and Mick Young, and others of the bons vivants who used to constitute the restaurant goer at that time. One fellow got $18 000 in underpayment over three years and his mate, having discovered that, came in and joined our union about two days later and he got $14 000 in underpayment.

That was one of the better known restaurants, which did keep proper time and wages records, so members can imagine, given the complexities of the restaurant, why it is that the planning officer in the Department of Labour and Industry (who is a coalface or hands-on officer in respect of checking the observance of wages etc.) will tell you that by far and away restaurateurs were, are and continue to be people who less observe the provisions in respect of wages, in particular, and other component parts of the award that have a bearing on wages; that by far and away they are the biggest cheats that come under the eagle eye, or perhaps not so eagle eye now, of the government of the day.

I believe that the amendment is one whose time came 15 years ago, but I welcome it with open arms because it will ensure that, under an act that has to be policed tightly, the very purpose of the existence of licensed restaurants is now for the first time being described by the act in words so simple that even I can understand them. I support the Attorney's amendment.

The Hon. CAROLYN PICKLES: I will be interested to hear the answer to the Hon. Carmel Zollo's question. I go to a lot of licensed restaurants and might just have a cup of coffee and cake. Does this mean that these people who are—

The Hon. K.T. GRIFFIN: It will not change. Applications for licences are advertised and, if one advertises as a restaurant, one is less likely to have any objections than if one

advertises as an entertainment venue, which basically enables you to trade until 5 o'clock in the morning. What we have discovered is that some restaurants are taking unreasonable advantage of the amendments we made in 1997, which would enable a restaurant to allow people to drink while seated at a table without a meal.

There is an argument by some that, if they open as a restaurant for, say, six hours of the day, they can open for the rest of the day, for five hours, as just a place where you can come to have a drink and you do not have to worry about a meal. That defeats the whole purpose of the 1997 amendments, which were designed to provide flexibility but not designed to provide means to circumvent the provisions particularly in relation to an entertainment venue, where you could trade well into the night and the early hours of the morning. You can do that as a restaurant but, because you are not an entertainment venue, you do not have the same prospect of disturbing the neighbourhood as if you were an entertainment venue.

The Hon. Carolyn Pickles: Which neighbourhood are we worried about disturbing?

The Hon. K.T. GRIFFIN: If you are a restaurant, the predominant purpose is to be a business, not an entertainment venue, so it is not a question of the hours you are open: if you have a licence to trade as a restaurant, then essentially you trade as a restaurant; you do not trade as a restaurant for part of the day and not serve meals thereafter, just go for the entertainment and drinking at a table without a meal.

This is designed to try to restore what we believe we were achieving in 1997. We must remember that in 1997 we did free up the law quite significantly in relation to licensed premises, particularly restaurants, licensed clubs and retail liquor merchants, all of whom received substantial advantages from the 1997 amendments because a greater level of flexibility was allowed.

The Hon. P. Holloway: Has that been abused?

The Hon. K.T. GRIFFIN: Yes, the restaurant one is a problem.

Members interjecting:

The Hon. K.T. GRIFFIN: I am not going to name people. I am not going to name restaurants under parliamentary privilege. This measure will enable us to ensure that a premises proposed to be licensed as a restaurant is predominantly a restaurant. It will not cut away the right to go in and have a cup of coffee. You are not being served alcohol, anyway. If you want a glass of wine, you can still do it, but you cannot go in there if the predominant purpose is to be a restaurant and it is in fact a bar. There is a distinction.

Members interjecting:

The Hon. K.T. GRIFFIN: That is right. There are some facilities where you do have bar facilities as part of the old licensing regime that are carried through, where they are basically bar facilities and you go in and drink. It is more like a tavern, but they are good restaurants as well.

The Hon. CARMEL ZOLLO: Will the Attorney indicate whether he believes it would now be an offence, if this becomes legislation, for a cafe or restaurant in North Adelaide, Glenelg, Norwood or the east end, if someone goes in there at 2.30 in the morning and there are still clients there and they choose to have a drink at a table outside or inside—will it be an offence for them to be served?

The Hon. K.T. GRIFFIN: The object of this is that, if you want to drink at 2.30 in the morning and you want to go to a restaurant, the restaurant is not a bar; it still has a kitchen that is operating.

Members interjecting:

The Hon. K.T. GRIFFIN: If it is not licensed premises you do not have to worry, but if it is licensed as a restaurant and it is serving meals, presumably serving cake and coffee and that sort of thing might be within the category of a meal.

The Hon. Carolyn Pickles: Might be or is?

The Hon. K.T. GRIFFIN: I will find out for you in a minute. But I do not see a problem with this. Obviously, some members opposite have a problem with it. Perhaps they could articulate it more clearly: do they have particular premises in mind?

The Hon. P. Holloway: Obviously, the government has a problem with the current law.

The Hon. K.T. GRIFFIN: We do have a problem with the current law, which provides for different categories of licence.

The Hon. P. HOLLOWAY: Can you give us examples?

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

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: I am not going to give you that. If you have a restaurant, it is licensed as a restaurant to provide meals. If it wants to be an entertainment venue or a tavern, then it can apply for a licence for that purpose. If you want to apply the strict principles of competition, you would say, 'Don't worry about licences. Everyone has a licence: everyone can serve alcohol whenever they like.' But that is not the way this parliament or I, for one, want to see this go.

I think there must be reasonable controls over the availability of alcohol, whether it be in a restaurant, entertainment venue, tavern, hotel, retail liquor merchant's and so on. I am saying that, under the structure of the Licensing Act that we passed, we intended that there would be a restaurant licence. We also granted the approval to a restaurant licensee to offer the opportunity for members of the public to come in and have a drink at a table, whilst seated, without eating. It was always intended that it would continue to be a restaurant, that is, meals would be available. In some circumstances, meals are not available for the whole time that the restaurant is open.

The amendment provides that, except as otherwise allowed by a condition of the licence, certain things should follow. If there are some special circumstances, they can be endorsed as a condition if the liquor licensing authority believes it is appropriate to attach such a condition that might allow a defined period within which meals do not have to be served. There are all sorts of variations and variables that can be brought to bear. We are not getting rid of the intended flexibility but we are getting rid of what we believe is an abuse of the principle that, if a place is to be a restaurant, it has to have a kitchen, it has to have the kitchen open, and it has to be prepared to serve meals but, at the same time, people can come in for coffee and a glass of wine or for some cake and a glass of wine. However, if the restaurant decides that, for example, it will be a restaurant for seven or eight hours but then for five hours it will not serve meals and it will close its kitchen, that is an abuse of the provisions of the licensing act. That is what we are trying to deal with.

The Hon. CAROLYN PICKLES: Why do we need to change this provision? I cannot get a handle on it. What kind of complaints has the government had? Are we referring to the east end of Rundle Street? If we are, let us say so. I have been inundated with complaints that we are trying to turn the clock back to the 1960s.

The Hon. K.T. Griffin: Who made the complaints? Restaurateurs?

The Hon. CAROLYN PICKLES: Patrons have been making complaints that this government—

The Hon. K.T. Griffin: I would be surprised if too many patrons read the liquor licensing bill.

The Hon. CAROLYN PICKLES: They have seen what is in the paper.

The Hon. T. Crothers: Name them.

The Hon. CAROLYN PICKLES: People who go to restaurants and who are my constituents.

The Hon. T. Crothers: You wanted us to be specific.

The Hon. CAROLYN PICKLES: Don't be childish. A number of young people, particularly, like to congregate down at the east end of Rundle Street, and I know that there have been ongoing complaints by people who have very recently moved into that area. Presumably that building was built without double glazing and I have to suggest that, if people who move in to the inner city do not like the noise, they should find a nice quiet suburb somewhere or out in the country.

The Hon. A.J. Redford: The Adelaide Hills.

The Hon. CAROLYN PICKLES: The Adelaide Hills, wherever. If people like the buzz and excitement that goes on in that area, that is terrific. John Bannon was living there until recently and he said he moved there because he liked that buzz and excitement. I know of a number of other people who live in the city for that very reason. It might not be my choice but I am not going to whinge about the noise.

The Hon. A.J. Redford: Like the people at Mackinnon Parade complaining about the noise from the university.

The Hon. CAROLYN PICKLES: Exactly. There have been bands in that area since time immemorial, and they should continue. If this is only about those particular complaints, let us say so in parliament and let us be done with it.

The Hon. T. CROTHERS: I take issue with the previous speaker. I say it kindly: I do not say it nastily. She—

The Hon. Carolyn Pickles interjecting:

The Hon. T. CROTHERS: It is 'she', is it not? I had better inspect her later to find out whether I am right or wrong. She, the Hon. Ms Pickles, said that restaurants should be allowed to do this and do that.

The Hon. Carolyn Pickles: I did not say that at all.

The Hon. T. CROTHERS: I think you did. The honourable member said that we are seeking to put strictures on it and *Hansard* will record that she suggested that it should be left alone at this point, and I disagree with that. If members look right through clauses 7 to 13, they will see that, rather than narrowing the structures of all licences that come under the purview of the act, the Attorney is widening them and, moreover, he is being specific about what they should do.

We find it difficult to attract investment moneys to South Australia and, given how much faith Australia is putting in tourism with the upcoming Olympic Games, it is appalling that a lot of people staying in large accommodation hotels go out to a restaurant to have their meal and to have a drink. At one stage hotels did not provide restaurant facilities after 8 o'clock at night. This is not something new. When hotels used to have to apply to be open for longer hours, they could do so only if they supplied a meal.

I was on a work value case wages inspection one night at a hotel in Hindley Street, the name of which shall not pass my lips. It was proposed to put the meal on at 10 or 11 o'clock that night when the special licence took effect and I saw the proprietor's son rush in with about 20 pizzas that he had bought at a pizzeria further down the street, and that constituted the meal. Likewise we are seeing that in restaurants.

The fact is that a square must be a square, a round must be a round, and a parallelogram must be a parallelogram. That is why there are so many different types and varieties of licence under the act. We have widened the licensing act in recent years, certainly since I have had any dealings with it, to provide for more specific categories of licence as the industry has expanded its horizons. I can recall tavern licences, limited publican licences and entertainment venue licences. I can recall proprietary companies, as wineries which also grew grapes, being licensed so they could have cellar door sales. There have been many changes in the industry. We must march on with the changes but, given that it is the big hotels, big clubs and big motels that attract the investment dollar and employment, they are quite right to seek the type of protection that the Attorney is trying to give them under this act.

Simply by ensuring that the act is clear for all to follow, there can be no mistake or misunderstanding, so, if you breach it, you put your licence on the line. That is in the same vein as the unions having the right to appeal against a licensee if that licensee repeatedly cheats people in respect of moneys owed to them, and I should not tell the Attorney-General that I wrote that part of the act in different days. In my inner psyche I can understand why the opposition is pushing this, but I will not say what my understanding is. I might say it is part of a factional issue, but I will not.

The Hon. Carmel Zollo: It is a conscience vote.

The Hon. T. CROTHERS: Yes, I understand that it is a conscience vote. The provisions in clauses 7 to 13, for the first time, in as clear English as possible, are specific about the licence and the type of operation that can be conducted as a holder of that licence. I welcome it. It is 15 years overdue so I congratulate the Attorney on biting the bullet, because everyone has vested interests. For the first time, in my view, it restores some sanity to the licensing authority and to the industry, which went adrift when Don Dunstan determined to introduce a greater variety of licence into this state than under Playford had hitherto been the case. I give him credit for it but it went too far. The licensing act was revamped at that time to provide for 10 o'clock closing. There is nothing hidden or covert in what the Attorney is trying to achieve. This will protect workers.

It will not diminish the rights of workers; it will protect them in respect of the remuneration that they are supposed to receive. I absolutely fail to comprehend, even though as my colleague Carmel Zollo says it is a conscience vote, the type of opposition that is being mounted here. I support the Attorney's amendment.

The Hon. P. HOLLOWAY: In trying to come to terms with this amendment I think the Attorney has set out his objectives reasonably well. He made the point that, if a restaurant is closed for meals for a large number of hours and it is only serving drinks, that would be an abuse of its licence, and he said that the bill attempts to correct that situation. I can understand that, but when you look at the clause I am not sure that it achieves the objectives the Attorney has set for himself. The new section provides as follows:

> It is a condition of a restaurant licence that business must be so conducted at the licensed premises that the supply of meals is at all times the primary and predominant service provided to the public at the premises.

I would have thought that at any restaurant, certainly any restaurant to which I have been, there will be a time when

most people will have had their meals and are just sitting around afterwards having a chat, drinking and so on. That is inevitably what happens. People tend to eat at meal times. If this clause were to deal with a situation where a restaurant is open but refusing to serve meals, that is one thing. If there were an amendment directly addressing that point, I would be attracted to that approach. However, I fear that, given the way that it is worded, the clause will not achieve that objective.

