LEGISLATIVE COUNCIL

Wednesday 12 July 2000

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay upon the table the 23rd report of the committee 1999-2000; the report of the committee on regulations under the Development Act 1993 concerning public notices; and the report of the committee on rules under the Racing Act 1976 concerning harness racing.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

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

Leave granted.

The Hon. CAROLYN PICKLES: This morning's media carries a story stating that the Deputy Prime Minister is highly supportive of a Melbourne to Darwin railway. The federal government has offered $300 000 for a feasibility study for stage 1 of the project. The project, which appears to have support from the highest levels of the federal Howard government, is for an inter-city railway running from Melbourne up the eastern seaboard to Darwin, which will bypass Adelaide and Alice Springs. On 19 March 1999, the Premier said that the Prime Minister's support for the Melbourne to Darwin line was nothing more than an attempt to boost the Liberals' chances in the New South Wales state election. The Premier stated:

> I am sure it is no coincidence that the New South Wales election is Saturday week and they have made this announcement running through country New South Wales 10 days out from that election campaign. I think the timing says it all. We're 10 days out from the New South Wales state election and they're going to put a committee together.

My questions are:

1. Has the minister held talks with the Deputy Prime Minister or other officials of the commonwealth government about any adverse impact this would have upon the financial viability of the Alice Springs to Darwin railway, and what has been the commonwealth's response?

2. Does the minister agree with the Premier that the Howard government's support for the Melbourne to Darwin rail is merely cynical politicking?

3. Under the contract between the South Australian and Northern Territory governments and the AustralAsia Railway Corporation, can the South Australian taxpayer be made liable to pay the corporation any further payment, or any compensation or revenue concession in any form whatsoever, in the event that a competitor to the Alice Springs to Darwin railway is built, with or without commonwealth support?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member would appreciate that negotiations are close to being realised in terms of financial closure for the construction of the Alice Springs to Darwin railway. It has been a long exercise to get to this point. I am not privy to the last few details that have to be negotiated between all the parties, including the financial backers of this project. However, I know that all parties are keen to finalise the arrangements so that considerable work can be undertaken before the next wet season begins in the Northern Territory.

With respect to the Acting Prime Minister's announcement, $300 000 is an absolute pittance in terms of getting any consultancy done on a project, let alone one that is a dream, I suspect, of a Melbourne-Darwin rail link. As has been said in this place in the past, not even the survey work let alone all the negotiations on national land rights issues and the financial backing is anywhere close to being discussed seriously for the Melbourne-Darwin line. I do not take it seriously.

From time to time the project is raised in a political context. It is always advanced whenever our project, the Adelaide-Darwin link, is close to a critical stage in negotiations. There are those who have never wished to see the Adelaide-Darwin project completed, but I do not put the Acting Prime Minister in that category because the federal government has been generous in its funding of the project. However, the politics of New South Wales and Victoria, and to some extent Queensland, has always been obvious in this matter and, whenever there is a critical point in our negotiations, they bring up the Melbourne-Darwin line. So I was not surprised to see it raised at this important and historic juncture in the Adelaide-Darwin project.

The Hon. Carolyn Pickles: So you don't take it seriously?

The Hon. DIANA LAIDLAW: I do not take it seriously because there has been a history of the eastern bloc, or the eastern seaboard—whatever we call it—seeking to thwart this project at critical stages. I see this latest announcement as yet another one of those actions, but it is a belated one, and it will not thwart either the financial close or the construction of the Adelaide-Darwin railway. I also remind the honourable member that, in transport terms, $300 000 does not even establish a change to an intersection traffic light in Adelaide, so we should keep the funding commitment in perspective. Anything in transport is expensive—$300 000 is a sneeze.

NATIONAL COMPETITION POLICY

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question on national competition policy.

Leave granted.

The Hon. P. HOLLOWAY: It was reported in today's *Age* that the President of the National Competition Council, Mr Graeme Samuel, stated at a Victorian Farmers Federation conference that competition policy was being used as a whipping boy by governments and politicians. He stated that politicians were being derelict in their social responsibilities by not helping country people deal with changes brought about by competition policy. He also called on governments to act without fear or favour and enforce competition policy on a number of city-based industries such as the taxi and car manufacturing industries. Mr Samuel further stated that he planned to advise the federal Treasurer, Mr Costello, to withhold competition payments from states that refused to undertake competition reforms in both city and country areas. My questions are:

1. Does the Treasurer agree with the comments by Mr Samuel that governments are being derelict in their social responsibilities in relation to the implementation of competition policy?

2. What impact does the Treasurer believe the application of competition policy reform as advocated by Mr Samuel will have on the car manufacturing industry in South Australia?

3. What is the Treasurer's response to the threat that compensation payments may be withheld?

The Hon. R.I. LUCAS (Treasurer): I do not share the view of Mr Samuel that governments have been derelict in their duty in relation to competition policy. However, he is entitled to his view. It is not one that I happen to share and, I suspect, not only other members of this government but other members of other governments also share.

The competition commission has its role to play and ultimately governments have to make decisions not solely driven by the views of Mr Samuel and the National Competition Council and others who adhere to that view. We have to make balanced and reasonable judgments having listened to their view and also having listened to the views of others who have differing and contrary opinions in our South Australian community. There are many others who take differing views.

This government has made it quite clear that we do not slavishly follow the purist ideological view in relation to these issues. We accept that there are matters of judgment. We accept that Mr Samuel and his council have a role to play, but equally we accept that they are not the sole arbiters of government, parliament or community decision making here in South Australia. I hope that Mr Samuel and his council would acknowledge that as well.

It is within his rights to recommend a whole range of things to the commonwealth government in relation to competition payments. In response to the honourable member's third question, my view and the state government's view is that we would strongly oppose any reduction in competition payments that might be recommended by the competition council in the automotive industry, the taxi industry or any other industry.

We think we have a balanced approach to these issues. We do not slavishly follow the ideological path: we try to make rational judgments about what is in the best interests for not only our industries but the workers in those industries and consumers of products as well as for the public interest—as broadly defined as you would wish it to be—on behalf of the South Australian community.

I make no comment about the taxi industry. You can direct questions to my colleague the Minister for Transport in relation to that. In relation to the car industry, that is a perfect example of the balanced approach the South Australian government has adopted, and it is a credit to the position that the Premier has adopted (both previously as minister for industry and more latterly as Premier) that we, in essence, managed to have a pretty good victory in terms of the recent debate—recent being a number of years—in relation to the future viability of the car industry in terms of tariffs. It has been due to the work of Premier John Olsen and some others from South Australia—and I acknowledge the role of Mr Ian Weber in this area, as he was a significant player in terms of his participation in the car tariff debate.

I think that is a perfect example of what I said earlier: this government does not slavishly follow the ideological path. We make, we hope, rational and reasonable judgments having listened to that particular view and balancing it with the views of others before we make a judgment in relation to the best interests of the people of South Australia in relation to those issues.

The Hon. P. HOLLOWAY: I have a supplementary question. Does the Treasurer believe that the policies being adopted within the South Australian car manufacturing industry make them vulnerable to attack by the National Competition Council?

The Hon. R.I. LUCAS: I think all industries in Australia, not just the automotive industry, are vulnerable to attack from the National Competition Council. I think, to be fair to Mr Samuel and his colleagues, from their viewpoint they act without fear or favour about any industry. There are not too many who have not felt some criticism from their viewpoint in terms of what the National Competition Council believes competition policy should be like in relation to its particular industry.

Compared with many others, I do not really see the manufacturing industry or the car industry as being unnecessarily or unduly targeted. The fact is that today he has made comment about the taxi industry; in recent times, it was the retailing industry; at other times, it was the gambling industry; and, at other times, it has been the water and sewerage industries. He and his colleagues have been critical of a variety of industries, one of which happens to be the manufacturing and automotive industry.

EMPLOYMENT TRAINING PROGRAMS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Regional Development, a question in relation to skills and employment training.

Leave granted.

The Hon. T.G. ROBERTS: It appears that we are heading for a difficult circumstance in relation to skill shortages. Presently, there is a shortage of a number of trade skills in this state, particularly in regional areas. It appears that with some of the big ticketed projects, such as the Alice Springs to Darwin rail link, skills development will be required. It has been reported to me that the wine industry will experience shortages of skilled planters and pruners during the coming season. Nothing appears to have been done—particularly in the regions—to overcome this problem. Last season we had the unedifying spectacle of running buses from the northern suburbs to the Upper South-East to try to overcome some of these shortages. The same problem appears to exist at the moment.

Talking to some of the people responsible—particularly in TAFEs—for skills and employment training, they have advised that federal funding is unavailable to even develop programs to address the shortage of skills. It is a sad indictment of any state or federal body if it cannot train unemployed people to suit the jobs created—and are still being created—in this state to get the match of skills to unemployed people. Will the minister call a meeting, as a matter of urgency, of ministers responsible for education and training to make an accurate assessment of the skills management problem to try to develop a solution to this problem—particularly in regional areas—so that we do not continue with these skill shortages into the future?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the honourable member's question to my colleague in another place and bring back a reply.

BUILDING SIGNS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Local Government, a question about rate notices on building signs.

Leave granted.

The Hon. J.F. STEFANI: Since the amendment of the Local Government Act, the Adelaide City Council has been selectively issuing rate notices on building signs in the CBD. Last year some 86 notices were issued to various building owners. There are thousands of buildings signs in the City of Adelaide council area which have obviously not been rated. By issuing assessment notices to ratepayers in a selective manner, it has been suggested that the Adelaide City Council is in contravention of the principles of natural justice and is failing to apply an equitable process in collecting revenue.

As a matter of interest, the Adelaide City Council has been issuing rate notices on such signs under the premise of naming rights. However, since receiving a copy of the Crown Solicitor's advice sought by the former Minister for Local Government on this matter, the Adelaide City Council is now trying to justify its position using the criterion that building signs are improvements. To add fuel to the fire, the Adelaide City Council is also applying a Torrens catchment levy on the assessments of the building signs. My questions are:

1. Will the minister undertake an investigation of this matter as soon as possible so that the Adelaide City Council can be made accountable for the rating of all signs under its jurisdiction, including those on telephone boxes, post office boxes, ATM machines, bus shelters, mobile phone towers, and weather recording and air navigation equipment, and all building signs, including on the Brookman Building, the Walsh Building, the Bonython Building, Roma Mitchell House, the Adelaide Casino and many other heritage buildings in the CBD?

2. Will the minister investigate whether the Adelaide City Council has the legal power to assess a sign painted on a window or wall of a building under the premise that such signs are an improvement?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will ask the minister to investigate this matter promptly and bring back a reply.

CRIMINAL INJURIES COMPENSATION FUND

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question regarding the Criminal Injuries Compensation Fund.

Leave granted.

The Hon. IAN GILFILLAN: The shadow attorney-general in another place has been receiving publicity recently for his claims that the Criminal Injuries Compensation Fund allows offenders to be compensated for injuries received during the course of their offences. Mr Michael Atkinson MP was interviewed on ABC Radio to that effect yesterday morning. When pressed for an example of this occurring, the shadow attorney-general could cite only one case where this had occurred when one member of a gang had been shot dead while the gang was attempting to steal marijuana plants from someone's backyard. The implication in Mr Atkinson's remarks is that too little is available for the compensation of criminal injuries because criminals are getting their hands on the fund. What the shadow attorney-general did not say is how little money is available in the fund for the compensation of criminal injuries per se; nor did he say what, if anything, Labor would do about it.

I have been corresponding with the Attorney-General recently to ascertain how much is due and payable to the Criminal Injuries Compensation Fund, how much is paid out to victims and how much is paid out for other purposes. Contrary to the imputations of the shadow attorney-general, the biggest deductions from the fund are not made to offenders, which is a negligible amount, but are bad debts written off—$9 million this financial year. The next biggest diversion is to the Crown Solicitor's office, and I quote from the Attorney-General's letter of 4 July to me:

> $1.1 million reimbursement for expenses incurred in relation to the fund. A further $220 000 is spent each year on 'other minor costs incurred by the fund'.

This leaves only about $11 million per year, or about half the amount notionally allocated to the fund which is available to be distributed to victims. My questions are:

1. If there is a so-called loophole, as the opposition alleges, whereby an offender may be compensated for injuries received in the course of committing an offence, does the Attorney agree that expenses incurred in relation to the fund, as previously quoted, constitute a far more substantial drain on the fund?

2. What, if anything, is being done to reduce the level of expenses chargeable to the fund so that more money is available to go to victims of crime?

The Hon. K.T. GRIFFIN (Attorney-General): It is unfortunate that the shadow attorney-general, Mr Atkinson, suddenly fell upon the case that occurred three years ago in respect of those who were engaged in stealing marijuana and who were injured when challenged by the owner of the property from which the marijuana was being stolen and subsequently were awarded criminal injuries compensation. I think many people were offended by that case. I certainly made some comments about it and indicated that we would examine that in the broader context of a review of criminal injuries compensation. Incidentally, that review is almost completed and I indicated that to the Council when we were debating the portfolio bill last week, which has now been the subject of comment in relation to criminal injuries compensation by the shadow attorney-general.

However, as I said in the course of the debate, those sorts of instances are not common. I think that, in the context of the claims made for criminal injuries compensation, they form a minuscule amount of the total number of claims. I do not have information readily available about the number of claims that might be made by either prisoners who might have been assaulted in prison, which is another area that has been raised in the past by Mr Atkinson, or, for that matter, the number of cases where those engaged in some criminal endeavour, having been injured by another, subsequently make a claim for criminal injuries compensation.

It is important to note that there is already provision in the Criminal Injuries Compensation Act for a District Court judge to award compensation. I think it was Chief Judge Brebner who was presiding about three years ago in the case to which both I and the Hon. Mr Gilfillan have referred, but in that instance it was a question of apportioning liability. My recollection is that those who were injured recovered something like 60 per cent of what they would otherwise have been entitled to on the basis that there was contribution to their misfortune, that is, the injury.

What the House of Assembly has done is to support the amendments that were rejected in the Council and instead

support the amendments of Mr Atkinson. It has a certain emotive appeal: do not let criminals collect criminal injuries compensation. I have some sympathy, as I indicated, with the sentiment of the amendment. I asked that that be left to be dealt with in the course of the review and, whatever was determined in the review, there would be an opportunity to debate that issue in the next session. However, the Labor Party could not wait that long, and instead it wanted to make a political point and hop on the bandwagon. Mr Atkinson has been working the media pretty extensively in the past couple of days to beat this up, and as a result we now have to address that issue as a result of amendments made in the House of Assembly.

When I spoke on this in the Council I made the point that there would be some quite significant unintended consequences. When we come to debate the issue again when considering the message, I will try to identify those quite innocent circumstances where technically there has been a criminal offence, injury has occurred in the course of the commission of that offence and compensation will be denied. It is not an easy issue to resolve. It certainly attracts an emotive response, but I think it is important, because we are legislating for a longer period, that we look carefully and rationally at the issue and not be carried away in our own excitement and emotion by the proposition which is being put.

The Hon. Mr Gilfillan in his explanatory statement has already made a number of observations about the amounts in the fund. He did indicate that bad debts written off were quite extensive. We recover only about $400 000 or $500 000 a year out of payments of something like $9 million or $9.5 million. What we are doing within the justice portfolio in my Attorney-General's Department is to put in place a better process by which we can seek to recover more of the funds which are paid out and to streamline the administration.

I will bring back some details of that when it has been completed. I can assure the honourable member that we are conscious of the need to try to recover more, but one has to remember that recovery is mostly from those who have committed criminal offences, many of whom are still in gaol; and when they come out of gaol they will disappear interstate, and it is very difficult to track them down.

Whilst I am not making excuses for the relatively low level of recovery, I put it into that perspective so that we understand the issues. I will look at the more detailed issues raised by the honourable member and bring back a reply.

The Hon. Ian Gilfillan: Do you believe the expenses are too high?

The Hon. K.T. GRIFFIN: The Hon. Ian Gilfillan asks whether I believe the expenses are too high. A significant amount of work is done by the Crown Solicitor's Office in processing claims both before action, in the court and subsequently. I am not in a position to say that they are excessive, but we are endeavouring to reduce them. It is a question of how we can achieve that while still ensuring that only those claims that are properly established are paid out. One has to get a balanced perspective about the expenses in that context. I will take that question on notice as well and bring back a reply.

CHILDREN, FARM SAFETY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about child safety on farms.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that, over a five year period in the 1990s, 11 children were killed in South Australia as a result of farm accidents. The two common agents in those deaths were tractors and dams. Since 1995, six child fatalities involving tractors have occurred in South Australia. Those of us in this chamber who grew up and who have brought up their children on farms are well aware of the risks associated with the activities that children get up to as part of a farm lifestyle in the midst of work on a primary production property.

These people generally exercise great caution and are aware of how easily accidents can happen. I am aware—as I am sure are other members—of near misses involving children in agricultural situations. What actions are being taken by the government to highlight the risks of children on farms for both parents and the community?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I know of the interest of the honourable member and a number of other members in the important issue of safety on farms and other workplaces. Contrary to people's expectation, the Occupational Health, Safety and Welfare Act does extend to workplaces such as farms, and not only to those people who are engaged in employment or work at a work site but also to those who might come upon that work site. Farms are not only workplaces but living places for farmers and their families, and children are frequently at those workplaces.

The honourable member has correctly drawn attention to the tragic number of fatalities of young children on farms not only as a result of tractor accidents but also those involving dams. The farm environment is not unique. Over the same period of time, a number of children have suffered injuries and have died as a result of drowning in swimming pools and the like.

However, for the purposes of occupational health and safety, farms have been identified as areas that require particular attention, and a Farm Industry Reference Group has been established under the Occupational Health, Safety and Welfare Act and it has devised a strategic plan for farm safety and, amongst the programs supported by the reference group, was tractor safety promotion. A Farm Safety Forum 2000 was held at which it was suggested that the Farm Industry Reference Group pursue the issue of child safety for farmers. That program integrates well with the tractor safety promotion.

The Hon. Diana Laidlaw interjecting:

The Hon. R.D. LAWSON: It has been formulated. Next week, as a result of the activities of the Farm Industry Reference Group and the workplace services, a new promotional campaign will be launched which will include television advertisements under the theme 'Farm work is not child's play'. I have seen the proposed commercials and they do present a graphic reminder and warning to all of us about the necessity for appropriate measures to address child safety on farms. Farmers, as everybody would know, have a difficult enough time in the current climate, and I think it is quite inappropriate as some might see it to attack farmers for a want of safety, because I think most people know that farmers are interested in and dedicated to safety. But notwithstanding that I think it is worth having a reminder to the community generally to provide some assistance and I think also to provide understanding to farmers who are working in a unique situation. I believe that this 'Farm work

is not child's play' promotion will go some way to further educating the public on this important issue.

The Hon. T.G. ROBERTS: I have a supplementary question. Child care was one of the problems that was raised in a seminar that I was familiar with. Is child care on the list of subject matters to be discussed, as a means of reducing accidents occurring to children on farms?

The Hon. R.D. LAWSON: That is certainly an issue that the Farm Industry Reference Group has been considering. I have not seen a full report of its ideas or thoughts about child care. It is clear that some accidents have occurred because farmers have actually been on tractors, for example, with their children, because of the unavailability of immediate child care, and that is one issue that obviously will have to be addressed in this wider context. But certainly I will take on notice the honourable member's supplementary question and provide him with further details if they are available.

CRIMINAL TRIALS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions about the length of delays before criminal trials are being heard in the Supreme and District Courts.

Leave granted.

The Hon. T.G. CAMERON: The most recent annual report of the judges of the Supreme Court has stated that criminal trials in the Supreme and District Courts of South Australia are being delayed, and when they finally start are taking longer to complete. The report reveals that only 13 per cent of criminal trials began within 90 days of arraignment, well below the courts' adopted standard that 90 per cent of trials should begin within that time frame. The report also stated that one in five trials has not started within a year of arraignment, an extraordinarily long time for justice to be achieved. Chief Justice John Doyle has now admitted that in the criminal jurisdiction the courts are unable to meet time standards for trials. My questions to the Attorney-General are:

1. Considering that access to a speedy trial is one of the central principles of our justice system, what course of action will the government take? Will you attempt to meet the target of 90 per cent of trials being heard within 90 days and, if so, how will this be achieved, or will you simply relax the courts' current adopted standard and allow the present situation to continue?

2. Could you also provide the figures for average waiting times for criminal trials to begin in other Australian states?

The Hon. K.T. GRIFFIN (Attorney-General): The Chief Justice was asked those sorts of questions during the estimates committees—and I acknowledge that the Hon. Mr Cameron was not a part of that, so I will obtain the information that was provided at that point.

The way in which the standards are set by the courts in relation to so-called waiting times is that they endeavour to set some targets. They modified those for the recent budget estimates period on the basis that they had invariably not been meeting those targets since the targets were set back in the days when Mr Sumner was Attorney-General. They were set by the courts without consultation with him. Certainly, there has been concern that those targets were unrealistic in the practical sense. I do not have the detail of the waiting times at my fingertips at the moment, but I will obtain them. I will also endeavour to obtain the waiting times from other jurisdictions.

My understanding is that South Australia is up with the leaders in terms of the speed with which matters come on for trial. In New South Wales, for example, only a couple of years ago there was something like a two year wait for matters to come on in the County Court. A number of County Court judges—I think it was up to about 10—were appointed to try to alleviate that delay, but my understanding is that there are still difficulties with delays, particularly in the criminal jurisdiction but also in the civil jurisdiction.

If I can take the question on notice, I will identify what the waiting times really are and how they compare, and address the resourcing issue to which the honourable member has referred. In this current budget, I can say that no additional funds were made available to the courts except in relation to provision of court security. There was a recognition of a particular need there, and that was addressed. I am conscious also that the courts are always trying to improve their procedures. For example, the new civil rules for the superior courts come into effect, I think, on 3 September, and they will even more effectively streamline processes within the courts. So, if I can take the question on notice I will bring back a detailed response.

GOODS AND SERVICES TAX

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Leader of the Council and Treasurer, the Hon. Robert Lucas, a question about the GST.

Leave granted.

An honourable member interjecting:

The Hon. L.H. DAVIS: It won't be as easy for you. My attention was drawn to the edition of *The Bulletin* dated 18 July (a date we are yet to reach), which hit the newsstands only this morning. I bought a copy, and there is a very interesting article, intriguingly titled 'Lunch with Maxine McKew,' who members opposite would well know is the partner of a former Victorian Labor luminary, one Bob Hogg. The subject is John Della Bosca. I just want to quote, quite accurately, from this three page article—remembering, of course, that John Della Bosca, a minister in the Carr Labor government and from the New South Wales right, had been publicly backed by the federal Leader of the Opposition, Mr Kim Beazley, for the position of federal President of the Labor Party, which is scheduled to be resolved in just a few weeks. Maxine McKew says, on page 48:

> Della has the nod because just about everyone acknowledges the acuity, the superiority of his political judgment.

She further says:

> His political talent is said to be a fine appreciation for popular sentiment and hip-pocket instinct.

The article goes on to quote him more directly in the interview, which Ms McKew says was over lunch without taking any drink stronger than lemon, lime and bitters. I think that the bitters came later. On page 50, Maxine McKew quotes directly from Della Bosca, as follows:

> The research showed this, and current research is showing it again, that when it comes to the GST, they [the voters] are just supremely disinterested. It's a case of 'What's the big deal?'

Then we cut to the real chase on page 51 and I quote directly from Maxine McKew's article. This is John Della Bosca speaking:

> I think the problem we've now got with the GST is that it's going to be a bit of a Y2K. Big shock horror. Lots of grizzling, but then

people saying, 'Oh, so what?' And with the rollback, well people think, shit, it's complicated enough already. Why make it more so? Then there's how you make it simpler for small business. No-one is going to believe you can do this. The only thing you can do is give more exemptions. But that makes it more messy.

Then Maxine McKew intervenes and says:

And just to make sure I've got the message, Della Bosca adds: 'Actually the fairest thing to do would be to reimpose it on food.'

Reading on, Maxine McKew says;

In the interests of complete disclosure, I should point out that neither of us has been drinking anything stronger than lemon, lime and bitters, and that all of the above has been said without caveats. None of your 'you-can't-quote-me-directly' kind of qualification. I can only assume that Della Bosca has decided to send an early message to Kim Beazley.

The PRESIDENT: Order! I hope that the honourable member is close to asking his question.

The Hon. L.H. DAVIS: Yes, I am very close to the question, Sir. On page 26, in a column that is accurately called 'Power Play', Mr Laurie Oakes says:

In a nutshell, what Della Bosca tells Maxine McKew is that Labor's policy on the GST is misguided and counterproductive. The people Labor must attract to win government, he argues, do not mind the GST and have accepted that it is in the national interest.

My question is: given that all the Labor Premiers have signed off on the GST, which in itself suggests some acceptance of the GST, is the Treasurer aware of what is the attitude of the Leader of the Opposition (Hon. Mike Rann) to the GST and, in particular, the comments of his Labor colleague from New South Wales, John Della Bosca?

The Hon. R.I. LUCAS (Treasurer): It is very interesting because no less a luminary than the Hon. Terry Cameron has spoken in fond terms of the campaigning expertise of John Della Bosca.

The Hon. T.G. Roberts: He is on the record.

The Hon. R.I. LUCAS: He is on the record.

The Hon. T.G. Cameron: He is one of the best campaigners in the Labor Party.

The Hon. R.I. LUCAS: The honourable member says that he is the best campaigner—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I think that the Hon. Trevor Crothers is agreeing as well. As I understand it, Mike Rann brought John Della Bosca across to South Australia last year or two years ago to provide campaigning expertise to the South Australian division.

The Hon. T.G. Cameron: What a job he did, too.

The Hon. R.I. LUCAS: That's true. John Della Bosca's comments have exposed the hypocrisy of the Labor Party. The critical issue that the Hon. Mr Davis has highlighted is exactly what is the position of the state Labor leader in South Australia and that of the shadow treasurer and the shadow minister for finance. They have spent months parroting the line of Kim Beazley. They have trotted out question after question in this chamber and in another place attacking the government, federal and state, for the introduction of the GST. As I said by way of interjection, I thought there might have been an easier way to get the message to Kim Beazley.

He could have picked up the telephone if he wanted to get a message to Kim Beazley and said 'Kim, we think you've got it all wrong, as you did at the last election, in terms of the essential core constituency that we think that you need to attract to win federal government'. I do not think Della Bosca really had to have a lunch with Maxine McKew and do an interview in the *Bulletin* to get the message to Kim Beazley. The one remaining point is exactly what—now that the hypocrisy of the Labor Party has been exposed; and clearly when one is speaking in those terms the name 'Mike Rann' and the Leader of the Opposition springs readily to mind—is his position in relation to John Della Bosca's comments.

Secondly, I think the important issue for the states is that the federal Labor Party has being trying to push the lie of being able to have a roll-back of the GST in a way that the community can accept but in a way which will not disadvantage state governments.

The Hon. Diana Laidlaw: And be administratively easier.

The Hon. R.I. LUCAS: And be administratively easier in a way that would not disadvantage state governments. Kim Beazley has made a commitment to Mike Rann that if there is to be a roll-back of the GST—which Mike Rann has accepted—it will not disadvantage the state government. The point I have made is that the promises being made by Kim Beazley are not worth either the paper on which they are written (but I do not think they are written) or the verbal commitments that have been made to Mike Rann. We cannot afford to have a Labor leader, or any leader, who is prepared to sell down the drain the people of South Australia and the state finances merely out of blind loyalty to his federal leader who has now been exposed by his own chief strategist and the man he was championing to be the federal President of the Labor Party—

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, if there is a roll-back, there will be a negative position rather than just a status quo position for the next six or seven years. If there is a roll-back by Kim Beazley, which is being supported by Mike Rann in South Australia, it will cost the South Australian taxpayers millions if not tens of millions of dollars because that commitment from Kim Beazley has now been exposed as hypocrisy, and it has been exposed as a commitment that will leave the taxpayers in our state budget exposed to the back door, smoke-filled room deals between Mike Rann and Kim Beazley and other Labor leaders, and that is not in the best interests of the people and the taxpayers of South Australia.

QUESTIONS ON NOTICE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Treasurer a question on the subject of answers to questions on notice.

Leave granted.

The Hon. R.R. ROBERTS: Yesterday I received an answer from the Hon Rob Lucas—and it is one of the more speedy ones, I might say. He even beat the Hon. Diana Laidlaw on this occasion. He provided me with an answer to a question I asked about state development. The Premier, Minister for State Development and Minister for Multicultural Affairs provided information for the period 30 June 1997 to 31 December 1997. I asked that question on 18 February 1998 and I received the answer yesterday. I will ask another question. It has been my practice for some time, in order to keep an eye on some of these things, to roll-over the questions that are not answered in a previous session. To that end my staff wrote to the Hon. Diana Laidlaw earlier this year requesting advice as to the status of some questions that I had asked. The Hon. Diana Laidlaw answered as follows:

Thank you for your letter of 31 January 2000 regarding outstanding Questions on Notice numbered 13 (previously 47), 14 and 15.

Then she said:

I advise that the answer to Question on Notice No.13 was signed off by me some time ago and forwarded to the Premier.

This letter is dated 21 March 2000 and was in reply to the following question from me to the Minister for Transport and Urban Planning:

Has the Minister for Industry and Trade and the Minister for Recreation, Sport and Racing, or any of his officials, engaged the services of any public relations firm or individual during the period 30 June 1997 to 30 September 1998?

I am sure the Hon. Julian Stefani, with his interest in the activities surrounding the Hindmarsh Stadium, would be interested in some of those figures. Clearly, the minister did her job far more speedily than the Premier did his. The interesting thing about this matter is that the question asked of the minister was signed off by her and forwarded, some time ago, to the Premier's Department. My questions to the minister are:

1. Is it a fact that all questions on notice must be vetted by the Premier's Department before they are returned?

2. When will answers to all the outstanding questions be received, and will the policy change in respect of this matter, or will every question go through the Premier's Department in future?

The Hon. R.I. LUCAS (Treasurer): This is nothing new; it was the same under the Labor government, and the Liberal government has continued the same principle.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes. Questions on notice as opposed to questions without notice—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Answers to questions on notice under the Labor government and under the Liberal government are prepared and go to a Cabinet meeting, where a senior minister (generally the Deputy Premier or someone representing him) will cast a whole-of-government eye over the question on notice and the answer. It is then approved and returned to the relevant minister for tabling. I outlined that procedure two years ago in response to a question in our first term of government.

An honourable member interjecting:

The Hon. R.I. LUCAS: It probably went in one ear of the Hon. Ron Roberts and out the other, without registering in between. So, it is nothing new: it is exactly the same process as the Hon. Ron Roberts's own government utilised during its term in office. In relation to questions without notice—

An honourable member interjecting:

The Hon. R.I. LUCAS: I had questions that were unanswered after four years. At least the honourable member is getting answers to questions. I did not complain about the delay in receiving answers—I was complaining about not getting an answer at all. If there are delays in answers to some questions, including the question referred to the Premier (the responsible minister in relation to the first question), I can take up those particular issues.

With respect to questions without notice, they do not go through the Cabinet meeting process. The ministers are responsible for answering them, unless there is a whole-of-government or a cross-portfolio issue where two ministers need to ensure that the response from, say, education as opposed to recreation and sport are in sync.

EMERGENCY HOUSING

In reply to **Hon. SANDRA KANCK** (1 June).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. The Minister for Human Services is aware of an article which appeared in the Gawler Bunyip earlier this year. As a result of that article, the Minister for Human Services requested that officers from the Department of Human Services (DHS) investigate emergency accommodation needs in the Gawler and Barossa areas.

The findings from the investigation, conducted in March 2000, were inconclusive. A number of agencies reported increased numbers of people seeking services however, the need for an increase in emergency accommodation services in the Gawler and Barossa regions was not clear.

At a meeting of the Gawler Community Services Forum, members were unable to provide data to support claims. Neither the Supported Assistance Accommodation Program (SAAP) nor the Housing Trust data show any increase in demand for housing services.

2. Centacare Youth Services currently receive $668 500 p.a. to provide accommodation and support services to homeless young people in the outer northern region including Gawler. They have entered into an agreement with the Gawler and Barossa Youth Service to take responsibility for their accommodation in Gawler. No additional funds will be allocated to Centacare or Gawler and Barossa Youth Service.

In 1997, Gawler and Barossa Youth Service (GABYS) were provided with $4 000 from the Community Benefit Grants Program to fund computer and software equipment to assist homeless people gain skills in computing.

Recently, the agency applied through the Community Benefit Grants for $26 000 to assist in the establishment and operation of a shop-front advocacy service. These grants are made on a one-off basis rather than recurrent funding. The most recent application did not demonstrate that the advocacy service could be maintained after the Community Benefit funding had been expended.

3. The Department of Human Services funds a number of agencies in the Gawler and Barossa region to provide emergency and transitional accommodation. In this region there are 23 properties for homeless people managed by seven services. This is on top of the emergency assistance provided by the Family and Youth Services and the Housing Trust.

The Housing Trust will continue to monitor demand in this area and if appropriate will provide extra accommodation for housing support agencies.

Managers of service development in metropolitan and country divisions of DHS will consider the needs of this region in their future planning processes.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply to **Hon. SANDRA KANCK** (25 May).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

The decision to refocus maternity and neonatal service delivery at The Queen Elizabeth Hospital was taken by the Board of the North Western Adelaide Health Service, following advice received from senior medical specialists concerned at the decline in the number of specialist neonatal medical staff available to provide adequate 24-hour coverage of the neonatal unit. The decision was made on clinical grounds, to ensure that the high standard of care provided to women and their babies was not compromised by a lack of the specialist medical staff required to meet the standards set for maternal and neonatal services in South Australia. The decision was not related to the funding of services at The Queen Elizabeth Hospital.

At present, it is considered that the current level of staffing at the Women's and Children's Hospital will be able to accommodate the anticipated increase in activity. However, the situation will be closely monitored.

HOLDFAST SHORES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer a question about questions I have asked in respect of Holdfast Shores.

Leave granted.

The Hon. M.J. ELLIOTT: I asked questions of the Treasurer on 17 February last year in relation to Holdfast Shores and its cost. Those questions were not answered and I asked them again on 23 November last year. I finally received an answer in *Hansard* on 2 May. In the answer the following statement was made:

> Approximately $20 million has been spent to date, which includes a boat launching facility at West Beach and Glenelg harbour. The government contribution has been identified in the capital works budget papers throughout the course of the project.

I contacted the Treasurer's office that day, 2 May, requesting a copy of the capital works budget papers so that I could see the breakdown referred to. I was told that I would get it within a couple of days. The Treasurer's office called on 4 May to say that there would be some delays because the papers were not available and because the answer was being prepared by another office. I put another series of questions on notice on 23 May seeking more detail. Subsequently the Treasurer's office rang on 1 June saying that the capital works papers would be in our hands early in the week starting 5 June. Now, some five weeks later than last promised and 10 weeks later than first requested, and almost 18 months since the question was first asked, we still do not know in any detail the state government's involvement in the Holdfast Shores development. My question is: When will the government supply the information?

The Hon. R.I. LUCAS (Treasurer): I thought I was asked that question representing the Minister for Government Enterprises.

The Hon. M.J. Elliott: Yes, but you are the one getting the questions.

The Hon. R.I. LUCAS: I think the member should at least be honest about the question that he puts. He says the question was directed to me. I am here representing other ministers, and the Hon. Mr Elliott indicates—

The Hon. M.J. Elliott: When will I get an answer?

The Hon. R.I. LUCAS: I need to work with the minister responsible for the area. It would have been honest for the Hon. Mr Elliott to indicate to whom the question was directed and who had responsibility, rather than seeking to draw the inference that in some way I am deliberately stonewalling the issue. We are trying to assist the honourable member's staff, who obviously were ringing my office and liaising with other ministers' offices to try to get the answers. Surely it is not asking too much for the Hon. Mr Elliott to acknowledge the willingness of my staff to act as the go-between. If he has a problem with a particular minister and the answer—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, this was outside the chamber. You have a telephone; you can ring up the minister and the office if you have a particular issue. We are quite happy—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: That is because I am the minister in this Council representing that minister.

The Hon. M.J. Elliott: You are the Leader of the government in this place and the third most senior government MP.

The Hon. R.I. LUCAS: Yes, but I do not have the detailed knowledge of all the portfolios for the ministers that I represent in this chamber. My office has to work through the other ministers' offices to assist members to get answers. I am happy to continue to have my staff do it, but if they are going to be treated in this way and made to appear as if—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I defend my staff, because they are hard-working and they bend over backwards to try to provide—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott can laugh at the fact that I say that my staff are hard working and they try to assist—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: That is what you are saying. You are saying that my staff have given you commitments and that in some way they have not followed through—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Yes, you did say that.

The Hon. M.J. Elliott: That is typical of you.

The Hon. R.I. LUCAS: Well, you look at what you said.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, it is typical of the Hon. Mr Elliott, sadly.

The Hon. M.J. Elliott: As the leader of the government in this place—

The Hon. R.I. LUCAS: We will try to get the answers for you, but it is not as simple as the government or my office having the answers and refusing to give them to you. We have to get answers from other sections of the government. For the Hon. Mr Elliott to imply that we are sitting on information and refusing to hand it over is misleading, and I guess that is the kindest description of what he has just said. As I said, my staff are quite prepared to try to assist the Hon. Mr Elliott's staff in relation to these issues. Frankly—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott can continue in that fashion if he wishes—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: All I can say is that I will take up the issue with the appropriate minister's office to see whether we can get a response for the Hon. Mr Elliott. Obviously, we do not have the answers in our office. If we did, we would willingly and happily provide them to the honourable member.

GOVERNMENT RADIO NETWORK

In reply to **Hon. T.G. ROBERTS** (27 October 1999).

The Hon. R.D. LAWSON: In addition to my answer given on 25 November 1998, the following information is provided:

1. The SA Government Radio Network Unit hosted the inaugural Australasian Multi Agency Radio Communication Forum on 24 September last year. The forum included senior representatives from the government radio networks in NSW and Victoria along with South Australia. The forum was seen as most beneficial by all concerned, and a range of common issues was discussed including cross-border communications. The forum will be expanded to include other states using a multi-agency approach.

SA Government Radio Network officers have taken this and other opportunities to maintain regular communications with their interstate counterparts.

Although there is no nationwide technology or frequency standard, the NSW network operates on UHF frequency, and Victoria is currently reviewing its VHF network.

Arrangements are currently in place to ensure that CFS brigades operating near the border are able to communicate with their Victorian counterparts, and these will be maintained and enhanced given the introduction of the new SA Government Radio Network.

2. Ample time will be given to South-East government radio communications users to transition to the new network. It has been agreed that users across the state will be able to transition whilst maintaining their existing systems until services in the SA Government Radio Network Business Region 3 (Riverland) become available in January 2002.

FREEDOM OF INFORMATION ACT

In reply to **Hon. IAN GILFILLAN** (2 May).

The Hon. R.D. LAWSON: On 2 May 2000, the honourable member asked me some questions about the operation of the Freedom of Information Act, in particular the reporting requirements. I replied at the time that I would need to examine the relevant figures before being able to answer the questions. I have now obtained this information and am able to provide the council with the following information:

1. An examination of the data shows that non-reporting by any agency over the last three years is usually just for one of those years, rarely for two, and never for all three. In addition, such agencies typically receive a low number of FOI applications. The comparative data available from 1997-98 and 1996-97 suggests that around 690 FOI applications would have been declared by those agencies not providing information in 1998-99. This means that the 74 per cent of agencies which did report in 1998-99 would have received about 90 per cent of all FOI applications. Thus, the report does provide comprehensive coverage of the operation of the Act.

2. Even before this issue was raised in the parliament, my department had been examining ways to improve the return rate. Since October 1999, an executive-level strategy group, representing all portfolios, has been convened on a regular basis. As this is a senior level group and has a clear understanding of the importance of the reporting requirement, it is anticipated a much higher return rate for this year's annual report. There is also work under way to implement full on-line reporting for the 2000-2001 report. This will make it easier to follow up agencies which are slow to furnish the required information, as well as making the compilation of the report more efficient. Furthermore, a general review of the reporting requirements, including ways to improve the collation of statistics, also has taken place and has involved discussions with an expanded network of FOI officers in the various portfolios. This will further assist accuracy and consistency of reporting.

3. The honourable member has drawn attention to the 74 per cent return rate from agencies supplying information for last year's annual report and asks how this government can claim to be open and accountable. The fact that the government included this figure for the first time in the report referred to by the honourable member indicates that the government is open and accountable. Equivalent reports from Western Australia, Queensland and Victoria do not declare such a statistic and the government of New South Wales has abandoned across-government reporting altogether.

STATUES AMENDMENT (DUST-RELATED CONDITIONS) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Survival of Causes of Action Act 1940 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

My remarks will be brief. I am well aware that this is the last sitting week for this session of parliament, but it is important that this bill be tabled because there ought to be some public and community debate and discussion with all relevant parties, including the government, the opposition, minor parties and Independents in relation to this bill. This bill, in essence, seeks to remedy a great injustice relating to those individuals in our community who suffer from dust diseases, and in particular the worst form of dust disease, namely, mesothelioma and other asbestos related conditions such as asbestosis and asbestosis induced carcinoma and asbestosis related pleural diseases.

The current legal position is that, if a person develops such a disease, and if they die before their claim is resolved, they lose the right to claim for non-economic loss, that is, their estate. Given the current legal position on survival with respect to common law claims and workers' compensation claims, the position is that under section 43 regarding lump sum disability payments death also avoids the claim. Reforms to this effect were passed a number of years ago in New South Wales and more recently in the parliament of Victoria. At that time the Hon. Mr Hulls, the Attorney-General of the state of Victoria, set out quite succinctly the rationale behind the Administration and Probate Dust Diseases Bill, which, as I understand it, has now been passed into law in the state of Victoria.

The policy views as expressed by the Victorian Attorney-General are as follows. Firstly, the financial position of the deceased's estate and beneficiaries can be greatly affected by whether the person dies before or after the action is finalised. If the person dies the day after the action is finalised, their estate benefits from these types of damages; if a person dies the day before the action is finalised, their estate will not benefit from these types of damages. This is anomalous and introduces a large element of luck for the deceased and their estate.

Secondly, the exclusion of these types of damages once a person has died provides a financial incentive for defendants to delay settlement of actions for as long as possible in the hope that the plaintiff dies before the action is finalised. Thirdly, the potentially great difference between the amounts that may be awarded to a plaintiff before and after death puts enormous pressure on sick and dying plaintiffs to press ahead as quickly as possible with litigation, the pressure of which may greatly increase the plaintiff's distress. These limitations are especially pronounced in actions arising from certain dust diseases such as asbestosis and mesothelioma. Once these diseases become apparent, they often lead to death within 12 to 18 months. Litigation regarding liability for these diseases is often very complex. The diseases may have been contracted decades ago.

The person suffering from the disease may have worked in several locations for different employers, leading to lengthy arguments about mobility. As a result there is a high risk that a plaintiff may die before their action is finalised. That situation has occurred on a number of occasions. I am aware of cases where that has occurred in this state, and a great injustice has been caused in those cases. I think it is important that this place debates the issue and goes down the path of this important legislative reform.

I am grateful for the assistance of Mr Jack Watkins of the UTLC who works exclusively in the field of dust diseases and the effect of asbestos on workers in this state. I think that this state owes him a debt of gratitude for his single-minded pursuit of the issue. It is an issue that affects not only those who have worked with asbestos and other like products but also those who may have inadvertently been exposed to it and who were not necessarily workers at a particular site or location where the asbestos was in place.

I note that the Hon. Ron Roberts has raised a number of important issues about asbestos exposure in places such as David Jones. For the sake of completeness (and as members know) I acknowledge that I am a legal practitioner. I am the principal of a law firm, but we would not ordinarily conduct asbestos related claims. In previous years we have referred those claims to firms who have specialised in that field. I think that ought to be placed on the record in terms of my hands-on involvement with these types of claims in the past.

I seek leave to conclude my remarks. Having said that, I understand that the bill will be reintroduced in the new session and, hopefully, will be debated at length by members at that time.

Leave granted; debate adjourned.

GENETICALLY MODIFIED FOOD (LABELLING) BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to provide for the labelling of genetically modified food. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

Yesterday in this chamber I said that it has been four years—it was exactly four years ago this past Monday—since my colleague, the Hon. Sandra Kanck, introduced a private members bill—the Food Labelling Amendment Bill—which sought to ensure that genetically modified foods would be labelled as such: a simple enough aim. However, the bill did not receive support at that time. As I outlined in the explanation to my question, in 1996 the government preferred to put its faith in the National Food Standards Agreement and the Australia New Zealand Food Authority—

The Hon. Sandra Kanck: Four years later we're still waiting.

The Hon. IAN GILFILLAN: As my colleague interjected, 'Four years later we're still waiting'—to come up with a national food labelling scheme. But, four years later, as far as consumers are concerned, that faith has been misplaced. While the government trusted the National Food Standards Agreement and ANZFA to deliver accurate food labelling, this has not been achieved.

Genetically modified foods have been sold unlabelled in South Australia, and the number of such foods has been growing. This is not an issue about the health or safety of such products; it merely acknowledges that, quite justifiably, some people have concerns about the health or safety of these products and that they are entitled to know whether the foods they propose buying contain any genetically modified ingredients. On 5 August 1999 the *Advertiser* carried an editorial about the labelling of genetically modified food.

An honourable member interjecting:

The Hon. IAN GILFILLAN: It is a radical and forward—sighted paper the *Advertiser*. The editorial stated:

> There is absolutely nothing wrong with the concept of plain, clear labelling. We take it for granted that produced food containing additives and preservatives will be so flagged. There will undoubtedly be definition problems about the precise ways and means, as Australian health ministers discovered at their Canberra meeting. But there should be no argument against the principle that people should have a choice and be alerted to the existence of choice.

So, no argument about the principle says the *Advertiser*. But there is an argument. The Prime Minister and his agriculture minister do not want Australians to have that choice. They believe there is a threshold level below which consumers are entitled to be kept in ignorance about the food they are buying and consuming, and I do have an argument with that, and so do 93 per cent of Australians who want genetically modified food to be labelled as such. That was the response from a 1999 Australian National University survey. According to a different survey, conducted by our own Department of Human Services, of over 2 000 people in South Australia, not only is there 90 per cent plus who want genetically modified food labelled but 55 per cent of those surveyed are prepared to pay more for the food which is accurately labelled.

The scheme of national regulation has failed to achieve this over the past four years. There is on the horizon little prospect of it occurring. The federal government is set to veto full GM labelling at the health ministers' conference on 28 July. So, the question must be asked: how else can consumers get the information to which they are entitled? The Minister for Consumers Affairs said yesterday:

> There is no point South Australians requiring labelling for their food in one way, Victorians requiring their food to be labelled in another way, and a different model in, say, New South Wales, on the basis that most of our products are now available on a national basis and it would be impossible for manufacturers if they were required to label according to six or seven different regimes around Australia.

I agree that it would be difficult but not, as the minister suggests, impossible to have six or seven different standards on a label. But I do not concede that such a thing would happen anyway. This bill gives South Australia the opportunity to lead the pack, for South Australia to set an example in consumer rights, which would then encourage other states to follow. South Australia used to be an innovative state. We used to take the lead in many social and consumer issues. When there is such a clearly expressed wish by consumers we will be failing in our duty if we continue to disregard that wish in this context.

This bill requires all food containing genetically modified ingredients to be labelled as such, but it does not specify the form that the label should take. That is a matter which this bill leaves to regulations. Regulations can be changed over time to take account of any developing national standard or to reflect what other states might eventually require on their labels.

At a minimum I suggest that this bill would require the letters GM after each genetically modified ingredient on a product label. This is not a precedent that will set in motion the establishment of a plethora of different standards. If other states eventually require more information on the label, more than South Australia requires, then manufacturers may have to provide more information to satisfy the requirements in those other states. On nationally distributed foods, labels will have to provide sufficient information to satisfy the requirements of whichever state insists upon the most comprehensive labelling. Under this bill that does not need to be South Australia, unless the regulations require it to be so. Anyone who provides more than a statutory minimum of information will not contravene this bill. It is only those who provide no such information to consumers, none at all, who will breach the law.

It has been suggested that this bill may be construed as a restraint of trade, something which may be struck down as unconstitutional because of conflict with section 92 of the constitution. I do not accept that argument. Our container deposit legislation, unique to South Australia, has been upheld by the High Court as constitutionally valid, and this bill imposes far less of a requirement on those engaged in interstate trade. Plainly, it is not a measure designed to curb or restrict interstate trade but a legitimate consumer protection measure, and I have no doubt that the High Court would uphold it as such if the court were ever asked to rule on the matter.

The minister has suggested that, if South Australia was to lead the pack, it may well be that manufacturers in this state would suffer a disadvantage rather than an advantage in both national and international marketplaces. The minister did not

say at that time why he came to that conclusion, and I certainly cannot accept that providing consumers with the information that they say they want would disadvantage any producer or manufacturer. On the contrary, delivering consumers what they want is a recipe for economic success, not failure. Implicit in the minister's comment is the suggestion that telling the truth about genetically modified foods is bad for producers, and so they ought to be allowed to lie or give a false impression by omission. We must enable producers to safeguard their profits, he suggests, by keeping the nature of their genetically modified ingredients a secret from consumers.

That is the crux, as I see it, of the argument advanced by the Minister for Consumer Affairs. If consumers reject goods produced in South Australia because they are labelled, truthfully, as containing genetically modified food, surely it is obvious what those producers should do: deliver to the consumers what they want.

After announcing, on 25 June, my intention to introduce this bill, I received a fax the next day from Mr Chris Mara, Adviser, Government Affairs, for Coles Myer Ltd. Mr Mara advised me as follows:

> Coles for its part is keen to have labelling ASAP given the uncertainty and increasing usage of GM ingredients in imported food/ingredients. The longer it is delayed the greater the damage to consumers' interests and of course Australian farmers.

It appears that Coles does not subscribe to the Hon. Trevor Griffin's school of keeping it secret as being good for commerce. It is bad for commerce and bad politics to rely for one's success on keeping the truth hidden from those who must make the judgment as consumers or voters.

I observe that it is increasingly becoming an accepted wisdom that, where it can be shown to the world that food and product is free from genetically modified ingredients, it is increasingly likely to be able to attract a premium in world markets and at least to be able to sell into areas which are currently starting to restrict the importation and popular sale of genetically modified food. Previously in this Council I referred to the Japanese reaction: as soon as they heard that there had been genetically modified trials in the South-East, a beef importing company indicated that it would cancel its order unless the suppliers could guarantee that the beef had not been fed on genetically modified crops. More and more examples of this market sensitivity are coming forward, which makes it quite clear that there is increasing demand and sensitivity to the marketing of genetically modified product into the world markets.

There is that aspect to consider, but, importantly—and this is the main thrust of my second reading remarks to this stage—it is the inherent right of consumers in Australia to have information on the labelling of food. It is then an individual choice as to whether they buy or do not buy. That is in no way making a categorical judgment about whether the product itself is any better or worse, or healthy or unhealthy: it is purely indicating that the information is required by the vast majority of Australians. I believe that South Australia can again become a forefront state in this issue by leading the way, and that the states and the federal scene would eventually come to follow as they realised how popular the measure was. Because of what will be happening in relation to the sitting times, and so on, of this place, and it may be some months before this issue is debated again, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STATUTORY AUTHORITIES REVIEW COMMITTEE: STATUTORY BODIES

Adjourned debate on motion of Hon. L.H. Davis:

That the report of the committee on the third inquiry into timeliness of 1998-99 annual reporting by statutory bodies be noted.

(Continued from 5 July. Page 1462.)

The Hon. L.H. DAVIS: I thank everyone for their contribution, and again I would like to thank the members and staff of the Statutory Authorities Review Committee for their hard work and commitment.

Motion carried.

FIRE BLIGHT

Adjourned debate on motion of Hon. P. Holloway:

That this council notes the importance of the apple and pear industry to South Australia and calls on the federal government to reject any application to allow the importation of apples and pears from countries such as New Zealand which have endemic fire blight and which could devastate the local industry.

(Continued from 31 May. Page 1198.)

The Hon. CAROLINE SCHAEFER: Australia, under the World Trade Organisation's Sanitary and Phytosanitary Agreement, is required to undertake careful technical assessment of all applications to import agricultural products into Australia. This licensing is done under the auspices of the Australian Quarantine Inspection Service (AQIS). The New Zealand government previously has made application, in 1989 and again in 1995, to AQIS for permission to export apples to Australia. These applications were rejected on technical grounds, with the principal concern being the presence of the bacterial disease fire blight in New Zealand, and concerns that there is a potential for this disease to be introduced into Australia via imported fruit—in this case, apples and pears.

In 1999, the New Zealand government again made application to AQIS. It sought a review of all available risk management options for fire blight in line with Australia's appropriate level of protection. The New Zealand government had designated this application as its top priority in relation to current bilateral negotiations, and AQIS has afforded it that top priority status. AQIS is currently undertaking a formal import risk analysis (referred to as an IRA) in relation to the application. This involves a very careful and comprehensive technical assessment of the pest and disease risks associated with the proposed import. AQIS conducts the IRA under the procedures based on international standards, and routinely seeks input from and consults with stakeholders and technical experts. A draft IRA document is subsequently prepared, which covers the technical issues of disease and pest risk and, after appropriate consultation, this draft document is released for consultation and comment by stakeholders after a total of 60 days.

With regard to this application, AQIS has established a panel of independent Australian fire blight experts and has contacted a number of international experts for specific comment. It also has met with the board of the Australian Apple and Pear Growers Association on several occasions and has formed an industry focus group to ensure that industry consultation takes place. It is anticipated that the draft IRA document will be released shortly to all stakeholders for comment.

The South Australian Apple and Pear Growers Association, together with PIRSA, has established a working group to examine the draft IRA document when it is presented. This is aimed at pooling resources in order to make a thorough and technical assessment in the time available. The Australian Apple and Pear Growers Association, together with the state association, has initiated a national program to highlight their concerns over the possible introduction of fire blight via New Zealand or other imports. It is important to note that, until the draft IRA document is released, it is not possible to comment on the technical veracity of the AQIS considerations. It is also important that any consideration of the current New Zealand proposal be undertaken on sound technical grounds and, as such, be able to stand up to scrutiny and challenge under the World Trade Organisation grievance process. Failure to do so leaves Australia potentially vulnerable to future sanctions by trading partners.

This is a federal matter, licensed and managed under AQIS. It is inappropriate for us to move against any imports due to World Trade Organisation agreements, and it would be the preference of the government to let this motion lie on the table but, understandably, we are in the hands of the mover of the motion.

The Hon. P. HOLLOWAY: I thank the Hon. Caroline Schaefer for her comments on the motion. I understand that there is supposed to be a scientific basis for the importation of living organisms and foodstuffs into this country. It is my fear that, increasingly, political pressures are being brought to bear on those responsible for the management of this policy. In particular, one can take the recent case of Tasmanian salmon, where political pressure was applied. There is a risk that, increasingly, decisions will be made on the basis of deals and political pressure rather than on the underlying scientific merits of the case for or against the importation of living organisms based on the risk they pose.

I understand what the Hon. Caroline Schaefer is saying. There are certain procedures and we do have international obligations but I hope that, with the passage of this motion, the commonwealth government will resist some of the political pressures that it is under and will ensure that any risk assessment associated with the importation of apples and pears from New Zealand is done on a proper scientific basis. If that is done, there is no conclusion other than that there is a risk to this country, to this state in particular, and that those imports should be blocked. With those concluding comments, I trust that the passage of this motion will assist in protecting what is an important industry for South Australia.

Motion carried.

DEVELOPMENT ACT

Order of the Day, Private Business, No. 4: Hon. A.J. Redford to move:

That the regulations under the Development Act 1993, concerning public notices, made on 23 December 1999 and laid on the table of this Council on 28 March, be disallowed.

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

That this Order of the Day be discharged.

Today the Legislative Review Committee tabled a report concerning the Development Act regulations 1993 and, in particular, regulation 271 of 1999 made on 23 December 1999. The regulations vary schedule 9 of the principal regulations. Schedule 9 relates to the public notice categories for development applications and lists the kind of development applications that fall within particular categories. There are three categories. First, there are category 1 development applications, which require no notification when the application is lodged to any member of the public. The second category relates to those developments that require the developer to notify the neighbour only. The third category requires the developer or applicant to notify the general public. In the latter two categories, third parties can file notices of objection and the decision-making authority is then required to hear it and make a decision, taking into account objections by the relevant authority.

The reason that the regulations were promulgated by the minister were justified in a report that was provided to the Legislative Review Committee. The report says a number of things and I will quote part of it as follows:

Schedule 9 has been amended to expand the existing references to aquaculture in paragraph 9 to include temporary aquaculture developments being (those to be in place for no longer than 12 months). . .

The report justifies that extension by advising the committee that, in a case relating to the approval of tuna farming activities at Rabbit Island in the Environment, Resources and Development Court, the court expressed concern about that application. The report said that the Fisheries Act, which most or all of the proponents for tuna farms believed was applicable, did not always provide a suitable management regime for aquaculture industries such as tuna farming. The court considered that long-term approvals for aquaculture may not allow industry or government to respond adequately to changing environmental conditions.

The court was saying that aquaculture is the sort of enterprise which, in relative terms, is new and that there are occasions when different environmental issues arise for some sort of interactive management regime to be in place. At the time the court dealt with the matter, that was not the case. The intention of the regulations was to encourage the industry to seek temporary aquaculture approvals in areas identified in aquaculture management plans.

The committee heard three witnesses. First, it heard together Mr Ian Nightingale, the General Manager of the Aquaculture Unit of Primary Industries and Resources SA, and Mr Stuart Moseley, Director of Development Planning of Planning SA. Secondly, the committee heard from Mr Mark Parnell of the Environmental Defenders Office in South Australia. Mr Moseley, in explaining to the committee the basis for the regulations, said:

The amendment now before the committee was put through as a result of an ERD Court determination. . . which highlighted that. . . the Fisheries Act may not provide adequate adaptive environmental management for aquaculture proposals.

He went on to advise the committee:

. . . the government put through an amendment to this schedule to clarify that, where that aquaculture development is for a 12-month time frame or less. . . it is guaranteed to be a temporary, time-limited. . .

The reason behind it was to encourage the industry to build in adaptive management by guaranteeing a 12-month approval time. In other words, it was designed to protect existing aquaculture enterprises that had been established under what they, in my view, honestly believed was the law at the time. The court indicated that it was not the appropriate law and so the regulation was promulgated to enable them to continue their tuna activities and also to encourage the development of appropriate management regimes to be

subsequently approved by Planning SA, in conjunction with PIRSA, and ultimately supervised by the Environment, Resources and Development Court.

The government witnesses conceded that there was not a wide range of consultation, but they did say that they had little time within which to deal with the problems that arose as a consequence of the court decision. My understanding is that the government accepted in its entirety the comments made by the court and sought to respond to the court's suggestions to ensure proper environmental protection.

During the course of evidence, the first issue that arose was whether or not the regulations legitimised what had been an illegal activity, and that is something about which the Legislative Review Committee is always concerned, as one would assume is the parliament. Mr Moseley said in response to that issue:

> It does not retrospectively make good a wrongdoing. . . The planning authority is the same: the relevant considerations are the same. The only aspect of the process that has changed is that there is no longer an obligation on the planning authority to notify the public generally. It does not guarantee an approval to an application of this type. It simply changes one aspect of the process, that being the public notice.

When confronted with the difficulty, it is my view that the government had a number of options, one of which is not to have promulgated this regulation. That necessarily would have meant a further legal attack on the Environment, Resources and Development Court and subsequent appeals to enable the developer to continue its activities.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: They proceeded under a management plan that had been developed by the fisheries department outside the Development Act, because they did not believe—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Innocently, in any event.

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT (The Hon. J.S.L. Dawkins): The honourable member should return to his speech and ignore the interjections.

The Hon. A.J. REDFORD: At the end of the day it is conceded by everyone that everyone believed that a certain law applied. It was only when it got to the Environment, Resources and Development Court that the judge in that case said he believed a different management regime should apply. Whether or not it is legal or illegal is arguable. The government said, 'We are not going to argue about this: we will just change the regulation, protect it for that 12 month period and, if it is not subsequently in the interests of the aquaculture industry or subsequently not environmentally correct, then it will not be given an extension of time, and they will have to close their tuna farm.' So, they are in a very tight time frame. The Hon. Ron Roberts put the question to Mr Moseley in his usual blunt style when he said:

> The effect of this regulation was not to overcome an emergency situation of the kind you have outlined. It was to overcome a four year problem where we had an illegal activity taking place. There is strong evidence to suggest that that was the case. This regulation was then promulgated and it effectively overcame the problem of either releasing the fish or harvesting the fish for a lesser price.

Mr Nightingale responded quite forthrightly when he said:

> No, that is not correct. The zone that is in the management plan is designated a 'tuna'. It is clearly a zone within the management plan designated 'tuna'. . . The site to which they moved was a tuna farming zone in the Lower Eyre Peninsula management plan. It was in a correct zone.

Mr Moseley agreed with Mr Ron Roberts about the effect of removing third party rights but stated in response to that criticism the following:

> . . . my understanding of the ERD court case is that the merits of the activity in that location were generally supported. The issue was; if an approval was given, what capacity is there to adjust over time to adjust to new information that might become apparent—the adaptive management argument. And this promotes the industry to apply in a time-limited fashion so adaptive management can be secured. If they chose not to apply in that fashion they do not enjoy the benefit of it.

This is a very difficult planning issue, because we know that the planning considerations in terms of aquaculture will vary over the life of the enterprise. The question is: do you make repeated applications for approval (that is one way of considering it); or do you go through the process of developing an adaptive management plan which enables sufficient flexibility for the owner of the enterprise and, at the same time, those who seek to protect the environment to adjust to new technology, changing conditions and the various other vagaries with which our aquaculture industry—which is a very new industry—is confronted from time to time? The evidence to the committee was that no-one disputed that adaptive management was the best way to approach it.

Mr Parnell of the Environmental Defenders Office made a number of submissions directly pertaining to the policies that the committee applied in coming to its decisions. Mr Parnell received a lot of criticism from me when he presented a report to the Hon. Sandra Kanck concerning submissions arising from ETSA, and I was pretty forthcoming in my criticism.

To be fair, I must say that the evidence and submissions he gave to the committee in relation to this matter, and a subsequent matter we will be dealing with later today (the native vegetation regulations), were open, frank and forthcoming and well researched. I commend him for the way in which he presented his evidence. Indeed, it is a shame that others—including government witnesses—do not take a leaf out of his book and directly address their submissions and evidence to the particular policy issues that this committee deals with.

The first criticism he made was that the regulations are not in accordance with the general objects of the legislation. The Legislative Review Committee noted that the enabling sections specifically provided for regulations to change categories of notification for developments and was of the view that, despite his representations, parliament did contemplate regulations of this type when it first established the regulating power. The second issue was whether or not the regulations unduly trespassed on rights previously established by law. In his submission, Mr Parnell said as follows:

> Prior to the regulations, all aquaculture applications were publicly advertised and representers had appeal rights.

He continued:

> It is now possible for developers to apply for annual approvals and for such applications to be considered outside the process of public participation.

This is the point on which the committee divided. It was quite clear—and the committee was unanimous in accepting—that Mr Parnell's criticism of the regulations, in a technical sense, was valid. There was a real chance that someone could apply for a 12-month development approval and reapply on an annual basis, thereby avoiding permanently any third party appeal process or third party submissions. Certainly, that

would contravene the spirit of the act and take from neighbouring users of aquaculture areas the right to put submissions and the right to criticise the project. Indeed, this issue was specifically raised with the minister in a letter dated 10 July 2000. The entire letter is contained in the committee's report. The minister responded as follows:

> This is not the intent of the regulation changes. Also, I understand that aquaculture operators are unlikely to regard the 12-month's time limited approval as providing adequate certainty or confidence of future viability. However, I accept that it is possible that sequential 12-month approvals may be sought and granted as category 1 applications, while a single application will be treated as category 3. Accordingly, I undertake to address this matter when amendments to the regulations are next proposed.

The majority of the committee accepted the minister's undertaking—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The honourable member interjects. Often when the Legislative Review Committee identifies problems with regulations, it accepts undertakings from ministers and, in every case since I have been chair, those undertakings have been honoured. We have accepted undertakings from the Treasurer—

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Yes, exactly. They have been accepted from the Minister for Education, they have been accepted from the minister for racing and they have been accepted from all other ministers. This is not uncommon and it happens in every committee in Australia: the reason is that the regulation making process is convoluted, slow and difficult enough. We all know that these regulations pertaining to aquaculture are currently being reviewed and monitored and that within the next few months another set of regulations dealing with these matters and looking at broader management issues will be before the parliament. So in these cases the Legislative Review Committee—

The Hon. T.G. Cameron: You mean the bill?

The Hon. A.J. REDFORD: No, it is a regulation: this is all done by way of regulation.

An honourable member: It should be in the bill.

The Hon. A.J. REDFORD: No, it is a regulation. It will be before the parliament in due course. This is commonly done not only by this Legislative Review Committee but via the scrutiny of legislative review committees throughout the commonwealth and, indeed, throughout the Westminster system. A failure to accept undertakings from ministers in these cases would make the work of a minister in terms of minor issues intolerable and also put great pressure on scrutiny committees. At the end of the day, when there is one tiny aspect that we take issue with in a series of regulations, we find it very difficult to say, 'We are going to disallow the whole lot.' It would make the committee's work untenable and put so much pressure on the committee that its value and usefulness would be severely undermined.

I will give one example of that. Last year we looked at regulations for TAFE colleges. There were 356 regulations, or thereabouts. One of those regulations enabled TAFE lecturers to search students' lockers. We did not like one regulation out of 356 regulations. The committee and the parliament were confronted with a choice. We could disallow all 356 regulations because we did not like one aspect or we could accept an undertaking from the minister to fix it up, as we did. I must say, in that case he did fix it up. It was neater, simpler and a lot more straightforward. If communication and confidence between parliament and ministers in terms of undertakings breaks down, not only will it place great pressure on the minister but it will also mean that there is a greater potential for the Legislative Review Committee to become more political. In the last few weeks we appear to have headed in that direction with the number of divisions we have had over what are relatively minor issues. However, it will also mean that the scarce resources that we have will be applied to dealing with political issues rather than dealing with the real job of scrutiny.

The Hon. T.G. Roberts: Sometimes the actions of ministers cause divisions within the committee.

The Hon. A.J. REDFORD: I accept that, but there was nothing that remotely approached that in this case. The evidence was candid, the acknowledgments were candid and the undertaking was forthcoming at the first request. There was no weaving or ducking in terms of the undertaking; there was no negotiation. The point was made when the minister said, 'I do not believe there are going to be rolling applications and renewals on a 12 month basis.' He also said, 'I acknowledge that someone might argue that is the case, but I will give that undertaking, anyway, just to shut the door and put it beyond doubt.'

The other issue raised by Mr Parnell is whether the regulations contain matters which should be properly dealt with in an act of parliament. Mr Parnell said they should be. Obviously, parliament on a previous occasion thought they should not be, because the parliament gave the executive the regulation making power to make this sort of application a category one application, as opposed to a category three application.

In relation to whether or not these regulations were in accord with the intent of the legislation, Mr Parnell said that they denied appropriate public participation over use of public land. He went on to say that the stated intention of the government was in relation to tuna farming in Louth Bay and the regulations are not limited to Louth Bay but apply to the whole state.

The Legislative Review Committee acknowledges that these regulations have a broad application, but members who follow the work of the Legislative Review Committee closely will note that, in the native vegetation regulations tabled yesterday, we were critical of the government for applying specific regulations covering specific issues and that regulations should be generated so they cover matters of principle across the whole state. That principle was endorsed by every single member of the Legislative Review Committee. It was also supported in evidence by Mr Parnell. However, you cannot have your cake and eat it too: if your principle and your drafting requirements are to apply broad based regulations that cover all issues, then not only should it apply in relation to Native Vegetation Act regulations but it should also apply in relation to tuna or Development Act regulations. I would hope that the opposition, when it takes a deep breath and stops being mischievous, will say, 'Yes, that is reasonable'.

In any event, a minority of the Legislative Review Committee believed that they should not have broad application in this case, and that they should have specific application peculiar to Louth Bay. On the other hand, yesterday when regulations were expressed to cover a particular small area of land that same minority said, 'No, they should not cover a particular small area of land; they should have broad application across the state'. However, in government we become used to the inconsistencies, the backflipping and the toing-and-froing of opposition and Democrat members. It

would make life much easier if they picked up a principle as simple as this—not a big one—and applied it consistently. That might make life easier when dealing with broader issues and more important issues.