I think we have to understand that there has been a huge change not only in the way that people drink their liquor but also in respect of their entertainment. Take hotels for example: they were all going bust in the early 1990s until we introduced poker machines. I am sure that the Hon. Nick Xenophon could tell us that very few hotels now exist without poker machines. That sort of entertainment has became almost central to the financial health of hotels. We accept that. I voted for poker machines. One of the reasons I supported them was the financial aspect and the fact that hotels were struggling. Drinking habits have changed. Random breath testing and so on has changed drinking habits and, as an example, I refer to the bar next door to the chamber. I am sure that it sells far more coffee and cappuccinos now than it does alcohol.

The Hon. T. Crothers interjecting:

The Hon. P. HOLLOWAY: It once used to go through six 18 gallon kegs a week. There is a huge change in this parliament, and there is huge change out there in society, and I think we need to reflect that fact in any legislation we introduce. There are changing habits. Just as hotels within a 10 year period have really come to be entertainment venues rather than drinking venues, restaurants in some areas cater for a different market. If they are not harming anybody, I do not see any reason why we should make a change. However, if they are simply masquerading as restaurants and no meals are available then I would be attracted to any amendment the Attorney might put up to address that problem. I am not sure that this amendment does what the Attorney claims it will do. So, for that reason, unless I can be convinced otherwise, I will not support the Attorney's amendment.

The Hon. K.T. GRIFFIN: I do not agree with the Hon. Paul Holloway because, conceptually, where at all times the primary and predominant service provided to the public—

The Hon. T. Crothers: That is what the hotels and clubs award says, too. It uses that very language—

The CHAIRMAN: Order! The Attorney-General is on his feet.

The Hon. K.T. GRIFFIN: It certainly conveys to me the essence of what we are trying to do. The Hon. Carolyn Pickles said, 'Is this in relation to Rundle Street East?' It is not in relation to Rundle Street East. One would be foolish to target any particular area. It is not a question of targeting anybody in any event. The problem which has arisen is that there are restaurants, licensed as restaurants after a proper advertisement, so that the public can know, 'Yes, this licence which is being sought is a restaurant licence. It will not cause us any concern so we will not object'. If it is a restaurant, it ought to be primarily and predominantly serving meals. The 1997 legislation allowed for drinks to be served at a table even though the patron did not purchase a meal and, as a result, some restaurants have been trading in that way for a long period during the day. For part of the day they serve meals and are prepared to serve meals but then later they go into what is effectively a nightclub mode.

When such an establishment advertises its services, it does so as a restaurant. A licence is available for this other activity and it is called an entertainment venue licence. If they want to be an entertainment venue or a bar or whatever it might be called, they should advertise in that way.

The Hon. T. Crothers: Or a tavern.

The Hon. K.T. GRIFFIN: Or a tavern.

The Hon. P. Holloway: You still haven't addressed the problem that meals aren't available: why don't you address that?

The Hon. K.T. GRIFFIN: I think we have. I do not agree with the Hon. Paul Holloway. If it were advertised that this place were applying for a restaurant licence but for eight hours of the day, from 10 o'clock at night until 4 o'clock in the morning, wanted to be predominantly a bar, there may be people in the vicinity who would object to the granting of a licence. We want to ensure that the licence which is applied for and granted is the licence which best suits the needs of that particular licensee for which the application has been made. It is as simple as that.

Amendment carried; clause as amended passed.

Clauses 8 to 25 passed.

Clause 26.

The Hon. CARMEL ZOLLO: Again, this is a consequential clause in relation to responsible persons. It has been pointed out to us that, if this section is modified to replace 'manager' with 'responsible person', substantial numbers of people will be able to avoid any penalty under section 103(6)(a)(ii) and section 103(6)(b)(ii). We are opposed to the clause for the reason that it does increase the number of responsible people and hence affects the members of these people's family.

The Hon. K.T. GRIFFIN: I must confess, I could not quite follow the honourable member's point about this. The amendment is consistent with the general thrust of the government's proposal to change 'manager' to 'responsible person', so it is consequential. All that means in relation to this clause and the section to which it relates is that, for those responsible persons who live on the premises, there will be some concession; that is, we will not tell them what they can drink in their own discrete premises, that is, their home.

The Hon. CARMEL ZOLLO: Once again, you are saying the number of responsible people, but also members of the responsible person's family: we are just increasing.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Well, not who live on the premises but the family of that responsible person. A responsible person has to live on the premises.

The Hon. T. CROTHERS: I am supporting the Attorney again. Under the industrial hotels-clubs award, the people who are exempt from the rates of pay and conditions of that award are the licensee and the licensee's family, that is, the licensee's spouse and the licensee's siblings, but not the licensee's brother, sister, mother or father. We have had some notable court cases, including one where the licensee's sister came in to see us and, because she was covered by the award, she proceeded to sue her brother and recovered about $14 000. She was one of our members, we had to act for her and we did so. This again, if you like, is mirror imaged, in the person's barring clause of the hotels-clubs award and, in my view, it is nothing to be frightened of.

The Hon. K.T. GRIFFIN: If the Hon. Carmel Zollo looks at section 103, she will see that this applies only to the responsible person who lives on the premises. It does not

apply to every responsible person: it applies to only those who live on premises.

The Hon. CARMEL ZOLLO: The issue is that, with so many people being made responsible people, more and more responsible people and members of their family can be exempt.

The Hon. K.T. GRIFFIN: There may be more than one, if it is a big hotel complex: the owner might provide for facilities. For example, with a big international hotel, several responsible persons might live on the premises. If they are living on the premises, I do not see a problem with the fact that they and their families living on the premises will benefit from this provision.

The Hon. T. CROTHERS: I might further add for the understanding of people who are participating in this debate that there is a federal award which, if it cited the premises as a bricks and mortar premises, takes precedence over the state hotels-clubs award. There is a federal award that exists called the hotels-clubs managers etcetera award. It operates out of New South Wales, but the parameters of its bailiwick extend into South Australia and the premises that have been cited under the way in which the Federal Industrial Court requires a bricks and mortar summons each time you put in a clause to vary the whole of the scope of a particular federal award in question.

As I have said, some people are not bound by the hotels-clubs etcetera state award, but they are picked up—and a fellow called Topless used to be the federal secretary, although I understand that has changed—under the purview of the federal hotels-clubs managers award, which says that the people to whom we are referring, in many instances here, could be award free from the state hotels-clubs etcetera award because, as in the case of an accommodation hotel, they can be picked up under that federal hotels-clubs award and, as long as that federal union has cited people in the state, they tie them to it, provided they cite them under the federal rules of engaging and binding a person to the federal award as opposed to the common rule award that applies here where you only have to cite premises and types of activity.

Under the federal award you have to cite people premise by premise, then you get into the argument, if the hotel is closed or changes ownership, whether the federal award still applies. I make the point (which is something I was dwelling on for some time) just to show that there is another award, particularly with accommodation hotels that can—and indeed does—cover management of those larger accommodation hotels. That is why I say we may be boxing at shadows—and I believe we are—simply because there is that underpinning of another industrial award which can give coverage to managers or responsible persons as classified in that federal hotels-clubs etcetera award.

Clause passed.

Clause 27 passed.

Clause 28.

The Hon. CARMEL ZOLLO: This clause clearly spells out that minors 16 years old and above who are children of the licensee or the manager of the licensed premises can supply or serve liquor on the licensed premises. Again, we feel that more young people of 16 and 17 years of age will be serving liquor, because the effect will be to have children or responsible people included. As we have already mentioned, we know that each site, hotel and club can have considerable numbers of responsible persons in place, so we just express our concern.

The Hon. K.T. GRIFFIN: I appreciate the fact that the honourable member has drawn my attention to this. It was certainly not the intention that all responsible persons should be able to have their children working on the premises. This was picked up as what was believed to be a consequential amendment.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: That is right. Rather than holding up the debate now, I give an undertaking that, the issue having been raised, I will have the matter examined and the issue addressed before the bill passes in the House of Assembly and I will let members know the outcome. It is one of those things that sometimes slips through the net and I will ensure that we properly address it.

The Hon. CARMEL ZOLLO: The opposition is happy with that.

The Hon. T. CROTHERS: I support the points made by the Hon. Carmel Zollo. I rather think this is a question of the Hotels Association being a bit cute, because clearly the industrial award exempts the licensee, the licensee's spouse and the licensee's children. Clearly, it would open the door wider with respect to those whom it could be argued in the Industrial Court are exempt from the hotels and clubs award of South Australia. It is a point that I had not picked up, and I am grateful that the Hon. Carmel Zollo picked it up. When she mentioned it, it made sound commonsense for the Attorney-General to do as he promised, that is, to go back, so that he may more accurately reflect the present parameters of coverage, which I think is what he has been trying to do all through the legislation. I support the Hon. Carmel Zollo's objection to this provision.

The Hon. K.T. GRIFFIN: As I have indicated, I will communicate to members what the answer to this might be. My attention has been drawn to the fact that, under the present act without the amendment, you do not have to have just one manager, that you can have more than one manager.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: That is right. We will endeavour to work our way through that before the bill is finalised in the House of Assembly.

The Hon. T. CROTHERS: My understanding is that the bill picks up managers under 'responsible persons' but that the state award does not. What the state award exempts in its 'persons bound' clause is the licensee, the licensee's spouse and the licensee's children. The Attorney would be aware that this is a state act which could be used as a vehicle to advance the argument of striking out the 'persons bound' clause or, as would be more likely, widening it, which ought not to occur.

Clause passed.

Clause 29 passed.

Clause 30.

The Hon. CARMEL ZOLLO: The opposition opposes this clause, as I indicated in my second reading contribution, because it is consequential to the 'responsible person' interpretation, with which we do not agree. I also notice that it adds a further provision designed for the new direct sales licence, making it an offence if a licensee sells or supplies liquor to a minor otherwise than on licensed premises. I wish it to be noted that it is a conscience issue for our party, but quite a few of us feel that in some cultures it is quite okay for parents to offer their children a drink, a part-drink or a watered down drink.

The Hon. K.T. GRIFFIN: It is a direct consequence of a direct sales licence, and it relates only to licensees. I think

the concern expressed by the Hon. Carmel Zollo is unfounded.

The Hon. CAROLYN PICKLES: Does it mean that if I took my grandchildren out they can still have a glass of my wine? I am not selling it to them; I am giving it to them. Is that okay?

The Hon. K.T. GRIFFIN: It relates to a licensee. It provides:

> If a licensee sells or supplies to a minor otherwise than on licensed premises, the licensee is guilty of an offence.

It comes back to the issue members were raising about what happens with a direct sales licence and how you can stop sales to a minor. This is endeavouring to fit into the scheme to which I referred, which hopefully will be an added protection against that occurring.

The Hon. T. CROTHERS: I do not know whether history will tell me (because I cannot recall that far back) whether or not the licensee's wife and siblings, if they were under 18, were able to partake of liquor in the premises. However, I do remember that, if they were the licensee's underage wife or his underage children, under 18 and 21 respectively, they could, because they were the licensee's children or underage wife, serve on licensed premises—and they were the only people who were allowed to do that. The Attorney-General's explanation picks that up in part, and he may well be right in whole, but I do not know whether I can extend my remembrance further back than that.

Clause passed.

Clause 31 passed.

Clause 32.

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

Page 10—
Line 5—After 'minor' insert:
on licensed premises if
Line 6—Leave out paragraph (a) and insert:
(a) the liquor is supplied to the minor by a parent or guardian of the minor; and
Line 7—Leave out 'if the liquor is supplied or consumed on licensed premises and'.

It has been pointed out that the word 'or' appearing after subclause (3)(a) would have the effect of expanding the circumstances in which liquor may be supplied to a minor in regulated premises. This is not intended. There is to be no relaxation of the current provisions in this respect.

The amendment will restore the existing use of 'an' to indicate that the conditions are cumulative, that is, liquor can be supplied to a minor on licensed premises only if the minor is the child of the licensee, responsible person or an employee, the child lives on the premises and the liquor is supplied by the parent or guardian. In addition, the provision is reworded for ease of reading and clarity.

The Hon. CARMEL ZOLLO: I support the amendments.

The Hon. CAROLYN PICKLES: I assume that this clause does not refer to somebody like me with a grandchild aged 15 who might want a sip of my wine. Does it cover me at all?

The Hon. K.T. GRIFFIN: No, not on licensed premises. Are you talking about on licensed premises or in the home?

The Hon. Carolyn Pickles: On licensed premises.

The Hon. K.T. GRIFFIN: You cannot supply your child liquor on licensed premises now.