Mr Parnell also criticised the regulations on the basis that they were technically and legally defective and said that they are wide open to judicial review. The committee did not accept that submission—

The Hon. T.G. Cameron: Of course not.

The Hon. A.J. REDFORD: Let us face it, if they were legally attackable or judiciable, one would not be surprised if the environmental lobby group took the matter to court and the court said, 'The Legislative Review Committee is wrong'. I would welcome the court's input into that process. At the end of the day, section 108 clearly provides that you can make regulations such as this: it is spelt out in black and white. Finally, in relation to the issue of objectives, Mr Parnell said:

> The most effective means of addressing the long-term viability of aquaculture is for the government to undertake a comprehensive and inclusive review of all legislative and policy arrangements.

The committee accepts that submission and says, 'You are absolutely correct: the best thing to do is for the government to undertake a comprehensive and inclusive review of all legislation'. I understand that the government is now moving in that direction.

Finally, the issue was whether or not the costs outweigh the likely benefits. The committee is of the view that an environmental cost assessment is something that can be best addressed if or when applicants lodge their permanent development application. The Legislative Review Committee and other parliamentary bodies are not places where we can make individual environmental assessments on individual applications, unless those who sit on the ERD committee want to spend eight hours a day five days a week sitting on these committees dealing with aquaculture development applications and environmental issues. They would acknowledge that this is not the best place to do it. In the circumstances, I urge members to support my motion that this order be discharged in accordance with the recommendation of the majority of members of the Legislative Review Committee.

The Hon. R.R. ROBERTS: I am one of the minority of members of the Legislative Review Committee in respect of some of these matters. The presiding member has outlined a fairly accurate summary of the evidence that was taken and some of the reasons. Some of the stuff he has glossed over, or he has put a slant on it with which I do not agree. It was a split decision on the Legislative Review Committee, which was won on the casting vote of the chair—and that is fair enough; that is the way the system works, so I will not complain about that. This is a situation where the tuna boat owners, for reasons of their own, established tuna farms in Louth Bay. The act at that time said, 'Yes, the management plan is a region which is marked "tuna" on the map', but clearly the requirement of any operator was to seek the appropriate authorisation. That is what the debate has been all about: they did it illegally. It might have been in a zone marked 'tuna', but you still have to make the application—

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: We will come to that: just stay there—have a Bex and a lie down—we will get to it in a minute. Another serious consideration we will have to give to these matters concerns the constituents who live around Louth Bay and who had an amenity in Louth Bay for many years. Whenever proponents of aquaculture want to undertake an activity, they always want to do it in front of shacks or a boat ramp. If these industries are so sustainable, thousands of kilometres of coastline is available: they do not have to put it in front of shacks and take away the amenity of people who, at times, have often had use of the amenity for 20 years.

What they did was exercise their rights under the act to intervene and litigation occurred. After some time and a whole range of court activity, it was determined that the activity was illegal. There was great consternation. I heard the then President of the Tuna Boat Owners Association on the radio. He was throwing his hands in the air looking for some relief and within a matter of 24 hours the government had regulated to legalise the activity that the courts had found to be wrong and improper. One of the principles it used to do this was because the tuna boat owners would lose money on the tuna.

Mr Nightingale in his evidence said that they would have to let the tuna go or slaughter them. Immediately you are supposed to throw up your hands in horror and say, 'You cannot do that'. However, a fact of life is that a processed nine month old tuna is still worth a considerable amount of money. What we are saying in this case is that we regulate to override the clear intentions of the legislation so that the perpetrator of the illegal act can gain the maximum benefit out of it. That was one of the principles on which this matter was resolved.

What we now have is a new system by regulation which overrides the act. What they are saying is that we really did have the right to regulate—and they did. However, what they are really trying to say is that, having regulated retrospectively, that reinforces the right that they had to do that. There is one glaring question if that is true: why did the court find against them? The court found against them because the legislation clearly provided for certain categories of notification and the right to intervene. By regulating, they have taken away the rights of the little people who live in the area to know that this activity is taking place, and they have deprived them of the right to intervene for at least 12 months.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: They did intervene and they won, but you lot have regulated to overtake their rights. Mr Parnell was right when he said that you have taken away by regulation rights that they had previously. The minister will try to justify that by saying, 'If it is a category three proposition, you then have to advertise it and then the constituents have a third party intervention'. I do appreciate the fact that the minister said she is in favour of looking at that, but that is not the case. Clearly, what we have here is regulation by a government looking after its political mates at the expense of the people who live in those environments, and many of them have lived there for years.

I have had responsibility for primary industries, aquaculture and the tuna industry, and I have worked with those people to help them in their industries. I will not support a situation that deprives the people of South Australia of their rights at the expense of the unwarranted rights of people who happen to be tuna boat owner-operators. Nobody believes that was represented by Mr Nightingale, that we will have to let all the fish go. We will not let all the fish go. Those fish will be processed.

We have to overcome the problem. I understand the dilemma faced by the minister. He could have said that you have 28 or 30 days to shift them, but what he says now is that the government will regulate retrospectively to take away the

rights of the people in Louth Bay and to allow the rings to be left there for at least 12 months to grow out the tuna and to get the maximum price for it. In the meantime, he will dispossess the people of South Australia in this area.

My colleague, the Hon. Ian Gilfillan, expressed an opinion during the committee hearing: I know he wants to speak on this matter at some length. I understand the process of this place better than most. I have always been concerned about the Legislative Review Committee's activities as it relates to subordinate legislation whereby it introduces a regulation, goes through the rigour of the 14 day process and knocks it out—and the government introduces another regulation the next day to put it back in.

I expect that that is what will happen today if we shirk our responsibility and leave those people who have rights out on a limb. We need to do our job. The government needs to do its job and work with the tuna industry, the people who live in and around Louth Bay and all over South Australia to ensure that those rights are looked after.

The chairman of the Legislative Review Committee talked about the members of the committee who disagreed with him on native vegetation and the Development Act. We are clear as to what we are talking about. He talked about the situation regarding native vegetation, but in that regard there were specific regulations about a particular patch. The chairman should not delude himself because that is not what occurred here.

The government made these regulations to overcome the Louth Bay situation: it was a specific regulation. Immediately it was made, other aquaculture operators used it elsewhere to their advantage. That is not proper. That is not a solution to overcome the problem. That loophole was created after the government drove through the bulldozer.

I understand the chairman's situation: he has a party loyalty. In this case my loyalty is to the people of South Australia who are being deprived of their rights, first, to know that an aquaculture development will occur at their front door and, secondly, to know that under the present legislation they can say that they want some relief and test it in the courts. They have had those rights before, and they tested them and won. The committee has failed them by retrospectively regulating to overcome legislative requirements at the expense of the constituents of South Australia. It is wrong and it ought to be voted down.

The Hon. SANDRA KANCK: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. IAN GILFILLAN: I rise to speak briefly to the motion regarding the tuna feedlots at Louth Bay. There is no doubt that the regulations that we are considering were promulgated primarily to get tuna feedlot farmers off the hook. I understand that some of them moved to Louth Bay as a short-term emergency situation to escape unreasonable weather conditions—storm and tempest—and have stayed for years. I do not have the exact time in front of me, but I think it may be up to four years. It has become a scandalous situation and has attracted a lot of publicity.

However, that was not in the province of the Legislative Review Committee to consider. I am one of the minority who is referred to in the report. When the committee's recommendations refer to 'a majority opinion', I indicate that I am one of the minority. I feel strongly that the views of the minority are substantially held and well supported.

The evidence of Mr Mark Parnell from the Environmental Defenders Office is referred to in some detail in the report. It would be of great benefit to members of this place and others to read his assessment of the situation. I believe that Mr Parnell gave very clear and lucidly critical evidence of the procedure that eventually got these regulations in place. As the report identified, it so happened that the original regulations removed from the province of public scrutiny and third party appeal the continuing presence of these tuna feedlots in the Louth Bay area. It is not important for me to recap the argument that is included in the report, because it is clearly spelled out for members to make their own judgment.

However, I think it is important for me to make the following observation and I do so with some concern. Both in this matter and in the matter of the native vegetation regulations disallowance I believe that the committee is getting close to being charged with being an apologist for the government.

The Hon. A.J. Redford: Rubbish!

The Hon. IAN GILFILLAN: It is with that that I feel profound concern that the position taken by the majority—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: I believe that I have upset the presiding member.

The Hon. A.J. Redford: You have.

The Hon. IAN GILFILLAN: The presiding member ought to take this on board, because I believe that the work of the Legislative Review Committee is a very valuable contribution to this parliament but it will not—

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: If my contribution is to be challenged then that is a different issue.

The PRESIDENT: Order! The Hon. Mr Redford can sum up the debate.

The Hon. IAN GILFILLAN: As to my involvement on the committee, to the best of my ability I make objective judgments, so that quite often when we have a policy disagreement with the intention of a regulation I do not support a move for disallowance because it is not the position of that committee to make partisan or value judgments on the effectiveness or the justification of the regulations. It is my view that this one here, the regulations that came out blatantly to make a comfortable role for the tuna farmers who had flagrantly flouted the law, and we have seen evidence to show that—

The Hon. A.J. Redford interjecting:

The Hon. IAN GILFILLAN: The fact is that, where regulations are introduced to retrospectively protect offenders, that flies in the face of any acceptable intention of regulations. It is on that basis that I feel a profound concern that the balance, the majority opinion as expressed in the Legislative Review Committee's report that is before us now, has not reflected an impartial and objective assessment of whether those regulations should be disallowed or not. There are clearly issues which are raised in all of the contentious regulations which come before us, whether there are circumstances where one can argue that certain people have been disadvantaged, that certain courses of action from the regulations, or the lack of regulations, may be unfortunate and may be regrettable. But the fact is that regulations were never intended to be patch ups. They are not intended to be bandaids.

So as to whether they are protecting people who I believe from my own personal point of view have transgressed and,

because of that find themselves in a disadvantageous position, and the regulations make life easier for them, my role in that committee I see as being independent of those emotions and, therefore, I would then vote that there be no action on those regulations. In this case, because I believe that the tuna industry is such an essential part of an ongoing aquaculture industry in South Australia, I believe it is most unfortunate that it is still carrying and will continue to carry the besmirching allegations that it has received favourable treatment.

It has not been properly analysed in its environmental impact. It has flown in the face of illegality and therefore it will need to lift its game and improve its act if it is going to establish itself as a highly respected and trusted area of aquaculture to continue into the future. It is for that reason that I want to reinforce and identify myself as a member of the minority who believe that those regulations should have been disallowed.

The Hon. A.J. REDFORD: In summing up I will make a couple of comments. The first is that I absolutely reject the Hon. Ian Gilfillan's assertion that I play party political games on that committee.

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: The Hon. Sandra Kanck has never even been there so she would not know. But that has never stopped her from making a judgment, with a bit of knowledge. If the Hon. Ian Gilfillan wants me to play politics on that committee I will give him politics. I will give him politics so hard it will hurt. I have tried to be fair all the way through, and at the first possible opportunity he wants to play politics; he does it every time. When he seeks to impugn my character and my devotion to my responsibilities as chair of that committee then he has a long way to go to catch up to me. It would nice if he actually read a report properly. It would be nice if he actually did a bit of preparation before he turned up to a committee meeting, and it would be nice if he even read a bit of background and history on how these committees are supposed to operate.

The fact of the matter is that we came to a different conclusion and to turn around and imply that this is a committee that is turning fast into a political committee is the first time that I have ever heard it said in any parliament in this nation or anywhere in Australasia or in the Westminster system. It is the Hon. Ian Gilfillan who started to play politics with this committee. As I said, if he wants to play that game, I can play it, too.

The second point I make concerns what the Hon. Ron Roberts said about my party loyalty. I can tell you that I am loyal to my party, but if principles do arise that conflict with that party loyalty I will stick with my principles. I can absolutely guarantee that the Hon. Ron Roberts will not do that, because he well knows that if he does anything different from his party he gets chucked out. So he need not run around impugning me or my integrity or my diligence in trying to apply the principles in a principled way on this committee. Let us return to the issues.

The fact of the matter is that, according to Ron Roberts, this deprives third parties of their rights. It does not. He misrepresents the situation when he says that in this parliament. All it does is enable people to develop management plans in a limited period, in a 12 month period, and then those people will have an opportunity to exercise their third party rights. What if the government had said, 'All right, we're not going to do this. We're not going to have a regulation, we are going to leave it as it is'? The reality is—and I have given the Hon. Terry Cameron the figures and an indication of how big and how important this industry is—that this would have gone on. It first would have gone to a single judge of the Supreme Court. Secondly, it would have gone to the full bench of the Supreme Court, and in all probability it would have gone further to the High Court. It would have been a meal for lawyers, and no-one knows what the end result would have been.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: They were there because they thought that they had complied with the rules under the Fisheries Act. It was someone else who came along and said, 'No, you haven't complied. The Development Act applies.' It is a bit like going into an office and saying to a public servant, 'What do I need to do to be able to do this?', and you get the advice and you follow it. That is what happened in this case.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: It is what they thought. It was only a judge who made a statement that they did not have the correct approval. Up until then everybody was under the impression that everything was kosher, everything was above board, and it was only this judge who made this decision. The government was confronted with two options: let us run this and run the appeal process or let us go down the path, fix it in the short term with regulation and allow these people to develop a management plan. The Hon. Terry Cameron wants to throw these people, these 2 000 to 3 000 people, at the mercy of the legal system and the judges. He is welcome to vote with the other side. The Hon. Ian Gilfillan does not care one hoot and did not say one thing in this debate about people's jobs or livelihoods, and nor did he in the report offer one constructive suggestion of what the government should have done confronted with this difficult issue. There was not one constructive suggestion.

Ron maximum mayhem Roberts over there just stands up and pontificates about third parties and their rights. What about people's jobs? He does not care about people's jobs; he cares about mischievousness. The fact of the matter is that these people put their pens there in good faith based upon advice given to them.

An honourable member: By whom?

The Hon. A.J. REDFORD: By their legal advisers and by government agents in the form of fisheries officials. And they do not accept the judge's decision. I sometimes wonder whether some members live in the real world. They do not accept the government's decision. But they could have said, 'We do not accept the government's decision; we are going to appeal this.' So, another six months of uncertainty would have gone by. Then, if they went further, they would appeal the next stage, and there would be another 12 months of uncertainty. Then they would appeal the next stage, and there would be another 12 months of uncertainty. So, by adopting that response to the problem with which it was confronted, all the government would have done was to create enormous uncertainty in an industry which employed a substantial number of people, which has been targeted over and over again on so many occasions with respect to growth, which has kept so many families on the West Coast and kept their whole—

The Hon. T.G. Cameron: No-one disputes that.

The Hon. A.J. REDFORD: That is the point. The only problem that the committee identified was that there is, on one analysis, an interpretation that would allow these 12 month periods to be rolled over. So, we have the Hon. Ian

Gilfillan making some cheap shots about playing politics (I will give him some politics over the next 12 months, and he will look back to the previous period with a degree of fondness), and the only comment that the Hon. Ron Roberts could make was, 'This got rid of third party rights.' But neither of them said how they would address it, and neither of them addressed the real issue that exercised the minds of members of the committee (because it does require some degree of intellect), that is, whether these 12 month periods could be rolled over. The minister has given a clear undertaking that that will not happen, and until the Hon. Ian Gilfillan today wanted to play his political card—and we will play brinkmanship politics in future, because I am so angry at his outrageous comments, and we will see how he goes, because he has no understanding—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Because they did not think that they needed to.

The Hon. T.G. Cameron: Why?

The Hon. A.J. REDFORD: Based on the advice of the fisheries department and their own advisers.

The Hon. Ian Gilfillan: The fisheries department knew that they were illegal, and said so.

The Hon. T.G. Cameron: In writing?

The Hon. A.J. REDFORD: I don't know. We did not have that information before us. In any event, it is a matter for this chamber. If members want to vote these regulations down, that is fine; if they want to create enormous uncertainty for a very significant community in this state, that is fine. But political opprobrium will fall on their heads.

The Council divided on the motion:

AYES (9)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Schaefer, C. V.	

NOES (10)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I. (teller)	Holloway, P.
Kanck, S. M.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Xenophon, N.	Zollo, C.

PAIR(S)

Stefani, J. F.	Weatherill, G.

Majority of 1 for the noes.

Motion thus negatived.

The PRESIDENT: Order! Order of the Day, Private Business, No. 4 will now be made an Order of the Day for Wednesday, 16 August. I will put that question. All those in favour say aye, against no; I think the ayes have it.

The Hon. Ian Gilfillan: Divide!

Members interjecting:

The PRESIDENT: Order! My advice is that all any honourable member can do with the question that is before the Council is determine which day it can be deferred to.

The Hon. Diana Laidlaw: But it is Mr Redford's motion.

The PRESIDENT: Yes, but the Council can take the motion away from the mover.

The Hon. R.R. ROBERTS: The motion that we voted on last was that the Order of the Day be discharged.

The PRESIDENT: No, it was not. The motion that it be discharged was lost, so it has to be made an Order of the Day for another time. The question that I asked is that that be 16 August. I called that the ayes had it. Then I heard the Hon. Mr Gilfillan ask for a division.

Members interjecting:

The PRESIDENT: Order! A division has been asked for but it can refer only to the day in question. Does the Hon. Mr Gilfillan want to go on with his call for a division?

The Hon. IAN GILFILLAN: I seek some guidance from you, Mr President. If the original motion was lost, is the question before the Council whether the measure should be adjourned or not adjourned?

The PRESIDENT: The question before the Council was that Private Business No. 4 be discharged, and that was lost, so it is not discharged. The Hon. Mr Redford has never moved that the regulations under the Development Act be disallowed. That has not been moved. The only question before the Council is when the debate can be adjourned to. I am asking the Hon. Mr Gilfillan whether he wants to go on with his call for a division.

The Hon. IAN GILFILLAN: No, Mr President. You have made it clear and I understand the process. We would need to move a separate motion to have continued debate on this. I understand your ruling.

The Hon. R.R. ROBERTS: Mr President, the motion that you put was that this Order of the Day become an Order of the Day for another day of sitting, and you put that question.

The PRESIDENT: That is right.

The Hon. R.R. ROBERTS: There was a vote, some members said aye, some said no, and those who said no called for a division to say that it does not go off.

The PRESIDENT: No. The motion was that it be made an Order of the Day for Wednesday 16 August.

The Hon. R.R. ROBERTS: They voted yes, we voted no, and we called for a division to see whether or not it gets put off.

The PRESIDENT: I have just advised the Council that the only question remaining is what day you want it brought on, that is, Wednesday the 16th or Wednesday the 23rd. If the noes want to go on with the division, I will call for the division.

The Hon. R.R. ROBERTS: On a point of order, Mr President, was the motion that you put that this Order of the Day become an Order of the Day—

The PRESIDENT: I said that the ayes had it.

The Hon. R.R. ROBERTS: Yes, and there were noes who called divide against your ruling. If there are more than two voices in the noes and they call divide, that it be made an order for another day—

The PRESIDENT: I am very happy to accept the fact that a division is required. Let us go along that course.

Members interjecting:

The PRESIDENT: Order! One at a time!

The Hon. T. CROTHERS: The motion was that the regulation be discharged, which was defeated. That keeps it on the *Notice Paper*. Had it been disallowed that might have been a different matter. Correct me if I am wrong, but the only determination this Council may now make, because the Council failed to discharge the order from the *Notice Paper*, is that it be made an Order of the Day for a particular Wednesday in question.

The PRESIDENT: That is right.

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Davis! I am happy to order the division if that is what members want.

The Hon. R.R. ROBERTS: I have no truck with what the Hon. Trevor Crothers said about the discharge motion. He is

right. It is left on the *Notice Paper* to be dealt with as the Council sees fit. The motion was that it become an Order of the Day for some other day of sitting, to which a vote was taken. They called ayes, we called noes. You ruled in their favour and we said that you were wrong, Mr President. If the division results in a no vote, it leaves the matter on the *Notice Paper* to be dealt with at the pleasure of this Council. Am I not right?

The PRESIDENT: Not exactly. I ruled that, in my opinion from the chair, the ayes had it. You asked for a division and I virtually granted it, but I wanted to advise the Council that the only question after that could be 'Which day?' That is the only question.

The Hon. R.R. ROBERTS: If the resolution to the question was Yes. If the resolution of the matter was no, the matter is still before the Council.

The PRESIDENT: We need a fresh time. That is the point that I am trying to make. The division is asked for. The question now is only when. We have gone through the processes. If you want to test my ruling on the vote, I will ask for the division to take place.

The Hon. R.R. ROBERTS: Can you clarify to me what the motion was that was put?

The PRESIDENT: The motion that was put was that Order of the Day, Private Business, No. 4 be discharged. That was lost.

The Hon. R.R. ROBERTS: What was the second vote?

The PRESIDENT: If this is any help, standing order 196 provides:

> Upon a debate being adjourned, a motion shall be made to appoint a time for its resumption, the debate whereupon shall be strictly limited to the choice of date. . .

We are nearly up to that.

The Hon. R.R. ROBERTS: I agree, but the motion that was put before the Council was that the matter be adjourned, which we are now disputing. We are saying that the matter should not be adjourned.

The PRESIDENT: The question put by the Hon. Mr Redford was that it be made an Order of the Day for Wednesday 16 August.

The Hon. CAROLINE SCHAEFER: It seems to me that this is an academic argument, since the Hon. Ian Gilfillan some 15 minutes ago withdrew his call for a division.

The Hon. R.R. ROBERTS: That is not the point, either.

The PRESIDENT: Is a division required on the question for the date for the adjournment?

The Hon. IAN GILFILLAN: I invite you to take the vote again and I guarantee that I will not call for a division.

The PRESIDENT: The question is that it be made an Order of the Day for Wednesday 16 August. Those for that question say aye, against no. I think the ayes have it.

The Hon. R.R. ROBERTS: Divide! Now we can deal with the motion. Am I not right?

The PRESIDENT: You can only give me an alternative date if it is lost.

The Council divided on the question:

AYES (11)

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

NOES (8)

Cameron, T .G .	Holloway, P.
Kanck, S. M.	Pickles, C. A.
Roberts, R. R. (teller)	Roberts, T. G.
Xenophon, N.	Zollo, C.

PAIR

Davis, L. H.	Weatherill, G.

Majority of 3 for the ayes.

Question thus agreed to.

NATIVE VEGETATION ACT

Order of the Day, Private Business No. 5: Hon. A.J. Redford to move:

> That the regulations under the Native Vegetation Act 1991, concerning exemptions, made on 16 December 1999 and laid on the table of this Council on 28 March 2000, be disallowed.

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

> That this Order of the Day be discharged.

I will be brief because in relation to these native vegetation regulations I refer members to the debate on the motion of the Hon. Michael Elliott that the regulations under the Native Vegetation Act concerning exemptions and laid on the table of the Council on 28 March 2000 be disallowed.

In order to assist members, the report on these regulations was tabled in parliament yesterday and I understand that it has been widely circulated. A number of issues are raised in the report. I know that all members will read the report and consider it carefully, so I will not go into it in any detail. However, I point out that concern was expressed in the report at page 31 concerning a suggestion that there might have been some illegal clearing prior to the regulation being promulgated. In the report the committee says as follows:

> However, the committee is of the view that an undertaking should be given to the effect that the promulgation of this regulation will not in anyway affect either a decision on whether or not to prosecute or the legal proceedings themselves.

Today I received a letter from the Minister for Environment and Heritage, the Hon. Iain Evans, which I will read into *Hansard* in full. The letter is addressed to me as the presiding member of the Legislative Review Committee, and it states:

> Dear Mr Redford,
>
> I refer to the report of the Legislative Review Committee concerning regulations made under the Native Vegetation Act 1991. In particular I refer to your query regarding a paragraph on page 31 under heading '6.2 Illegal Clearing' which states:
>
> > However, the committee is of the view that an undertaking should be given to the effect that the promulgation of this regulation will not in anyway affect either a decision on whether or not to prosecute or the legal proceedings themselves.
>
> I have been advised that the promulgation of this regulation will not affect a decision on whether or not to prosecute. However, the effect of the promulgation of the regulation on legal proceedings is a matter for the courts. To the best of my knowledge it will not have an effect on any legal proceedings, but it is outside my power to give any undertakings in this regard.
>
> Yours Sincerely, Iain Evans

The undertaking sought by the committee has been acknowledged in that fashion; it is a matter for the parliament to determine whether or not that is sufficient to satisfy the requirement of the committee. In the circumstances it is my view that it does, in the sense that my real concern is that it might have affected the prosecutorial discretion. It is clear that it does not, and will not, based on the undertaking given by the minister.

I will not go into the issues raised by the report, but there are a couple of other side issues. I direct the Attorney-General's attention to the comments made in the report about

the Crown Solicitor's role. For those members who have not read the report, I indicate that the committee was concerned that the Crown Solicitor was giving advice to the proponents of the scheme (this is in relation to the South-East drain). At the same time as giving advice to the proponents, they were asked to provide advice to the presiding officer of the Native Vegetation Council, and they did so.

That, with the greatest respect to the Crown Solicitor's Office and to the Attorney-General, is unsatisfactory. It is the same as a judge getting advice from a lawyer of one of the parties. It is the view of the committee that that should not happen. That places the presiding officer of the Native Vegetation Council in a very difficult position, and I would be surprised if he really understood that the Crown could, to some extent, be accused of being in a conflict of interest situation. I will go through the report in more detail when we debate the Hon. Michael Elliott's motion, and I will deal with the issues in more detail once I hear Mr Elliott's response.

The Hon. IAN GILFILLAN: I would like to recognise that the Hon. Angus Redford anticipated that there would be a more substantial debate on the Hon. Michael Elliott's motion, and that is an extra reason for making this debate relatively short and sweet. I do not agree with the majority decision that there should be no action as far as these regulations are concerned. It is probably useful to read this communication to the Council at this point. Part of the argument by the majority of the committee was that Mark Parnell of the Environmental Defenders Office indicated that he believed that the regulations under review are technically and legally valid. He made some observations about it, and I leave it to honourable members to make their own conclusions. In his facsimile, Mr Parnell said as follows:

> Thanks for the fax of extracts from the. . . report. The quote attributed to me in the report comes from my written submission addressing the LRC's disallowance criteria.
>
> (c) whether the regulations contained matter which, in the opinion of the committee, should properly be dealt with in an act of parliament.
>
> The act provides for clearance with the consent of the Native Vegetation Council, or if the vegetation is of a prescribed class or is cleared in prescribed circumstances. (s.27)
>
> The exemptions contained in regulation 3 relate to section 27. The act allows for changes to the exemptions by changing the regulations. Therefore, the regulations under review are technically and legally valid. However that does not make them proper. It is submitted that the circumstances of the case should have required a more thorough public and parliamentary process, perhaps through the enactment of specific legislation which did not corrupt the level of protection afforded by the Native Vegetation Act.

He continues:

> What I was getting at here is that whilst there seems to be no technical or legal reason why the government cannot amend the exemption list contained in the regs, this power has never before been exercised to facilitate a special nominated project before. If you look at the existing exemptions, you will see that they are all 'generic' in their application. That is, they cover clearance for the purposes of firewood collecting, fence posts, fire breaks, tracks etc. throughout the state. The new categories of exemption relate to specific projects in nominated areas. I do not know whether parliament had intended the regulation/exemption power to be used in this way, however I doubt whether it was intended that the power be used to over-turn unsuccessful applications to the [Native Vegetation Council]. That is what I mean by 'corrupting' the [Native Vegetation Council] process.
>
> This is why I say that the regs are technically valid (not ultra vires), but still 'improper'.

I do not believe that the regulations are proper in reflecting the anticipated head powers of the act. Perhaps in variance with Mike Parnell's view, I do not accept that the regulations are to be tolerated as bona fide regulations under the act. In my view, they are another example of regulations tailored to suit a particular circumstance that can be analysed and looked at in a separate context. However, that is not our job. I believe that these regulations are outside the authority of the LRC to approve and accept: that is why I oppose the motion to discharge and I support a future motion to disallow the regulations.

The Hon. R.R. ROBERTS: As a person nominated in the report as a 'minority supporter', I believe that this is a similar situation to the one discussed recently. Propositions to clear native vegetation were put to the proper authority, the Native Vegetation Board. We have heard evidence from the Chairman of the Native Vegetation Council regarding the objects of the legislation, particularly that native vegetation can be cleared if it helps preserve other native vegetation or primary production in another area.

On advice from the Crown Solicitor, the Native Vegetation Council determined that it could not accede to the plans of Mr Tom Brinkworth and the drainage board in the South-East. We were told in evidence that there would be some difficulty in compulsory acquisition and that it may well be expensive. This is not an unusual situation. Wherever there is compulsory acquisition, citizens have the right to test the legislation to ensure that their rights are preserved in relation to the law as it stands at the time. The Native Vegetation Council said that it could not do that. The council visited the South-East with the proponents. It is my understanding that, although the bulldozer driver was told that he ought not be doing it, he mounted his bulldozer to cut a 17 kilometre fire break—where the drain was ultimately constructed. What happened then was that there was an identification of a breach of the law and regulations were introduced.

As outlined in the report, proponents of this proposition will say that, if you study the legislation, you can make a case that it is proper, because you can regulate to amend schedule 3. On closer examination, it says 'in line with the objects of the act'. This is a situation where the legislation prevented this activity from occurring. At this stage, I might add that the person responsible for the clearance of the native vegetation is under investigation and may well face prosecution. It was clear that it was an illegal activity but he proceeded to do it. A construction was then put on the terms of the legislation for the right to regulate. As we found with the Development Act and Louth Bay, those acts that were clearly in breach of the act and clearly in breach of the principles of the act, because of this regulation, were deemed to overpower the legislation. Eventually, the Council will have to come to terms with this issue. Does legislation take precedence over regulation? The clear answer is that it does. Regulations should expand, explain and enlighten legislation, not overpower the principal legislation, as this does.

Economic arguments have been made that it is better for primary production but these are considerations made after the event. If we continue by regulation to overpower acts whereby citizens or non-citizens break the law of the state and fly in the face of the legislation, we allow those people—because it is hard, because it may be expensive to them—to regulate surreptitiously to justify these illegal acts.

We have to come to terms with this, because we have seen it at Louth Bay and in the South-East, and we will continue to see it. If these cowboys continue to get away with it, they will not stop. They will take courage and do it more regularly.

It is sad that again we see the Liberal Party protecting its colleagues and regulating to make it appear that illegal acts ought to be made legal. I concur with my colleague the Hon. Ian Gilfillan in calling for this matter not to be discharged and that this motion be dealt with today and disallowed. I urge all honourable members to vote against the motion.

The Hon. A.J. REDFORD: When I moved the motion I omitted to thank the witnesses for their assistance. They are mentioned at pages 6 and 7. They all gave evidence in an open and frank way and attended before the committee at short notice, at times at the convenience of the committee. For that I am grateful.

In response to the Hon. Ron Roberts, every suggestion he made about clearances and things like that in the South-East is potentially the subject of legal proceedings. One hopes that he understands the nature and effect of potential legal proceedings. Members perhaps should be a little more circumspect in what they say in this place in order to ensure that the legal process is not polluted. I say that more in hope than in any expectation that the honourable member might understand the concept of sub judice and issues of fairness. Finally, I thank—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I do not think it was raised sub judice downstairs.

The Hon. T.G. Roberts: It might have been mentioned in another context.

The Hon. A.J. REDFORD: It might not have been. Obviously, we do not apply their standards here on every occasion. We do not have Peter Lewis and they do not have Ron Roberts or Ian Gilfillan. I also omitted to thank the staff who worked to prepare this motion as quickly as possible. When we come to debate this later in the day I hope that members will have taken the opportunity to read it, because it was a difficult issue which required a lot of effort on the part of staff and members, particularly those members who did not want to play base political games.

The Council divided on the motion:

AYES (9)

Cameron, T. G.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Schaefer, C. V.	

NOES (10)

Crothers, T.	Elliott, M. J.
Gilfillan, I. (teller)	Holloway, P.
Kanck, S. M.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Xenophon, N.	Zollo, C.

PAIR(S)

Stefani, J. F.	Weatherill, G.

Majority of 1 for the noes.

Motion thus negatived.

PLUMBERS, GASFITTERS AND ELECTRICIANS

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

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

(Continued from 28 June. Page 1351.)

The Hon. R.R. ROBERTS: I was hoping that we would have some other contributions. This is a matter that was brought before the Council some weeks ago and I thank the Attorney-General for at least responding on behalf of the government. What he has said makes no sense: it makes even less sense coming from the Minister for Consumer Affairs. What the minister said was that, because these people can do the work, despite the fact that they are not licensed, they ought to be allowed to do it. That may be a good theory, but the truth is that the laws of this state do not allow them to do it.

For example, the Hon. Trevor Crothers has driven trucks in the past, but I doubt whether he would have a long distance transport licence today, but he could still be competent to drive that transport. What the Attorney-General is suggesting is that he ought to be allowed to do it. This is the Attorney-General and Minister for Consumer Affairs saying that, because we have a licensing system which he is in charge of and which prescribes that people of this character who do not hold a licence should not be able to do the work, we ought to allow them to do it. He also said in his contribution that a lot of employers are not training these types of people. That may be true, but it is not the province of this Council as to whether or not we ought to direct them to train more people.

What we have done as a legislative body is to say that this type of work must be overseen by properly licensed persons. What has happened at Snack Foods is that it does not have any properly licensed persons but it has a non-return valve out the front of the building requiring some work and, because it will not damage the public infrastructure and the pipe work in the street, the Attorney says that we ought to allow them to do it. However, what we are talking about here is a food production facility and this is work to be performed on the food production system, and it has been specifically deemed that it be performed by persons of the proper licensing category.

The legislation has said that that is what should happen. So for the third time today the government is promoting the use of practices that are basically illegal. By regulation it now proposes to say that we ought to make this legal, because the licensing system, as the Attorney admitted, does not provide them with the facility to do that. That is the proposition: it is very simple. It is a question of whether we have a licensing regime in this state which says that persons who perform that work must hold this licence. For the Attorney to come in here as the Minister for Consumer Affairs and say, 'We ought to allow unlicensed persons to perform work which under my licensing legislation is required to be performed by properly qualified people' indicates a laissez-faire attitude and neglect at the worse. I ask all members to support my colleagues from the plumbers union in defeating this motion.

The Council divided on the motion:

AYES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Holloway, P.
Kanck, S. M.	Pickles, C. A.
Roberts, R. R. (teller)	Roberts, T. G.
Xenophon, N.	Zollo, C.