The Hon. T. CROTHERS: My understanding, and what formerly was the case, is that when one applied for a licence one had to submit an architectural plan of the premises, and the licensed area for which one was seeking the licence was delineated by a red line. I would imagine that something similar is still the case, but I am not certain. That would certainly make it black and white. It seems to me that, if that is the case, this clause is inordinately commonsensical.

The Hon. K.T. GRIFFIN: The honourable member is correct about the plan.

Amendments carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35.

The Hon. CARMEL ZOLLO: I ask the Attorney to further explain the new power given to the commissioner by this clause and detail the full extent of this new function and the impact it may have on the function of the tribunal. Also, will it be a requirement that action proposed by the commissioner in such cases be required in writing and in a prescribed form?

The Hon. K.T. Griffin: When you say 'tribunal', do you mean the court?

The Hon. CARMEL ZOLLO: Yes.

The Hon. K.T. GRIFFIN: This clause was intended to facilitate the resolution of disciplinary matters administratively rather than having to go to the court. Therefore, if a party agrees that what the commissioner says is a reasonable consequence—for example, that it is an extension of the undertaking power or an additional condition of the licence concerning trading, provision of security staff, or whatever—and if the licensee is comfortable with and is prepared to accept what the commissioner is proposing, this can be dealt with by consent. It is a straightforward way of dealing with something without having to go through all the procedures of the Licensing Court.

Clause passed.

Clause 36 passed.

Clause 37.

The Hon. CARMEL ZOLLO: I move:

Page 11—
Lines 14 to 17—Leave out paragraph (c).
Lines 20, 21 and 22—Leave out all words in these lines.
Line 34—After 'provided with' insert:
details of the conduct giving rise to the order.
Lines 35, 36 and 37—Leave out paragraphs (a) and (b).

Clause 37 gives grounds for a further barring order if the licensee or responsible person or a person residing with the person is seriously at risk as a result of the consumption of alcohol by the person. The opposition believes that such grounds are invasive and an intrusion into the private life of an individual. We question how a responsible person can make a decision that the person affected by alcohol may be a threat to the person they are living with. How do they really know their personal circumstances and what type of person they become when they get home? Given the young age that I am told responsible people are proved at, it would be a further onerous responsibility to be taken on.

I ask members to support the opposition's amendment, because the government's amendment is an invasion of privacy. Barring someone on such grounds could have the opposite outcome to that intended. Will the person affected by alcohol, a person barred, who might take it out on their partner, simply find another place to drink? That is another argument against the clause: how effective would it be? Any decisions would be subjective. The responsible person has to make a subjective decision not only regarding the person in front of him but regarding the person's partner.

The Hon. IAN GILFILLAN: I indicate support for the amendment. I think the Hon. Carmel Zollo explained it succinctly and accurately. It is far too onerous a burden to put on a person in a working situation some sixth, and maybe seventh, sense to be able to interpret the effect that a certain degree of alcohol may have not only on the person but on a person's relatives or acquaintances in certain circumstances. I indicate support for the amendment.

The Hon. T. CROTHERS: I have some problems with the Attorney's amendment, too, but for a number of differing reasons, that might be held by some members who have spoken in opposition but not made utterance on. As to the problem with 'responsible persons'—and whilst I realise that we have passed a whole series of clauses on that—from time to time 'responsible persons' can be designated by the licensee as 'responsible persons' if they are the bouncers on the door. The Attorney has explained here what the definition of 'responsible persons' is, but the problem we always had with bouncers who were members of the union was when they got hurt in endeavouring to carry out the wishes of the licensee. We then found it was difficult because some of them were not covered by workers compensation, simply because either a part-time security company for whom they were employed could not get it or some of the more shonky hoteliers and club proprietors were not prepared to pay the price that it was going to cost them to get workers compensation.

The other thing that springs to my mind with the Attorney's amendment is that this can bring litigation only in respect of this amendment. That is why I disagree with his amendment and will not support it. I will not support his amendment because there is already a court case which has been held and confirmed in New South Wales which put the onus of responsibility on a licensee in respect of a person getting drunk on the licensed premises and then going out and being involved in an accident. The licensee was held in that jurisdictional judgment to be responsible for the alcohol levels that the customer was measured at after the accident. Of course, what flows from that is all sorts of claims, and properly so, for compensation for people who have been injured in such an accident.

Likewise is it the same with the doorkeeper acting on behalf of the licensee. What the Attorney's amendment does, in my view, is that it at least gives an argument in respect of anybody who wants to defend the position of some injured party, whether done by an alcohol affected person as per the New South Wales judgment, or done by a bouncer, guarding the fortressed walls of the licensed premises he or she has been employed to protect. There are injuries that occur, and we have seen people killed fairly recently in activities of that kind. It may well be that, though the Attorney's amendment is not framed to cover that, it could be argued by a smart barrister—and there are some smart barristers about, otherwise we would need only one for the whole of the state of South Australia, if parliamentary acts and statutes could not be argued in our courts of law.

So what I am saying to the Attorney is that I have some considerable misgivings about this, because I think it encourages lesser responsibility by the licensee, and I do not think that is proper. It certainly does cut across the decision handed down by the New South Wales court in respect of whose responsibility it is for an over-consumption of alcohol on a licensed premise. I cannot support that, Attorney. I believe that possibly the aim was to get protection from the court decision in New South Wales in respect of the person who had drunk on the premises all night, was allowed to get paralytic and then went out and was guilty of some particularly bad accident for which the licensee was then held responsible.

I think, far from ensuring that the act, as I have said earlier, is an act which is tightly policed because of the nature of the commodities that are sold under the aegis of that act, this in fact opens up the door for misdemeanours and for a downright lack of policing of elements of the act, which the New South Wales court decision has now led people to think about much more in respect of customers' behaviour within their premises. Other amendments that we have carried about responsible customers' behaviour would be set back. It would be like us taking three paces forward and two back, should this amendment be carried. I will not be supporting the Attorney's amendment in respect of this matter.

The Hon. K.T. Griffin: You are opposing the clause are you?

The Hon. T. CROTHERS: I am opposing the amendment; not the clause. I am doing it in two sections, just to expedite matters, as is my wont.

The Hon. T.G. Cameron: We've noticed!

The Hon. R.R. Roberts: Perhaps if you sat down!

The Hon. T. CROTHERS: I have a couple of funnies here. But the question that needs asking is: what can we do to ensure that all workers employed, either directly or indirectly, by a person who holds the licence of licensed premises are covered by the appropriate workers compensation? Certainly, it was a bugbear for us on many occasions when bouncers got injured, and we had to resort to court cases ourselves. So, I will not support the Attorney's amendment, because of the reasons I have outlined.

The Hon. K.T. GRIFFIN: I understand from the Hon. Mr Crothers that he is not opposing the clause but only my amendment, which, in my view, would provide protection. I am not clear whether he is supporting the amendments of the Hon. Carmel Zollo. If not, it means maintaining the provision which is in the bill, and not my amendment. I will oppose the amendments of the Hon. Carmel Zollo, because I think she is starting at shadows, but, on the other hand, I have acknowledged that there may be a concern, and I have endeavoured to provide in my amendment the sort of protection which the Hon. Mr Gilfillan was, either directly or indirectly, seeking when he spoke, and addressing the issue which the Hon. Carmel Zollo raised. So my amendment, if passed, would provide protection for the licensee, because it provides:

> A decision or failure of a licensee or a responsible person for licensed premises to exercise or not to exercise powers under this section does not give rise to any liability of the licensee or responsible person to pay damages or compensation to any person.

So if a responsible person or a licensee said, 'As a result of your disorderly behaviour, or, because you are constantly drunk on the premises, I am going to bar you,' then what my amendment does is to provide a protection to the licensee and the responsible person. What the Hon. Carmel Zollo wants to do is take out the broadening of the power to bar, which seeks to provide a power to bar in addition to what is already in the act. If you have committed offences, or for any other reasonable cause, a licensee can bar for a more limited period than is provided in the act. The bill seeks to provide an additional ground, as follows:

> if the licensee or responsible person is satisfied that the welfare of the person, or the welfare of a person residing with the person, is

seriously at risk as a result of the consumption of alcohol by the person;

For example, evidence of domestic violence as a result of alcohol abuse. I am surprised that the Hon. Carmel Zollo would seek to take that out of the bill, because it just gives more authority to the licensee or responsible person. I am a bit puzzled by the Hon. Trevor Crothers seeking to oppose my amendment, which is designed to address the concerns expressed that the licensee or responsible person, in exercising the power to bar or failing to exercise the power to bar, would expose himself or herself to a liability.

My amendment actually prevents it, so I am puzzled by the debate. The Hon. Trevor Crothers referred to a New South Wales case. My understanding of that case, if it is the same one that I am thinking of, is that the licensee was sued by someone who was intoxicated and who was in fact not barred. The allegation was that the licensee had continued to serve the person who was intoxicated and had not said, 'You've had enough.' If that is the same case that the honourable member was referring to, my amendment addresses that, because it provides a protection for a decision.

If the licensee says, 'You are barred,' then it protects against any consequence of that barring. If the licensee turns his or her back and does not bar, then this prevents action being taken by reason of the failure to exercise the barring. So, I ask members to give a bit more consideration to the issue, unless I have misunderstood what they have been trying to put to me, because what I am trying to do is provide additional power to bar but with the protection against liability. Others seem to be saying, 'We want to protect against liability by opposing this amendment.'

The Hon. CARMEL ZOLLO: What the opposition is opposing is, under clause 37, amendment of section 125 of the act. We do not want to see the insertion of subsection (6)(aa). Although we are not happy with the principal responsible person, we are quite happy to see section 125(1) remain in the act.

The Hon. K.T. GRIFFIN: You want to knock out paragraph (c)?

The Hon. CARMEL ZOLLO: We want to knock out paragraph (c)(aa) and the consequences of that because, as I have said, we believe it is a very subjective decision, in particular for a young 'responsible person' to be making, to toss someone out and, even more importantly, because he or she may be a threat to the person they are living with. It is an intrusion. Having said that, we do appreciate what the Attorney's amendment will do, if ours is lost.

The Hon. K.T. GRIFFIN: I will not proceed with my amendment. If you knock that out, I am not proceeding with my amendment.

The Hon. CARMEL ZOLLO: Obviously, I appreciate that but, if that remains, I appreciate what the Attorney is trying to do.

The Hon. T. CROTHERS: I realise what the Attorney has just said, but let me make clear what I am saying. Stripping away all the verbiage, I am saying that, whilst it is not intended, the impact of the Attorney's amendment in my view is to ensure that the responsibility placed upon a licensee by the changes thus far made, to ensure that he or she is adhering to the act, is diminished. I realise that that is not an intended consequence, but how can I agree to an amendment that I think has not been accurately crafted in respect of that which is intended?

I understand what the Attorney said about the New South Wales case, but it still does not matter. The fact is that, whoever the plaintiff was, whether it be the drinker or someone that he or she injured, the case went against the licensee.

The Hon. K.T. GRIFFIN: So, you support the clause as it is?

The Hon. T. CROTHERS: I support your current clause but not your amendment; that might have to be revisited. I also worry about compensation. I would appreciate an answer to that, particularly as it relates to those guardians of the entrance portals to licensed premises, particularly on Thursdays, Fridays and Saturday nights.

The Hon. NICK XENOPHON: I support clause 37(c) with respect to barring, but I support the position of the Hon. Trevor Crothers, that is, I oppose the proposed amendment put on file with respect to clause 37(7), and for very similar reasons to those espoused by the Hon. Trevor Crothers. With respect to the Attorney's proposed amendment, does he concede that it waters down the effectiveness of the initial amendment to clause 37(c), in that by taking away—

The Hon. A.J. Redford interjecting:

The CHAIRMAN: The honourable member will address his questions through the chair.

The Hon. NICK XENOPHON: I was getting assistance from learned counsel! To what extent does the Attorney concede that the proposed amendment to clause 37(7) absolves licensees of any liability to pay damages or compensation if they do not comply with the provisions of clause 37(c), and that that in itself would go against what the Attorney is intending to achieve, namely, putting an onus on licensees to do the right thing in cases where they are satisfied that the welfare of a person (or of a person residing with that person) is seriously at risk as a result of the consumption of alcohol?

The Hon. K.T. GRIFFIN: I am sorry I misunderstood members as they were putting various points to me, but I am now clear. The clause as it stands is certainly the government clause supported by the Hon. Trevor Crothers and the Hon. Nick Xenophon, and the Hon. Carmel Zollo's amendments are not supported except by the Hon. Mr Gilfillan, so we have that web to weave as we vote. In respect of the amendment that I was proposing, I was trying to do that to facilitate consideration of the issue.

I recognise that there is an argument on both sides that, if my subsection (7) were to be included, it may also mean that a licensee may act in a way that might either be indiscriminate or might not have regard for potential accountability. On the other hand, the other situation could equally apply.