NOES (9)

Davis, L. H.	Dawkins, J. S. L.
Gilfillan, I.	Griffin, K. T. (teller)
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	

PAIR(S)

Weatherill, G. Stefani, J. F.

Majority of 1 for the ayes.

Motion thus carried.

RACING ACT

Order of the Day, Private Business, No. 9: Hon. A.J. Redford to move:

That the rules under the Racing Act 1976 concerning harness racing, made on 11 October 1999 and laid on the table of this Council on 19 October 1999, be disallowed.

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

That this Order of the Day be discharged.

Earlier today we tabled a report regarding the Australian rules for harness racing. The report speaks for itself in general terms. We looked at it at the insistence of the Hon. Ron Roberts, and he was substantially responsible for the drafting of the report.

The issue related to the level of TCO2 in the blood of horses. There was a rule change some time ago, followed by a change in testing procedures which led to a substantial number of horses and trainers being affected. I understand from the evidence that this issue arose in September, October and November last year. It is disappointing that the matter has not been resolved by the harness racing authorities in terms of the veracity and the importance of this rule and the appeals that are being undertaken. Rightly or wrongly, I know that it has caused a substantial level of angst within the trotting industry.

There are two schools of thought about this matter. I will not go into any great detail about it except to say that one argument is that the rule and the testing procedure are fundamentally flawed; and the other argument is that the rule and the testing procedure are adequate, and that the new testing procedure is purer than the old testing procedure and that they are now catching people who would otherwise have avoided being caught under the previous regime.

The committee made no decision to adjudicate in relation to that—and nor should it, because it does not have the evidence presented to it in a way that it can. I make no criticism of the witnesses in that regard; it is a different process. The professional bodies are in a better position to make that determination. However, we did suggest that it is important that the issue be resolved as quickly as possible so that the harness racing industry can get on with it.

Indeed, a number of issues in the racing industry should be resolved quickly. Some relate to TCO2 and others relate to uncertainty in the racing industry, which the Hon. Ron Roberts and his colleagues are doing their best to continue as we consider issues such as the racing amendment legislation.

One issue that concerned me was the length of time the appeal process was taking. What I said to one witnesses is quoted in the report. I did not put it in; it was put in by the Hon. Ron Roberts. It is as follows:

Here we are nearly 10 months after this first surfaced and still no resolution and nothing to suggest when it is likely to be resolved. I would have thought, for the public confidence in the whole of the industry, there needs to be some sense of urgency on the part of everyone to dispose of it.

We are dealing with people's lives and livelihoods here, and just as importantly we are dealing with people's reputations. Rightly or wrongly, I know that some people have this cloud hanging over their head. Any system of justice, whether industry related or in a general sense, should deal with these issues expeditiously.

It also concerned me that the issue does have the potential—and I am not saying that that is the case here—if it is not dealt with quickly and with probity, to make the punting industry lose confidence. If the punting industry or betting industry loses confidence, then the ramifications could be quite disastrous.

The committee also recommended that the Minister for Racing raise this matter at the next Australasian Racing Ministers Conference (and there is an error in the draft report stating 'Australian'). I thank those witnesses who attended and gave evidence. They were subjected to some difficult questions from time to time, but that is the nature of the process. I also thank my staff, although I notice a couple of errors that we thought we had identified in this morning's meeting, but they have persisted. I urge my staff to be more careful in proofreading documents before they are tabled in the parliament.

The Hon. R.R. ROBERTS: I support the motion that this Order of the Day be discharged. I thank the staff and committee members who have been involved in this issue. It came before the Legislative Review Committee in about September or October last year, along with the rules of the Australasian Harness Racing Council, to be endorsed in South Australia, as has happened in the past.

We were told in the minister's report that everybody was happy with these arrangements. I can distinctly remember taking note at that time that I had some concerns about TCO2 levels and the effect on equine systems. On my suggestion, we sought the view of the South Australian Owners, Trainers and Breeders Association and comment from the South Australian Harness Racing Authority.

This coincided with a dramatic change in the testing regimes and the solutions used in the testing of TCO levels in harness racing horses. It needs to be appreciated that it was I think back in 1992 that testing for the detections of the TCO_2 levels over 37 millimoles came into operation. I do not want to be too technical about all this and bore members of the Council, but the 37 millimoles was set at the time on the basis that it was a fair level at which those persons who were acting legally would not be entrapped with false positives. Readers need to be aware that those tests were done with a solution called the CASCO solutions. That is important when you consider this in the context of racing industries all over the world.

There is the universal standard—perhaps not the universal standard because I do not know whether they actually race out in the universe—or world's best practice, and I will touch on this further when I talk of the contribution from Dr Minea in a moment. World's best practice is that 37 millimoles per litre of blood is a safe and proper level. It provides a system whereby almost universally, except in Australia, CASCO test solutions are used, and that is where the major difference is in relation to what has happened in South Australia and, indeed, in the rest of Australia since 1999, where a new test solution was introduced called the ASE solutions.

We have to go back a step in the history of this matter, and back to 1996, when the standard for detection was dropped from 37 back to 35. From the evidence that we received and from other information that I have received in other correspondence, I have not been able to detect a scientific basis for that, based on tests. So the harness racing authorities said that very few had been detected, I think something like five, from

the time it had been introduced, in 1992, until about that time, and so if it were lowered it is likely that they would not get too many detections.

We have to take into account another important consideration at that point. All the history on which people were able to make this decision was in respect of CASCO solutions and those parameters. So we had a history of CASCO testing and lowered the bar from 37 to 35. That did not present an immediate problem while they were using the CASCO standards, but what occurred is that, on the advice of Dr John Vine, I believe, they changed the standard last year and went to ASE standards. I think I am quoting him correctly in saying that his advice was that it was more consistent. I have also seen documentation where he says that CASCO was indeed unstable and was not reliable. Indeed, in all these exercises there is an allowance of 1.2 millimoles to allow for fluctuations and incorrect readings.

So we had the introduction of ASE standards. Also in conjunction with that we saw a spate of trainers in South Australia, and indeed all over Australia, having detections in excess of 35 millimoles. We have seen a very unusual situation. We found that it is not the hobby trainer or the likely lad, if you like, who is being caught, but we have seen a detection of some of the biggest names in the harness racing industry, people of absolute integrity who not only have made a contribution to the sport by way of their driving exploits and training exploits but many of them have made a major contribution into the industry and are highly respected. One person of whom I am aware actually been nominated for honours within the industry for his work. So we are not talking about the likely lads.

We find in South Australia that four of the five people who have suffered from this situation are the top trainers. We see, in particular, in Western Australia Mr Oliveri, the top trainer driver had a detection. Fred Kersley, the president, honoured in trotting circles, has now, because of all of this stuff, and the likelihood of a detection, handed in his licence. We see Tony Turnbull in New South Wales, who is highly respected, and Mark Purden in New Zealand, a top trainer who has trained something like 100 horses, have been wrapped up in this. How could this occur whereby these people held in the highest esteem are finding themselves in this situation? You have to do some technical analysis and look at the systems and what has occurred.

In respect of that, when we conducted the first interviews at the Legislative Review Committee we invited in people from the South Australian BOTRA and from the Harness Racing Authority. From the outset I have to say that we received absolute cooperation from the owners, trainers and breeders. They provided every piece of information that they had or that we required. But it is disappointing to note the attitude of the Harness Racing Authority, which on the most generous assessment seemed to be trying to frustrate the investigations of the committee. Why do I say that? It is because we had in South Australia a testing regime, particularly at Globe Derby, where 25 horses were tested every meeting, and the Harness Racing Board, and it is to be commended for this, has tabulated those results. It is easy to see what the average results are from what the class of detections would have been over that time.

In pursuit of that information, I asked for that information to be made available to me. That information was withheld on the grounds that they claimed privilege. I would have thought that in relation to a statutory authority undertaking procedures to make sure that racing was clean and seen to be clean and gathering information to reinforce that, when asked by a committee of the parliament for the information that they had gathered on our behalf as the representatives of the people of South Australia, that would have been forthcoming. The story about how that was revealed would be amusing if it was not so serious. The information turned up in a national *Trotting Weekly* after someone had rung the Harness Racing Board and was put on to the secretary who provided the information with no embargo.

But it was very interesting information, because it really showed what had happened in South Australia, in particular, when we looked at the testing of harness racing horses, particularly at Globe Derby Park. If we look at the figures for a number of classes of horses in the ranges of detections, some startling figures come out of it. I am thankful to Fred Kersley, the Chairman of the Western Australian Harness Racing Authority, for his publishing those figures. They show that at Globe Derby Park when using CASCO solutions to test horses, pre-August 1999, 65 per cent all horses tested at Globe Derby park were under 30 millimoles. Post-August 1999 the figures show 5 per cent, a turnaround of some 60 per cent. If we look at the other end of the scale and look at those that are in the area of concern, we find that using the CASCO solutions 3 per cent were detected. It has now increased to 33⅓ per cent. You do not have to be an analytical genius to see that there is a screaming problem staring you in the face with those figures. One has to wonder why these figures were not made readily available.

Since that time a number of commentators have expressed their concern. Peter Marshall, the President of the South Australian Harness Racing Club at Globe Derby, as its delegate on the Australasian Harness Racing Council, called for action at national level. He called for an independent inquiry into the effects of TCO and into the testing methods pursued across South Australia. This morning I had the pleasure of talking on the telephone to Ern Manea, who is the President of the Harness Racing Authority of Australia and also the World Harness Racing Club, and he told me that it was his belief that we needed universal testing procedures all at basically the same level and that there should be uniformity in the testing procedures, the machines, and so on.

Regarding the analysis with respect to South Australia, we found that in those five months we had more detections than we had in the previous seven years. Again, the question screams out: what is going on here? Owners and trainers have gone to extraordinary lengths to try to get to the nub of this problem. They have looked at things such as whether it is bore water, or whether it is this supplement or that supplement. They have done all the tests and cut their feeding regimes, and still we have these horses that are obviously high readers.

The other matter that compounds this problem is that it is clear from the figures provided by the harness racing authorities that, since the introduction of the ASE standard and the change in the formulas (and I am thankful for a document that I received from the statistician, Mr P. Brown, in a submission prepared for an appeal proceedings), it has been shown clearly that the weekly average in South Australia rose by 2.67 millimoles. That in itself presents a problem: when you have lowered the bar from two, from world's best practice, and you increase the average by 2.67, you start to get into fine lines with horses that are naturally high readers—and there is a whole range in those, and I touched on some of the figures that were revealed. Mr Marshall went to the harness racing authorities nationally and

suggested that there ought to be a proper, independent investigation.

I note also that Minister Hulls in Victoria considered holding an independent inquiry. Every harness racing movement member, such as BOTRA, in every state has called for an independent, scientific veterinary investigation. When Minister Hulls indicated in the press that he was looking at this issue, I contacted him and provided him with evidence that I had and suggested that he might like to look at what we are doing here. He responded and informed me that a meeting of veterinary associations from all over the world is to be held in Cambridge, England in August this year, which will look at these figures, and at TCO_2 levels in particular. He pointed out that it was the province of harness racing authorities to run harness racing, and one can only agree with that. One assumes that, acting on the advice that they receive from that conference in Cambridge, action will be taken. That might be all very well for those people who get caught up in this in the future, but people who are facing charges and appeals who claim that they are innocent (and I believe that, in most cases, they are) are experiencing a lot of hurt and trauma, and they have to wait another couple of months.

We also spoke about not only the solutions but also the methodology for collecting the samples. The resolution of the conference was that people were reasonably happy, as I understand it, with the testing levels and the procedures. But what occurred, again, was interesting. After that meeting, a Mr Potter was engaged by the South Australian harness racing authorities to look at the testing methods in South Australia. He came here and presented a report to the harness racing authorities in South Australia. At our last meeting with the Harness Racing Authority and the owners, trainers and breeders, we asked for all the information that they had, and we were guaranteed that if they received any other information that would assist us in our inquiries they would provide us with it.

I am advised of the existence of a report from Mr Potter into changes that he recommended ought to take place in the testing procedures. I have had first-hand experience in this matter. Recently I acquired a young horse, which I took to Port Pirie, and my horse was one of those to be pre-race tested on that night—the only horse in the race, I might add. Nonetheless, I was keen for it to be done. I attended the veterinary stall and went through a complex procedure, which was vastly different to what I had observed in the past. I was told by the attendant that they had to change all their procedures and that they were not doing it that way any more.

I am also advised that, whilst Harness Racing South Australia claims that its procedures are fine, the latest figures that have been tendered from the ongoing testing regimes show clearly that, since we changed the testing regime (we do not spin the blood and remove the plasma, and we do not freeze it), there has been an average increase of between 1.3 and 1.9 millimoles lowering. That sounds encouraging for the trainers, but we must remember that all the trainers who are facing this situation were detected, in most instances, before the procedures were changed. So, they are suffering another 1.3 to 1.9 on top of a situation where the average has increased by 2.67; and, in Australia, in the face of what is happening in the rest of the world, we have lowered the bar to 35. So, what does this mean? If we had not gone to ASE standards and remained with CASCO, if we looked at the figures we would find that not one trainer in South Australia, using CASCO standards with 37 millimoles, would have been convicted. Dr Ern Manea addressed the National Harness Racing Committee, and I would like to read part of his speech.

[Sitting suspended from 6.02 to 7.45 p.m.]

The Hon. R.R. ROBERTS: I had almost concluded my remarks prior to the dinner break and I was talking about a speech made by Dr Manea, President of the Australian Harness Racing Council and President of the World Harness Racing Association. His address is very pertinent to the subject and it offers some very good advice. On page 4 of his contribution to the National Harness Racing Committee, he mentioned other endogenous substances, which have been the subject of much investigation all around the world and have had specific levels set in most countries. He listed the threshold agreed to in Europe between the thoroughbred racing industry and the standard bred racing industry. The first substance was arsenic and the second one was carbon dioxide, which is the subject of the discussion here tonight and within the racing industry generally. I note that the European threshold for both standard bred and thoroughbred horses is 37 millimols of available carbon dioxide per litre in plasma. The speech goes on to list six other substances that have been covered in the European deliberations.

I come now to the most pertinent paragraph, which contains very good advice for all of the people involved in the debate on this matter and in setting levels. I will read into *Hansard* what Dr Manea said, as follows:

> The issues raised in defence of these substances present beyond the threshold has always been that there are variations and that normal animals can have levels higher than this. The findings of the House of Lords on the appeal by the Aga Khan against the presence of excess testosterone in a racehorse has been a landmark decision when the House of Lords upheld his claim that, while it was not probable, it was not impossible that these levels could occur normally in horses. The only defence against these sorts of claims is by statistical evolution of thresholds that are accurate and accurate testing techniques.

Bingo! That is exactly what all harness racing organisations have been calling for in Australia over the past few months. Those words offer salutary advice. Dr Manea mentioned also that the late Judge Gorham suggested to the council that horses shown to have higher than normal levels should be barred from racing and testing should be directed to be undertaken before the horse raced in order to avoid the difficulties of disqualification and legal appeals. He notes that this would still appear to be very good advice.

If those two suggestions by Dr Manea, given his eminent position within the industry, are taken into consideration by the authorities, I think that we will go a long way to resolving these matters. It is an axiom in the law that justice must not only be done but it must be seen to be done. I have to observe that, in my view, the Harness Racing Council is concentrating on the second part of that axiom and trying to appear as though it is doing something in the course of justice and is not concentrating enough on the fact that justice must be done.

I call on the Australian Harness Racing Council to take the advice of its chairman and conduct with the appropriate authorities and, as the Hon. Angus Redford advised, with all state racing ministers, an independent scientific and veterinary inquiry into the effect of TCO_2 on racing horses and pay particular attention to the techniques and the machinery involved in the testing, including the solutions, and work together to do what they are charged with doing, and that is to promote harness racing in Australasia and to present a worthwhile industry for the public of Australia.

I have been concerned at the attitude of authorities in respect of these matters. They are charged with conducting racing in an honest and fair way and presenting a quality product for the punters and for the public of Australia. I am not concerned that they are doing their job and I praise them. When the machinery says that there is a test level above which a charge must be laid, it is their responsibility and they have performed it admirably and applied the law. What I am concerned about is the attitude of 'them and us'. I invite them not to become the prosecutors but, collectively, with their appropriate ministers, call for and conduct appropriate veterinary and scientific inquiries into these matters so that we can all get back to presenting a quality product in the racing industry. I support the proposition moved by the Hon. Angus Redford that this matter be discharged.

The Hon. IAN GILFILLAN: I indicate support for the discharge of this item of business and, at this stage, my respect for the contribution of the Hon. Ron Roberts and his determination to acquire facts and make a balanced and objective assessment. I have been guided largely by what I believe to be his very good contribution to the committee's work in this respect.

The only other observation that I would make is that I was impressed with the sincerity and concern of the evidence given by the trainers who presented evidence to the committee. I do not deny that the representation from the authority was not sincere but I felt that it was defensive, protective of its own position and almost a retreat in the face of attack which did not, in my view, give it credit for the evidence it presented. The discharge of this matter is the appropriate way to go and I support the motion.

Motion carried.

MATERIALS AND SERVICES CHARGES

Adjourned debate on motion of Hon. P. Holloway:

That the regulations under the Education Act 1972 concerning materials and services charges, made on 4 May 2000 and laid on the table of this Council on 31 May 2000, be disallowed.

(Continued from 28 June. Page 1333)

The Hon. R.I. LUCAS (Treasurer): We have had this debate four or five times previously, so members will be delighted to know that I am not going to repeat the long and passionate defence of the government's position: suffice to say I will make three or four brief and general points. Our education system in South Australia could not survive without the voluntary contribution of parents. That has been the case for decades. It is not something that has been introduced in the past six years by a greedy, avaricious, uncaring Liberal government: it is something that has existed for decades in South Australia under Labor governments for almost 20 to 25 years and under Liberal governments. Parents have always made a contribution towards materials and services costs within their schools and on behalf of their children.

The latest estimates are something like $19 million in terms of parent contributions—including materials and services charges. I am told there are other contributions and charges as well but that is the magnitude we are talking about. If there was no contribution from parents, somehow the taxpayer wearing another hat would have to find that $19 million. That is the intellectual dishonesty of the Labor Party's position on this issue as to where that money comes from.

The School Card system makes clear that over half the families, half the students in government schools, are provided with the free School Card. No-one can say that poor and low income families are not adequately catered for. There are about 90 000 School Card recipients in our schools and I think we have, as a ball park figure, about 180 000 students in government schools. So, just under half are getting the free School Card.

We are talking about those parents who do not qualify as being poor or of low income and who are judged to be able to afford to make a contribution being, in essence, required to make that contribution. There are other provisions in this which allow for instalment payments. I have mentioned before that some schools went as far as allowing parents to pay their $100 at $2 or $3 a week in certain circumstances.

The government's view has always been that this is a defence of what has always existed within government schools in South Australia. It is an idealistic notion to think that our education can always be free, as people have said. There are obvious additional costs, and the government and the taxpayers through the School Card system make a significant contribution for poor and low income families in terms of providing assistance.

I have highlighted before surveys that have been done in New South Wales by the Secondary Principals Association during a brief period when the minister at the time in New South Wales, Virginia Chadwick, made public statements to the effect that these contributions were not compulsory but voluntary. I think the collections from parents during that period dropped by some 30 per cent to 40 per cent, with a very significant reduction in income available to schools and a very significant impact during that period on the quality of education that could be provided, in particular in secondary schools.

I am told that there has been a 33 per cent increase in uncollected charges or bad debts within government schools. It has jumped from $900 000 to $1.2 million in just 12 months as a result of the manoeuvrings by the opposition and the Democrats in this chamber. Parents are being encouraged not to pay these charges and it is our schools that are suffering. There was a 33 per cent jump in the 1998-99 year in uncollected charges, and there is likely to be a further increase in uncollected charges or bad debts, which again impacts on the schools. The impact is not only on the schools but on the parents who do pay. We are talking about the 50 per cent or so of parents who can afford to pay but brazenly decide that they will not make a contribution, and they are encouraged to do that by opposition parties in this state. The hardworking parents who year in and year out make the sacrifices to pay the school fees are the ones who have to pay higher charges as a result of the uncollected fees or bad debts that are starting to accrue within the school system.

My final point is that there is a view—which is wrong—that the great push for the compulsory collection of school fees comes from the wealthy eastern and south-eastern suburbs. Again, I repeat that in my time as minister and shadow minister the greatest pressure for the compulsory collection of material and services charges came from school councils in the mid northern metropolitan areas such as Salisbury, Pooraka and Para Hills and so on, and from the southern suburbs such as Hackham, Christies Beach, Port Noarlunga and Moana. They are the sort of areas that were

at the forefront in arguing to me as minister that the government should provide schools with the power to collect materials and services charges from those parents who can afford to pay. The operative phrase is 'from those parents who can afford to pay'. They argued that there should be some way to enforce that charge from those who can afford to pay.

As I said, the pressure came not from the wealthy eastern suburb schools but from working class areas, because they are the families and they are the areas that know it is unfair for someone to refuse to pay school charges but can afford to buy a new car or go on a holiday. They laugh in the face of the parents making the voluntary contribution to the school because they enjoy the same standard of service within the school community but choose not to make a financial contribution through the payment of the school charge.

I am not sure what the latest position is with changes in the arrangements with the principals association, but two or three years ago the government's position was very strongly supported by not only the parents associations but all the principals associations. I suspect that it is probably still the case with respect to the principals and the parents who represent the school councils and voluntarily devote their time, money and effort to run the schools. They are the ones who are saying, 'Give us the power. Will the parliament at last provide us with some support to ensure that parents who can pay these charges are required to pay in some way?'

The Hon. M.J. ELLIOTT: I have spoken briefly to an identical motion but some readers of *Hansard* will not pick up that I made a comment in relation to an identical motion elsewhere.

The Hon. R.I. Lucas: Just give us the *Hansard* page number.

The Hon. M.J. ELLIOTT: The Treasurer could have done that in relation to his speech because he has spoken to identical motions on three previous occasions because this government does not seem to be prepared to accept the word of the parliament. I think the point has to be made that no other state has gone down this path: no other state has opted for compulsory school fees. In fact, it is quite tragic that South Australia, which has been for so long a leader in public education, should be the one to now go down this path. As part of my teacher training I studied the history of education in this state, and the history of public education in this state is a very proud one of long standing and high quality, with a commitment to good education for all children, and it was always intended to be universal and free.

The Hon. R.I. Lucas: Never free.

The Hon. M.J. ELLIOTT: Well, you had better check your history, mate. The government's arguments are superficially attractive and I can understand their attraction for some people. I spent five years on public school councils and, therefore, I have worked with principals and parents when these sorts of things have been discussed over the years. The concern is that a relatively small number of parents do not pull their weight. However, I think it is a trap to look at the issue very narrowly and not in the wider context of other changes happening in education.

At this stage, increasing responsibility is being devolved to school councils, particularly a great deal of financial responsibility, and many school councils are asking for it. That is superficially attractive. I note that, at a recent say-so conference, four motions were passed. One motion was in relation to P21 and what assistance should go to schools that were not in P21 in respect of the School Card. The vote was that those schools should not get it. Two of the other motions were for extra resources for schools in two areas.

I am disappointed that they have not seen the contradictory position they put themselves in. What the government will argue is, 'We provide you with the resources; you decide how to spend them. If you want an extra resource, you can get it yourself, because that is what P21 is all about.' If a school council feels it wants extra resources in technology or elsewhere, the government's approach now is, 'You have the resources; you choose how you spend them.' Clearly, what will happen—the trend is already underway—is that some schools will make the decision to spend extra money and then try to recover it through school fees. Anyone who looks at school fees—in fact, I asked a question in this chamber about two weeks ago—would know that a school like Marryatville has a fee of about $400—almost $200 more than the compulsory fee.

The Hon. R.I. Lucas: People are queuing up to get in there.

The Hon. M.J. ELLIOTT: It is a good school, as are many public schools, including the ones my children attend and have gone to throughout their schooling. My oldest, having received an excellent education at Blackwood High School, is now at university. That school assisted her enormously in achieving that. My second child is still at Blackwood High School and my third child attends Belair Primary. Indeed, I know how good the schools in the system are. However, the problem is that schools will continue to endeavour to provide the best education possible. The government will be increasingly skin flint and increasingly will say to schools, 'If you want it, you now have Partnerships 21. You decide how to spend the money. If you want extra money, you raise it. You get McDonalds to advertise and place signs in your canteen. You can charge extra fees, or whatever you need to do, but it is now your responsibility.' That is the path we are going down.

It is inevitable that there will be increasing resistance among parents. The Treasurer talks about parents not paying the fee, but the bigger long-term risk involves the parents who do not pay the difference between the compulsory fee and the fee that the school wants. The pressure is then on the schools to go back to the minister to say, 'We have an enormous gap. Will you increase the compulsory fee?' That is the path we are going down. You can argue about whether it is free or cheap, but increasingly that concept will go down the gurgler, because there is no commitment by some people to a public system.

This government has no commitment to public education. That is what this is all about. I have an absolute commitment to public education. I applaud the right of people to choose to send their children elsewhere but, if we are to have a fair society in which all will have an equal chance, it must be underpinned by a quality, universal, free education system. This government stands condemned, as did the previous government, for under-resourcing education for far too long.

The government talks about relativities with other states. Two things need to be said. We should be compared not with other states but with other countries, and Australia compares appallingly. We led the other states and now we are falling back into the pack. In relative terms, we are losing ground compared with other states, although at one stage we were clearly well in front. In relation to the rest of the world, we are so far behind it is not funny. South Australia is not competing with the other states: we are competing with the

rest of the world. In OECD terms, Australia is pitiful: it is one of the lowest spending countries in terms of education. What does the government want to do? It wants to pass it over to parents, as it wants to do with public health.

The Hon. T.G. Cameron: It is not that simple, though. Can you explain to me how we resolve the problem of people not paying?

The Hon. M.J. ELLIOTT: You have come in part way through and you have missed some of the arguments I have already put. I have never pretended that there is a simple solution to the problem, but I am arguing that the solution offered by the government is simplistic at best and dangerous at worst in terms of its long-term ramifications. If this parliament chooses to allow compulsory fees—and South Australia would be the first state in Australia to do so—in another decade this parliament will be judged in terms of what it did to destroy public education. I guess we will have to wait 10 years to judge such a prediction.

The Hon. T.G. Cameron: When are we going to turn our attention to how we will collect this $1.2 million?

The Hon. M.J. ELLIOTT: What about turning your attention to the size of the total education budget, to start with?

The Hon. T.G. Cameron: I am not the minister for education and we are not the government.

The Hon. M.J. ELLIOTT: No, you are not. I say that, in the context of the overall budget, it is a relatively trivial amount. I have also argued regarding the differential between the compulsory fee and the fee that schools need to charge to provide the service they want to provide. That will go unpaid. I predict strongly that that differential will be much greater than the $1.2 million that we presently suffer. The government continues to draw attention to school fees and the issue of whether they are compulsory. The government has brought it to the attention of the public by consistently bringing in a regulation that has been defeated.

The differential will cause the long-term problems. As I said, the only solution schools will have is to go back to the government and say, 'For goodness sake, increase the compulsory fee, because people are not paying the difference between the compulsory fee and what we need to charge to provide the service.' The reason they must do that is that the government will not be supplying enough money in the first place. We are making it easy. Under Partnerships 21, when people go to the minister and complain, they will be told, 'Go back to your school council and tell it that you want more money for technology teachers, because it decides how many technology teachers you have.' If they say, 'We want more drug and health education', they will be told, 'That is up to the school council; tell it that it has to do that.'

Curriculum is one thing, but the last SASO conference passed two motions calling for extra resources in two areas. Some schools will be able to do it by upping their fees, although, as I said, when the margin gets greater, the resistance to pay will be there. Increasingly, schools will become responsible for it. That will drive a wedge into the public system, because at some schools parents can pay and at other schools parents cannot pay. South Australia is lucky at the moment because the majority of children are in the public system, so children in poorer schools are protected by the system as a whole and the fact that parents throughout the public system are united. But according to the principle of divide and rule, if higher fees are paid in the wealthier suburbs, it will be seen that those children are being looked after. There will be the implication, 'We'll be right, Jack; we are not part of the system any more, anyway', and the kids in poorer areas will be the big losers. I make that prediction and feel very confident that that will happen.

The unity of the public education system, whether in a wealthy or a poor area, is important. The combination of P21 and what happens with these fees will destroy it absolutely. There is no doubt about that in my mind. As a person who has had a longstanding commitment as a former student, as a former teacher and now as a parent, I am worried. It was so important for me to have the opportunity to go to a school where I was mixing with kids across a cross-section of the community. It is healthy that every child has a decent opportunity. I cannot believe that we would put that at risk. The superficially attractive, simplistic arguments put by the government are the beginning of a very dangerous, slippery path, and I very strongly support the disallowance of this regulation.

The Hon. T. CROTHERS: I speak but briefly. In the present financial circumstances, I was thinking of supporting something along the lines of the proposal with a sunset provision. I must state from the outset that I am a believer that every human being born has the right to certain things—the right to life and death, the right to free education and the right to free health care. I am not talking as someone who does not put their money where their mouth is.

The Hon. R.R. Roberts: At least that is free.

The Hon. T. CROTHERS: I take a look at you and I feel comforted. I, for instance, will not join a private health fund and I continue to pay the additional 1.5 per cent levied on those who can afford to pay it, and that costs me much more than I would pay if I joined a private health fund. I do that out of principle: I support every person's right to free and universal health care. Likewise with education. However, as I said, on this occasion I might have accepted the measure with a sunset provision, but I will not do so.

Let me place on record an extension of that which was referred to on a number of occasions by the Hon. Mr Elliott. I do not stand here having any brief for teachers. In fact, I think the standard of teaching has fallen considerably from when I went to school—from the days of *Pick-a-Box* when champions such as Barry Jones, Merv Vincent, George Black and Frank Partridge were playing, and when the depth of general knowledge questions was very deep indeed. I look today at *Sale of the Century*: the depth of general knowledge contained in those questions is very shallow. Still they cannot find a Barry Jones or a Merv Vincent or a Frank Partridge or a George Black in respect of *Sale of the Century*. That says something to me. So I do not have a brief for teachers.

In my day teachers were asked to do too much. Now the wheel has turned 365 degrees. The number of letters I get about the lack of numeracy and literacy from vice chancellors at universities tells another story. Of course, I understand that the system with respect to families has changed considerably since my day. I understand that that has to be taken into account.

Within the past fortnight, a very close relative of mine who has four children, including an eight year old son, had to write a note one Monday because she could not afford to sponsor her son for a thing-a-thong that the school was running around the playground. This is to do with raising money for school funds. So I said to my relative, 'If you had asked me, I would have done it.'

This person owns a car because I bought it for her—a cheap car. She has had two fairly expensive repairs, which I

paid for, carried out on it. She has a husband who is a hard worker, but because of globalisation he is under employed: he may get two or three days one week and a full week's work the next week. He is under employed and, as a consequence, the family would be below the poverty line. I have seen her and her husband go without food for three or four days unbeknown to any other members of her family so that they could feed their children. That is in the suburbs of Adelaide. It happened two weeks ago. It is a personal thing with me—I am furious.

Their eight year old son has been a difficult boy at school. He is a highly intelligent boy but fairly rebellious, so he has been green carded and rightly kept in detention for all sorts of things. He has just settled in over the past five or six months: very few green cards, very few detentions and better reports from his teachers about his attention and his behaviour. In other words, he is settling in really nicely. He had a lecture from a close elderly male relative of his (who shall be nameless) in respect of his behaviour after he refused to go to school on the Monday morning. He had always been a keen school attendee, but his mother got it out of him that he did not want to go to school because he did not have sponsorship money. She has done it before when she could afford it, so it is not as if she is not prepared to play her part. Indeed, I have sponsored some of her children, too—hers and others—on many occasions.

The mother sent a note to the class teacher explaining the position. The teacher kept that child in detention at lunchtime because he did not turn up with his form filled in with his sponsor. That is just disgraceful, and that is the sort of thing to which the Hon. Mr Elliott was alluding and to which I said to him by way of interjection, 'It gets worse'—and that is as bad as you can get it. If I had been a member of the Inquisition in the 16th century, I would have had no hesitation in tying that teacher to the stake and burning her alive, because after having settled the lad in—and she knew that—she then made a phoenix rise from the ashes in respect of his behaviour. She shamed him in front of his peers by detaining him and only him in the class during the lunch hour.

When asked by an older relative whether he had been treated this way because of his behaviour—and he had better be bloody sure it was not because the older relative was going to do something about it—the lad replied (and I believe that this relative believed him) that it had nothing to do with his behaviour whatsoever. I certainly attribute his attitude on the Monday morning to the fact that his mother sent a note explaining how the fault was not the lad's, it was hers—and they live in poverty at times—yet the boy was detained in the lunch hour and was subject to peer pressure. It was not the child who was at fault; it was the parents' inability to contribute to this thing-a-thong that brought it about. I will not name the teacher or the school, but, if the minister who is responsible for the department wants to contact me, I have the name and I believe that something ought to be done about it.

Therefore, I shall not under any circumstances support the government in this measure in respect of economics and, indeed, I will give serious consideration to other matters relevant to this situation of semi-privatisation of schools, because that is what it boils down to, namely, the user pays theory being totally at work. I support the motion.

The Hon. NICK XENOPHON: I will be brief. I indicate that I support the opposition's position in relation to this. However, I do indicate my reservations. I think that there is some merit in the government's argument with respect to this. I also think there is much to be said for the Hon. Mike Elliott's contribution about the inherent problems in the education system and his impassioned plea that we really need to get our house in order. One of the statistics that disturbs me greatly—and I am sure the Hon. Mike Elliott or others can correct me—is that South Australia has gone from one of the states with the highest school retention rates to the lowest. That is an indictment on the administration of our education system, and that concerns me greatly.

However, what we have before us today relates to issues of material charges with respect to school fees and, as some members have indicated to me privately, this is something that is being abused by a number of parents. Parents who clearly do have the resources to pay for these materials charges are not paying them because of the current system. Most parents are doing the right thing, but there is a dilemma which needs to be resolved. That in no way diminishes the strength and the force of the Hon. Mike Elliott's arguments about the education system generally, but to use this issue as a litmus test for the ills of the education system is something that does not necessarily follow.

On balance, I will support the opposition on this occasion. I do believe that there are some inherent problems that ought to be fixed up, and I would like to encourage all the parties involved, including the union and the opposition, to go to the discussion table with the government in relation to this because there are instances where the system is being rorted by some parents and we ought to look at that in the future. However, at this stage, on balance, I am inclined to support the opposition's position.

The Hon. T.G. CAMERON: I, too, support the resolution standing in the name of the Hon. Paul Holloway. I hasten to add that, whilst I listened with interest to the contribution of the Hon. Mike Elliott, I do not accept his argument that those who oppose this resolution necessarily do not have a commitment towards public education. My position is somewhat similar to the Hon. Trevor Crothers. I was in a position to be able to afford to send each of my three sons, if I wanted to, to the best private school in Adelaide. However, I chose to send my children to public schools: not that that did me a great deal of good, because they all left public school at the age of 16.

However, there is a disturbing trend that the amount that parents are not paying for school fees is continuing to grow. It irks me when I hear stories that have been told to me by people who are good, honest and decent citizens who pay their school fees only to find out that people down the road who earn in excess of $100 000 a year are not. One story that was put to me was that a lady who struggled to find the money to pay her fees, but always attempted to do so on principle, was berated by a neighbour whose family income would have been well in excess of $100 000 a year, who drove a BMW and who told this lady she was a fool. She said, 'Do not pay the fees because they cannot sue you; they have no legal right to'. At some stage something will have to be done about this problem.

I did listen to the debate and I heard the Treasurer indicate that the outstanding moneys had risen from $900 000 this year to $1.2 million. I ask all members of the Council: do you really believe that that figure will not continue to grow?

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: Then why is it not being enforced? It is not being enforced because the advice I have

been given is that it is unenforceable. I take issue with what the Hon. Mike Elliott said. He said that, if you do not support this resolution, you have no commitment to the public education system. I can remember many years ago when the federal Labor government floated its proposal to charge tertiary fees. I can recall receiving a telephone call from my late father who wanted to speak to me about it and asked me what I was doing. I told him I would be opposing it. He said, 'That is not the centre left's position, Terry; how will you be able to oppose it?' I said, 'I am a delegate and I will be going to Hobart to oppose it.' I can still recall what he said to me: he said that he was pleased to hear that because one of the proudest achievements of the Labor government in which he served between 1972 and 1974 was that it had achieved a cherished dream of his—that university education should be free and open to all.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: One could look at that. The arguments were that this would enable working-class children to go to universities because it would create more places for them, that it was only the places that were keeping them out of universities. I have read some research on what has happened over the last nine or 10 years and I cannot yet find the research which indicates that working-class children are flooding the universities and leaving as graduates. I am not sure that it has made a great deal of difference.

I remind the Hon. Mike Elliott that he is not alone when he argues that he is a passionate supporter of the public school system. I felt so passionately about what the federal Labor government was doing that I walked out of the centre left and crossed the floor and voted with the left on that occasion with delegate Bob Pomeroy.

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: I would not have passed a vote inside your caucus; you wanted me right where I was. I am not sure that this has ever been written, but the forces of the right and the centre were in grave trouble in the centre left caucus on that motion, and we got to within two votes of overturning it. It still saddens me to this day that none of my children were able to avail themselves of a tertiary education.

Some reference was made to the fact that retention rates in South Australia are falling. I think it is a mistake to judge the efficiency or effectiveness of the public school system simply on this basis of retention rates. I think that expectations were raised unrealistically in relation to that. I do not believe that it is a measure of the success of the education system that one school might get a 90 per cent retention rate and another school might get only a 70 per cent retention rate.

I am inclined to the view of the Hon. Trevor Crothers in relation to education: I think education is in deep trouble. I do not believe, as perhaps the Hon. Mike Elliott does, that it is all about funding: it is not all about funding. I hope that the Australian Education Union adopts a positive approach to the educational review that I understand the government is currently undertaking.

In conclusion, I would like to see this matter sorted out. I do not accept the arguments that have been put by the Hon. Mike Elliott that to somehow or other provide for a system that would enable these unpaid moneys to be collected is a vote of no confidence in the public school system. We all know and appreciate that there is not enough money and funding going into education. The same thing could be said about health and transport.

We saw the trouble the government got into and the political cost it suffered when it attempted to raise more money through the emergency services levy. Quite simply, one either goes into debt, raises more money or spends less. Even though I will support the Hon. Paul Holloway's motion, I do not believe that the appropriate way to resolve it is for the government to go away and immediately proclaim new regulations.

Sooner or later members of the various parties will have to sit down and find a practical solution to the problem of unpaid school fees. If they do not, that figure will continue to grow and we will encourage more people—often those who can afford to pay their school fees—to bludge on those who arguably cannot afford to pay but, because they are decent, honest people, do so every year. We must find a solution to the problem.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank all members for participating in what clearly is a passionate debate. The fact that most members believe so fervently in a free education system is an indictment of the way in which, over the years, we have let our education system gradually creep into semi-privatisation (I think the Hon. Trevor Crothers used the word privatisation). I know that nothing is perfect in any system: nothing is perfect in the private education system and nothing is perfect in the public education system. Clearly, over a number of years we have had a gradual encroachment on parents.

The Hon. Mr Lucas referred to an amount of $19 million per annum which presumably is collected through school fees. I can remember the days—and I am sure the Hon. Terry Cameron, the Hon. Mr Crothers and other members can also—when school fees were voluntary contributions. I note the comment of the Hon. Terry Cameron that it is a difficulty to pay and that parents do feel aggrieved.

Back in the days when my children were in primary school and I was on the school council we were paying voluntary contributions. I was a sole supporting parent and found it very difficult to pay those voluntary contributions, even though they were modest. I also knew that some parents who were far wealthier than I was did not pay them. Thank God we have moved away from the days when kids who did not pay their book fees or whatever had their names written on the blackboard until they were paid.

Over the years I think that this witch-hunt for parents who do not pay has crept in. I am sure that included in the $1.2 million amount there are a lot of parents who would pay but cannot afford to and who are not on School Card—and there is very little flexibility in the School Card. Let us not forget that this government gutted the School Card.

It is also an indictment on our society that 50 per cent of students are on School Card. This clearly shows that many people are on low incomes. I think that the government has to address this huge problem. I understand the comments of the Hon. Trevor Crothers who will not support the motion because he believes that it is a brief for teachers (this motion was moved by the Hon. Paul Holloway because I was away at the time), but I will support it because I believe that it is a brief for our kids' futures.

The Hon. Nick Xenophon and the Hon. Terry Cameron talked about the need for opposition parties and the government to sit down together around a discussion table. Some years ago there was a very lengthy Senate inquiry on this issue across the whole of Australia. Ms Trish White in another place, the shadow minister for education, recently moved a motion for a select committee to look at the issue of school fees, but that was rejected. I think it is something that

we should look at. Since so many members are concerned about this, it might be possible in this place to move a similar motion next session so that members from all parties can look at the issue.

When I was shadow minister for education and when we moved similar motions to this one, people would ring me and say, 'Does this mean that I do not have to pay my school fees?' If they were unable pay their school fees I always encouraged them to sit down with the school and discuss ways of paying what they could afford, even if it was a few dollars every six months. I never told them that they did not have to pay their school fees and to take an intransigent attitude.

In regard to the enforceability of these measures, I think it is certainly problematic. It is certainly an unpopular measure. We have tried over some period of time to work out what the costs of litigation might be in relation to this. My view is that it would be an unwieldy way of dealing with things and may well cost more than what one might recoup if one went through the court system. I do not believe that is the way to go. Like the Hon. Mr Crothers, I am a passionate believer in a free education system. I grew up in the United Kingdom, postwar years, when a Labour government came in and introduced a very good free education system. It is true to say that my parents could have afforded to put me into the private system—or, as it was called in England then, the public system—but I chose myself to stay in the public education system.

When a Labor government came in, particularly under Don Dunstan and when Hugh Hudson was the Minister for Education, it fought long and hard to introduce back into this state a very good public education system, which I think has fallen by the wayside, and it is something that we have to improve. I thank honourable members for their support. We have dealt with this issue on a number of occasions. I believe it is a very important issue. It is not one that will go away, and I will certainly be willing to talk to the shadow minister for education in the other place about perhaps looking at a select committee in this Council when we come back.

The Council divided on the motion:

AYES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A. (teller)	Roberts, R. R.
Roberts, T. G.	Xenophon, N.
Zollo, C.	

NOES (8)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V.
Lucas, R. I. (teller)	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

PAIR(S)

Weatherill, G.	Lawson, R. D.

Majority of 3 for the ayes.

Motion thus carried.

NATIVE VEGETATION ACT

Adjourned debate on motion of Hon. M.J. Elliott:

That the regulations under the Native Vegetation Act 1991 concerning exemptions, made on 16 December 1999 and laid on the table of this Council on 28 March 2000, be disallowed.

(Continued from 31 May. Page 1232.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have a few words to say on this matter by way of background. In late 1999 the Native Vegetation Council refused clearance applications for clearance of an area of sheoaks in the Robinson Basin, a proposal aimed at enhancing the underground water supply for the Streaky Bay township, and for clearance of drains in the Tilley Swamp and Bonney's Camp near the Upper South-East. The Native Vegetation Council refused these applications on the basis that they were seriously at variance with the principles of clearance in the Native Vegetation Act 1991.

In view of the significance of these refusals, the government moved amendments to the regulations under the act. They were approved in December 1999 to provide an exemption for the clearance of native vegetation specific to the above situations. However, the exemptions were subject to several constraints, including the approval of a native vegetation management plan by the Native Vegetation Council. These changes were introduced in order to give the council more flexibility in dealing with the above issues while maintaining the need for an approval through a management plan process. Subsequently, the Native Vegetation Council approved management plans for drain clearance through Tilley Swamp and Bonney's Camp in the Upper South-East. The approval plans included comprehensive measures to limit impacts and to rehabilitate disturbed areas following completion of the drains. No management plan for the Robinson Basin has yet been received.

The timing of these regulation changes has been criticised, but it was considered essential that the Tilley Swamp work should proceed. Because of the inaccessibility of the area in winter, a commencement date beyond the winter of 1999-2000 would have delayed this work for 12 months. While there have been moves in parliament to disallow the regulations (and we are addressing that matter at the moment), the approach taken is considered to have been justifiable and responsible, in view of these circumstances. I remind members that the issues with which we are dealing are how we can enhance underground water supply areas and still address the sensitivities of native vegetation issues. As is so often the case, these issues are not black and white; they are not easy to work through. They are complex, and the actions taken by the government in terms of these regulations reflect that fact in these instances.

I ask honourable members to respect the issues in terms of the underground water supply, the motivation for addressing these issues in the first place and the endeavours to address, through strict management plans, all the sensitivities in terms of native vegetation issues.

The Hon. T.G. ROBERTS: We support the Democrats' motion. There are many occasions where there is general agreement for the removal of native scrub around the state where the assessments are made properly, on best scientific evidence, and with notification to the appropriate bodies that vegetation has to be cleared, and the reasons are given. In some cases, revegetation agreements are made, and certainly organisations such as the Conservation Council and others are contacted to discuss the issues. I think that communities and members of parliament representing communities become a little annoyed when, without explanation, clearances take place and it is not until after the bulldozers have gone through and the trees have all been heaped and burnt that explanations are given.

I support the Democrats' motion in this instance for a number of reasons, the first of which is the consultation

process. Secondly, when governments involve themselves in those sorts of activities in relation to, supposedly, the protection of water supply, it makes it difficult for members of the community who have made applications for clearance for genuine reasons (as they see them) and who have them rejected, and it makes it very difficult for the council to be consistent in applying a principle to give the best possible leadership and examples to communities in relation to the retention of native vegetation.

I have been made aware that a number of breaches are occurring in the South-East at the moment that have not been reported to the Native Vegetation Council. Organisations that should know better are carrying out clearances not on the basis of ignorance but on the basis that the improvements that they make by the way in which they clear the vegetation will enhance drainage, will enhance environmental protection in other ways, and will improve water quality. There are a number of other reasons why one can make cases for vegetation clearance, but one has to look at the flip side of the coin, as in this case. My understanding is that the casuarina is a shallow-rooted tree that does not take up a lot of water. In fact, in many cases (and I am not sure about the trees in question), they attract low clouds and assist in precipitation. In the cases to which I am referring in the South-East, there are reports (and I have checked two, and they are accurate) that no clearances have been applied for. There are no applications as far as—

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: That's right. The applications have not been made. And people are prepared to pay the fines: if, indeed, they are brought to ground and have to pay fines, they will happily pay the up front fines. I have found that, in one case, there has been a total disregard for the fragile environment in which the trees were knocked over. They were over 100 years old. They were not large trees but they were slow growing and, although they would not be regarded on a register as pretty, from the point of view of the general public they were good examples of vegetation that grew on the flats and plains in that area over 150 years ago. We do not have too many examples to be able to show school children and others.

I think that, wherever we can, we have to start drawing lines and we have to start making examples of government and semi-government bodies which go through the process unnecessarily. I think that this is one way in which we can do it—through the regulations being disallowed.

The Hon. T.G. CAMERON: I oppose the Hon. Mike Elliott's motion, and I wish to set out briefly my reasons for doing so. The aim of the regulations, as stated in a report to the Legislative Review Committee, was to enable the Native Vegetation Council to deal more effectively with matters involving the clearance of vegetation in the South-East and on the West Coast. The clearance of this vegetation in the South-East was to assist in the Upper South-East Dry Land Salinity and Flood Management Program. The salinity and flood management program, according to the report on the regulations, is a program of state, if not national, significance and it has a number of components. They are: to improve the productivity of degraded agricultural land; to protect native vegetation areas against salinisation; and to conserve and enhance wetlands and to re-establish native vegetation. In evidence, Mr Wickes, for Primary Industries and Resources, said about the scheme as follows:

> . . . we have been the proponent to deliver the Upper South-East Dry Land Salinity Program, which is there to improve about 400 000 hectares of agricultural land and about 40 000 hectares of wetlands and environmental factors. There was a big study, and all the landholders down there, as you know, are paying toward the program together with the state and commonwealth governments.

Mr Desmazures, Presiding Member of the South-Eastern Water Conservation and Drainage Board, gave evidence that the northern outlet drain was important. He said:

> For the Upper South-East project to work it has to have an outlet from the Bakers Range, which is one of the major or water courses running, in simple terms, parallel to the Coorong. We have to cost that water course and drain areas in the Mount Charles areas, so we had to get a drain across there. We had three routes we believed were suitable. One was through the original route agreed by cabinet of this state, through Messent Conservation Park. When the feds came on board, they put serious question marks on going through the conservation park. The next and most obvious route was through Deep Water Currawong country, controlled by Mr Eastwood, which we tried for something like three or more years.

As stated before, the evidence gives a number of possible routes for this vital drain. I have already stated that the one through the Messent Conservation Park was abandoned because of federal intervention. The federal government was providing money for the project and, as I understand it, it was not prepared to supply money for that route.

The problem with Deep Water Currawong was that the owner was opposed to the development, and that can be seen from the evidence. There is also evidence that the cost of taking that option, probably by compulsory acquisition, would be considerable. It was estimated by the valuation department at $740 000 but Mr Desmazures said that he did not think that valuation was anywhere near current market value. Surprise, surprise! There was also evidence that the time delay in obtaining that route could be considerable.

The Presiding Member of the Native Vegetation Council (Hon. Peter Dunn) said that he had spoken to the owner and:

> . . . he inferred that he did not want to sell the property, that he did not want the drain going through his property, and implied that if we were to put a compulsory acquisition on it he would hold it up for a very long period to try to determine the amount of compensation that he would receive.

With these two routes eliminated, there were applications for the Tilley Swamp and Bonney's Camp routes, even though they involved native vegetation. As I understand it, a question was put to Mr Desmazures and he was asked whether he could envisage any alternative routes besides that currently being sought. His reply was, 'Unfortunately not.' However, these applications were refused.

As advised in the committee's report, the Native Vegetation Council said it was unable to approve the applications since the council was legally required with applications of this type not to make a decision seriously at variance with the principles set out in schedule 1 of the act. The proposed clearance was seriously at variance with several principles. However, as the committee report noted, other objects in the act might have supported such applications. For example, section 6(c) of the act provides that one of the objects of the act is as follows:

> limitation of clearance to clearance in particular circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the efficient use of land for primary production.

This provision could and, in my opinion, did facilitate the making of these regulations. The regulations enable an important part of the drain to be completed, which I understand assists native vegetation. It was believed, and I support

the view, that the greater good of the drain should prevail over the clearance of a limited amount of native vegetation. That could be achieved only by regulation or amendment to the act. As Mr Allan Holmes, Acting Chief Executive Officer of the Department for Environment, Heritage and Aboriginal Affairs, said:

> The regulations were formulated after applications to clear land for drains in relation to Bonney's Camp and Tilley Swamp were refused by the Native Vegetation Council. It would seem that in the best interests of native vegetation more generally in the South-East, there were significant benefits to accrue from the completion of the drainage scheme.

I do not think that is in dispute. He then went on to say:

> On that basis, regulations were prepared to exempt clearance in relation to the two drains in question and that was the basis for the preparation of those regulations.

I do not doubt that the regulations have been validly made. The Crown says so and even Mr Mark Parnell of the Environmental Defenders Office, who opposed the regulations strenuously, agreed that they were technically and legally valid. I consider that the regulations as they relate to the South-East will facilitate an important part of the salinity and drainage scheme. On balance, given that these regulations were allowed to go through on their merits, I support the position that the government took in relation to this matter. I therefore oppose the motion.

The Hon. A.J. REDFORD: I spoke earlier on this matter this evening but I raised only a couple of peripheral issues. At the outset, I thank members generally, and specifically the Hon. Terry Cameron. The committee's report was tabled only yesterday and it deals with some pretty complex legal and other issues. The committee had a considerable amount of time to deal with it but those who are not members of committee had only a very short time to deal with it in the busiest stage of our legislative calendar. Some of us have fewer resources than others. In this case, I have available to me my five parliamentary colleagues and my two staff, whereas the Hon. Terry Cameron, with his extraordinary workload, has only 1½ staff members and some other very important issues to consider. I am grateful that he has taken the time to grasp these very complex and difficult issues. I say that not because of the position that he has arrived at but because I have been listening to his contribution and I came to that conclusion in any event because, as I said, it took me a considerable amount of time to come to grips with the issues.

If it took us a period of time to come to grips with the issue, it took PIRSA a considerable amount of time to do so, too. In some respects, the report is fairly neutral and PIRSA should not pass without some level of criticism. It is clear that there was in some respects a lack of foresight. I am not sure whether that accusation should be levelled at PIRSA and the drainage board, which had overall management of a very difficult program, or at their advisers and in particular crown law, which should have anticipated the legal difficulties that it might confront at a much earlier stage and made PIRSA's position much clearer. Then we would not have been faced with a fait accompli by which the land had to be purchased at an extraordinary sum of money or we had to pass a set of regulations with little or no consultation.

The impact was that the Native Vegetation Council was compromised, because it was put in a position of being unable to properly and fairly consider the issue, and we would all expect the Native Vegetation Council to do that. I know that the Native Vegetation Council was subjected to criticism from all quarters on many occasions and it is situations such as this that do not make its job easy at all. To that extent, in the circumstances the Native Vegetation Council cannot be criticised at all.

What concerns me, and this is stated in the report which I suspect not many members have read, is that what led the government to make these regulations was a threat by the owner of the cleared property that, if the government did not back off, he would challenge the imposition of rates for the whole drainage scheme. One does not need to be a Rhodes scholar to work out that, if that challenge continued and was successful, the whole of the drainage scheme would have been under threat and a significant project may well have been delayed with quite disastrous environmental and other consequences.

It seems to me that that question has not been resolved at this stage. It has been delayed or deferred. We are dealing with some pretty tough and difficult characters. Indeed, the proprietor of Wetlands and Wildlife is a tough operator and the owner of the Deep Water property is similarly a tough operator. However, I suspect that they are not the only two tough operators who work and own land in the South-East. This report discloses that the whole system is now potentially under threat by anyone who goes to the government and says, 'If you don't do it my way, I am going to challenge your rating scheme.'

Mr Hill, the shadow minister for environment, was critical and has sought to disallow these regulations, and that vote in the other place will take place tomorrow. That is a matter for another place and I will not comment on it. However, to his credit he has said that the Labor Party will facilitate legislation to protect this scheme. In some respects I am not sure what the government will do between now and October in a legislative sense given that we are not sitting. This issue has been around in the government's mind for some considerable time and it has now been brought to the attention of parliament. I can only say that those ministers who are charged with responsibility in so far as this legislation is concerned have a pretty significant responsibility to ensure that legislation is brought to parliament and, obviously, the opposition is consulted so that the whole of the Upper South-East dry land salinity scheme is protected.

I know that the commonwealth has expressed its concern about the process. I can understand where the commonwealth is coming from, but I hope that the commonwealth is not playing Pontius Pilate on this. It is all right for the commonwealth to say, 'Don't put your drain through our conservation park' and then draw a line in the sand. The commonwealth refrained from voting on decisions made by the upper dry land salinity scheme to deal with whether or not the drains should go through Bonney's camp or the deep water property. At the end of the day, to some extent, it washed its hands of it. I must say that it would be grossly irresponsible for the commonwealth to now withdraw support for this scheme. All I can urge the commonwealth to do next time is to take a proactive role.

This parliament did a very unique thing when the Upper South-East dry land salinity scheme and the Native Vegetation Council were first promulgated to have representation. I acknowledge that they are funding this project significantly. However, if they are to provide that representation, particularly on the Native Vegetation Council, then they have a responsibility to participate and press forth their view. If they happen to lose, like some of us who are still in political

parties, they will have to cop it sweet and present a united front. Perhaps we can take a good, hard look at ourselves and our inability (and I will probably have to do this myself from time to time) to win the debate within our own political party. The same should apply to the commonwealth: if it cannot win the debate in relation to some issues it should not spit the dummy, take its bat and walk home. On the other hand, if it does have a strong commitment to the environment—and it does, because the Howard government has significantly increased the resources that are available to the Department for Environment, led by the minister—it should put its money where its mouth is.

It is clear that if it had gone through deep-water Eastwood the cost of it would have been something in the order of $1 million. Knowing a little about the property and what was going to happen, I suspect that that was a gross underestimation and it might have been something in the order of $2 million. However, if it is serious about it then perhaps that is the sort of money it should have put in. If it does not think it is worth that sort of money then it should not spit its dummy in relation to this project, take its bat and go home.

With those few words of gratuitous advice to the commonwealth, I urge ministers to seriously consider this report and bring in proper legislation to protect the scheme, particularly in the light of Mr Hill's and the opposition's acknowledged support of that principle in another place. I will be watching this closely. I hope that the authorities investigate the allegations of illegal clearance, which we heard about by way of hearsay, and investigate them properly and pursue a remedy in accordance with the law.

When the evidence was first presented to me it was presented in such a way that I thought there was a fundamental breach of the rule of law. Subsequent evidence changed my view on that. I can say this: if any government department thinks that it can get past any parliamentary committee or, indeed, most of the members on my side of politics, activity that breaches the fundamental principle of the rule of law, they will not receive the support of the parliament.

It has been difficult. At the end of the day the government got the right decision for the wrong reasons, and I would hope that in the future it has a look at the native vegetation legislation and that it ensures that the Native Vegetation Council has powers and duties that are akin to the objects of the act. One of the things the report does clarify is that the objects and the principles of the act are broader than that which the Native Vegetation Council has. That is not fair on the council. I have sat there and joined the gang criticising the Native Vegetation Council from time to time, as we all have. If you closely analyse its role and responsibilities, some of that criticism is unfair. If we are to give the Native Vegetation Council some chance of being able to weather that criticism, we need to visit this act and have a careful look at its structure and what we can do to improve it in the future.

The Hon. NICK XENOPHON: I can indicate that, with some reservations, I will support the government's position. The Hon. Terry Cameron has set out, I think, a fairly cogent set of circumstances to support the regulations. However, I take on board the concerns of the Hon. Mike Elliott in relation to the whole issue of native vegetation. I think there are a number of aspects about the process that are of concern. I do not put this set of circumstances in the same category as what occurred with respect to the Louth Bay tuna farms where I quite readily supported the opposition and the Democrats in relation to that position.

I think the Hon. Angus Redford is right, that there ought to be a further review of the act, but not necessarily along the lines the Hon. Angus Redford is envisaging. It is not necessarily satisfactory that we deal with this by regulation. However, in the circumstances, with some reservations, I have been persuaded by the cogency of the Hon. Terry Cameron's position on this.

The Hon. IAN GILFILLAN: I indicate support for the motion. I believe that we have heard substantial argument about the stress that can be caused if the drain does not proceed to the program for the desalination and drainage of the northern areas of the South-East. I am concerned that yet again this parliament is being asked to pass or condone regulations which, as the Native Vegetation Council evidently said to the Legislative Review Committee, are seriously at variance with the objects of the act.

The basis upon which I believe there is a narrow opening of which the Environmental Defenders Office was also cognisant is section 6(c), which reads:

> 6. The objects of this act include—
>
> (c) the limitation of the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the efficient use of land for primary production.

It is the second part of that paragraph of section 6 which, in my view, opens up an unreasonable opportunity to argue that the clearance of native vegetation can be condoned.

I do not believe we received evidence, nor do I believe it is my view or the view of many of the people with whom I have discussed this matter, that we should accept that an ad hoc measure to facilitate the scheme should be permitted by this parliament on the basis that nothing else, at this stage of the process, can enable the scheme to go ahead. There have been large periods of time and many hours of deliberation in working out how this problem could have been circumvented; but while we are talking about the value of compulsory acquisition we have not talked about the value of the native vegetation which is lost.

The principle of this legislation, both in its earliest forms and in current legislative form, is to protect native vegetation. Slowly and, lamentably, very late in the day, we have come to recognise the irreplaceable value of native vegetation. If compulsory acquisition did require an allocation of up to $2 million (and I am not convinced that is the amount involved), that is the course that should have been taken. I do not believe these regulations are appropriate in terms of the proper scope for reflecting the intention of the act. I do not believe that they are essential or the only measure available to get the drainage system working. For that reason, I intend to support the motion.

The Hon. M.J. ELLIOTT: There are a couple of aspects to this regulation that need to be examined very carefully. First, the effect of these regulations is to allow something that would otherwise have been contrary to the act and, in particular, to allow the clearance of significant amounts of vegetation. When I say 'significant amounts of vegetation', I point out that people need to realise that in the Upper South-East the vegetation that has been cleared is a strip 17 kilometres long by 50 metres wide—I think that is 850 hectares. It is a very sizeable amount of native vegetation to be cleared. It is a matter of principle that one would allow 850 hectares to be cleared under a regulation which was proclaimed on

16 December but which did not come before this parliament until three months later.

When regulations are used to provide an exemption to an act of some significance and if parliament is denied access to that regulation, it is bad government. I would have thought as a matter of principle, and for that reason alone, the regulation should have been defeated. What is the message from the government? The message is that, if you can get away with it, go for it. It is trying on a regular basis to see what it can get away with and what it cannot. It has got away with this one.

Without arguing about the merits of clearance, which I will get to, I point out that this is a matter that has been around for many years. They were quite capable of either bringing it forward by a month or two or taking it back by a month or two. I do not believe the timing was purely coincidental. We have seen that with other regulations in this place, where they avoid parliamentary scrutiny until after the deed has been done—not only that something had been made legal but the act they wanted to make legal had been carried out. The parliament was actually irrelevant in relation to the issue. That is the first point.

This is not minor clearance: it is over 800 hectares, in a strip 17 kilometres long by 50 metres wide, right through the middle of native vegetation. That has a great many ramifications and it is why Senator Robert Hill was so upset, because for the most part he takes this sort of thing seriously. He realises that a scheme that commonwealth funding goes into for environmental reasons has been used for major environmental vandalism.

I am not opposed to schemes to remove salinity from the Upper South-East. In fact, the parliamentary record shows that I have been raising issues about dry land salinity in the Upper South-East for as long as I have been in this place.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Well, that could be. This is not simply a matter of being opposed to native vegetation clearance itself. I remind honourable members that, if they take the time to look at changes in the Native Vegetation Act, they will see that a change was made to allow clearance of what was known as 'isolated trees' under some circumstances. Previously, the Native Vegetation Council could not grant permission for clearance and, as a consequence, significant farming activities were being held back in some cases. The Democrats facilitated the passage of amendments that allowed that to happen. In hindsight, I believe that that clause has been abused, but we do realise that there are times when native vegetation clearance becomes necessary.

The next point is how necessary was the clearance authorised by this regulation? It has already been conceded in this place that there were other options. The Hon. Angus Redford talked about the cost of land acquisition. One has to ask the question: what value does one put on 850 hectares of native vegetation? How much would it cost the government to pay for a revegetation scheme for 850 hectares? Once you cut a swath through native vegetation, you usually find that the native vegetation either side of that will degrade. I understand that this drain will flow most of the time and will interfere with the movement of native animals, particularly smaller ones. The impact will go well beyond just the obvious native vegetation issue. Of course, one would expect that around the drain there will now be a perched water table. A water table will always rise to the same level as the water within a drain. One will now see salinisation on either side of the drain killing vegetation further back. So, we have lost 850 hectares already and there is a fair chance we will lose another 1 000 or 2 000 hectares more, or at least it will be severely degraded with an impact on the movement of native animals, at which point the money being talked about is an absolute pittance.

As I said, there were alternatives. There were alternatives that Senator Robert Hill, the federal Liberal environment minister, wanted. But they did not happen. Now, it has almost been suggested that a perhaps a bit of blackmail was involved in terms of how one landholder was going to behave. That makes it even more reprehensible: it is not a defence. We should be debating in this place the Upper South-East drainage system and the raising of levies. That is the debate that should be happening rather than a debate about an action by the government because a threat was made on the levies. It is quite extraordinary. There were alternatives and, quite simply, they were avoided.

In relation to the case on Eyre Peninsula, I have previously made the point in this place that the government seemed to have a remarkably selective memory or understanding. We passed legislation in this place and the government refused amendments that noted the impact that trees have on groundwater recharge. In this regulation—which predates this debate by close to seven months—the government is saying that trees have a major impact on recharge and it is important to remove trees. The issue of water resources on Eyre Peninsula is important, but the government has not presented any scientific evidence to back up what it is doing. Advice I have received is that aloe casuarina, the predominant genus to be cleared, is a shallow rooted tree that has limited impact on groundwater recharge. The government may want to dispute that but my understanding is—and members certainly have not responded during this debate—that they do not have the scientific evidence that shows that the removal of that species of tree will improve recharge in any significant way.

This is typical of the government: it does not do the necessary work before making a decision. If we rubber stamp sloppiness, it no longer reflects on the government but on the members of this place, and it reflects upon the parliament. I am bitterly disappointed that sloppiness is rewarded and that contempt of parliament is rewarded, because it seems that is what is happening in this place at the moment.

There should have been proper scientific research in terms of the impact of those trees, not only in terms of recharge but the importance of the trees in other ways. When presenting the motion initially I noticed that glossy black cockatoos on Eyre Peninsula are in very small numbers. It is a very rare and endangered species and, as I understand it, aloe casuarinas are a very important food source for most cockatoos. Again, I believe that fact would have been neglected during consideration of the regulations. Homework should have been done on that. What alternatives were considered?

In other water limited areas like Kangaroo Island the government has considered desalination as a source of water for domestic purposes. It is unfortunate that we have to go down that path, but there are some areas of the state where it looks like it will be inevitable. We have to be very careful in our use of the resource. The old notion of the European garden has well and truly gone. For many people in Streaky Bay it went long ago, because I understand that they have considerable restrictions in place. That, unfortunately, will have to continue.

I urge members who have suggested that they will oppose this disallowance motion to give it urgent reconsideration, otherwise they will be rewarding contempt of parliament as

well as rewarding scientific and other incompetence on the part of the government.

The Council divided on the motion:

AYES (8)

Elliott, M. J. (teller)	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G.	Zollo, C.

NOES (11)

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

PAIR(S)

Weatherill, G.	Davis, L. H.

Majority of 3 for the noes.

Motion thus negatived.

CONTROLLED SUBSTANCES

Adjourned debate on motion of Hon. Carolyn Pickles:

That the regulations under the Controlled Substances Act 1984 concerning expiation of offences, made on 3 June 1999 and laid on the table of this Council on 6 July 1999, be disallowed.

(Continued from 5 July. Page 1470.)

The Hon. P. HOLLOWAY: This is a conscious vote for members of the Labor Party. I will be as brief as I can in my comments. Because it is a conscience vote, it is important that we all put our positions on the record. The law in South Australia currently permits people to possess 10 marijuana plants before that is considered a trafficable amount, after which higher penalties apply. I understand that the proposal to reduce that number to three plants has been requested by police. That is the regulation before us in this disallowance motion. I understand the argument put by police is that, due to advances in hydroponics, which enables the much more efficient growing of plants, 10 plants can produce a much greater amount of cannabis than was envisaged at the time the legislation was introduced and, therefore, the number of plants should be reduced.

I have listened to the debate in this chamber with some interest. I accept that 10 plants may be excessive in terms of the advances that have been made. However, I have been convinced by the arguments that three may be too few. I understand that, with a number as small as three, in view of the attrition rate of these plants and also the choice of the suitable gender of the plant, that number may effectively be less than superficially indicated.

My preference, if this were a bill, would be to amend the quantity to five or six. In that way we would reduce it from 10 and we would take account of the police arguments that there are more efficient growing techniques nowadays. However, it would still provide some option, I believe, in relation to those people who wish to grow these plants. Unfortunately, that option is not available. Alternatively, maybe if the limit of three plants was applied to plants above a certain size to allow selection of plants and the attrition rate, that might also address the problem. However, these options are not available to us tonight.

I certainly do not wish to see a return to the bad old days before 1984. Whatever faults our laws may have in relation to the possession of marijuana, I believe they are preferable to the return to the situation where effectively marijuana would be classified in the same manner as hard drugs. I certainly do not want to go back to that situation, so I am mindful of the arguments that have been put in this debate that cutting the number to three, in view of the other difficulties I have mentioned, might have that effect. In these circumstances, the only option available to me, as I see it, is to support disallowance but to indicate that, if disallowance is successful, I would support new regulations to permit a reduction from 10 back to five or six plants. That explains my position on this measure.

The Hon. CAROLINE SCHAEFER: As I recall when we had this argument previously, indeed when we had it in our party room, it was pointed out that, with hydroponics being used so readily at the moment, three plants is certainly adequate for personal use, and 10 plants, even five plants under the right conditions, could be used as a commercial crop. I believe that was the crux of the discussion and the reason for the agreement that the limit should be three plants. I have yet to be convinced that personal use would require any more than three plants.