In relation to that, particularly in the light of the Hon. Carmel Zollo's issue and that of the Hon. Mr Gilfillan, I now understand more fundamental arguments that they have raised. I suggest that we deal with the clause and deal with the Hon. Carmel Zollo's amendments. I will undertake to have the subsection (7) issue further researched in the light of the debate here and undertake to have that issue addressed, either for or against, before we deal with it in the House of Assembly. We will deal only with the Hon. Carmel Zollo's amendment and the principal clause in this committee, but I will undertake to pursue it in the light of arguments raised by various members and address the issue before it is finalised.

The Hon. Carolyn Pickles: The civil libertarian argument?

The Hon. K.T. GRIFFIN: We will deal with all the issues that have been raised in relation to my amendment. I

have made a decision on the run not to move my amendment, but I will undertake to have explored those issues that have been raised and to have the matter addressed before it goes to the House of Assembly.

The Hon. A.J. REDFORD: I know that the Attorney has given an undertaking in relation to proposed subsection (7), but it appears not only to water down the amendment but also the existing law. In that sense, when or if we return to debate proposed subsection (7), I would be grateful to learn whether there have been any problems with the existing law, which has an absence of this civil protection set out in the proposed subsection (7). In other words, if a person fails or acts upon their right to bar a person either for the commission of an offence for behaving in an offensive or disorderly manner or on any other reasonable ground, they are not protected by any equivalent provision to the proposed subsection (7). That has been the law since the beginning of 1998. I would be most interested to know whether any problems have been caused by the absence of an equivalent provision in relation to proposed subsection (7).

The Hon. K.T. GRIFFIN: Some persons have been barred. Because there is a right of appeal to or review by the commissioner, there have been some reviews or appeals. I do not have the detail, but I will let members have the figures. In terms of those who have not been barred, because there is no requirement to keep a record of that, I cannot provide any information about that. I mean, how do you know who should have been barred who has not been barred?

The Hon. A.J. REDFORD: I accept that in relation to complaints to the commissioner, but this goes broader than that. This gives a civil protection in terms of damages. Has there been any demand from the AHA or any of its members for such a legal protection in relation to the existing law?

The Hon. K.T. Griffin: Not that I am aware of.

The Hon. A.J. REDFORD: My second point concerns proposed section 125(6), in other words, the amendment that is before the committee on page 11. That measure provides that, if a person is barred under this section for a indefinite period for a period exceeding six months, the order will cease to have effect unless within seven days of the service of the order the commissioner is provided with, in the case of the order for the welfare issue, details of the information in response to which the order was made or in any other case details of the conduct giving rise to the order. What is the rationale of that proposed subsection?

The Hon. K.T. GRIFFIN: The rationale of the proposed subsection is that, at the moment, the power to bar is much more limited. It is for a period not exceeding three months and, in discussion with licensees and others, it was felt that longer periods of barring ought to be permitted. The provisions of subsection (6) are designed to try to provide some protections for the patron against improper use of the barring power by the licensee or responsible person.

The Hon. A.J. REDFORD: Why does the subsection require details of the information in response to which an order was made where they breach the welfare, whereas in any other case they require details of the actual conduct? Perhaps I am misreading the subsection, but there seems to be a contradiction there.

The Hon. K.T. GRIFFIN: It may not arise from conduct but from information provided.

The Hon. A.J. REDFORD: What does the provision mean by 'details of the information in response'?

The Hon. K.T. GRIFFIN: Information is provided and the response is to bar.

The Hon. A.J. REDFORD: Apart from the information being given to the commissioner, is it available to anyone else?

The Hon. K.T. Griffin: No.

The Hon. A.J. REDFORD: Would it be available under an application under the freedom of information legislation?

The Hon. K.T. GRIFFIN: I cannot give a categorical response to that. I would anticipate that, because it relates to an individual who is named, there are special protections under the Freedom of Information Act about disclosure of that sort of information without the consent of the person to whom it relates. It may well be regarded as personal information.

The Hon. A.J. REDFORD: I have a question in relation to the laws of defamation, which I will illustrate. If I am a patron of a particular hotel and I engage in a certain form of conduct, or behave perfectly reasonably but am confronted by an unreasonable licensee, and that unreasonable licensee then provides details of my conduct to the commissioner, which I strongly dispute, can I sue for defamation if it is defamatory?

The Hon. K.T. GRIFFIN: I would not have thought so but I must confess that I had not applied my mind to that. I would have thought that, because there is a duty to provide the information imposed by statute, if the licensee provides the information it is protected by qualified privilege.

The Hon. A.J. REDFORD: Does it go against my record? There are no checks and balances in relation to the information, and it might well be used unfairly further down the track to damage the reputation of someone, either fairly or unfairly, bearing in mind that licensees may from time to time act arbitrarily in suspending or barring someone from a licensed premises.

It might be that a patron is barred from a particular licensed premises and the patron might say, 'I don't really care if I do not go back there again. I don't like the licensee'. However, there is some record of some allegation against that person and his character sitting on some government file—for what purpose I am not exactly sure. The use and the extent to which it might be used I am not exactly sure of either. I am not sure whether there needs to be any protection and, if there does, what protective measures there might be to ensure that a person is not unilaterally besmirched through this process.

The Hon. K.T. GRIFFIN: I thought I was doing a good thing. I was trying to protect the interests of the patron who was barred indefinitely or for a period longer than six months. What we are doing in this provision is to include power for a licensee to bar a patron in circumstances which are set out, as follows:

(i) if the person has not previously been barred from entering or remaining on the licensed premises—for a period not exceeding 3 months; or

(ii) if the person has on one previous occasion been barred from entering or remaining on the licensed premises—for a period not exceeding 6 months; or

(iii) if the person has on at least 2 pervious occasions been barred from entering or remaining on the licensed premises—for an indefinite period or any specified period.

If it is longer than six months and it is for an indefinite period, we want to ensure that the patron has some rights to have this reviewed. The rights of review are a review by the Liquor and Gaming Commissioner. The Liquor and Gaming Commissioner will have the information anyway.

In drafting this it was intended that the licensee would be likely to be more accountable by being required to provide information for the Liquor and Gaming Commissioner (who

oversees all licensing matters in this state) than to have no requirement to provide information in the first place. All I can say is that, if there is some other means by which members think that licensees can be held accountable in the interests of patrons being properly protected, I am happy to consider it.

The Hon. A.J. REDFORD: I think the Attorney's sentiments are laudable. I just wonder, given that we might be considering the whole of this clause at some later stage, in the light of his comments about proposed subclause (7), whether he might even consider amending subclause (6) by adding the words 'prescribed details of the information in response' and 'prescribed details of the conduct' so that a limited amount of information is before the commissioner.

If the commissioner then requires further information, there being a subsequent dispute between the patron and the licensee, that is a matter for the patron and the licensee to agitate that dispute before the commissioner and provide further information. In a sense, what is on a formal record is kept to a minimum and cannot be used at some later stage to unfairly besmirch the reputation of a patron. Perhaps I am being overly cautious; I do not know. George Orwell's *1984* still looms largely in my literary recollection.

The Hon. K.T. GRIFFIN: I will give consideration to the matter. I can tell the honourable member that I am reluctant to put in references to prescribed information and prescribed conduct because it ought to be clear that it is information in respect of which a barring order has been made. I will consider it but I do not want to give the impression that I am sympathetic to the introduction of those words. I am not. However, I will have it properly looked at.

Amendments negatived; clause passed.

Remaining clauses (38 to 42) and title passed.

Bill read a third time and passed.

[Sitting suspended from 5.57 to 7.45 p.m.]

CREMATION BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 1312.)

The Hon. IAN GILFILLAN: The main change envisaged by this bill is in relation to development approval for a crematorium. There is an approval process under the 1891 act which, at present, applies in addition to the standard development approval process for all proposals under the Development Act 1993. This Crematorium Bill, which is intended to replace the 1891 act, omits any approval process at all, which means that only the provisions of the Development Act will be relevant. This does not mean that it will be quick or easy to get approval for a crematorium. On the contrary, under the development regulations—

Members interjecting:

The PRESIDENT: Order! I have asked members not to talk in the middle of the chamber and not to talk when moving away from the chair but to do it outside, please. They should show some respect for the member on his feet.

The Hon. IAN GILFILLAN: Mr President, I deeply appreciate your protection and endorsement. On the contrary, under the development regulations crematoria must be approved not only by a local council, or the DAC, but also by the EPA. The crematorium is 'an activity of major environmental significance' under the development regulation, schedule 22, clause 3(1), paragraph (c), and therefore the EPA may direct a council, or the DAC, on the development application (development regulation, schedule 8, clause 11). As such, it may be either a category two development of which notice must be given to adjoining landowners or a category three development, and that requires notice of the proposal to be given to the general public (Development Act, section 38).

The government has signalled its intention to amend the development regulations to place the Health Commission in a position to that of the EPA in respect of crematoria. Public consultation and appeal rights are addressed. Under the 1891 act, residents within 100 yards of a proposed crematorium, other than a crematorium inside a cemetery, are able to veto any proposal merely by lodging an objection. This provision is omitted from the new bill so that third party objectors to crematoria will have no more rights than third party objectors to any other form of development under the Development Act: that is, they will have their objections considered on their merits by the relevant planning authority.

It is possible for a local council or its development plan to designate a crematorium as a category two development rather than category three, and as such, third party objectors would have the right to be heard but would have no rights of appeal. Thus the bill moves the law from the position where third party neighbours had rights of total veto to a situation where they may not even have any appeal rights in respect of a crematorium next door. This does seem, on the face of it, to be a drastic and unnecessary step away from the ideals of public participation in what will undoubtedly be very sensitive planning decisions. The solution to this situation would be for the government to amend the regulations to provide that crematoria must be category three developments.

The government has indicated its intention to amend the development regulations so as to require a developer to get Health Commission consent. I suggest it would be a simple matter to amend the regulations at the same time to ensure that third party neighbours do not entirely lose their rights to appeal while they are losing their right to veto. I would anticipate that the Attorney may comment on that. I hope that he sees the logic and justice of this suggestion of mine as far as the regulations are concerned.

The second part of this bill reviews the penalties for breach of the act. These are uncontroversial and probably necessary to achieve the purposes of the bill. Just as an observation, I point out that existing section 4 of the act, which has been unchanged since 1891, provides:

> The cremation of the body of any human being, otherwise than in a licensed crematorium, shall be deemed illegal and a common nuisance.

I presume that under this provision any aggrieved person with sufficient standing would have a right to sue for the tort of nuisance but no more. It is very surprising that this provision has existed without controversy for 109 years. I indicate Democrats support for the second reading of the bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. I did have the opportunity to speak to the SA First member earlier, and he indicated that he has no objection to the bill's passing. The Leader of the Opposition asked whether there had been consultation with the Local Government Association and the Australian Medical Association, which she identified as the key stakeholders in the area. I can confirm that both these organisations were consulted during the competition review

process and on introduction of the bill. The Hon. Ian Gilfillan raised several issues about third party rights. I will take those on notice and, hopefully, during the committee consideration of the bill, I will be able to provide some answers to the questions raised.

Bill read a second time.

In committee.

Clause 1.

The Hon. IAN GILFILLAN: Does the Attorney have a timetable for action to amend the development regulations so as to require a developer to get Health Commission consent? Does he agree with our suggestion that third party appeal rights could and/or would be considered in that step?

The Hon. K.T. GRIFFIN: With respect to the regulations, we envisage that the bill will not be proclaimed to come into effect until the regulations, including regulations under the Development Act, are also ready for promulgation: so, they would all run parallel. With respect to the question of whether a crematorium development should be a category 2 or category 3 development under the development regulations, I can only say that I have some sympathy for the proposition that a crematorium will be a category 3 development, and it can be done. Development regulations are not my portfolio responsibility, but I will ensure that the matter is considered properly in the development of the regulations, remembering that the regulations, when promulgated, are still the subject of scrutiny by the Legislative Review Committee and both houses, if that is the wish.

In so far as I am concerned, I have taken on board the comments made by the honourable member. I have some sympathy for the proposition that he puts, and I will ensure that the issue is properly addressed. Whether or not it results in the outcome the honourable member wants, I cannot give a commitment at the moment.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill read a third time and passed.

ALICE SPRINGS TO DARWIN RAILWAY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 1368.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the bill. The government would like it dealt with expeditiously, and the opposition has agreed to this. Therefore, I will not repeat the comments that were made in another place by the Hon. Mike Rann. I do not intend to discuss the merits of the rail link, as we have done that in the past. For a long time the opposition has made its support for the bill abundantly clear, given its national significance and the job creation that we hope will flow from this rail link.