The Hon. R.R. ROBERTS: I support the proposition that the number of plants ought to be higher than three, as recommended. After hearing the evidence before the Legislative Review Committee, I was convinced that, with the introduction of hydroponics, as other speakers have said, people are producing more cannabis with fewer plants. It has been suggested that this is a stupid measure, one reason being, I have been told, that, since we have introduced it, more marijuana from South Australia has been sold interstate. That delivers the argument to the opposing point of view. If we have reduced the illegal number of plants and we are selling more, obviously either more people are growing it or they are doing it much more efficiently.

The argument in favour of more than three plants fails on the evidence of the proponents of leaving that level or, in the case of the Hon. Paul Holloway, of going to five. This was ground breaking law in South Australia when it was enacted and it was suggested that 10 plants could supply one user or one person at a level that would not be a problem. Clearly, technology has overtaken us and the anecdotal evidence indicates that we are producing more with less. Therefore, I am happy to support the reduction to three.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The government is committed to a harm minimisation approach when dealing with drug issues in this state, consistent with the National Drug Strategic Framework for 1998-99 to 2002-03. This includes policies and programs aimed at reducing drug related harm to improve health, social and economic outcomes for both the community and the individual. It encompasses a wide range of integrated approaches, including supply, which involves reduction strategies designed to disrupt the production and supply of illicit drugs. It includes demand and reduction strategies designed to prevent the uptake of harmful drug use, including abstinence-orientated strategies to reduce drug use and also a range of targeted harm reduction strategies. These are designed to reduce drug related harm for particular individuals and communities.

The reduction of the number of cannabis plants for personal use from 10 to three is a supply reduction measure aimed at limiting the opportunity for commercial production,

while providing a lower order of penalties for people who grow and consume their own cannabis. Hydroponically grown cannabis has resulted in cultivators being able to produce plants with a greater yield and to increase the number of crops that can be produced within a certain time frame.

I have been advised by the Minister for Human Services that the social impact study on cannabis use in South Australia evaluated the operation and acceptability of South Australia's cannabis expiation notice (CEN) scheme after 10 years of operation. The researchers conducted interviews with cannabis offenders; a population survey of public awareness; knowledge and attitudes regarding the scheme; and a review of law enforcement and other criminal justice attitudes, policies and practices regarding cannabis and cannabis laws in South Australia. During the study, South Australian Police Intelligence (Drug Task Force) expressed concern that organised crime syndicates who grow commercial quantities of cannabis in separate locations were operating within the expiable cultivation limit of 10 plants. South Australia Police argued that the scheme be modified to reduce the maximum expiable number of plants from 10 to three or four.

The researchers made a number of recommendations, which the Controlled Substances Advisory Council subsequently considered. The recommendations included considering reducing the number of expiable cannabis plants from 10 to three. After only one year of operation it is too soon to evaluate in any proper scientific way the impact of the reduction of the number of plants from 10 to three. The Hon. Ms Pickles referred to interstate police, claiming that there is no reduction in the amount of cannabis being transported from South Australia to the eastern states. These are anecdotal reports only. SAPOL, I have been told, is not aware of reports that indicate that there has been no effect in the amount of cannabis trafficking in the eastern states since the reduction in the number of expiable plants from 10 to three. However, there are anecdotal reports, albeit limited, that the reduction from 10 to three plants has, in fact, induced some people who were previously growing up to 10 plants to reduce to three for their own use and to exit from the commercial aspect of 10 plant productions.

Since the number of plants has reduced from 10 to three, the Drug and Organised Crime Investigation Branch of SAPOL has investigated at least five major outdoor cultivations, a significant increase on past years. This could indicate that the organised crime syndicates are reverting to outdoor production as the reduction to three plants has disrupted their business of syndication. The reversion of large outdoor crops by organised crime makes them very vulnerable to detection by police and the seizure of these outdoor crops has a significant impact on the profitability of the venture and the availability of cannabis within the community. This is in contrast to the 10 plant hydroponic syndicates where the loss of a small number of 10 plant cultivations within the syndicate does not have as significant an impact on the profitability of the venture and the availability of the product within the community. It is acknowledged that organised crime will continue to attempt to produce cannabis. However, the reduction from 10 to three plants has reduced the opportunity for a profitable syndicated hydroponic production.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I am reading what has been prepared for me by the Minister for Human Services, for whom I act in this place. Three plants of cannabis for personal use is comparable to that of the other jurisdictions—the ACT and the Northern Territory—which also have an expiation system. I think that members opposite have forgotten that in their contributions to the debate so far.

The government has introduced a range of measures about drug use, with the emphasis on users being referred into treatment. These measures were recently outlined to the parliament. I urge members to support the motion and not to disallow it. I do so having been one of two Liberals who at the time did support the 10 plant cannabis limit and the expiation—

The Hon. A.J. Redford: Who was the other one?

The Hon. DIANA LAIDLAW: The Hon. Rob Lucas. I think there were only two Liberals who did support the 10 plants and the expiation system. I have always been keen to see drug law reform advanced in this state. On the evidence 10 years on, because of hydroponics and other ways in which drug syndicates are working, and because they are vulnerable and can be exploited in terms of the personal use argument, I accept that it is time to now move to three and not 10 plants. In terms of the personal use argument, which I supported so strongly a decade ago, that is more than adequate for personal use, if that is what people wish to do with their time.

The Hon. A.J. REDFORD: I am grateful to the Leader of the Opposition who has provided me with a copy of a couple of speeches on this topic. In particular, I have had the opportunity to read the contributions of the Hon. Carmel Zollo and the Hon. Terry Cameron that were made on this motion on 5 July. A day and a half ago the Hon. Terry Cameron approached me and said, 'Have you had a look at it?' I admit that I had no idea what he was talking about and that it was something that was far from my mind. He probably inflicted upon me in a very small way what is inflicted on him by 15 cabinet ministers and half a dozen backbenchers when lobbying for his vote. Perhaps in some small way I came to understand some of the pressure that from time to time he is put under.

I have absolutely no doubt that marijuana is a damaging drug and that it causes far more damage to those who partake of it than a lot of people care to admit and some of the pro-marijuana groups would have one believe. I say that from personal experience.

The Hon. T.G. Cameron: It's probably as bad as cigarettes, Angus.

The Hon. A.J. REDFORD: The honourable member says that it is as bad as cigarettes: it is a lot worse than cigarettes. Marijuana was not uncommon when I was growing up, and I watched kids take marijuana over an extended period of time. I watched them lose their ambition and drive. I watched nearly a whole community in Millicent, over a period of 10 years, almost descend into some sort of devil may care attitude, but in some respects that is their choice.

I know that, for a period of time, acting in marijuana cases provided me with a not inconsiderable proportion of my income. I remember one case where I acted for an Italian who had set up a market garden near Port Wakefield. The police stumbled on an acre of marijuana growing behind a fence. This man had been to another lawyer who advised him that he should plead guilty. He came to me and I said, 'That is a matter for you. I will defend you if that is what you want.'

I can tell you that it was not a really strong defence because it was a bit hard to overlook the marijuana crop: the plants were about 10 feet tall. In cross-examination he was savagely attacked as to why someone would want to set up a market garden near Port Wakefield: the soil is hopeless and

the water is very expensive. He proceeded to dazzle the jury with what I would call grade 2 science. He said, 'You don't need good soil to grow marijuana: all you need is cottonwool and water.'

The prosecutor was pretty upset about that, and it upset the jury. The judge (I will not name him) told the jury in no uncertain terms that this man was as guilty as sin and that he was gone for all money. I thought, 'I have done a good job if I can keep the jury out for two hours.' Ten minutes later the jury came back and there was a verdict, and I thought that he was gone for all money. But the jury came back with a not guilty verdict. That was my major experience—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I think it was sheer luck, a reflection on—

Members interjecting:

The Hon. A.J. REDFORD: Quite frankly, if you want my view it was because the judge lectured the jury on what decision to make. It did the typical Australian act and told him where to get off and said 'Not guilty.' This issue was raised on a number of occasions in the party room by Sam Bass, the then member for Florey. He said that the streets of Adelaide were awash with marijuana because the tin notice system which applied to having 10 plants or less, or a certain weight or less, was being abused. He pointed out that hydroponics was the cause of it.

I note that these regulations were promulgated in June 1999, so they have been in existence for some 12 months. I also note that prior to the promulgation of the regulations we were told that organised crime was into hydroponics and that it was using this 10 plant limit as a front, producing considerable quantities of marijuana and flaunting its face at the law—I must say, a fairly attractive argument. It is a pretty brave government to ignore strong recommendations from the police.

Members interjecting:

The Hon. A.J. REDFORD: The honourable member interjects, and I think it is an appropriate interjection: Where was the consultation? From where we sit today it is probably fair to say that we do not need to worry about consultation, that what we need to worry about is the effect of this regulation and law. We probably have one step better than consultation—we have 12 months' experience.

The Hon. M.J. Elliott: Organised crime has all died down and gone away.

The Hon. A.J. REDFORD: I don't know, and I have not been presented with that. In his lobby effort the Hon. Terry Cameron said to me—and I admit that he has learnt from being lobbied by other people—that his understanding is that it works like this. When you grow 10 plants (and I am sure the honourable member will correct me if I misunderstand him) you have five female plants and five male plants. Unlike normal life (I think that is the way the honourable member put it), the male plants are absolutely useless and the only useful plant is the female plant.

In real terms, a limit of 10 plants means that you get five plants, and that is enough to keep a moderate habit going without exposing oneself to the vagaries of organised crime. I am also told that, if you reduce it to three plants, there is a real risk that you could finish up with three male plants. I suppose you can do that with children. My mother had three boys, God bless her.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: I don't know. This is what I am told. When I look at the contribution made by the honourable member, I see that he did touch on that. I listened with a great deal of interest to what the minister said, and I appreciate that they were her notes provided by the Hon. Dean Brown. I also listened with some interest to what the Hon. Paul Holloway said.

I must say that the Legislative Review Committee—and I am sorry to keep raving about it—did point out last year and made a definitive statement that unless and until parliament deals with the issue it can only be suggested that if parliament disallows a regulation and the executive brings it back the day after, then parliament, by its inaction and its failure to accept the Hon. Ron Roberts' bill and his failure to introduce it, as he gets a bit optimistic about the next election, has accepted the practice of executive government reinstating regulation, notwithstanding the fact that either house of parliament has disallowed it.

So it seems to me that based on some of the issues that the Hon. Terry Cameron has raised, based on my general ignorance of it, and the absence of a specific response from the minister—and I make no criticism of the minister in relation to this—about this five and five and one and two or three and zero problem, and based on the fact that we have had 12 months experience, it seems to me that in order to keep this issue alive in front of the parliament and have a sensible debate, without any rancour, it would be appropriate to disallow the regulation and indicate that we have no problem with Executive Council next Thursday reinstating it. That way we can have our opportunity. When we get back in October the Leader of the Opposition can move a motion to disallow. We can call upon a couple of reports, see how it is working and we can make a reasoned decision.

I must acknowledge that I have not considered it as well as I could have, but I refer to what the minister said, and that is that two of our most outstanding politicians—and I am sure they were outstanding some years back—now our leader, the Hon. Rob Lucas, and one of our most outstanding ministers, the Hon. Di Laidlaw, were the only two Liberals who supported this at the time, and I suppose in some small way I am going to join their company on this issue. I am not suggesting that if this is dealt with on a subsequent occasion with more information I will not support the government. I am really doing this only because these issues have been raised. I am not sure what the answer is, and this is the best way to keep the issue alive.

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

LIBRARY FUNDING

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council—

1. Condemns the state government for its failure to provide adequate and ongoing funding for public libraries in South Australia; and

2. Acknowledges the social, cultural and economic benefit to the community of accessible and affordable public libraries.

which the Hon. Diana Laidlaw had moved to amend by leaving out all words in paragraph 1 and inserting:

1. Notes that state government funding of $14.273 million for public libraries in 2000-01 incorporates real increases to all but three of the 63 public libraries in South Australia plus $800 000 new funding to provide a full year of free access to the internet, which will be particularly beneficial to all library users outside the Adelaide metropolitan area; and

2. Notes that, as part of the state government's responsibility to provide adequate and ongoing funding to public libraries, the Local

Government Association was advised in May 2000 that the starting point for negotiations of the next five year agreement will be the level of state government funding provided over the previous five year agreement, adjusted for inflation—an undertaking that the Local Government Association has welcomed.

(Continued from 5 July. Page 1464.)

The Hon. SANDRA KANCK: I move:

Leave out all words in paragraph 1 and insert:

1. Views with grave concern the actions of the Minister for the Arts in removing accumulated library funds from local government and claiming it to be new money when given back;

This is an amendment to the Hon. Carolyn Pickles' motion that I circulated last week. Tracking money from one part of a budget is not always easy and it is certainly the case in the Department of the Arts when it comes to libraries funding. The LGA has been prepared to come out and very publicly attack the minister and enlist the support of library users via petitions and with the distribution of bookmarks.

The LGA rarely takes this sort of overt action and I do not believe it would have taken it on lightly, and that in itself was enough to make me look twice at this issue. Sadly, the Minister for the Arts has taken $3 million away from libraries, money that local councils had prudently set aside for future use. Because they had not spent it, the minister took its away. I note that last year the department under the minister's care had failed to spend $50.5 million, and I wonder what sort of argument she would put up if the Treasurer was to take it away on the basis that it had not been spent.

I have noted the minister's comments that she has returned some of the money to provide free internet access and to support inflation increases, but really it was a case of taking with the right hand while giving with the left. For me, the heart of the issue now is this: to take back money which had been set aside for future use by local councils and then to claim it as fresh money is badly misleading and was certainly designed to make things look better than they are. It is a smoke and mirrors trick.

The only redeeming factor in this matter is that the minister has maintained that money within our public library system, and it is for that reason that I have been prepared to soften the impact of the motion. The motion in its original form condemns the whole of the state government for what has happened over library funding, and I do not believe we need to go that far. But I am not prepared to accept the motion with its original wording. So while I regard the Hon. Carolyn Pickles' original motion as being a little over the top, I am also not willing to accept the rewrite that the minister has given the motion, because what that does is use the occasion as an excuse to praise the government, when I am not convinced that praise is due, because it is not new funding.

I am sorry that I feel the need to accept this motion, in any form, because I have said on many occasions that I believe that the Hon. Diana Laidlaw is one of the best ministers that this government has, and I can simply say that I think that in this case she has made a mistake and she has to take the rap. But I believe that the wording that I have used gets to the heart of the matter regarding the issue and, hopefully, will take away any party political point scoring.

The Hon. T. CROTHERS: I rise briefly to support the amendment put forward by my colleague the Hon. Ms Kanck. I want to indicate the great stress that I have always had on the importance of libraries. As a child I was a voracious reader of books in the library. My suspicion that this does help one's mental capacities to develop was confirmed very recently by a very brilliant professor of pharmacology from I think Cambridge or Oxford University who had come here to deliver the Menzies Lecture, which was telecast live on Channel 2 one night some two months ago. As well as holding the chair of pharmacology at that university she was also the head of research into neurology, and one of the parts of that research where they had made some considerable progress was as to why, when everyone is born with the same type of brain, some people should be more intelligent than others. Were people endowed at birth with intelligence?

They found out that that was not the case, that in fact a child between the ages of 7 and 11 developed that area of intellectual thinking capacity called the neuron canals. CAT scans taken of the children's brains, that is the 7 to 11 year olds, revealed that in every case the child who visited libraries and picked up his or her knowledge through reading in fact had triple and quadruple the volume and number of neuron canals than the child who in those formative four years did not do much reading.

I had long suspected that that was the case, but now we have a sufficiency of proof in respect to this research group that was headed up by this professor of pharmacology, at I think Oxford University, and one of the most brilliant individuals I have ever listened to, in her capacity to put forward her story, to not only the viewing public but the listening public, many of whom were indeed specialists in their own fields in Australia. The deft expertise that she displayed in answering their questions and the depth of knowledge that she possessed obviously made her a person whose opinion was worth considering.

Whilst they could not draw a complete conclusion about the statement I just made about neuron development, the professor said that, were she a betting person, she would have that opinion she held in the red. And, certainly, the CAT scans clearly showed that the child who had read very heavily had a neuron canal development some four to five times larger than the child who did not read so heavily. So, the answer is that we are all born with the same type of functioning brain, but intelligence, they think, is something that is developed in the formative years of a human being's neuron development; that is, between the ages of eight and 11 or 12. That is the age, coincidentally, when children also learn to read and evaluate that which they read correctly, in most cases.

So, members can see the importance that we should attach to our public libraries. I support the Kanck amendment simply because, in my view, it is a more accurate reflection of what transpired. I do not think that anyone could accuse this minister of not funding libraries properly.

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: The minister does not have to interject. I have put it on the record that it is my view, having looked at the figures, that no-one could accuse the minister of lacking a commitment to fund libraries. That which I find odd, and which is very actively reflected in the Kanck amendment, is the fact that the money not spent was taken back from the libraries. I do not know whether that was a whole-of-government decision during the budget considerations or whether it was the minister's decision. But, of course, under the Westminster system, the minister has to wear any flak that flies (and I hope it is a gentle flak, minister) from what is contained in the Kanck amendment. It certainly is the most accurate of the wordsmithing that I

have seen on the *Notice Paper*. I have some considerable pleasure in supporting my Democrat colleague the Hon. Ms Kanck's well thought out, well crafted amendment, and I ask all other honourable members to draw the same conclusions as I have.

The Hon. CAROLINE SCHAEFER: There is only one part of the original motion and/or amendment that I am sure we would all agree with, and that is: that this government acknowledges the social, cultural and economic benefit to the community of accessible and affordable public libraries. Over the past decade, state government funding for public libraries has been provided according to five year agreements with the Local Government Association. The latest agreement concluded on 30 June 2000, at which time there were reserves amounting to over $3 million. The reserves represent funds that were allocated by the government for the specific purpose of public library development but which the public library sector had not spent.

Ms Kanck's amendment claims that, at the end of the five year funding agreement, the Minister for the Arts removed the accumulated library funds from local government for public libraries. But this was not so. To the contrary, the minister has insisted that the accumulated funds, on the recommendation of the board of the State Library, be distributed to local councils for public library purposes. The government did not return the reserve funds to general revenue.

During all the debate over funding in recent months, neither the Local Government Association nor the public library movement has ever sought to explain why the funds allocated for public libraries were not spent on books and materials and why they were simply allowed to accumulate. But, belatedly, the LGA and others now cry foul. It wants the money it did not spend over five years to remain unaccounted for at the end of the five year agreement. At the same time, it wants the government to keep on funding public libraries on the same terms as the past five years, plus inflation, even though they have accumulated funds in reserve.

The government has not agreed to the LGA's ambit claim. Rather, for this year only, the government has used a portion, but not all, of the funds accumulated over the past five years from the books and materials budget to put towards the books and materials allocation to public libraries for this year. The government also has advised all councils that 133 of the state's 136 public libraries will receive increases in subsidies for their operating costs and for the purchase of materials. Generally, these will be above inflation. Only three libraries received reduced subsidies, and this was due to a reduction in population in the areas they service, because the calculations of the subsidies approved by the board of the State Library is population based.

In overall terms, the approved state government budget for 2000-01 provides public libraries with total spending of $14.273 million. This sum represents an increase of $230 000 over the last financial year, maintenance of subsidies in real terms and, for the first time, $800 000 for free public access to the internet in every public library in the state. Public libraries also will gain an additional $300 000 this financial year arising from renegotiation of computer commitments with the EDS. So, in real terms, I cannot see how they can claim to be less funded than they were previously because, in fact, they have more money than before. It should be noted that the South Australian government's expenditure on libraries is $18.08 per capita, the highest of any mainland state.

In relation to the Hon. Ms Kanck's amendment and the Hon. Ms Pickle's original motion, I say again that this financial year our public libraries are receiving new money from state government sources in addition to a portion of funds that were allowed to accumulate over the five year agreement from 1995 to 2000, which concluded on 30 June this year.

As part of the negotiations for a new five year agreement, the government has already confirmed in writing to the President of the LGA that the starting point for the negotiations will be the level of state government funding provided over the previous five years plus an adjustment for inflation—an undertaking that the Local Government Association has welcomed. I say again that there has not been a reduction in funding, and both the government and I oppose the Hon. Sandra Kanck's amendment.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank honourable members for their contributions in this very important debate. Clearly, it would seem that there is some support for the amendment moved by the Hon. Sandra Kanck, but I will test the Council and I will divide on my motion. If that is not successful, I will support the Hon. Sandra Kanck's amendment.

The Council divided on the question: 'That the words proposed to be struck out stand part of the motion':

AYES (6)

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

NOES (13)

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

PAIR(S)

Weatherill, G.	Lawson, R. D.

Majority of 7 for the noes.

Question thus negatived.

The Council divided on the Hon. Diana Laidlaw's amendment:

AYES (8)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V. (teller)
Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

NOES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A. (teller)	Roberts, R. R.
Roberts, T. G.	Xenophon, N.
Zollo, C.	

PAIR(S)

Lawson, R. D.	Weatherill, G.

Majority of 3 for the noes.

Amendment thus negatived.

The Hon. Sandra Kanck's amendment carried; motion as amended carried.

CONTROLLED SUBSTANCES

The Hon. CAROLYN PICKLES (Leader of the Opposition): I move:

That the order made this day for the adjourned debate on the motion moved by me for the disallowance of the regulations under the Controlled Substances Act 1984 concerning expiation of offences to be an order of the day for the next day of sitting be discharged and for the order of the day to be taken into consideration forthwith.

Motion carried.

(Continued from page 1639.)

The Hon. NICK XENOPHON: This is a most vexed issue. It is a motion moved by the Hon. Carolyn Pickles to disallow the government's Controlled Substances Act regulations which effectively say that the number of marijuana plants be reduced from 10 to three. I can say that, in the first instance, I am sympathetic to the government's approach, because I think the former position regarding 10 plants did allow for a number of people to traffic in those plants. It allowed for a cottage industry, if you like, to be established, and honourable members may be aware of a special on *Background Briefing* on ABC Radio National a number of months ago which talked about a number of the issues raised as a result of this.

I should say at the outset that I think it desirable that this or any other government discourage the use of marijuana. It does cause a number of health problems, but we also have a number of other most serious problems particularly with heroin in the community, and I have been persuaded at this stage by the force of the argument from the Hon. Terry Cameron. His concern is that, if the number is reduced to three plants, it may well have an unintended consequence by forcing young people to go to drug dealers. They will then be exposed to access to harder drugs and there may be some unintended consequences with respect to this regulation.

It is for that reason that I am inclined to support it. I can say that I have had discussions. I am most concerned about this, because I think it is important that we get a message out to the community that the use of marijuana be discouraged in the strongest possible terms. I do not buy the arguments of those in the community who say that it is relatively benign and harmless. There are a number of health problems that appear to be emerging from a number of studies but, by the same token, it does not kill people at the rate that heroin kills people in Australia and in this state. I think we need to put that in perspective.

We need to look at issues of community education and we need a strong public health campaign to discourage use and address a whole range of other factors. However, my grave concern as a result of listening to the debate and also listening to the contribution of the Hon. Angus Redford on this in terms of a number of the legal aspects relating to this issue is that, however well intentioned the government's regulation is, we could end up in a position where we have more and more of our younger people being exposed to hard drugs, and I do not think that is something any member in this chamber would want to see.

I think that I can indicate that 10 plants is far too many because, as the radio documentary *Background Briefing* pointed out, that level has been subject to abuse. If the level was reduced to, say, five plants—I think the Hon. Paul Holloway has foreshadowed that—that may be a solution.

I believe we need to go further than simply looking at it in the context of this regulation alone. An aggressive public education strategy is needed to discourage drug use and to give support to families affected by drug use, particularly hard drugs such as heroin. I think that is the sort of approach we need to look at. With those caveats and making it clear that I do not in any way support anything that would encourage the use of marijuana in the community, I think that the point that was made by a number of honourable members, including the Hon. Terry Cameron, the Hon. Angus Redford and others, is that these regulations will have an unintended consequence, and for that reason I will support the motion of the Hon. Carolyn Pickles. I urge the government to come back with a compromise position and to aggressively pursue a drug education program in the community that goes beyond the existing drug education programs so that we can make it very clear that marijuana use is something that should not be encouraged under any circumstances.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I thank honourable members for their contributions and their courtesy in allowing me to bring this motion back on this evening—particularly government members. It is certainly a vexed question and there are differing views on this issue. My colleague the Hon. Paul Holloway and the Hon. Mr Xenophon probably want to look at the issue of five plants rather than three plants, as would some other honourable members. The Hon. Mr Redford, who is a member of the Legislative Review Committee, has very sensibly suggested that the government should have a rethink on this matter. I am certainly prepared to look positively at some kind of rethink, and I thank honourable members for the opportunity to look at this issue once again.

The Council divided on the motion:

AYES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A. (teller)	Redford, A. J.
Roberts, T. G.	Xenophon, N.

NOES (9)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V. (teller)
Lawson, R. D.	Lucas, R. I.
Schaefer, C. V.	Stefani, J. F.
Zollo, C.	

PAIR(S)

Weatherill, G.	Roberts, R. R.

Majority of 1 for the ayes.

Motion thus carried.

ABORIGINAL SITES

Adjourned debate on motion of Hon. Sandra Kanck:

That the Hon. Dorothy Kotz be censured for failing to fulfil her duty to protect Aboriginal heritage as required by the Aboriginal Heritage Act, in particular her failure to provide protection under the act for some 1 200 potential Aboriginal sites by placing them on the Register of Aboriginal Sites and Objects.

(Continued from 5 July. Page 1462)

The Hon. SANDRA KANCK: I thank members for their contributions, those who indicated support and those who will oppose the motion. I listened to the arguments of members who are planning to oppose the motion but they failed to

convince me that it is wrongly conceived. The motion was based entirely on answers to questions given to me by the Minister for Aboriginal Affairs over a number of years. It does not make sense for the minister and others in this place to say now that it is wrong. She gave the answers to the questions and it is from her that the misleading has occurred.

As the Minister for Aboriginal Affairs has said, sites have gone onto the central archive, but this argument fails to acknowledge what the act provides. Section 9 indicates that the register is a specific higher level subset of the archive. Placing information about sites into an archive is not the same as moving them from the archive onto the register, where they have protection. I will cite section 11 of the act. Under the heading 'Effect of entries in the Register' it provides:

> In any legal proceedings—
> (a) a site or object will be conclusively presumed to be an Aboriginal site or object if it is entered in the Register of Aboriginal Sites and Objects.

That definition does not apply to the central archive. In fact, over the past seven years more approvals have been given by the minister for the destruction of sites than sites entered on the register. I have a question on notice at the moment to determine just how many section 23 authorisations for site destruction successive ministers have approved since the Liberals were elected in December 1993.

I note also that in June last year a successful motion was moved in the House of Assembly which condemned the Minister for Aboriginal Affairs in regard to her failure to produce a report from the Aboriginal Lands Trust Parliamentary Committee. She was put on notice then that her inaction was being observed, and I am surprised that she did not learn from that. Obviously, though, my attack on the minister has resulted in a flurry of activity and, not counting answers to questions from the opposition (which are no indication of ministerial action), in the 14 months from the beginning of March 1999 to 29 May this year, there were two ministerial statements on Aboriginal affairs and two dorothy dixers from backbenchers.

By contrast, from 29 May this year up until yesterday, there has been one ministerial statement and four dorothy dixers. So, in the six weeks since I first criticised the minister, she has exceeded her activity levels of the previous 60 weeks. It makes me wonder whether putting pressure on the minister in this way should be done more often. If the minister had exercised a little more caution and refrained from producing a ministerial statement in which she attacked me—and did so inaccurately—I would never have put this motion before the parliament. I went on a fishing expedition with questions to find out how her department had been or had not been dealing with Aboriginal issues, including heritage, and I think I caught a very big fish.

From a question I asked in 1997 I found out the reasons why the government had not put anything on the register. Then a question I asked last year revealed that the minister had failed to place any new entries on the register since that time, bringing the grand total of new entries on the register in 6½ years to nil—nought, zero, nothing. Under those circumstances, given that the minister had provided that information to me, I was surprised to find myself under attack, because all I had done was simply draw public attention to the information she gave me; that is, there had been no new entries on the register since the Liberals were elected in December 1993.

When the minister attacked me via her ministerial statement, she succeeded in only compounding the problem for herself as she provided information which contradicted the answers that she had given me in 1997, and she placed on the record just how bad the situation really was with the information that there was an accumulation of 1 200 sites in limbo. The Department of State Aboriginal Affairs has been in a moribund state for years, and I have to acknowledge that it has been that way since before the Liberals came to government. That situation was demonstrated by the fact that it took more than two months for the minister to provide an answer, which arrived just yesterday, about the role of the State Aboriginal Heritage Committee in relation to the location of the nuclear waste repository in South Australia; and, might I say, that question was answered inadequately.

It seems that the Minister for Aboriginal Affairs has gone into a frenzy of activity: she is now trying to present herself as a new, dynamic, born-again Minister for Aboriginal Affairs, and obviously she is keen to demonstrate how much she is on top of her portfolio. If my attack on her has been the reason for this new level of activity, then it has made it all worthwhile and we should be able to look forward to seeing some greater protection of Aboriginal sites and objects, and maybe we will see some of these sites that have got on to the archive being put onto the register, as they should be.

Motion negatived.

ABORIGINAL POLICIES

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

That this Council—

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

2. Calls on the Prime Minister and the Minister for Aboriginal and Torres Strait Islander Affairs to correct this unfortunate interpretation of this miscarriage of social and human justice against Aboriginal people, which the Minister for Transport and Urban Planning has moved to amend by leaving out all words after 'that this Council' and inserting ', on behalf of the South Australian parliament, restates its apology to the Aboriginal people for past policies of forcible removal and the effect of those policies on the indigenous community and acknowledges the importance of an apology from all Australian parliaments as an integral part of the process of healing and reconciliation.'

(Continued from 31 May. Page 1205.)

The Hon. SANDRA KANCK: On 5 April I moved a motion with similar intent to that of the motion moved by the Hon. Terry Roberts, but it was less confrontational. Both that motion and mine were prompted by the federal government's formal response to the Bringing Them Home Report in which the federal government questioned the veracity of the term 'stolen generation'. That was an extraordinarily hurtful response for many Aboriginal people, both for the parents and for the offspring who were separated by these policies. I agree with the Hon. Terry Roberts that those comments and that response were totally inappropriate and insensitive, and it certainly provided a temporary setback for reconciliation.

A few weeks ago on the *Background Briefing* program on Radio National, Sir Ronald Wilson acknowledged criticism that the Human Rights and Equal Opportunity Commission failed to cross-examine the Aboriginal people who gave their stories to the inquiry, but, as he said, people were sobbing and emotionally distressed and it simply was not appropriate to cross-examine them. I remind members that we also talk about a lost generation of young men from the battlefields of the First World War. No-one ever questions the veracity of

that term, yet the federal government has done so in relation to the term 'stolen generation'—and we are talking about a similar percentage in both groups.

In the same frame of mind with which we accept the term 'lost generation' in relation to the young men and older men who were lost on the battlefields of the First World War, we should also accept the term 'stolen generation'. Last week, I circulated an amendment, and now I move:

Leave out all words after 'That this Council—' and insert the following—

1. Restates the apology it made by this parliament in May 1997 to Aboriginal people for past policies of forcible removal and the effect of those policies on the indigenous community;
2. Acknowledges the importance of an apology from all Australian parliaments as an integral part of the process of healing and reconciliation;
3. Recommends to the commonwealth government that it should apologise for disputing the veracity of the term "stolen generation"; and
4. Recommends to the commonwealth government that it should follow the lead of the South Australian parliament in expressing its deep and sincere regret to the Aboriginal people.'

The government has clearly reacted to the somewhat provocative wording of the Hon. Terry Roberts' motion, which, obviously, is why it has its own amendment. The amendment that I have just moved encompasses the Hon. Diana Laidlaw's amendment and softens the effect of the Hon. Terry Roberts' motion.

Restating the apology that was made in May 1997 cannot go astray, and that is part of what the Hon. Diana Laidlaw's amendment does, because it reinforces that we do understand that there were deliberate policies of forced removal. It is important for Aboriginal people to have that acknowledgment, to know that their experiences, however negative, are recognised for what they were. Parents were dispossessed of their children; children were dispossessed of their parents; and a people were dispossessed of their land and their culture. What resulted was generational dislocation and dispossession.

In my own life I see that, if I apologise to someone, it allows the other person to forgive. The whole notion of reconciliation and the desire for an apology is based on that. When the government says that it is sorry, it allows the Aboriginal people to forgive. The Hon. Diana Laidlaw's amendment acknowledges the importance of an apology from all Australian parliaments when she says 'as an integral part of the process of healing and reconciliation'. I think that that expresses it well, and so I have incorporated those words into my amendment. In light of that wording, my amendment then recommends the action that remains outstanding—that is, an apology from the federal government.

I have chosen suitably restrained wording so that no-one is condemned as per the Hon. Terry Roberts' motion, although that is personally how I feel about it. I believe that the wording that I put forward now is probably the best in terms of getting a unified response from all parties in this chamber.

The Hon. K.T. GRIFFIN (Attorney-General): My colleague the Minister for Transport has already spoken and indicated her concern with the original motion moved by the Hon. Terry Roberts—a concern that I and the rest of the government share. She has moved an amendment and that now will obviously be overtaken by the amendment of the Hon. Sandra Kanck which effectively, in the first two paragraphs, picks up the sentiments of the amendment moved by the Minister for Transport.

However, she adds two additional paragraphs which purport to have the Legislative Council make a recommendation to the commonwealth government. Although from time to time we have passed motions which ultimately find their way to federal ministers, it is rare that we, as a Council, purport to make recommendations to the government about what it should or should not do about apologies. It is for that reason that, whilst I suspect that the amendment will be passed, the government will oppose paragraphs 3 and 4 and support paragraphs 1 and 2 of her amendment.

As I understand it, although it will be put as one and although we will therefore be in an invidious position of having to make a choice, I want to put it clearly on the record that we support strongly paragraphs 1 and 2 but oppose equally strongly, for the reason I have indicated, paragraphs 3 and 4 of the amendment.

The Hon. T.G. ROBERTS: I, too, will support the Democrats' amendment on the basis that it is probably the one on which we will get the broadest consensus of opinion and thereby it should reach the target it is designed to reach. The composite three motions—the government's, the Labor Party's and the Democrats'—indicate the divisions that exist in the parliament about the way to proceed to Aboriginal reconciliation.