The purpose of this bill is to address issues that have emerged in negotiations between the AustralAsia Railway Corporation and the successful consortium, Asia Pacific Transport Pty Ltd. Among other amendments, this bill seeks to convert the current $25 million loan guarantee to either a concessional loan or a grant. It is also proposed that APTC have priority use of the corridor for purposes of operating train services. I note that similar legislation has been passed in the Northern Territory. My only concern when this bill was brought before the Labor Party caucus was that there should be some continuing parliamentary oversight of the process of this measure, because we have been asked on previous occasions to increase the amount of money the government was putting into this project.

I understand that in another place the Premier indicated that there would be a six monthly perusal of the course of the project by the Economic and Finance Committee of the parliament and that there would also be appropriate perusal of the project by the Public Works Committee. Therefore, with these two measures regarding this important project, I believe that the parliament will have an opportunity, if there are any kinds of cost overruns, to make public any opposition. The Premier has assured us that this will be the last government money required for this project, which is probably a very good thing. However, when dealing with a project of this size, one is always mindful that there could be changes some years down the track. For this purpose I believe that oversight by the Public Works Committee and the Economic and Finance Committee will ensure that the project runs smoothly and that there is parliamentary oversight. I support the second reading.

The Hon. IAN GILFILLAN: I indicate on behalf of my colleague the Hon. Sandra Kanck, who is responsible for this portfolio, that we support the second reading. As honourable members would know, we as a party and as individuals are very supportive of rail. This gives me the opportunity to reflect a little, because I do not think it is necessary for me to identify the measures that are being put forward in this bill—it has already been done—and I indicate again that we support every measure that is listed.

Nevertheless, it is too tempting for me to avoid reminding the chamber that it was in 1993 in the pressure of the state campaign that I believe I pushed the then Leader of the Opposition, the Hon. Dean Brown, to give an undertaking that $100 million would be provided for the Alice Springs to Darwin rail link. Once that figure was public and the commitment given, it set in train (if I can use the pun) the process that we are now seeing coming to fruition. As a long-time member of Rail 2000, and knowing that rail has been, sadly, a Cinderella form of transport, I believe it has been a hard fight—and not a fight that we have won yet—to put rail on a level playing field for long haulage of freight in this country. This will go a substantial way to redressing that and lifting the image of rail across Australia to what I hope and expect will be a very efficient and profitable form of transport. Therefore, on behalf of the Hon. Sandra Kanck and also on my own behalf I strongly endorse the second reading of this bill as yet another step towards realisation of the dream that has been in place for 100 years.

The Hon. NICK XENOPHON: I rise briefly to indicate my support for the second reading of this bill. Clearly, the Adelaide to Darwin railway is a nation building project. It is a project that is long overdue. It is worth commenting, however, that this bill seeks to convert the current $25 million loan guarantee to either a concessional loan or a grant. In effect, it may mean an additional commitment by South Australian taxpayers in respect of this project. I think it is important that we put that in perspective in terms of the cost benefit analysis of the railway, although the available evidence indicates that this project clearly has significant benefits to the state in both the short and the long term.

I think it is interesting to reflect on the history of guarantees in some of these matters. The former Bannon government gave a guarantee for the management buy-out of

Orlando, and it is interesting to note that some 18 months later the management, I think buoyed by that guarantee, managed to sell out to a French concern at a substantial profit. I am not begrudging them that, but it is interesting to note the history of guarantees in the context of a former government.

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: I think taxpayers may be interested in respect of that. I think it is important that we monitor the ultimate cost to taxpayers of this project so that we can take a close look at the cost benefit analysis of this project and, in doing so, we can focus on the potential benefits of this project for South Australia in both the short and the long term.

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their indication of support for the bill. It is one of those privileges that an important piece of legislation like this will be supported unanimously by all parties and individuals represented in both houses of parliament, in this chamber and in the other chamber. It is a fair indication of the enormous support that exists within the broader South Australian community for the Adelaide to Darwin railway. Although it is called the Alice Springs to Darwin Railway (Miscellaneous) Amendment Bill, I think many of us would prefer to refer to it as the Adelaide to Darwin railway legislation. We thank honourable members for their indications of support for the bill and we look forward not only to the speedy passage of the bill but we hope that—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Yes, the important issues that we hope that the lawyers on all sides of the groups who are sorting things out—

Members interjecting:

The Hon. R.I. LUCAS: Lawyers, consultants, the whole bang lot of them; we hope that they can sort it out assiduously and speedily.

The Hon. Carolyn Pickles: And accurately.

The Hon. R.I. LUCAS: And accurately, so that we see contractual close and financial close, as has been indicated by the Premier and, more particularly, a speedy start to the construction of the railway after almost 100 years of talking about it. So thank you.

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

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 1355).

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading of the bill, because we understand that the Attorney would like to get it to the second reading stage so that when the bill comes back after the break it can be restored to the *Notice Paper* at that point, and not have to go through all the second reading speeches. This is a bill that we have dealt with before. The bill was laid aside in order for the Legislative Review Committee to consider it. Its terms of reference were to inquire into and report on the creation of a public interest advocate in relation to surveillance and listening devices. I understand that that committee is not ready to report on this issue. The opposition has not changed its position since the last time we discussed this matter. We would certainly support the legislation if there was a public interest advocate, but we would certainly want to consider the deliberations of the Legislative Review Committee. So we are merely supporting the second reading to facilitate that whole process.

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

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1127).

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition opposes this bill. It has been quite some time since I have witnessed such widespread public opposition to a government bill, and I am not at all surprised, given the government's proposals. What we are dealing with is an extremely important area of public policy of illicit drug use, the criminal justice system and rehabilitation implications. This area has generally received much media attention in the past year or so, and I believe that it should. This legislation really represents and deals with those at the coalface, both from the drug user perspective as well as those within the public sector who have to work within the frameworks of existing legislation, such as the Aboriginal Drug and Alcohol Council and the drug assessment and aid panel.

In responding to the government's bill I would like to quote from letters I received in response to the bill. While one may give the government the benefit of the doubt, I am very disturbed by the matters raised with me, which indicate a bill that is misguided and ill-prepared. The intention of the government bill is to implement a COAG agreement discussed last year regarding a national approach to illicit drug use. An important feature of the COAG agreement is to remove the role of the drug assessment and aid panel, replacing it with a police drug diversion program. It is proposed that when police apprehend an individual for offences relating to the possession or use of minor amounts of illicit drugs they will give individuals an option to seek assessment and treatment. Currently it is mandatory.

Certainly in principle I support the notion of national solutions to this problem. However, it is patently clear that any support for these proposals would be to turn the clock back, dismantling the excellent work and progress currently undertaken by the drug assessment and aid panel. In his speech to the Council the Attorney suggested that the preliminary evaluation of the drug assessment and aid panel process is not favourable. However, I understand the author of the report that he referred to observed DAAP for 1.5 hours before publishing what some would call a libellous evaluation, although I do not think I would go quite so far.

Can the Attorney confirm that defamation proceedings were imminent in the District Court? The Attorney also suggests that, unless DAAP is removed, commonwealth moneys will be withheld. I have been advised that this is incorrect: can the Attorney clarify that fact? Furthermore, the Attorney refers to the low level of referrals of Aboriginal people to DAAP, a total of six in the past 12 months. Can the Attorney explain whether numbers of referrals of Aboriginal people will increase if the police have the discretion to make referrals? Surely, referrals will increase if they are mandatory.

I would like to quote from a letter sent to me by the Aboriginal Drug and Alcohol Council of SA, which reads:

> The history of discretionary police powers applied to our community does not give me any confidence that some new era in the treatment of Aboriginal drug users by the police is about to dawn. We would prefer that the present mandatory system is maintained and the Attorney-General direct his energies instead to addressing the issue of why his police force is charging so few Aboriginal people with simple possession, thereby denying them opportunities for diversion to services that can assist them.

I would like the Attorney's response to these comments. I commend the outstanding work of those involved with DAAP and ADAC, and place on record my gratitude and, I am sure, that of the community. The opposition opposes the second reading.

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

SOUTH AUSTRALIAN MOTOR SPORT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1183.)

The Hon. T.G. ROBERTS: The opposition indicates its support for this bill and acknowledges its importance to the South Australian economy or, at least, to the economy of Adelaide. It probably will attract interstate visitors and guests who may travel to regional areas. I hope that the government looks at events like this delivering a regional impact of some note, so that we can gauge just how much the regional areas benefit from some of these events. However, that is not included in the bill.

The bill does three things. It facilitates a second motor sport event during a calendar year, or between 29 and 31 December. It should make Adelaide a bit of a focus, particularly for young people who have rejuvenated their systems after the Olympics and for all the couch potatoes who have perhaps hibernated through the September period with no Australian Rules and no rugby to watch. Hopefully, they will be ready to party, and South Australia will put on an event in which many young people will participate.

South Australians have been traditional supporters of motor sport, as has been shown by the Grand Prix and the V8s, and this adds another sporting event to that calendar. The bill removes the board as promoter, therefore capping the government's contribution, which possibly saves the taxpayer some of the responsibilities of ticketing and marketing, which becomes the responsibility of Panoz Motor Sport Australia.

The government maintains responsibility for and has the management of the parklands and roads, and I hope that the disruption that occurs for the other two major events does not occur on this occasion, because many Australians and South Australians will be in party mode, will be in family-gathering mode over Christmas, and that the disruption caused will be minimal. As members of parliament we get a lot of complaints about the other two events, and the criticisms of the time it takes to set up barriers and dismantle them is something the government needs to keep an eye on.

However, I will not raise those issues here, because I do not think that the disruption caused in the lead up to 29 December will be a cause for concern. The taxpayers' commitment is $7.1 million, $5 million of which will go to building the track with $1.8 million for capital works, with an extra $2.5 million licence fee to Panoz, which will commit $2.2 million back to the state.

I have not been too close to the negotiations, but the representatives of the Panoz motor sport organisation seem to be the sorts of people who have benzine in their blood and who will probably be totally committed to ensuring that this event is as successful as those run overseas. The bill gives a one-year contract, which gives a right over future Le Mans events in Australia, and let us hope that we can hang onto it as long as South Australia needs and wants to.

Jeff Kennett is in retirement at the moment with the management of a disability group so, hopefully, Jeff will not be too keen to become an entrepreneurial spirit and try to move it to Melbourne! I am sure that his political influence is well overridden by that of those we see on the front benches of the Liberal Party within government now. Panoz has a commitment to guarantee the event held in this state, and I understand that NBC is to cover the event in the United States via cable TV into Asia and Europe, and thereby, I hope, lies a tale in relation to spin-offs for the rest of the state.

In many of the overseas events they take the opportunity not just to show the track and the surrounds but to introduce small television events to highlight the scenic beauty of those countries in which they are held. I hope that short television events can be linked into the distribution of this event, to show people overseas that South Australia has a lot to offer when it comes to international tourism.

I cannot mention motor sports dislocation and parkland interventions without mentioning that Vinnie Ciccarello, the member for Norwood, has some concerns about the impact on local businesses of road closures on Bartels Road and Dequetteville Terrace. She has some concern that the road closure be kept to a minimum, unlike the 10 days for the Clipsal event, and she also has some concerns about safety with planes and spectators near the track if there are any major incidents, such as spin-offs and impact crashes.

I am sure that the organisers of the event will be as careful as those who have organised previous motor sport events. There have not been any major problems associated with crashes, and we hope they do not occur, but the member for Norwood has some problems with that possibility. Others are concerned about the effect on normal transport around Adelaide. However, as I said earlier in my contribution, a lot of people will be celebrating that we have secured an event such as the Le Mans and hopefully a partying mood will last through Christmas and the new year and into the year 2001, adding to the festivities that are associated with the real new millennium celebration, so that Adelaide can put on a performance that justifies the staging of this event. Let us hope that the returns to the state are profitable.

The Hon. CAROLYN PICKLES (Leader of the Opposition): As my colleague the Hon. Terry Roberts indicated, the opposition supports the second reading. However, I share some of the concerns of the member for Norwood, and I express my interest here because I live in Dulwich, which is affected by the noise. I was a great supporter of the Grand Prix but I am not quite sure whether the Adelaide Le Mans will be anything like the real Le Mans, which is a 24-hour race, and God forbid that we should have a 24-hour race.

I am concerned about the impact on the parklands and I would like the minister to indicate whether the road closures and the barriers will remain in place for as long as they did for the Clipsal event. I believe they started erecting the

fencing on about 1 February and it was carried on well after the event. It was an inordinately long time for people who live in that area to be trapped behind fences and for people not to have ready access to what, after all, are the parklands.

As a member of the Parklands Preservation Society, I believe that we have to ensure that we preserve the integrity of the parklands, even though we have these events. Although this bill does not promote the erection of any permanent structures, I note with disquiet that there have been some indications in the media that we might be looking at that at some stage in the future. I guess that we will cross that bridge when we come to it. I would not like to see that occur.

These events are very interesting but I am not quite sure whether an event on New Year's Eve will be as dramatically successful as people believe it will be. I, for one, will probably go elsewhere. I usually have a party at home but I think it will be rather noisy and difficult for my guests to travel around the area. I recall reading in the local press that the Minister for Tourism indicated that the fencing would be erected and removed far quicker than for the Clipsal event, and I hope that is true.

I hope that the impact on the parklands is minimal and that any damage will be made good. My recollection was that, when we introduced the Grand Prix bill many years ago, it contained a clause that, if the Grand Prix were moved to another location or we ceased to hold the event, the parklands would be made good, but they have not been. There is still a big concrete area in the middle of Victoria Park and, although it is unsightly, I have noted in the last few years that a lot of young skateboard riders use it. I cannot complain about that because it is a good place for them to go. It is much better for them to do that than try to skateboard on Fullarton Road or in the car parks along Fullarton Road. It would be nice to see more trees planted in Victoria Park and for it to be used in the way it has been for as long as I can remember, and as long as I have lived in that area, namely, as a recreation area for all people in South Australia and that it will not be fenced off for too long.

Having said that, I hope that the event is a success. I have followed motor racing for many years, from the time that I lived in the United Kingdom, and I supported the Grand Prix events both by way of legislation and also in a practical sense by going to every single Grand Prix that we held. I am not sure that this is quite the same thing as the 24-hour Le Mans, in the real spirit of it, and I hope that one day I will go to Le Mans to see it.

The Hon. CAROLINE SCHAEFER: I am not a great aficionado of motor sport and I did not intend to contribute to this debate but when I am in Adelaide during the week I stay in a unit in William Street, Norwood, so I suppose that any inconvenience that is visited upon Vinnie Ciccarello's constituency is also visited upon me. One becomes used to dodging the fences, etc., on the way into work when we are getting ready for a car race. I can say only that I find the attitude that this is somehow reprehensible for the public of South Australia fairly selfish.

The car races bring a great deal of money, a great number of visitors and a great deal of fun to South Australia. There is a real festival atmosphere in South Australia when the car races are on. They do a great deal of overall good for the state and, as such, as residents in those suburbs, we simply have to put up with them. I also have a belief that the parklands are not conservation parks. They are parklands for the use and enjoyment of the public and our parklands are never more used or more enjoyed than during major events such as the Clipsal 500, the horse trials or the Le Mans. As residents of South Australia who care about the ongoing good of the state and its economy, we should support this bill.

The Hon. IAN GILFILLAN: The Democrats oppose this bill, not because we have an objection to this particular Panoz, Le Mans style race or any other motor event. I do not claim that we are champions necessarily of it but that is not the issue. The issue is location, location, location. It is a difficult crusade to change the attitude that was just expressed by the Hon. Caroline Schaefer, that parklands are for the entertainment or enjoyment in virtually any form of the public of South Australia or people who come from other states.

I invite those who are in the least dubious about this to check the dictionary for the meaning of the word 'parklands'. If we are to use this area for general entertainment venues, let us not continue with the facade of calling those precious hectares around the city of Adelaide, which are unique in the world, parklands. Let us call them situations of convenience for any whiz-bang idea that the government of the day might want to impose on the population of Adelaide.

It is probably no surprise that quite a lot of people who live within Adelaide and in the state generally do not have a great enthusiasm for car sports, but there are very few who do not have an enthusiasm for the parklands. It is a fact that some ministers in this current state government are seriously considering the declaration of the parklands in the world heritage listing, which is a significance that will last for centuries—indefinitely—one hopes, with constant international recognition and publicity. As indicated by other world heritage listings, it is an ongoing source of revenue in a passive, gentle way for the people who host world heritage items, and it would be abundantly so in Adelaide.

So, because it is essential for us to emphasise this I repeat: we are not opposed to motor events per se. We have had motor events in South Australia in various locations and they have been successful. There are motor events all over the world in venues which are not in the heart of cities which are extremely successful and get a lot of publicity in their own right. It is not essential for us to have it planted in the middle of the parklands and involving the closure of what are heavily used metropolitan and suburban roads for quite extensive periods of time.

The member for Norwood, Vini Ciccarello, has outlined some of the disadvantages to the people who live on the east side of the city. However, I want to distance the Democrat's position from that as being an over-riding cause for concern, because I do think there is a NIMBY principle: people do not want to have events in their own location which might diminish their quality of life. However, it is important to recognise that it does have an impact on the businesses and the convenience of people who live in the area adjacent to the race venue. However, from the point of view of our emphasis on protection and minimising the desecration of the parklands, the roads were closed for 10 days, but the period of time during which there were starkly visible buildings, developments and fences ran into months—and that is for just one motor event.

If we have another motor event at the same location, it will virtually eliminate that area as being the ambience of parklands. It excises an appreciable portion of the major feature of the Adelaide parklands, and that is that it is a coronet, a necklace—using words which are not mine; they

have been used in promotional material for Adelaide. We take a chunk out—we amputate a piece out of the parklands—for motor sports. I believe that that really flies in the face of our responsibility as a parliament to protect a precious heritage, and arguably the most precious heritage of the city of Adelaide.

The argument is repetitive: whenever we staged the Grand Prix and then, eventually, the Clipsal 500 we adopted the same stand, so it is obviously no surprise to members of this Council. However, as I noticed in the second reading explanation, one of the consequences of this bill will be, as follows:

> The amended act provided a legal and administrative framework for the staging of any style of motor sport within a declared area of our state.

If that is the mindset, sadly not only of government members but also, I assume, a majority of the opposition, it will be a very difficult fight to prevent there being permanent structures in what was parklands. The area will probably be renamed Le Mans or Panoz Park, or the Clipsal Straight with these structures covered in advertising. That may lead to the gradual erosion of some areas, and I hope that shocks some members. We have seen it. It is happening and it will happen even more if we have this second event in that area.

If that does take place then I believe that our argument for UNESCO to accept the parklands of Adelaide for World Heritage listing will be very much harder to achieve if not impossible because it will show that the people of Adelaide through their parliament are not prepared to protect the parklands over and above commercial gain, and short-term, spectacular and sensational display similar to a circuses syndrome. I believe that that will make it very difficult for us to really benefit, in the long run, from this intrinsically valuable asset—the total and undivided parklands around Adelaide.

We will be opposing the bill. We hope that, in the fullness of the time, there will be some directed resources and thought to developing a permanent motor sports venue. There are plenty of opportunities for it to be done and the contribution that has accumulated over the years from governments of both Labor and Liberal persuasions can be diverted to establishing permanent structures. It reduces the annual cost of the events; it allows more events to be held. There is a lot of logistical and logical argument to support that development and that style of approach to motor sport rather than the punctuating of Adelaide's peace and calm in the parklands with what will be increasing pressure for turning Victoria Park and its environment—the roads and the other parts adjacent to it—into what will be known both in Adelaide and, further on, nationally as a motor sports venue that is stuck close to the centre of the City of Adelaide. It is for those reasons that the Democrats oppose the second reading.

The Hon. T. CROTHERS: I was not going to participate but I am constrained to so do in support of the bill. I want to put down very briefly some of the rationale that hopefully underpins the logic that I will advance in respect of this bill getting the support I believe it deserves. The Hon. Ian Gilfillan has referred to other areas of the world where there are pretty well permanent racetracks. I know of two—there may well be others—the Nurburgring in Germany and Silverstone in the United Kingdom. But both have been developed at the cost of many tens of millions of dollars. We have a small motor car racing circuit, I think based at the old Second World War aerodrome at Mallala, and, if anyone is suggesting to me that the location at Mallala will be conducive to getting people of the calibre of the Le Mans operators into this state, then they really do not understand the position that drives these people. Why our street circuit was so—and I speak as one of the people who was at the coalface of the original Grand Prix coming to Adelaide—

The Hon. T.G. Roberts: You were in the pits.

The Hon. T. CROTHERS: Yes, I was in the pits with you: you were in deeper a pit than me. If anyone said to me that the Grand Prix F1 motor racing was bad for Adelaide, I would have to think twice about whether or not North Terrace is the right place for it—and perhaps a visit or two to Glenside before it closes might be more appropriate. There can be no doubt that the parklands are a jewel: they are a necklet around the neck of Adelaide, as are the Adelaide Hills, in a state which is pretty short on scenic beauty because of the harshness of the climate. There is no doubt that it was the great foresight on the part of Colonel Light and the founding fathers of the South Australia Company that we have the parklands today.

However, I do not think in all truth that the fact that we have a Le Mans 24 hour race will lead to a position where sections of the parklands will be alienated away from the original deed of covenant that set up the parklands, as I understand it. Rather I think it will provide some employment for people who are maybe not as affluent as those living in some of the areas of East Terrace and areas adjacent to the proposed race circuit. I live on the eastern side of Adelaide: I will be disadvantaged because I come in by bus or taxi, but I will still be supporting the race—and I detest motor car racing. I got an invite to the first Grand Prix and I hated it. Such a cacophony of noise certainly held no appeal for me, but that does not mean that I have to be narrowly focused in respect of what pleases other people or turns them on.

It seems to me that, if a matter is good for the economy of this state without doing any short-term or long-term damage to the pristine beauty that we enjoy via our parklands, then it is good enough for me. I am pleased to note that the opposition spokespeople are supporting the amendment. They realise that, as the bottom falls out of the manufacturing industry, more and more are the nuts of employment to be garnered by being host to service industries.

I have often been critical of the Murdochs, the Turners and the people who are now the global players in the internet networks and globalised TV—that they do get us to put on events which really are aimed at providing them with more TV channel usage so that they can coin more and more money. The nation needs to get its act together—and it will not. For example, look at what Jeff Kennett did in respect of attracting the Grand Prix to Melbourne and look at what other people do in respect of trying to attract employment into their own state: they are subsidising sunrise industries, or industries that are prepared to shift camp from one state or territory in a nation, as in America and Canada, by playing one off against the other, so as to extract the maximum amount of public purse into the private purses of the global multicorporate.

I canvassed those issues. Our unemployment rates are still pretty high and it will result in employment for only two or three days—and that will be casual at best—but it will expose our state. I think the Hon. Terry Roberts dwelt on this aspect somewhat in his contribution when he talked about the scenic grabs that have now become part and parcel of different national and international sporting events. I think of the cricket when the tests are being played all over the place and

there are these one or two minute grabs promoting the host country of the test playing nations. As the Hon. Terry Roberts suggests, we could be doing the same thing here. It would further expose that which is Adelaide to the overseas public and perhaps might encourage further awareness of our existence so that we might get even more visitations than we normally get from overseas tourists, and perhaps intrastate tourists, which in itself will create much longer term and more permanent employment in those elements of our service industries that cater for those sorts of people. For all of those reasons, and probably for a thousand more but time is brief and I am normally not very loquacious when I address this chamber—

The Hon. M.J. Elliott interjecting:

The Hon. T. CROTHERS: Don't start me or I could get ugly: I could speak for another 20 minutes. For all those reasons and others that I will leave unexpurgated, I have some delight in supporting the bill currently before this chamber for the processes of decision making.

The Hon. J.F. STEFANI: I was not going to make a contribution to this debate but I feel compelled to say a few words. I do share the concerns of the Hon. Ian Gilfillan in relation to a number of issues that he has raised in his contribution. I must say that, as a car enthusiast who established the first Alpha Romeo Owners Club in Australia, I do enjoy motor racing occasionally and in my younger years I participated in rallies, driving an Alpha Romeo car. I have the same feelings that were very ably expressed by the Hon. Ian Gilfillan in relation to this race. A lot of concerns have been expressed to me about the noise, the inconvenience and the danger of holding this race. One need only look at the unfortunate accidents that, over a period of time, have occurred and will continue to occur. In this instance, let us hope that the race does go off well.

However, it will place a great strain on our community at a time when Christmas is upon us, when people would like to get to the shops. We like to say that the CBD of Adelaide offers the opportunity for shoppers to come and shop, yet we block off our roads and make it more difficult for people to traverse the city. We, as a community, are very tolerant about many of the events that are taking place, and we support them. But this race, which is over 24 hours, will place an additional demand on our police force at a time when we know that the activities of burglars and other criminals will increase.

I believe that we should look for an appropriate place to stage motoring events. Undoubtedly, they bring benefits such as tourism and tourism dollars to our state, but if we are to continue to use our parklands and the inner part of Adelaide for motor racing I believe that, in the long term, it will be a grave mistake. It is important for us as a community to recognise the benefits, but at the same time we must be mature and look at other opportunities. We need a permanent racing circuit for the motor events that we may attract to our state, whether that be the Le Mans 24 hour race, the Clipsal 500 or maybe the Australian Grand Prix, because the Victorian government may say one day that it does not want it, or there may be an opportunity for us, through our expertise, to regain that race for Adelaide.