Some people are offended by direct reference to strong language, and I acknowledge that. Certainly it is an issue that I feel very strongly about in recognising the extremities of the argument, and I make no apology for moving the motion in that way. I acknowledge, in the spirit of reconciliation, and not only between indigenous and non-indigenous people but amongst non-indigenous people, those who hopefully are working together to try to get a reconciliation process that works and addresses a lot of the problems that have been inherited by Aboriginal people in relation to the failed policies of the past.

One only has to look to places such as the Balkans and Northern Ireland to see this. I also remember the attempts to set up peace talks in the early days of the Vietnam war, where the shape of tables and the seating of negotiators prevented negotiations from taking place. I do not want any artificial impediments such as that to stop the sentiments of the motion getting through to the whole community. Although I will keep my motion on the *Notice Paper*, I indicate that if that is lost I will support the composite motion.

The Hon. Sandra Kanck's amendment carried; motion as amended carried.

BUILDING WORK CONTRACTORS (GST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 1314.)

The Hon. T. CROTHERS: I was not going to speak, but I might as well place on record some of my observations as a former worker in the industry and a contractor in the industry. In fact, the man I worked for was the grandfather of Jeff Kennett. He was the best builder I ever worked for. I do not know whatever happened to his grandson, but, be that as it may, that is a fact. The thing that disturbs me is the number of times on television, week in week out, we see cases of where young couples and other couples have just moved into newly built premises but they are falling around their ears. The foundations are often not put in properly so the

whole structure of the house starts to sink, as the structure finds its settlement, and this is because the concrete is in Bay of Biscay soil or has not gone down to rock level.

These matters arise because of the way in which the builder has cut the price that he pays to the contractor. It really is an absolute disgrace. I recall working with a Dutch carpenter and with an English carpenter, who were excellent carpenters and they worked for a well-known builder. I am not saying that all builders are shonky—far from it. In fact, I have had builders ring me and complain about the fact that because Joe Bloggs over the road had so cut the rates of pay to his contractors they could not compete with respect of the prices they were asking for the houses that they had built, many times on spec.

So the people I am after—and they, of course, are caught up in this proposition by the government—the people that I will not have a bar of, are those shonky builders who succeed in life by paying the minimum price possible to their contractors. Those two contractors that I referred to, whose work I knew well as I had worked with them as a building carpenter, were excellent tradesmen, but because at times the work was a bit scarce the price being paid to them caused them to lose money on the contract. Of course, that caused many other carpenters, bricklayers, plumbers, and other people who work in those contract systems, to take shonky and untradesman-like shortcuts so as to try to cut the time that they require to do the job for which they are getting paid a less than fair contract price by the builder.

I have opposed another matter today, which was to do with licences, because in the building industry, as the Hon. Julian Stefani would know, we have licensed builders, licensed plumbers and licensed electricians. It is not much good having people licensed if in fact you do not have the staff available to ensure that those licences are policed and policed correctly. That, sadly, is not the case. It, sadly, was not the case, either, though to a lesser extent under the previous Labor administration, so I poke no political finger at anyone. I let the blame fall where it lies. So in respect to the bill which is in the hands of the Attorney, having emanated I think from another place, I cannot support it.

As well intended as that bill is, it is also paying sustenance to those shonky builders who, by paying the lowest possible rates to the contractors, are ensuring that the shortcuts taken will result in the house collapsing around the ears of the new home purchaser within six or 12 months of them moving into the property. Because of the lateness of the hour, I shall not make this contribution any longer than that, though I could go into specific detail. But generically and basically those are the reasons why I am opposed to this bill brought in by the government. Well meaning as it may be, it unfortunately assists many of the shonks that remain undetected or unchallenged in their predations on new home buyers in the housing industry. I oppose the bill, and I ask all other thinking members to consider what I have said so it can have some input in respect to the final judgment when this bill is put to the vote.

The Hon. J.F. STEFANI: I rise to make a short contribution to this debate. In observing the amendments which have been proposed I must say that, whilst I have some sympathy in regard to what the government is trying to do, I do stand very much opposed to the proposal that allows the retrospective provisions of an act of parliament allowing builders to in fact change a contract position in which they made a commitment to their clients perhaps as far back as September or October 1999 to complete the housing work, before the 30 June in some instances this year, and, in any event, in a fixed price condition, which the builder was obviously conscious of doing through a contract provision.

My view is that if we were to pass this amendment it would provide the builder with the opportunity to change a contractual condition that the builder entered into, and of course that would then impose a penalty on the clients, the unsuspecting clients, who would be caught by this provision. These clients entered into a contractual arrangement—and I have had a number of them contact me—with builders in good faith, expecting their houses to be completed by 30 June, and, if not completed, substantially completed. It is true to say that a number of builders have commenced the construction of the houses only in recent months, and that means that the contracts entered into, as far back as October and September 1999, would be caught by this provision and consumers would be penalised heavily by this provision which would allow a change of contract conditions.

It is for those very substantial reasons that I oppose the legislation. I say this because any efficient builder entering into a contract before 2 December 1999, when the government amended the legislation giving builders the opportunity to recover the GST from 1 July 2000, would be well aware of the consequences that would ensue should they fall behind in their construction programs. I am sure that some of them were well aware of this risk. Most of them would have taken a calculated risk in this regard, and I see no reason why the process of parliament should be called upon to overcome their decisions, whether they be good or bad.

The Hon. T. Crothers interjecting:

The Hon. J.F. STEFANI: I thank the honourable member for the interjection. My background in the building industry has taught me, when undertaking contracts, to make accurate assessments not only of the appropriate profit margin that you may derive from a contracting activity but also of the resources that you are required to commit as a company to discharge your obligation in a time frame that might be stipulated in a contract document.

The Hon. T. Crothers interjecting:

The Hon. J.F. STEFANI: Thank you. Therefore, it is a very simple decision for me to make, and I oppose the legislation. I see no reason why the parliament should enact legislation to allow contractual arrangements to be altered. For those reasons, I oppose the bill.

The Hon. NICK XENOPHON: With respect to the Hon. Julian Stefani's position in relation to this bill, I say ditto.

The Hon. SANDRA KANCK: Members might be aware that the Hon. Ian Gilfillan spoke for the Democrats on this bill earlier and indicated support. However, further analysis has led us to review that earlier decision to support the measure, and many home builders have contacted the Hon. Mr Gilfillan since that time to indicate how unfairly this legislation would impact on them. As a consequence, I now indicate, on behalf of the Democrats, that we will oppose the bill at the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their consideration of this bill. I recognise that there now seems to be a majority of the Legislative Council opposed both to the bill and to the second reading. The government introduced this legislation because it had some concerns about a lot of the delays that had been

reported for builders to obtain council approval, for building work contractors to obtain materials and for building work contractors to get tradespeople at all, not just tradespeople at reasonable prices. All of that, together with the draw of Sydney upon a number of those who worked in various trades, such as tilers, bricklayers and carpenters, indicated to the government that there was a super heated environment in which there would occur, were occurring and still are occurring considerable delays in achieving the time targets—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: That's right; there is better money in Sydney as well. The evidence that the government had indicated that significant difficulties were being experienced by builders, and that is the reason why, on balance, we determined to introduce this legislation. It is a terrible dilemma, because without the legislation the GST will affect building work contractors, some quite significantly; and, with the legislation, if it were passed, there would be significant pressure on some consumers. So, there were considerable difficulties for the government in achieving an appropriate balance.

I want to respond to some matters raised by honourable members. The Hon. Paul Holloway raised a number of concerns when speaking on the bill. In some respects, the government agrees with his comments. However, the government does not agree with his conclusions that the bill should not be supported. As the Hon. Mr Holloway correctly pointed out, the GST has been imposed on South Australians, including those involved in and those who are customers of the state's building industry, by the commonwealth. I hasten to say that that is not a criticism of the commonwealth, but it is a fact of life.

The honourable member suggested that a fair solution would have been for the commonwealth to grant an exemption in respect of building work contracts signed before a certain date, provided that the building work was performed in reasonable time. However, he notes that the commonwealth has indicated that it is not prepared to do this. This government makes no comment on the commonwealth's decision: it seeks simply to bring to all honourable members' attention that the bill before them has arisen because of a decision to impose a new tax by another government through legislation enacted by another parliament. As the Hon. Mr Holloway stated, it falls on this parliament to deal with the problems that the imposition of GST on building work creates for South Australian builders and their customers.

The Hon. Mr Holloway correctly attributes much of the problem that the state's building industry faces on delays in the completion of building work. It is interesting to note his admission that the opposition, when supporting the original amendment to the act (which came into effect on 2 December last year), believed it was more than reasonable to expect that any building work in a contract that was signed seven months or more before 1 July 2000 would be completed, or substantially completed, before the commencement of the GST. I do not bring this to members' attention by way of criticism. This highlights the very problem which has befallen the industry. To a large extent, builders and their customers who entered into building work contracts before 2 December 1999 also expected that the building work, or a substantial portion of it, would be completed before 1 July this year.

The cause of these delays are numerous—and this is again something that the Hon. Mr Holloway commented upon. Builders have reported considerable shortages in materials and labour which have arisen because of what has been described as a pre-GST building boom. The Housing Industry Association claims that carpenters, bricklayers and roof tilers are all in critically short supply. In terms of materials, delays in windows, brick pavers and roof tiles have been as high as eight, nine and four weeks respectively. Council approvals have taken as long as 10 weeks. The Master Builders Association has reported similar problems.

Unfortunately, as the Hon. Mr Holloway also has highlighted, there have been a number of complaints from consumers about the conduct of builders, including allegations that builders falsely misrepresented that building work would be finished before 1 July 2000, or that builders have simply failed to perform building work which should, and in normal circumstances would, have been finished before 1 July 2000. Allegations have been made that, in some instances, the builder's inability to complete building work on schedule before 1 July 2000 is due to the builder's taking on too much building work in the period. In fact, a number of investigations are already under way into complaints which allege this kind of conduct, among other things. In some cases, the delays have been caused by the building owners, through failure to secure finance by the required date, or where the building owner has instructed that changes be made to the building project. In many cases the delays have been caused by a combination of a number of these factors.

In at least several cases, allegations have been made by building owners that their builder has put pressure on them to cancel the contract and enter into a new contract that allows GST to be passed on. In at least one of these cases the building owner has bowed to this pressure and the house has not yet been completed. Although it is difficult to express a general rule because of circumstances that might differ from case to case, generally where there is a contract on foot in this context, the owner is not obliged to cancel the contract and enter into a new contract with the building work contractor.

In all cases where building work was expected or promised to have been completed by 1 July 2000 and has not been, a GST liability now arises. The Hon. Mr Holloway's main concern and the main concern of the government is to ensure that the parties to these contracts are treated fairly in respect of any GST liability. The bill now before us seeks to ensure that the liability for unexpected GST is apportioned as fairly as possible. The Hon. Paul Holloway expressed concern that the effect of the bill would be to impose on consumers who entered into building contracts before 2 December 1999 an unexpected GST liability on the basis that, at the time they did so, any GST clause in the contract was invalid.

In response I point out to the honourable member that the bill only permits a builder to pass on GST to a consumer where the contract already contains a GST clause. It does not imply a GST clause into any domestic building work contract. All that the bill does is to give effect to the expressed intention of the parties to pre 2 December 1999 contracts which contain GST clauses that the GST be borne by the consumer.

The Hon. Mr Holloway alleges that some consumers who entered into pre 2 December 1999 contracts that contain GST clauses did so because they were told by the builder that the work or a substantial portion of it would be completed before 1 July. They entered into the contract perhaps in preference to purchasing a completed property or a more modest, cheaper home because they were led to believe that the building work or most of it would be completed before 1 July. In cases where the building work has not been completed, these consumers will be facing an unplanned,

unexpected GST liability. On this basis he recommends that the bill be opposed.

I again refer the honourable member to the crucial limitation of the bill. It applies only to existing GST clauses in building work contracts. The only consumers affected are those who agreed to the inclusion of a GST clause in their contract, that is, to consumers who agreed that any GST liability would be passed on to them.

In respect of allegations of misrepresentation and delays by builders, I draw the honourable member's attention to the existing common law and statutory remedies. I emphasise that consumers already have access to a number of remedies to protect them. However, I acknowledge that it is undesirable that parties should have to go to court to resolve a dispute and that is why the Office of Consumer and Business Affairs is available to resolve disputes between parties.

With respect to the remedies available, both the Trade Practices Act and the Fair Trading Act prohibit persons, including builders, from engaging in misleading or deceptive conduct. Section 67 of the Fair Trading Act prohibits a person from accepting payment for goods or services where there are reasonable grounds of which the person is aware or ought reasonably to be aware for believing that they would not be able to supply the goods and services within the period specified or, if no period is specified, within a reasonable time. Damages to compensate consumers may flow from a breach of the relevant provisions.

The consequences of a builder's failure to complete within the time prescribed in a building work contract, including as validly extended under the contract, is usually the application of a liquidated damages clause. Such a clause may allow for recovery of a genuine pre-estimate of the damages resulting from the failure to complete and could include in the present context an amount payable under the contract reflecting GST liabilities. Such a clause, which need not necessarily be expressed in writing in the contract, might also provide leverage for the building owner in negotiations prior to litigation.

Where contracts stipulate no period during which the building work must be completed, section 32 of the Building Work Contractors Act implies into the contract a warranty that the building work will be performed with reasonable diligence. A breach of the requirement to proceed with reasonable diligence involves a general failure to proceed with a degree of promptness and efficiency expected of a reasonable contractor undertaking the work in accordance with the contract in question. Such a failure is a ground for the owner to require the builder to show cause why the powers of termination in the contract should not be exercised.

In addition to the remedies available to consumers, proper cause for disciplinary action against a builder under the Building Work Contractors Act may exist if the builder has engaged in unlawful, negligent, improper or unfair conduct. A recent case found that a builder had engaged in an unfair practice by inducing purchasers to enter into a fixed price contract and subsequently charging them with variation charges that were reasonably foreseeable to the builder at the time of entering into the building contract.

I advise members that, in relation to GST clauses, the Office of Consumer and Business Affairs is already investigating a number of complaints against builders and will seek disciplinary action against any builder where there is proper cause and sufficient evidence to do so. To further protect consumers from the actions of builders behaving unconscionably, the government proposes an amendment to the bill that will complement the existing common law and statutory protection for consumers in respect of building work contracts by restricting a builder's ability to rely upon a GST clause in a pre 2 December 1999 contract in two cases.

Firstly, a builder will be unable to rely on a GST clause in respect of any building work not completed by 1 July that would have been completed by that date had the builder exercised reasonable diligence. The provision is drafted in such a way as to ensure a builder will be unable to claim the builder has exercised reasonable diligence where the builder's inability to complete work prior to 1 July is as a result of the builder taking on too much work in the period leading up to that date.

Secondly, in relation to contracts that stipulate a period of completion, the amendment will specifically protect consumers whose builders have failed to complete building work within that stipulated period. The amendment will provide that, in addition to the reasonable diligence test, a builder will also be unable to rely upon a GST clause in respect of building work not completed by 1 July where the builder is in breach of a provision in the contract stipulating a period of completion of the building work. The Government believes that this amendment, coupled with the existing common law and statutory remedies, will provide a higher level of protection for consumers whose contracts have been affected by this amendment.

The GST is a tax. Someone has to pay it. It is not within the competence of this parliament to amend the commonwealth's decision. The dilemma for this parliament, as was correctly identified by the Hon. Mr Holloway, is who should be liable to do so—builders or home owners. What this bill and the amendments to it do is to ensure that the parties to building work contracts entered into before 2 December 1999 and which are the subject of this bill are treated as fairly as possible in respect of GST liability.

I have been asked to identify the position in other jurisdictions and it is follows: New South Wales, the Australian Capital Territory, Tasmania, Western Australia and the Northern Territory did not need to amend their Building Work Contractors Act equivalents. The relevant consideration in each of these jurisdictions already permitted builders to pass on GST to consumers. Victoria and Queensland have both enacted appropriate amendments to their legislation. Queensland's came into effect on 26 August 1999 and Victoria's came into effect on 8 November 1999. Neither Queensland's nor Victoria's amendment is of retrospective effect. They are the issues that the government has diligently tried to deal with on a sensible and rational basis, minimising, we hope, hardship to both consumers and building work contractors.

Unfortunately, there are a number of complaints against a small number of building firms which are currently the subject of investigation by the Office of Consumer and Business Affairs and it appears that those complaints, particularly to members of parliament in both houses, have played a part in the views which have been expressed by members in this Council. It is regrettable that the behaviour of a small minority of builders has prejudiced the interests of the whole. I thank honourable members for their contributions on this bill.

The Council divided on the second reading:

AYES (8)

Cameron, T. G.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Laidlaw, D. V.	Lawson, R. D.

AYES (cont.)

Redford, A. J.	Schaefer, C. V.

NOES (11)

Crothers, T.	Elliott, M. J.
Gilfillan, I.	Holloway, P. (teller)
Kanck, S. M.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Stefani, J. F.	Xenophon, N.
Zollo, C.	

PAIR

Lucas, R. I.	Weatherill, G.

Majority of 3 for the noes.

Second reading thus negatived.

FOREST PROPERTY BILL

In committee.

(Continued from 11 July. Page 1585.)

Clause 15.

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

Page 10, after line 12—Insert new subclause as follows:

(4) However, a licence cannot operate to the exclusion of a law that regulates the way in which, or the conditions under which, work is to be carried out.

When discussing this issue concern was expressed that existing clause 15 could be construed as giving the licensee carte blanche to operate the licence in the context of harvesting, ignoring laws such as occupational health and safety, workers' compensation and similar provisions. After the matter had been debated for some time I acknowledged that there appeared to be a weakness in the legislation and I undertook to give further consideration to the best way to deal with it. The amendment now includes an additional subclause (4) which provides:

However, a licence cannot operate to the exclusion of a law that regulates the way in which, or the conditions under which, work is to be carried out.

I think that addresses the concerns raised by honourable members.

The Hon. IAN GILFILLAN: With the permission of the committee, I am willing to withdraw my amendment. My assessment of the amendment proposed by the Attorney-General is that it is a preferred wording, and it has my support. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. IAN GILFILLAN: I support the Attorney's amendment.

The Hon. P. HOLLOWAY: I support the Attorney's amendment. I am pleased that the delay in considering this bill has produced an outcome which improves the legislation considerably. We are pleased that it addresses the issues raised by the Hon. Ian Gilfillan and we support it.

Amendment carried; clause as amended passed.

Clause 16 passed.

Schedule and title passed.

Bill recommitted.

New clause 1A.

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

After clause 1—Insert:

Commencement

1A. This Act will come into operation on a day to be fixed by proclamation.

The amendment inserts a new clause 1A which provides that this act will come into operation on a day to be fixed by proclamation. This was inadvertently omitted from the drafting. It is important because there will need to be regulations, education and publicity. This new clause is needed to enable us to manage that properly.

New clause inserted.

Bill read a third time and passed.

APPROPRIATION BILL

Second reading.

The Hon. R.I. LUCAS (Treasurer): I move:

That this bill be now read a second time.

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

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2000. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

Clause 3: Interpretation

This clause provides relevant definitions.

Clause 4: Issue and application of money

This clause provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

Clause 5: Application of money if functions etc., of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6: Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7: Appropriation, etc., in addition to other appropriations, etc.

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

Clause 8: Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

The Hon. L.H. DAVIS: The Appropriation Bill is a device which enables money to be appropriated to the government for expenditure purposes and this Appropriation Bill gives members an opportunity to make brief comments on financial matters. I just want to speak—

The Hon. T.G. Roberts: Briefly!

The Hon. L.H. DAVIS: There seems to be some merriment about what I have said—

An honourable member interjecting:

The Hon. L.H. DAVIS: Yes, I know: I think it was the adverb that I used. One of the things that can be said about the financial position of the state is that, through good budgetary management, there has been a consolidation of the state's financial position. The South Australian economy has benefited from what I would describe as superior management. We have come from a position where arguably we had the largest inflicted debt on a per capita basis from any government commercial operation in any state or country in the world less than a decade ago and we have reduced that

debt (not without some pain) to the point where in this year 2000-01 we are forecasting good economic growth and several indicators are suggesting that South Australia is outstripping the nation in many important indices.

Only yesterday the Treasurer commented on a Tasmanian Labor government competition index which covered 17 business indices and it revealed that South Australia ranked first or second in 10 of those 17 indices and was the only state that did not rank last. As we know, South Australia's export growth is well ahead of the national average. Our economic employment growth for the financial year just passed was 3.75 per cent and, most encouragingly, our employment growth was 2.5 per cent for 1999-2000. That is double the employment growth in 1993-94, which was the year in which the Liberal Party took over the ravaged economy of South Australia.

Not much publicity is given to the fact that the government has reduced unfunded superannuation liabilities by $1.2 billion since 1994-95, a measure of financial responsibility, although I think the Treasurer will be the first to admit that it may not necessarily win votes. The net benefit to the state in this budget from the lease of ETSA and the resultant decrease in interest payments is $109 million. As the Treasurer has pointed out, a 2 per cent increase in interest rates would have increased interest payments on what was our previous debt by $150 million a year. It is worth remembering that in the last Labor budget of 1993-94, it proposed cutting expenditure by 2.8 per cent in real terms but tax receipts were increased by 6.1 per cent.

Contrast that with the budget that we have in 2000-01 where state revenue will grow by less than 1 per cent in real terms and total spending in 2000-01 will remain effectively at the same level. However, because interest costs are lower, there has been that ability to notch up spending in the capital works area in particular where we have seen a 9.3 per cent increase in funding. Some of those capital works programs do have a real value. The Centenary of Federation project will be the Riverbank precinct, in which I have had a particular interest. The Treasurer, of course, has been closely associated with that.

The Hon. R.R. Roberts: Have you got a wing named after you yet?

The Hon. L.H. DAVIS: I had not thought of that. The Riverbank precinct will mean that Adelaide will look towards the river instead of having its back to the river. We have also allocated $44 million to finish the Southern Expressway and $200 million will be spent over the next five years to develop major hospitals. Money has also been allocated to country water quality. Again, water filtration is something which people have taken for granted but it has removed Adelaide water from the list of items to be avoided by visitors at all costs. We have also recognised, as my colleague the Hon. Caroline Schaefer would agree, the importance of regions, and we have a regional statement in the budget papers for the first time and a regional infrastructure development fund.

We have also developed our niche advantages in food and wine in particular, and the Food for the Future program has been an outstanding success. Only last week we saw Premier John Olsen in London showcase the very best of South Australian food and wine; and it was very significant that South Australia was the only state of all those states attending for the Centenary of Federation celebrations that actually put on an exhibition of this nature—an outstanding achievement which attracted a lot of publicity and many compliments.

Finally, I repeat my bemusement at the Labor Party strategies in respect of the budget of 2000-01. In view of what has happened in the last 24 hours it could be called the Della Bosca approach—on the one hand it says that it supports what the Liberal Party is doing but on the other hand it says that it really does not agree with it. We have had the remarkable spectacle of some of the ministers saying that 'spending is out of control'—and that is a direct quote from the shadow treasurer, Mr Kevin Foley. The other shadow ministers, including Lea Stevens, are claiming that there is not enough spending in key areas such as health.

The Labor Party is having two bob each way. Of course, Della Bosca has had two bob each way, because only today we heard from the *Bulletin* that he claimed that the GST should not be rolled back as it would make it more complex. It is complicated enough already, yet he had the gall to go on radio today and say that it should be rolled back. Who are we to believe when we listen to Della Bosca? Who are we to believe when we listen to Paul Holloway, Kevin Foley and Lea Stevens on the budget? They do not have a strategy.

The final point I want to make in complimenting the Treasurer on the difficult challenge that he had for the 2000-01 state budget is that the most recent data shows that South Australians have lower state taxation per head than people living in New South Wales, Victoria and Western Australia.

The Hon. P. HOLLOWAY: The 2000 budget presented by the Olsen government destroys the myth that this government is a good economic manager. The centrepiece of the budget was to be the sale of ETSA. We now have the highest prices for electricity in the country yet we received a relatively low price for our assets. We also had the failure of the sale process, which required the Treasurer to introduce legislation in recent days to correct the fault.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Because the price received for the sale of assets is the key issue, I would like to say something about the impact of asset sales over the past seven years. I seek leave to have incorporated into *Hansard* a list of South Australian government asset sales from June 1993 to the present.

The PRESIDENT: Is it a purely statistical table?

The Hon. P. HOLLOWAY: Yes.

Leave granted.

SA government asset sales, 1993-94 to present

Asset sold	Price obtained $ million	Year Sold
Optima Energy	315.0	1999-00
Synergen	39.0	1999-00
ETSA Utilities	3 350.0	1999-00
ETSA Power	175.0	1999-00
SAGRIC International (price excludes debtor collection) (a)	0.7	1999-00
Central Linen Service (a)	11.3	1999-00
State Print (price to be confirmed) (a)	0.3	1999-00
SA Ports Corporation's bulk handling facilities	17.4	1996-97
TransportSA —Marino asphalt depot	2.5	1996-97
—Plant and workshop business	41.1	1996-97
—Sign services	0.2	1996-97
SA Meat Corporation	4.8	1996-97
Bank SA	730.0	1995-96
FleetSA	176.0	1995-96
SGIC	170.0	1995-96
Forwood Products	130.0	1995-96
Austrust	44.0	1995-96
SA Housing Trust shopping centre (net price)	27.0	1995-96

Asset sold	Price obtained $ million	Year Sold
Festival City Broadcasters	7.5	1995-96
State Chemistry Laboratories	0.3	1995-96
State Flora	0.03	1995-96
Pipelines Authority of South Australia	304.0	1994-95
Enterprise Investments	38.0	1994-95
Island Seaway	2.4	1994-95
State Print large offset equipment	1.7	1994-95
State Clothing	1.4	1994-95
AMDEL shares	2.5	1993-94
SAGASCO	417.0	1993-94
Total	6 009.1	

Notes: The prices obtained for SAGRIC International, Central Linen Service and State Print are interim at this stage.

Source: Department of Treasury and Finance.

The Hon. P. HOLLOWAY: A total of $6 009.1 billion of assets has been sold since June 1993. As the Hon. Legh Davis mentioned, SAGASCO was one of those: that was the earliest.

The Hon. L.H. Davis: What was the figure for that?

The Hon. P. HOLLOWAY: An amount of $117 million. A little over $6 billion worth of assets has been sold since June 1993. It is interesting to look at what has happened to the state debt in that period. Net debt in nominal terms as at 30 June 1993 was $8.249 billion. The budget papers tell us that for this year, as at 30 June 2000, the net debt in nominal terms, including asset sales, was $4.226 billion. That means that our net debt has reduced by just over $4 billion. So, this state has sold $6 billion worth of assets since 30 June 1993 but our debt has reduced by $4 billion. The question is—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: No, the question is: where is the extra $2 billion? There are a number of reasons for that. First, this government has run up a number of budget deficits over the past seven years. Even though it has budgeted for a nominal surplus for both of the two budgets that the current Treasurer has produced, we have ended up with deficits for both those years. Also, of course, one of the main explanations for that $2 billion difference is off-budget funding, the main source of which would be voluntary separation packages, which would add in excess of $1 billion.

Also, of course, the income from asset sales that I noted, the $6 billion, is a gross figure. There has, of course, been considerable expenditure in relation to the costs associated with those asset sales. The fact is that, although there has been $6 billion worth of assets sold, only $4 billion has come off debt. That means that, for every dollar received in an asset sale, 66 cents has been reduced off debt. It is interesting in relation to electricity, because we are looking at what has happened in terms of the benefit.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: No, what I am saying is that, for all the assets that have been sold, the fact that there has been $6 billion sold and just $4 billion off debt is something that the public of this state should be aware of.

The Hon. J.S.L. Dawkins: You created it.

The Hon. P. HOLLOWAY: The honourable member does not seem to understand the significance of the figures: $2 billion additional debt has been created during the term of this government. As I said, $6 billion has been sold but the net debt of this state has reduced by $4 billion, so $2 billion has gone missing. I can understand why the Liberal government would find the figures uncomfortable.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The Hon. Legh Davis might care to understand that the $6 billion I have mentioned does not include any of the returns from the bad bank—well over $200 million, which really was a return on those assets. If he is talking about asset sales, perhaps he should also consider the additional income that this government is fiddling with; it is putting it into hollow logs.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I am saying that you put it into hollow logs. I am saying that the income that has been received from the bad bank, which should go off debt, has been misused by this government.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis is becoming repetitive.

The Hon. P. HOLLOWAY: I am saying that this government is a poor economic manager and the figures show it quite starkly. Let us look at a microcosm of this asset sale versus debt reduction picture. I have given the broad aggregates for the seven years. Let us look at the electricity industry and how this government has abused the figures in relation to it.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I have already explained: a lot of it has gone into off-budget amounts, such as TSPs. That would have added well over $1 billion to that amount. Also, it is paying budget deficits. It is additional debt.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The interest figures for the debt are included in the budget figures every year. One of the problems is that they are not coming down. I would like to explain why. If the Hon. Legh Davis would be quiet for a moment, we might see the answer to that provided in relation to electricity.

It was indicated in a question to the Treasurer earlier this year. In last year's budget, the Treasurer provided estimates of the dividends that were expected from the electricity entities for this year. I think we should go through them again. The total expected dividends from electricity generating entities for the 1999-2000 financial year was expected to be just $5.2 million. In this year's budget, the actual distribution for those entities was $74.5 million. ElectraNet paid to the government this year $53.7 million (including a tax equivalent), and there was $42.2 million from ETSA Utilities before its lease on 12 December last. That adds up to a total distribution from ETSA assets for 1999-2000 of $170.4 million.

If one were to adjust for a full year distribution from ETSA assets, the total would have been in excess of $215 million. On page 2.10 of the Budget Statement, in relation to the ETSA disposal, it is stated:

> The estimated interest saving for 2000-01 is $210 million.

So, the government said that the estimated interest saving for this year would be $210 million, but the equivalent full year distribution was $215 million—$5 million in excess of that. The Budget Statement further states:

> The estimated loss of dividends and tax equivalents from the entities sold in the same year is $101 million. The net benefit from the disposal process therefore [by this calculation] is $109 million.

As I have just indicated, the actual distributions were significantly in excess of that. By using those sort of dodgy figures, this government has constructed the budget savings that it claims.

The Hon. L.H. Davis: What does net benefit mean?

The Hon. P. HOLLOWAY: Exactly. What does net benefit mean? The Hon. Legh Davis's question is a good one, because no explanation is provided in this budget as to how it was calculated. What happens is—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: No. I will tell you what happens. It is a bit like those physics experiments that we used do in high school: you knew the answer that you wanted to get, so you started with the answer and worked back and put in the figures to make it look right.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: Perhaps the Hon. Legh Davis should have, because the government of which he is a member shows a real talent for getting the right answer. This government had to produce a figure of $100 million. Its credibility would be shot if it did not come up with a nominal saving of $100 million. So, it says that the actual distribution—the dividends—is $101 million.

The estimated loss of dividends and tax equivalents from the entities sold for this year is $101 million. Even though more than double that amount was produced this year, the estimate for the coming year is $101 million. How can one prove what the actual distribution of the electricity entities will be for this year, when the state does not own them? It has just provided this government with the excuse that it needs in order to come up with any figure that it wants. I want to say something relating to the budget presentation, because I believe that this government's budget presentations in the past couple of years have been appalling.

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: What was that? Please say it again so that it goes on the record.

The Hon. J.S.L. Dawkins: I said that he made more of an impact in the lower house than you ever did.

The Hon. P. HOLLOWAY: I'm pleased to hear that. I will remember that. This is a lousy government. This government is obsessed with its public relations. We heard the other day that it is about to launch into yet another taxpayer funded publicity campaign to try to improve the stocks of the Premier. It scarcely needs to do so. The morning rag that we have in this state is doing it well enough: it even has its sporting editor attending question time in parliament and writing it up. It is a great newspaper that we have here. What the people of this state find so unattractive about this government is the way that it has its priorities totally wrong. It is the spending priorities of this government that are so upsetting—and let us just go through a list of some of those.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: This government has been misspending its money. One of the problems is that what we have seen is—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: We have seen expenditure within government departments rise but, of course, the service that it has been providing the people is not good enough, because it is the accounting sleight of hand that this government is so good at. What has happened is that there has been a blow-out in consultancy costs. Within departments they come up to you and say, 'We have increased expenditure.' Expenditure has gone up, but there is not the value of services coming out of those departments. A lot of it is due to the extra reliance on consultants; it is due to the internal funding of outsourcing.

A classic case is State Fleet. One of the government's asset sales involved State Fleet. All government departments must have their vehicles provided by State Fleet, and the cost of them is going through the roof. Each year departmental costs for motor vehicles is increasing, so expenditure increases, of course, and the government says, 'We have increased expenditure.' But the expenditure is not going to services to the people of this state. It is a sort of an internal taxation system that this government has developed.

Of course, we are also paying in the departments for the wrongful priorities of this government. Let us look at some of them. Some of the industry assistance schemes that this government has produced have gone totally wrong. With respect to Galaxy, for example, there was $25 million completely down the gurgler—that was in the early days. We have had the EDS building, and we know that we are paying massive amounts for office space in that building. We have had the Hindmarsh Stadium, which has involved something like $27 billion to date, and we certainly wait with great interest for the Auditor-General's Report to be produced with respect to that project. We have had the consultancy costs—$90 million for the ETSA sale alone. Of course, there has been a massive increase in consultants.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: We have had the blow-out in costs (and this is dear to the heart of the Hon. Legh Davis) with respect to the National Wine Centre. I do not know whether or not it is the Hon. Legh Davis's roses that have been responsible for the blow-out, but we know that there have been huge cost increases in relation to that project. We have had the Holdfast Shores project, where we note that there is now a blow-out (as was predicted during the debate) in terms of sand carting. That will be a cost in perpetuity because, although predictions were made at the time and the government had plenty of warning that what it was saying would be the cost of that sand carting was totally inadequate, we now see, unfortunately for the taxpayers of this state, that those predictions have come true. And, of course, we have the government radio network. That is why we had the emergency services tax, which this government had to double, just to pay for the government radio network. They are just a few examples of the totally wrong priorities of this government. Of course, the people of this state are well aware of them, and they are disgusted by them.