I share the concerns of the Hon. Ian Gilfillan. Many South Australians have been inconvenienced for some period of time. I have great sympathy for the residents who are enduring what appears to be an ongoing activity on their doorsteps. I am sure that none of us would like the prolonged inconvenience and noise that such activities create. I have a great deal of understanding and sympathy for those people who are enduring it, and at the same time I have some reservations about safety and the call on our stretched police resources at a time when we need them to protect the community in a broader sense.

The Hon. J.S.L. DAWKINS: I do not wish to prolong the debate and, like a number of other members, I had not intended to speak on the bill. I rise very briefly to indicate my support for the bill. Like some other members here, I am not a motor racing enthusiast, although I have been to the Mallala circuit (about which the Hon. Mr Crothers spoke) and, a long time ago, I used to go to Rowley Park occasionally, which I concede is a little different from Le Mans racing.

It is important to emphasise what the Hon. Mr Crothers said in relation to the comments of the Hon. Mr Gilfillan—the possibility of a purpose built complex for races such as this. It is very important to emphasise that the Adelaide street circuit is the great attraction for these events. It makes use of part of the parklands, but it is based on the streets of Adelaide which are suited to such races better than most other cities in Australia and probably in the world.

I emphasise the fact that while the parklands are a great asset to this city and South Australia they are there for the use of people, and we need to use them for a range of activities. A lot of people use the parklands in that area for a majority of the year. I understand that this event will not greatly disturb that activity. I strongly support the bill.

The Hon. M.J. ELLIOTT: I must be the only member in this place who has not spoken, and I did not intend to until everybody else did. I will not repeat the issues covered by the Hon. Ian Gilfillan on behalf of the Democrats in terms of encroachment on the parklands, although that is a very clear concern. This government, more than any other government in our history, has raided our parklands. We have the wine centre, which is not only a wine centre because it also incorporates offices; a tennis centre, which is not just a tennis centre because it also has physiotherapists, masseurs, and a laser clinic (which advertises in the local papers), and it was supposed to be only a minor adjunct to Memorial Drive; and now we have what is becoming a permanent street circuit in the east parklands. There has never been a government—

The Hon. J.F. Stefani interjecting:

The Hon. M.J. ELLIOTT: There was an argument as to whether or not the railway lines were so alienated that we would ever get it. The government is also looking at putting a science centre on the other side of the Morphett Street bridge. There have never been raids on the parklands like those of the present government, supported by the present opposition. I think that people will reflect on what has happened in the parklands in a 10 year period in South Australia and ask how it happened.

During the 1970s and into the 1980s we went through a stage of recovering the parklands. Amongst other suggestions, we had a proposal that the tram centre was to be totally demolished and the area returned to parklands, and now we are racing off in the exact opposite direction. Each instance in itself can be justified. The government says that there is a very good reason for doing this: it has said that already on three occasions, and it is now lining up for the fourth. How many more are there to be? Is there a line over which we do not pass, or can we find one more excuse until we have totally butchered the parklands?

As I said, I did not intend to cover the ground the Hon. Ian Gilfillan covered; I am interested in the financial aspects of this proposal. Either at the end of the second reading or during committee, will the minister outline the analysis that has been done on cost? As was evident on the web site, the state will bear responsibility for certain costs, such as the track and some facilities. What is the total cost for the South Australian government for the Le Mans race and the next Clipsal 500 race? What is our total exposure?

What analysis has been conducted of the customers—the people who go to car races? Will they go to two races? There is a very real chance that the Le Mans race will excite a lot of interest this year—it is a first, and a lot of people will go—and that the clientele for the Clipsal 500 will drop off. I do not know what the break-even point is, and I suppose there is some argument about the break-even point but, if we lose as few as 5 per cent or 10 per cent of the clients, what sort of exposure does that put us to? As I see it, there is no real profit sharing here.

There is some argument about benefits to the community, but the government will pay for the Le Mans race and then we will pay again for the Clipsal 500. I would be interested to know whether the government has done an analysis of customers—if it has been out there doing focus group work, etc—to try to work out whether or not the Le Mans race will stimulate interest in the 500 and attendances will increase, or whether people who are not heavily into car racing will go to one race in a year, opting for one and not the other. While one race is arguably profitable, two could turn out to be a significant loss. I invite the minister to respond at the end of the second reading stage regarding the work that has been done in that regard.

The Hon. R.I. LUCAS (Treasurer): From two proposed speakers to 42 was a fair effort. I thank honourable members for their general indications of support, in most cases, for the proposed legislation. A number of issues have been raised in the second reading stage and I will endeavour to address them appropriately in committee, hopefully sometime tomorrow evening.

In closing the second reading debate, however, I speak wearing the hat of a local resident, I guess. A number of members, including the Hon. Carolyn Pickles and others who are local residents, have expressed various views on behalf of other local residents. I do not live too far from the Hon. Carolyn Pickles and I travel along Fullarton Road, Wakefield Road and Dequetteville Terrace every day of the year, maybe a number of times every day of the year, so I can speak with some authority about the issue of inconvenience.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott can complain about Unley Road if he wishes, but I can speak on behalf of the residents and those who live near the track. A number of members who do not live near the track have purported to speak on their behalf. I can say that the experience of the first Grand Prix, whenever that was—10 or 15 years ago (1984 I think)—involved traffic management as organised chaos as people tried to sort out how to get into the city. I think at that stage I was going to North Terrace: we were still in opposition and my office was in Parliament House. I would variously try routes via Greenhill Road, Walkerville Terrace or Main North Road, then the next day I would try going south again—any way to endeavour to get to the office in something less than 30 or 45 minutes for a trip which generally takes seven to 10 minutes. It is fair to say that in the first year there were teething problems as people tried to sort their way through.

To be fair, speaking as someone who knows something about the problems that people who live east of the city have to confront, generally the organisers are immeasurably better at managing traffic flow and inconvenience to local residents. That is not to say that, if you live within the precinct and when the barriers go up, there are not issues, but in terms of the traffic flow and whether you have to reorganise yourself for a period before the motor race, whatever motor race it is, organisation these days is immeasurably better than in that first year in particular. I think it is fair to say also—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I not talking about just last year: I am talking about experience in recent years compared with the early days. As I said, I can speak with knowledge, as opposed to people who think they know what might happen.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: There was this year, but I am talking about recent years compared with the first year or maybe two years in particular. People are great adaptors and, yes, there is some grizzling. However, a lot of our friends and acquaintances live in the local area and by and large there is some good-natured grumbling about limited interference with the free flow of traffic and their being able to get around the eastern suburbs and into Adelaide, but generally most people accept the limited inconvenience that they suffer for the greater good and the greater public interest. Inevitably, the vast majority of them participate by experiencing the event or hosting functions.

Barbecues and so on are conducted in the backyards of homes in the eastern suburb areas, both before and after the event. People who have been to the event often retire to the homes of friends and acquaintances in the eastern suburbs straight afterwards. They might walk back there and have a celebration, and that occurs in many of the homes in those eastern suburb areas. In terms of traffic flow, other than the first day of the week, generally it is manageable. For the week before the event there is some traffic interruption, with the major impact occurring on the Monday prior to the event. Generally, the first day is the worst, as some people forget what they had organised for themselves last year or they have not got themselves back into alternative mode for the week, or 10 days or so.

So on the Monday you can budget on taking a reasonably longer period in terms of trying to get into and out of work in the CBD area, if you are coming through that area. By and large, for the rest of the week obviously it is still slower but it is manageable. As I said, speaking as but one resident of the eastern suburbs, in my judgment it is a relatively small inconvenience for the greater benefit and enjoyment of many, many South Australians who attend the event and/or watch the event. In committee I will endeavour to respond to some of the issues as the minister in charge of the bill in the Legislative Council, but speaking with a hat on as a resident I think sometimes the degree of inconvenience is exaggerated.

I acknowledge that some people are inconvenienced, so I certainly do not purport to put a view that no-one is inconvenienced; that would be foolish. Yes, there is inconvenience, but I believe it is manageable and I believe that, while there are some grumbles, the majority of inner eastern suburbs residents generally support the provision of major motor sport in the parkland areas for the limited periods that are currently provided and as envisaged under this legislation.

The Council divided on the second reading:

AYES (13)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Pickles, C. A.	Roberts, T. G.
Schaefer, C. V.	Weatherill, G.
Zollo, C.	

NOES (4)

Elliott, M. J.	Gilfillan, I. (teller)
Stefani, J. F.	Xenophon, N.

PAIR(S)

Redford, A. J.	Kanck, S. M.

Majority of 9 for the Ayes.

Second reading thus carried.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 10 o'clock this evening, at which it would be represented by the Hons. M.J. Elliott, R.I. Lucas, A.J. Redford, T.G. Roberts and Carmel Zollo.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 1317.)

The Hon. P. HOLLOWAY: The opposition supports this bill, which comes from the House of Assembly, where my colleague John Hill (shadow Minister for Water Resources) has spoken on it and raised some issues during the debate in the committee stage. Therefore, it is not necessary from the opposition's point of view that we should spend a great deal of time on it here.

Basically, the bill applies to the Renmark Irrigation Trust and changes the method for charging for water. Currently, water supplied from the Renmark Irrigation Trust is priced according to the area of land that land-holders have within that trust. The bill before us seeks to change the pricing to be based on both an access charge and a volumetric basis. Anyone who has in any way considered water issues would see the merits of that change.

There is no doubt that, if we are really serious about addressing the problems of the Murray River, we have to ensure that water is valued more highly than at present, and one of the key ways in which we can do that is by changing the basis on which water is charged. I well recall that during the 1960s an eminent agricultural economist called Bruce Davidson made the very point that, with all the problems which were emerging even back in those days, nearly 40 years ago, if we charged the true price of water we would address many of those problems.

I am sure that he has had many disciples down the years, one of them being Peter Walsh, a federal minister with whom I had something to do in the early 1980s when he made some important changes to extend the old River Murray Commission to the Murray-Darling Basin Commission and to ensure that management was not just in the hands of the water resource engineers but that it also considered environmental and agricultural issues. They were important changes, to which I made some contribution nearly 20 years ago.

The point I am getting at is that the economic price of water that Bruce Davidson and others were arguing for has finally had its day. Whilst we must accept that the needs of existing users of water must be considered, it is essential that we encourage those who are prolific users of water to improve their irrigation practices. There is no doubt that the vast bulk of water used in this country is for irrigation, and at present there is very little metering or other economic basis for charging for the use of that water.

It is essential that some rational water pricing mechanism be introduced if we are serious about addressing some of the very serious water problems facing this country. Indeed, those problems will grow in magnitude over the coming years, so the opposition certainly supports this change to the basis of charging for water. It is one of the steps necessary if we are seriously to grapple with the water resource problems we have in the Murray River. Therefore, we will be pleased to support the bill.

The Hon. M.J. ELLIOTT: I support the bill, and note that 14½ years ago when I was elected to this place I was an irrigator taking water from the Renmark Irrigation Trust. I had some 11 acres of land, of which at that stage about three acres had some fairly young plantings on it. About six months after I was elected to this place and the weeds had grown higher than the trees, I thought that I was not going to get back there on weekends to look after it, and sold out.

At the time I felt very fortunate to be in the Renmark Irrigation Trust. Back then, all the water was piped, although not fully pressurised, although I had enough pressure on my block to run sprinklers directly off the system without using a pump, which I found to be very useful, to put it mildly. The Renmark Irrigation Trust was the envy of many irrigators in the Riverland at the time. Things have moved on, a great deal of money has been spent, and I am not sure whether there are any open channels left. They might just about have gone.

The Hon. J.S.L. Dawkins: Not at Renmark.

The Hon. M.J. ELLIOTT: Not at Renmark: I meant in the Riverland more generally. Loxton may be the last area left. In any case, I am pleased to see that there will be rating according to the amount used, although there was, in a rather crude fashion. We had an allocation that we could use, and if we went over it we were charged more. It is not as if volume was not taken into account at all. However, I raise one point of caution with all this.

Everyone has worked out now that irrigation practices in Australia have been inefficient for a long time, and everyone has worked out that if we are to get the Murray healthy we have to use water efficiently. Unfortunately, that is where the argument has stopped, and in almost all the efficiencies that we are gaining in terms of better irrigation practices, the water gain is then being used for more irrigation.

Anyone who understands the Murray-Darling system recognises that we have a major problem simply with the amount of flow, to get flushing, to get floods going over the flood plains on a more regular basis. Instead of being almost every second year, it is about one in 10. The health of the river is deteriorating, and the government recognises that and rightly points the finger interstate and says that there are some shocking practices up there.

The fact that flood irrigation is being used for relatively low value crops such as cotton and rice, when the water could be used for much higher economic gain, is criminal. But it is criminal in two regards: first, that we are not getting more economic production and, secondly, that we are also not getting increased flow. With efficient practices we can achieve both. But there is a danger—and there is nothing in this legislation, and I suppose that we were not expecting to see it here—that if we drive the efficiency wagon really fast and do not have the other wagon hitched on, which will let us get some of the gains and make sure it gives increased flows, then we have missed a major opportunity.

And it is a once-only. I suggest that within 10 years the efficient practices will be here, and if all the water saved has been poured onto more land to grow more crops, which I know is very attractive, and the river continues to deteriorate, we will end up losing the whole damn lot. That is the risk we take. Frankly, we have five to 10 years to get it right, and every year that goes past, the harder it is to get it right. We will not get it right, but to get it reasonably good might be a better way of putting it.

I am really concerned that we are seeing this debate about the efficient use of water and therefore rating to drive that efficiency, but we are not doing anything—not a thing—about increased flow. And we cannot just expect the eastern states to do it: we must do our share. We must show the eastern states that we are fair dinkum. We must, because we are the ones doing all the screaming. We must do it better than they do. We are doing it better than they are now, but we must continue to set the example, because if we do not, they have every right to ignore us. Unfortunately, we are the ones who will end up suffering.

The Hon. J.S.L. DAWKINS: I indicate my appreciation of the support for the bill shown by the Deputy Leader of the Opposition and the Leader of the Democrats. The bill makes minor amendments to the Renmark Irrigation Trust Act 1936, which provides for the supply from the Murray River of irrigation water and its subsequent drainage from private properties at Renmark. We have heard from the other two honourable gentlemen about the trust, but it is important to elaborate that the trust operates as a self-managed cooperative of irrigators to manage and maintain the trust's infrastructure and to provide irrigation services within the trust's district. The Renmark Irrigation Trust has a long history of service to, and is entwined in, the community of Renmark.

The trust is seeking to facilitate the effective ongoing management of irrigation water resources under its control. As has been said, the act under which it works provides for only a restricted basis for water pricing, and currently the water rates may comprise only a fixed dollar charge per hectare of land within the district. The trust has been unable to introduce a two-part rate structure, which is commonly used by other irrigation trusts and authorities both within South Australia and across the border. Two-part rating structures come into line with the Council of Australian Governments' water pricing reform principles.

In contrast, irrigation trusts operating under the Irrigation Act 1994, including the eight or so trusts that come under the umbrella of the Central Irrigation Trust, enjoy considerable rate-setting flexibility. That act allows water rates to be based on one or a combination of two or more of four appropriate factors. The proposed changes to the Renmark Irrigation Trust Act have been the subject of considerable consultation with the trust. I understand that the trust has made its intention to move to a two-part rating structure widely known in the community and I understand also that it has mentioned it in its last three annual reports.

I would like to add to what the Hon. Michael Elliott said. We need to make note of the efficiencies that have been made in the use of water. The honourable member made a good point that we do not want to make all the efficiencies and then use it up by putting additional dry land under irrigation. However, I must say that I have some limited experience in Riverland irrigation practices, and I well recall as a young lad visiting a fruit block at Berri that my uncle owned, where the water had to be taken on a particular day, whether or not he wanted it and whether or not there had been three inches of rain the day before. That is the way it worked. We are far ahead of what we were doing in those years and, as we move towards the piping of all irrigation water in South Australia, we have achieved a great deal.

The efficiencies that we can gain under the changes to this act are very important to all South Australians. I was intrigued to learn recently that an irrigation trust, which is based on the Central Irrigation Trust model, has been established in the Mildura area. Renmark will be moving to that model, too, and the Mildura people have been coming across to South Australia to look at the way in which the Central Irrigation Trust has been modelled and how the irrigation water is used. I thank members for their contributions in support of this bill, and I add my wholehearted support to what is an advancement for the Renmark region.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indications of support for the second reading and look forward to the speedy passage of the bill.

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

SOUTHERN STATE SUPERANNUATION (CONTRIBUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1153.)

The Hon. P. HOLLOWAY: This bill is supported by the opposition. It makes changes to the method by which employees make contributions to the state superannuation scheme, first, by amending provisions relating to voluntary members' contributions, and, secondly, by introducing salary sacrifice to the scheme.

In relation to voluntary members' contributions, the act provides that such contributions should be based on the member's salary at 31 March of that year. Therefore the contribution remains the same for the next 12 months. The amendment in this bill will link the member's contribution to the payroll system, which can then be adjusted as salary is adjusted. This process is facilitated by improvements in information technology. The process takes the place of the current system, whereby the South Australian Superannuation Board collects data in order to calculate the contribution of employees. A further amendment in the bill relates to members' contributions allowing for the Superannuation Board to determine fees and charges rather than the current system whereby the government determines such fees and charges.

In relation to salary sacrificing, the bill seeks to allow members to have the opportunity to salary sacrifice additional contributions from their pre-tax salary to the scheme as an

alternative to receiving cash payments. The bill also allows contributors to the state pension and 1998 lump sum schemes to direct salary sacrifice contributions to the Triple S scheme. The bill also makes changes to entitlements to the temporary disability pension benefit by extending that benefit to members who salary sacrifice.

The opposition is aware that this bill is supported by the key players in the superannuation scheme, including the Public Service Association and the Australian Education Union. The opposition supports all the measures in the bill.

The Hon. M.J. ELLIOTT: I indicate that the Democrat's support the second reading of the bill. I do not think I need to cover the content of that; that has been done by others. I think, importantly, those people who represent the members of the scheme—the various unions—all seem to be relaxed about this bill and, on that basis, the Democrats have no problems with it.

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their indication of support for the legislation. I look forward to the speedy passage of the bill.

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

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1127.)

The Hon. M.J. ELLIOTT: The Democrats have not made a final decision on how we will vote on the second reading of this bill. What I want to do, though, is express a great deal of concern. Members in this place will be aware that drug law reform is an area which is of very great and special interest to me—and not just as a sort of allocated portfolio, because I have a real passion about getting it right. I have to say, on my reading of this bill, we are going backwards rather than forwards.

I think, unfortunately, we got caught up in a national agenda and, without discussing the motivation of the people driving the national agenda, I suggest that one thing that could be said is that they were fairly ignorant in this area. I think, unfortunately—perhaps partly because the media always focuses on what is happening in the eastern states—we get told about the wonderful things that are happening in the eastern states and they have no idea about what we have already done.

The fact is that we have been leading the nation for a very long time with our drug assessment and aid panels. I have never heard any criticism—not on a single occasion, despite all the involvement I have had in drug law reform—of the drug assessment and aid panels other than lack of resources: lack of resources for the panels themselves and lack of resources for the programs onto which they need to refer people. Those have been the only criticisms I have heard: that that lack of resources led to delays. Unfortunately, a person who is referred to the panel, before they have been seen by the panel, often commits a crime, another one and then another because of the enormous weights. However, there was nothing wrong with the panel or the panel system. It was simply that the resources were not there for the panel to have the resources to see the people as quickly as it would like. The other problem was that so many of the treatment programs were overloaded and the methadone programs were full. Until very recently we had nothing else to offer other than methadone programs.

I think most people agree that, if there is a problem in the drug treatment area, it is that governments have not been prepared to spend the money. I understand it is a lot of money and people are not sure from where it will come. However, I remind members of what the Swiss discovered when they carried out their heroin prescription trials: that the major cost related to psychological and sociological help and various forms of assistance. They found that it cost some $50 per day for the treatment of those heroin addicts—and I must say that numbers like that would frighten the government, and I can understand that. However, the Swiss also found that they were saving a further $50 a day as a consequence of those programs.

They found that, if you tallied up police, court, prison and a range of other costs, it was previously costing $100 per day. So, in spite of the fact that they were spending $50 a day in treatment, the state was $50 a day in front. So, it is simply not good enough for governments to say that they cannot find the money. The fact is that they are finding the money to spend elsewhere as a consequence of failing to spend the money earlier: the old stitch in time saves nine.

The government has been enabling some other things to happen. We have seen some trials with buprenorphine but, I must say, they were sadly under resourced; and there has been some work with naltrexone, which was also under resourced. The methadone programs have been expanded. We desperately need a suite of treatment programs operating under a single umbrella. I think it is very important, in terms of referrals, for a single body to be set up to look at appropriate treatments to make sure that people receive the appropriate treatment. I have a very strong view that drug assessment and aid panels are the sensible place from which that should happen. This legislation actually abolishes drug assessment and aid panels. I do not know whether the government intends to re-establish them under ministerial fiat, but the fact is that the provisions which establish the drug assessment and aid panels are being replaced. Instead there will now be referral off to a range of bodies which are authorised by the government.

If you are talking about comprehensive programs, they need to be coordinated. I just do not see any coordination hinted at within the legislation. I do not know what the government has planned, but the legislation really shows no structure at all. I think it is vitally important that, if a person is committing a crime which relates to drugs, they get referred to a drug assessment and aid panel (which is supposed to happen now), and the panel will then direct them to the appropriate forms of treatment and will have a good overview and be able to present an overview. However, what the government is proposing is that a police officer will make the offer or, I should say, may make the offer, because the way it is set up the police have a discretion as to whether they even send them off to one of these treatments.

I cannot understand for the life of me why the police will be given a discretion in this matter. It is important that, if a person has been involved in drugs, there is no discretion for the police—they will refer them. And, so far as there is the necessity for discretion, it should be exercised by the experts. The experts, I would argue very strongly, should be found in a body such as the drug assessment and aid panel.

Speaking in general terms at this stage, I think we have gone backwards. I suspect that, when the Premier first

jumped onto the hobbyhorse of drug courts, he probably did not even know we had drug assessment and aid panels in South Australia. They have not been trumpeted loudly, which is unfortunate, and then suddenly we are told about these drug courts in New South Wales—they are the best thing since sliced bread and, yes, we will do it, too.

I am prepared to have an open mind about how drug courts might go, but I did attend an excellent conference in Adelaide that was sponsored by SA Police, and one of the guest speakers was the head of the new drug court in New South Wales. She was very cautionary, and I thought sensibly so. She was going into it with a very open mind and she was sharing the stage, as I recall, with a drug court judge from the United States. As politely as she could, she debunked some of what he said. The drug courts will have a place to play in the scheme of things. I suspect that they will be relatively minor players. They will be extraordinarily expensive players, of course: we are talking about courts and the moment you do that you are looking at much greater costs.

I am not terribly convinced that the court, for most people, will offer anything that drug assessment and aid panels cannot offer. It seems to me that, if anything, the role that the drug court might play is the final stage. If the assessment and aid panels deal with someone who is having difficulty in terms of recidivism and that sort of thing, they may then refer the person onto the drug court and say, 'This is beyond us': the drug court and the powers that it might care to invoke come into play. The overall structure and overall scheme are not evident in the legislation. I do not think the whole thing has been terribly well thought out. We have perhaps been a bit eager to dip into a pot of money that the federal government has been offering. I am glad that the federal government is now putting more money into this area. Both federal and state governments will need to put in a lot more but, as I said before, it will be more than made up by money saved elsewhere if we do it right.

I have not tried to undertake a detailed analysis of the bill clause by clause, but I express grave reservations about the general thrust of this legislation. It is pleasing that the government is paying a lot more interest to this area and is attempting to achieve reform but, in my view, this reform is probably taking us backwards rather than forwards. As I said, not only have I heard no complaints in all the time I have been campaigning for drug law reform about the DAAP but I have heard an awful lot of complaints about this legislation: there is simply no support. There has not been a single approach from anyone supporting the legislation, but I have had a significant number of approaches expressing concern about it.

The government needs to stop and think seriously about this matter. I am not sure whether or not I will have to look at supporting legislation in an amended form or whether I will have to look at opposing the bill, but I certainly cannot see how I can support the abolition of drug assessment and aid panels. At this stage, I wait to be further convinced by the government.

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

BOXING AND MARTIAL ARTS BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1208.)

The Hon. M.J. ELLIOTT: I support the second reading of this bill. As long as boxing and martial arts takes place in the state, it would be very hard to oppose a system that seeks to license the people who are running the fights. One would hope that that gives us an increased prospect of reduced harm to individuals who take part in what to some is a sport and to others is perhaps something else. People have a lot of concerns about boxing and martial arts, particularly in relation to youngsters, and perhaps there is a need for control of what happens outside official fights. But that is not the substance of this bill. Other than flagging that some other matters perhaps deserve attention, the Democrats indicate support for what is contained in this bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members who have contributed to the debate and for their support for the government's endeavour to introduce appropriate and safe practice in terms of boxing and martial arts. I accept that members of parliament have spoken in the context that, if these 'sports' are legal, there should be a procedure or code that does respect safe and appropriate conduct.

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

ADJOURNMENT

At 10.05 p.m. the Council adjourned until Wednesday 5 July at 2.15 p.m.