The Olsen government's budget processes are the very antithesis of good accountability. What we have seen is that the Premier of this state, in a megalomaniacal fashion, has centralised power within his own office. We have seen massive staff increases, massive pay increases and increases in the number of staff in the personal office of the Premier. They all are kept secret, of course, because Premier Olsen has managed to convert this state into the secret state of South Australia. Fortunately, the leaks that exist within this government are perhaps the only source of information.

If members look at what happened during the estimates committee this year, they can see this government's total, disgraceful lack of accountability. Estimates committees were first introduced into the South Australian parliament as the committee stage of the Appropriation Bill in the House of Assembly. They were actually introduced by a former Liberal Government, I think the Tonkin government back in 1980. The convention up until several years ago was that each of the 13 ministers in this state (as there were then) would appear for a full day before the estimates committee. The convention provided that all the questions asked of them to

which answers could not be given on the day would be taken on notice and answered within 14 days.

Of course, that has been completely let go by the Olsen government in the past couple of years. Members should look at the fiasco that occurred this year in relation to, first of all, ministers appearing before committees. The Minister for Education has one of the biggest spending budgets; about a quarter to a third of the budget goes on education. Instead of the Minister for Education and Children's Services appearing for a full day before the estimates committee to answer questions on his portfolio, he had to share it with the employment and youth affairs section where a cabinet minister (who also happens to be the junior minister under him) appeared for the evening session. That junior minister under the Minister for Education and Children's Services then had a whole day allocated for a $45 million budget on water resources. One would think that plain common sense, decency and accountability would have it that the Minister for Education and Children's Services, like all previous ministers in that portfolio, would have one full day to answer questions from the opposition.

Of course, much the same thing happened with health. It is now over three weeks since the estimates committees finished. The opposition has not received answers to any of the questions that the government took—none at all in over three weeks. We are now in the dying days of the session. Will the Olsen government answer questions? Last year questions were taken on notice, and we know that some of them have never been answered by this government; in fact, a large proportion of those questions have not been answered by this government. This government's new budget presentation where it has gone to the so-called output format means that there is very little—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: Well, 'Hear, Hear!' the Minister for Administrative services says. I am sure he is very happy with it because it is able to cover up information like no other budget process in any parliament in this country. What used to be provided? Let us go back to the previous Labor government. The Hon. Legh Davis likes to live in the past, so let us go back to those days. What happened in relation to health budgets, for example? A number of books were provided. There was a blue book which provided a detailed financial breakdown of expenditure within every hospital in this state, within every health unit in the state. It had not only financial information but also information on the number of services provided within each hospital, it had information on staff, and so on. That was provided every month.

Nowadays, instead of having that detailed breakdown of information in books on every single health unit in the state, we get one page within the budget papers which gives a total figure for the entire hospital system of the state. One cannot even break it down within country and city units. It means that the budget processes now have to begin way behind the eight ball. You can spend a day with this government trying to get the sort of information that was provided before you even started estimates in previous years.

The level of accountability of this government is appalling. Even when information is provided under this new output format it is a disgrace, and I would like to demonstrate that in the shadow portfolio that I represent, primary industries, to give some illustrations of how appalling this budget presentation is.

The Hon. L.H. Davis: We had a regional statement that you never had in your time. Are you going to talk about that?

The Hon. P. HOLLOWAY: I will come to that in a moment. There are some gems in that and I am glad that the honourable member reminded me because I would not like to miss that one.

The Hon. L.H. Davis: You have to be reminded because you keep forgetting.

The Hon. P. HOLLOWAY: I would like to talk about that in a moment but I will not be distracted. I am dealing with the areas in which the government provided limited information in last year's budget. The government keeps changing the budget format so we can never compare what happened in the year before. What happened generally during the 1980s and the early part of the 1990s was that budgets were generally comparable. We could compare the lines in the budget with what happened with those of the previous year and we knew what was happening. In the last couple of years the government has changed the basis on which the budget is presented so we cannot make any comparison with the year before.

Let me illustrate how hopeless this budget is. Last year was the first year of output budgeting and, in licensing services within primary industries, budget estimates were given for the number of new licences to be issued in the 1999-2000 year. That estimate was 412. What was the result for the year? It was 4 730. The government was so good it exceeded its estimate by 1 000 per cent. The estimated target for the renewal of licences was 3 699. What was the estimated result for that year?—14 960. The target for accreditations in licensing in primary industries was 81, and the estimated result was six.

What does that say about those targets? Clearly they were wrong. When those figures were given in last year's budget the government clearly had no idea what the result would be. How else could it be out by a factor of 10 or more? How serious do we expect the budget figures to be? Should we in this parliament not be provided with accurate information about the state of the financial affairs of South Australia? When we are given this sort of information, should we not have some reasonable expectation that it is correct? Why are the figures out by a factor of up to 10? Clearly they had no idea: they might as well have just made up these figures.

It was not just one isolated case. In the very few areas where information was provided last year, nearly all of them proved to be way out. In information services, the estimated number of publications produced last year was 876. This year a note states that, where new performance measures have been introduced, data cannot be provided for 1999-2000. The government was able to set a target last year but this year it cannot even give us an estimated result. The same thing applied to the number of information packages.

What about the number of consulting services within the department? Last year the number was 685. What was the estimated result for this year?—6 680. It is out by a factor of 10 again. Clearly the figures that were given last year were made up. As to the capacity to handle inquiries, the target was 65 050 and the estimated result was 59 780. One could suggest that they might have had some ballpark idea there, but the government has fallen significantly behind that target.

What about research and scientific services? The government cut the budget there. I turn now to training and education services. Let us look at the targets and accountability. The target or performance indicator for the number of courses

and services provided was 939. The actual result was estimated to be 720. That is 23 per cent down on the target.

The 1999 target for the number of hours provided by trainers and educators in that department was 46 705 hours. The actual result was 13 820 contact hours—less than 30 per cent of the target. What does it mean? It means that either there has been some dramatic change in what the department was able to provide or the figures provided last year were worthless. Is it good enough? I am sorry to labour the point at such a ridiculous hour in the morning on this budget debate but, given that this is the only opportunity we will get to discuss the budget in any detail and the government will not provide us with answers to questions asked in estimates committees and is treating the whole process of this parliament with utter contempt, I have to put this on the record.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: This is the budget. It was much the same with a number of other areas of the primary industries budget. In view of the time I will not go through them all, but the point is that the few targets given last year were so inaccurate that it could only mean they were made up; the department had no idea. I would suggest to the Council that that is simply not good enough; the public and parliament of this state can expect better from this government. In closing, given that the Hon. Legh Davis has asked about the regional statement, I should make a few comments on that. It is the first time a government has put out a regional statement, but that is about the only significant milestone that one could mention about it. Most of it is just—

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: That is right; it is really an accounting exercise. There are very few new initiatives in the budget; it is simply a breakdown of what has previously been spent in country areas. There are a couple of gems in here, and I think we should mention them for the record. There is a little program called 'Understanding our regions' which the Olsen government says has been set up to spend $75 000 to produce regional profiles for each of the state's regions. That is fair enough, I suppose, but it will also spend $300 000 to improve communication of the government's regional initiatives, with a quarterly production of regional direction supplements for 27 regional newspapers. That is how the government will help the people in the country areas of this state: it will spend $300 000 to provide supplements for regional newspapers, presumably hoping the money it is spending will encourage those regional newspapers to give favourable coverage to the Liberal Party during the election.

I am sure that the people of country South Australia will be grateful to know that this money will be spent on them in this way. But there is better to come. This is a real gem: $60 000 will be spent to create a welcome message at the gateways to the state, with a display of pride at state borders and regional towns.

The Hon. L.H. Davis: You don't think that's important? You just don't understand.

The Hon. P. HOLLOWAY: I am sure people in the country areas of this state waiting for hospital beds, and all those parents who have spoken to me who have kids going to country schools when this government has cut back on school bus services for the kids—I am sure they will be grateful to know that, whereas it cannot look after those needs, this government can find $60 000 for a display of pride at state borders. Here is another one: $120 000 for community meetings to encourage regional issues and priorities to be presented to senior ministers. In other words, there is $120 000 to send the ministers of this Liberal government around on a campaign in country areas. I am sure that the people of the country areas will be delighted to know that the priorities of this government are to be spent in this way.

That is just a little sample of some of the gems in the regional statement. What is not in the regional statement are programs to meet the needs of the people of the country areas of this state, for which programs they have been crying out in areas such as health and education that I have mentioned. I think it is unfortunate that we are debating such an important bill at such an unreasonable time of the morning. I apologise for taking up as much time of the Council as I have, but the Appropriation Bill is one of the most important debates of the year. It is one of the few opportunities for members of the Council to discuss the finances of the state.

Unfortunately, because of the way in which this government has made so many mistakes in its other bills, we have had to spend the end of every parliamentary session dealing with legislation that has been rushed into the parliament at short notice trying to deal with the problems that have arisen, and of course that has cut back the available time.

In summary, I think we need to note that this government—the Olsen government—is an obsessively secretive, arrogant government that is totally unaccountable for its actions. Its basic instinct is to blame others. We had the classic example this week with the Premier returning from a trip to London and blaming the Labor Party for all the events that occurred within the Liberal Party last week. I wish we had that much influence.

We also had the federal Minister for Health, Dr Wooldridge, quite rightly pointing out that this state has continually been blaming the federal government for cutbacks to health. Unfortunately, I do not have the quotation at my disposal. In the early years of this government it blamed its health problems on a reduction in private health insurance numbers. Now that the number of people with health insurance has been increasing because of the federal government's expenditure on that—and that is another story—we now have the Olsen government blaming that for the creation of problems in its public hospitals. It seems that either way you lose out. Dr Wooldridge was highly critical of the Olsen government for cutting back its share of health expenditure. That is not the Labor Party but its own federal minister criticising this government for its expenditure cuts.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The Hon. Legh Davis's own federal minister, Dr Wooldridge, has been attacking this government for cutting health expenditure. As far as the Labor Party is concerned, we can only hope that this government keeps up its self delusion. The Hon. Legh Davis got very excited last night about the opinion polls in the *Advertiser* yesterday morning. I hope he believes them. I hope he gets excited about them and that he continues in the way he is, because this is a lousy government. It has no accountability at all—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, it needs to be stressed again and again, because this government is in its dying days.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: The Treasurer would like to think there is two years to go. The government's four years is up in 15 months and I hope for the sake of the Labor Party that this government decides to lurch on beyond October next year. There will be fun if it does. In the end, I guess this

government will have to be dragged, kicking and screaming, towards an election. It might do everything it can to avoid an election but sooner or later it will meet its day of reckoning. If it is foolish enough to carry on beyond the full term, it will suffer an even worse fate. The opposition will support this budget notwithstanding that it reveals once and for all the failure in economic management of the Olsen government.

The Hon. R.D. LAWSON (Minister for Disability Services): I support the passage of the Appropriation Bill and congratulate the Treasurer for the excellent budget that lies behind the bill, which will appropriate some $5.7 billion on purchase of outputs, together with a further $100 million on various equity contributions and appropriated borrowings. The budget handed down by the Treasurer this year is a significant achievement and a great testimony to his energy, resourcefulness and skills.

It provides for $7.2 billion to be spent on items through the major portfolios. I will not go through all of it, of course, but there are a couple of highlights. The Hon. Legh Davis mentioned one a little earlier when he referred to the taxation burden in this state. Estimated taxes per capita in this state are at $1 326, some $257 less than the national average and the third lowest of all states—a significant achievement by the Treasurer in difficult circumstances. It is also worth mentioning that net debt as a proportion of gross state product is declining. It was 26 per cent in June 1994; it will reduce to 7.6 per cent by 30 June in 2004.

A significant fall in net debt this year was due to the net proceeds from the sale/lease of the electricity assets. The fact that the international ratings agency Standard and Poor's raised the credit rating to AA-plus is further testimony to the assiduous way in which the government has been approaching the problem of the debt as a proportion of gross state product, down from, as I mentioned, some 26 per cent when the Labor Party left office. It is also worth mentioning that this budget includes $997 million (almost $1 billion) in capital investment and expenditure on assets and infrastructure for this state.

From my own point of view, in relation to my portfolio responsibilities, I was delighted that we were able to provide an additional $6 million to disability programs in the forthcoming year, in addition to a number of initiatives announced last year. For example, last year this government spent $2 million on equipment for people with disabilities and the frail elderly—a significant investment in our living equipment project. Disability spending in the forthcoming year will be a record $173.9 million, which takes into account additional commonwealth allocations. We are allocating an additional $6 million this year and the commonwealth government is putting in $4 million to bring us to that record expenditure for those people in this community who need our support.

In the Home and Community Care program, I am delighted that an additional $2.5 million was allocated this year by the state government, bringing our contribution to just over $31 million and bringing the total funding for the joint commonwealth/state program here to $81.5 million—once again a record and once again consistent with our commitment in our 10-year plan to ensure that our financial contributions to the program are at national averages and better. In my other portfolio responsibilities as Minister for Administrative and Information Services and Minister for Workplace Relations, the budget papers, contrary to the claims of the Hon. Paul Holloway, set out very fully the significant number of projects and outputs delivered by the department.

The Hon. Paul Holloway lamented the fact that the current budget papers, as was the case last year, focus on outputs rather than on expenditure. Contrary to his opinion, I believe it is useful for these statements to include not merely a description of the amount of money that is spent on particular programs, because that is not necessarily indicative of the value that one gets for the money spent. If you spend more next year than you did last that does not necessarily mean that the community is getting better value for that investment. If these statements set out, as they do, outputs under the headings of the quantity of output, the number of services or items delivered, the quality of that output in some measure of that quality, as well as the timeliness within which the output is delivered, together with the cost of the output, one has a far better and broader picture of the true benefit to the community of the expense which is being undertaken.

In administrative and information services, it is worth mentioning the range of services provided by those areas for which I have portfolio responsibility—building maintenance, building management, contract services and Fleet SA. In his earlier contribution, the Hon. Paul Holloway complained about the fact that the cost of leasing cars was rising. He tended to suggest that that was as a result of mismanagement by this government. Over the years, this government has reduced the number of motor vehicles in this state from over 10 000 vehicles now down to about 7 300 vehicles, which has been constant for the past couple of years. True it is that the cost of leasing vehicles is rising by reason of a number of factors which are way beyond the control of this or any other government. Our fleet is—

The Hon. T.G. Roberts interjecting:

The Hon. R.D. LAWSON: The honourable member says that the federal government is giving BMWs and whatever. What absolute nonsense. I can tell the honourable member that our policy is that all fleet cars, whether salary sacrificed vehicles leased by executives in the public sector or issued to public servants, are Australian made vehicles where Australian made vehicles are available. Forensic science is included in my portfolio, and one of the good programs currently being undertaken is the completion of the Forensic Science Centre refurbishment and the continued development of the DNA database to interface with the national CRIMTRAC project.

The Industrial Relations Court and Commission is an administered item, together with the Workplace Services Group, which has responsibility not only for the provision of industrial advice in relation to industrial matters but also occupational health, welfare and safety, on which this government has continued to spend considerably and the outputs, in quantity terms, have once again increased. Some 75 000 workplace relations advisory service inquiries will be answered in the coming year, some 5 000 workplace inspections and visits will be conducted, some 600 occupational health and safety investigations will be finalised and a number of workplace relations investigations will be finalised, from some 1 600 such investigations.

Real estate management undertakes the management of a substantial portfolio of real estate assets, including government employee housing and commercial properties. State Records has responsibility for the maintenance of a very large archive of state records, and Contract Management Services provides services to the government which inure for the benefit of the general community. The Lands Titles Office is

one of those areas which has historically provided leading edge service to South Australians, and the TATS project and the ATLAS project are being completed to ensure that we will have leading edge electronic data retrieval and titling systems that are the envy of other jurisdictions.

I mention these projects and these programs for the purpose of giving me the opportunity to express my gratitude to the executives and officers in the departments for which I have responsibility for their commitment and their dedication. The skill with which they serve the public of South Australia I think ought be recognised, and I am glad to do it. I support the bill.

The Hon. CARMEL ZOLLO: As is the tradition, I indicate my support for the bill, but I wish to make a few comments on a number of issues. A few weeks ago one of our national newspapers ran a series of articles about the increasing divide in our society between the rich and the poor. The investigations only confirmed what many of us have known for a long time, although I think most members opposite would not be willing to admit it. I made a contribution on the GST legislation recently, so I will not go into great lengths, but I do not believe the answer in terms of redistributing wealth in our society lies in introducing the GST. Wealthier people in our community always come out in front with this very regressive tax.

The reality is that those on low income, by necessity, use most of their earnings on the essentials of life, while those on high incomes, and the very rich at varying levels, have choices and options because of their greater earning power and ability to invest. To a large extent, in terms of acquiring wealth and increasing earning capacity, the answer will always lie in better access to education and training so as to give people greater opportunity to stay in employment or gain employment in the first place. South Australians have been getting a poor deal in terms of resource funding for education and health, to name just two.

It is too early to tell exactly how this tax will be received in the longer term, in particular when the service part of the GST starts to take effect over many months; and on state charges and taxes the annual increases by CPI (or higher in some cases) now includes the GST, where applicable. I believe the GST is an unfair tax, as does the Labor opposition.

The Hon. R.D. Lawson: Apart from Della Bosca.

The Hon. CARMEL ZOLLO: No, I heard Della Bosca say it twice today—not once, but twice—'I believe the GST is an unfair tax'.

The Hon. Sandra Kanck: He would say that, wouldn't he?

The Hon. CARMEL ZOLLO: No, I have heard him say: 'I have always believed the GST is an unfair tax'.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: I have heard him say it twice today and I do believe him. It would be fair to say that the government's handling and the amount being charged for our emergency services has been an absolute disaster. Whilst we supported the need for change to a fairer system, people did not expect the government to use the opportunity to raise such a large amount using such a wide definition of 'property'. When people were told that the insurance levy method was unfair because many people were not insured and therefore did not contribute to our emergency services, they naturally would have expected to pay less once all property owners contributed to the scheme.

At the time the ESL legislation was going through parliament, and on other occasions, I expressed my doubt as to whether the method of collecting the tax was equitable. Judging by the public reaction and subsequent decreases of the levy on the part of government—the latest cut being $24 million—plenty of people are in agreement. No doubt, people will have their say at the next election on this rearguard action by the government. However, I think almost everyone would agree that health and education have fared the worst in this budget.

Not too long ago South Australia had one of the best education systems in the nation. I have always believed that South Australia should be the education headquarters for the south-east Asia region. For the whole of Australia, foreign student fees represent $3 billion per year. We cannot afford not to possess the very best institutions if we are to compete for this prestigious market.

As a member of the Queen Elizabeth Hospital select committee, which admittedly to date has met infrequently, it was obvious to me at the time of the site visit that the hospital staff are dedicated people who in many areas are working in very overcrowded and poor conditions. With the redevelopment of the Queen Elizabeth Hospital having been announced seven times in six years, the latest in February this year—

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: No, it was your government—people from the western suburbs regrettably still do not know the future of all services available at the Queen Elizabeth Hospital. We all hope that the latest announcement will be the last and that the upgrade work will proceed as planned. The hospital is of vital importance to residents of the western suburbs and beyond, and it should not be downgraded in any of the areas where it has historically proved its worth and, more importantly, its need. As a teaching hospital, the Queen Elizabeth Hospital's reputation is well established and respected, and it also needs to continue in that role.

Trying to meet targets when treating people in our hospitals simply to fulfil some economic rationalist ideology puts lives at risk. South Australians expect a better deal for our hospitals and health system, and this budget certainly has not delivered that.

We still have the charade of two Liberal ministers, state and federal, arguing over funding for our public hospitals. The federal minister tells us that the grant has gone up $26 million, but state funding is down $20 million. He assures us that if there is not enough money for public hospitals it is because the state government is too mean to spend its own money on health. Throughout South Australia, people had reason to expect a better deal in relation to the health budget, because they were constantly told that they would be getting one—that the sale of ETSA would deliver more money for our hospitals.

Do members recall all those dorothy dixers? We remember the dorothy dixers—questions about what the government would do with those millions saved every day through the ETSA sale. What we have instead is a projected 93 000 fewer people to be treated in the new financial year.

In relation to country South Australia, I look forward to the dedicated mental health beds in country hospitals. I understand at the moment that only one part-time psychiatrist is located in the country, with most country areas being forced to depend on visiting psychiatrists. I was pleased to see a dedicated regional budget paper, and certainly on first appearances it looks impressive. However, the truth is that funding—or what there is of it—is coming not from the

regional development ministry as such, but in many cases is just a rehash of general or continuing funding provided through other departments.

Reductions to the emergency services levy that specifically benefit regional areas and primary producers will not exactly excite regional areas in relation to the generosity of this government. Of the $263 million overall new funding in this budget, I understand that only 11.4 per cent is aimed at regional and rural areas. People are what make communities, and the suggestions in the draft document, 'Directions for Regional South Australia—a Framework for Action', which is currently being distributed, calls for more government officers and staff being put back into local communities, including rural impact statements with every cabinet submission. The latter is a policy of the Labor Party and one reiterated by the Leader of the Opposition on many occasions.

People need and want to be consulted. It is especially important in rural communities because changes can cause so many ripple-down effects that simply cannot be absorbed by the communities because of their size and lack of alternatives.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: As I said, it has been a policy of ours for quite a few years. We should not view development or lack of development in country South Australia purely in economic terms.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: We have had country Labor for five years now. Just like city dwellers, country people contribute to their community and the state as a whole. They have a right to basic services, such as decent health and education systems. I commend the government for having finally got the message to consult and listen to what country South Australia wants.

However, I quote Mr Craig Wilson, the Chief Executive of the Mid North Regional Development Board in an article in the *Advertiser* a few weeks ago, as follows:

> We are getting impatient for things to happen. We don't want to just hear the words. We want to see some action.

Some of the action they want to see is not in the form of more job losses. During estimates committees it was revealed that SA Water could be shedding 200 more jobs in the next three years. As SA Water's main task is country water, there is understandably some concern over such revelations. Shedding jobs goes hand in hand with privatisation, and there is some strong rumour that this will be the outcome for our country water services, something that I am certain country South Australia does not want to hear.

Whilst I thank the Hon. John Dawkins for providing to members a briefing recently on the draft 'Directions for regional South Australia', I and, I am sure, a few other people at that meeting wondered whether there will be any assets left to privatise by the time the Regional Development Council is in a position to advocate at the appropriate level of government.

Along with some of my Labor colleagues, Democrats and the Minister for Disability Services, about a month ago I attended the after one year Unmet Needs Meeting, organised by the Parents Advocacy Group. The meeting was called by frustrated parents of children with disabilities to see what changes had occurred since the first meeting a year before. I understood from them that nothing had changed.

In relation to accommodation, families have to reach crisis point before receiving assistance. There is a reference in the Regional Statement budget paper that South Australia will complement programs supported by the new commonwealth allocation for carers who are ageing or who have been caring for an adult child for many years. I understand that from 1 July South Australia's commonwealth share of this funding over two years is $12 million: $4 million from July this year and $8 million next year. I note that the state is matching this $12 million by $6 million this coming year and $6 million the next.

I note from the estimates committee debate that my colleague the member for Elizabeth expressed a number of concerns on this matter, first, that there would still be a shortfall and, secondly, that some of the programs targeted for this funding include such items as $200 000 to the Guardianship Board and the Public Advocate.

I doubt whether anyone present at either of those meetings run by the Parents Advocacy Group would leave without the slightest doubt that the group's priorities are for accommodation and respite, and it is not difficult to understand, given that some of these people are well into their seventies and have been looking after their children for over 40 years or more.

I look forward to hearing how much South Australia will complement this program for people living in regional South Australia. I am sure that we all welcome the renewed interest and push for more concerted efforts to deal with the problems of the River Murray. I say 'renewed interest' because the so-called initiative—

The Hon. J.S.L. Dawkins interjecting:

The Hon. CARMEL ZOLLO: I was not here when he said that. I did not hear what he said. I say 'renewed interest' because the so-called initiative is nothing new. In the 1980s it was the three state Labor Governments of South Australia, New South Wales and Victoria that, together with the federal Labor government, negotiated a new River Murray waters agreement that set up the Murray-Darling Basin Commission to coordinate a basin-wide approach to environmental management of the river. I think that this government has also forgotten that the Tonkin government had a Minister of Water Resources, who undertook many good initiatives in the Riverland at the time.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: I do not think that you are serious about this issue. The River Murray does not just need rhetoric and warm and fuzzy talk, and it is more than just a matter of blaming the upstream states or the new minister's publicity stunts. At the end of the day, it needs funding for remediation projects and for education, and a strong political will. I am happy to agree that much of this funding and political leadership has to emanate at a federal level. South Australia is well placed to take advantage of the low Australian dollar, especially with our wine and manufacturing exports.

Naturally, when the currency is low our export goods become cheaper and hence more attractive to overseas markets. Like everybody else in this chamber, I welcome the good news in relation to the export earnings of our rural sector.I was pleased to see the Premier lobby for our wine industry when the United States looked as though it was going to retaliate against our wine industry because of trade subsidies to be given to an Australian leather company.

In relation to our youth, I do not see the logic in announcing an extra $15 million for the apprenticeship and traineeship program whilst at the same time cutting the public sector training program by more than half. This program was one

of the best success stories, particularly for young people seeking careers in the public sector. All the young people who have come through political offices of whom I am aware have obtained full-time employment.

We cannot afford to scrap such schemes, not when South Australia still has the worst youth unemployment rate of mainland Australia of almost 30 per cent. Our young people will also be disadvantaged the most with the scrapping of the state rent relief program. Whilst I acknowledge that the federal government has a rent assistance scheme, the state scheme picked up many people, particularly students who, at different times, would become eligible for assistance.

The philosophy of this government in relation to public housing has not been to move in the direction of building new homes but to diversify with different programs, and state rent relief payments were important for those on a low casual income. Increasingly, there are many more people on such an income as they move in and out of the work force because of the casualisation of work and part-time work.

The people of South Australia were promised and expected far more from this budget, but it just has not delivered. The opposition has indicated that this is due to both financial incompetence—the Hon. Paul Holloway articulated that very well this evening—and a strong suspicion that a huge slush fund has been set aside for the very best of cynical political reasons: to splash the money around during an election year.

Our shadow Treasurer summed up this budget nicely by saying that, after seven Liberal budgets, cuts to hospitals, schools and jobs, tax and charge increases, the sale of ETSA and everything else, John Olsen still cannot balance the budget. One way or another this government has failed the South Australian community with this budget and previous ones, particularly in accounting for the $6 billion in asset sales and easing the taxation burden and with its cutbacks in resources.

The Hon. J.S.L. DAWKINS: I rise to support this bill. In doing so, I wish to focus on some of the features of the budget relating to the regions of South Australia. We have heard a little about regional development this evening. I would like to put some other perspectives relating to that. Initially, I want to highlight the fact that in the past 12 months we have seen the establishment of the Regional Development Council, key members of which are the Deputy Premier and Minister for Regional Development, the Hon. Rob Kerin, and the Treasurer and Minister for Industry and Trade, the Hon. Rob Lucas.

In addition, we set up the Regional Development Issues Group, which I have the privilege to chair. I think that group has worked well over the six months or so that it has existed. It has brought together a number of public servants representing all the portfolios and agencies. I have been impressed with the level of proactivity and enthusiasm for getting departments to work together in relation to the regions. Many people would concede that we have not always been able to succeed in getting departments to talk to each other enough, particularly in relation to the regions, but I think we are heading in the right direction with this group.

The issues group was set up on the model of the Food for the Future Issues Group which is chaired by my colleague the Hon. Caroline Schaefer and which has been extraordinarily successful. We have also established the Office of Regional Development. This is a very small agency, but one which I feel has been effective to date. It has worked very hard to develop the regional development strategy which is currently in the consultation stage. I was pleased to attend one of those consultation sessions at Clare on Monday of this week.

The office also has been very involved in the establishment of the Community Builders Program, which is a pilot of four community clusters across South Australia designated around the development of leadership. I think that very few people in this chamber would deny the fact that we need to develop our leaders all around the state, but particularly in our rural communities.

I was pleased to welcome the Hon. Carmel Zollo and her colleagues from this chamber the Hon. Terry Roberts and the Hon. Ron Roberts to the briefing that we had in this parliament a couple of weeks ago in relation to the strategy, and I certainly appreciate the interest that both gentlemen show in country South Australia, being resident in the regions. I would also like to concede that the Hon. Carmel Zollo has probably shown more interest in—in our party it is paired, but in her party there is another—

The Hon. Carmel Zollo: Duty.

The Hon. J.S.L. DAWKINS: A duty electorate. She has shown considerable interest in her duty electorate of Goyder, and I think that the honourable member for Goyder in another place has found that a novel thing, because I do not think he has ever seen anyone from the ALP come into Goyder before. So, I congratulate her on that. At that meeting a couple of people expressed surprise to me that they did not realise that the Deputy Leader of the Opposition in another place was the shadow minister for regional development. A number of people did not know that Ms Annette Hurley holds that position. They might wonder whether she knows that the regions extend beyond Smithfield and Gawler.

The Hon. Carmel Zollo made some reference to a statement in the *Advertiser* by the executive officer of the Mid North Regional Development Board, Mr Craig Wilson, a couple of weeks ago. At the meeting at Clare on Monday, Mr Wilson went to some lengths to emphasise the fact that he did have an interview with the *Advertiser*. Unfortunately, it was only a portion of his comments that were reported, rather than the positive comments that he had made earlier in an interview. I want to highlight some of the features of the regional budget statement. I think that the government needs to be commended for bringing out a regional statement for the first time—and I have heard some different comments about that tonight. The fact is that it is the first time it has been done. I am hoping that we can go one further in the future. I do not make the decisions in that area, but I am hoping that we can go—

The Hon. P. Holloway interjecting:

The Hon. J.S.L. DAWKINS: You have not read the thing properly, Mr Holloway, I am sure. I would like to see us in the future develop this into a document that breaks down the input into the various regions and not just a total regional statement. I would like to run through some of the highlights that came out of the package, because the Hon. Mr Holloway earlier in this debate talked about some of the gems that he had discovered. He said something along the lines of, 'When will we have real programs and concrete initiatives?' I would like to go through some of those briefly: I certainly will not read them all out.

In the budget $9.6 million was provided to upgrade and improve educational facilities in regional areas; $11.95 million to upgrade and improve regional health facilities over two years; $6.23 million to provide housing for people in need in regional areas; $2.13 million to upgrade security in

education facilities at major regional prisons; $13.52 million to upgrade fire appliances and station facilities for country and metropolitan fire services; $4 million to increase the size of the ambulance fleet, with at least 12 new ambulances in regional locations; $5.5 million for the Regional Development Infrastructure Fund; $1.7 million to improve aquaculture farming techniques and opportunities throughout the state; and $3.77 million to support the Regional Development Board framework. The regional development boards were established by this government, and they have a unique arrangement in this state whereby they are supported by both state and local government. The regional development boards have been very helpful in the development of the strategy which is being consulted upon at present.

There are a number of other highlights ranging across the full gamut of services to regional South Australia, but I will not mention any more because of the hour. In conclusion, we have heard chapter and verse in this parliament, in this chamber and in the other chamber over many years of the financial debt this government faced when it came to power. There is no denying that the debt was there and that it has been a burden for this government to meet.

There is another significant debt that this government has had to meet, and I refer to the infrastructure debt. The infrastructure debt is a problem not only in regional areas but also throughout the regions outside the metropolitan area where the infrastructure, whether it be water, power, roads or a number of other facilities, was neglected over the entire 11 years of the last Labor government. I might say, also, that I concede that not a lot of work was done during the years of the Tonkin government and certainly through the Dunstan era—the best part of 25 years where little was done for rural infrastructure. We have had to pick up that debt and we are doing something about it. I have great pleasure in supporting this bill and I commend the Treasurer on its presentation.

The Hon. T.G. ROBERTS: I will not be agitating for a no vote for the Appropriation Bill on this occasion. I will be supporting the passage of the Appropriation Bill. In so doing, I highlight something that all legislators will have to face either now or in the future in relation to how budgets are being framed at both commonwealth and state levels. One of the problems that governments have, and it happened during the last Victorian state election, is that they had their economic indicators correct according to their economist rationalist theory, but on the ground the policy development at a social level followed the economic policy development, and the victims indicated to the Victorian government, in particular, that they were not very happy with all the social economic indicators pointing in the right direction as per the propaganda that was being put forward by the economic managers of that state.

Victoria turned into a city-state almost the same as South Australia is, that is, all the budget was being spent in the metropolitan area. In a lot of cases, it was development money that was being put into urban infrastructure that had not determined any economic outcome for a lot of not only metropolitan people but also regional people who were not getting benefits from it.

We are heading into a period in which health is becoming a two-tiered system—one for the rich, one for the poor. If a person can afford the option of private hospital care by paying health insurance, their health will be well looked after. If a person has to rely solely on the public health system, their standard of health will be second rate, and that is one of the fears that the architects of Medicare held when it was set up: that it would be turned into a two-tiered health system by conservative governments when they got control of the direction and flow of budget revenue.

The education system is heading in the same direction, with more money being put into the private system than into the public system than at any time that I can remember. There is also a marked move into private education away from public education, not because private education is any better or any worse but because of the differences between the haves and have-nots in a lot of areas within this state and other states. The unemployment levels that are associated with being educated in particular regions or locations indicate that people do not have equal opportunity when trying to find employment in some areas.

I take as an example the northern regions, where youth unemployment runs at 35 per cent to 38 per cent. They are almost at social breakdown levels. Not only are gangs forming in the communities at weekends but also they are starting to make it very difficult for school teachers to teach, let alone to get order to teach or pass on information through the system. These difficult issues are never raised in this parliament for debate on social policy outcomes. They are always glossed over; there is always a reason why other issues take precedence of social policy.

Poverty is starting to pervade all sections of society because of the trickle down effect of our new technological age, yet that is the important economic policy that is advocated by members on both sides of the House, to some extent. However, if we do not realise what the exact outcomes will be of the economic policies that we are developing, by the time we attempt to put remedial policies in place it will be too late.

Housing is an important part of that policy. A lot of public housing has been transferred into the private sector market, and we have provided for private rental assistance, and that has put private rental outside the limits of people who receive social security benefits. It has made it very difficult for people in public housing to keep up their payments.

The inner metropolitan area has increased numbers of homeless, and the stories that are starting to come through organisations such as St Vincent de Paul, the Brotherhood of St Laurence and other organisations that look after the homeless and unemployed suggest that these people do not necessarily have temporary problems associated with mental illness or disability. Half a decade ago, those people would have been in the work force working at a semi-skilled job. However, those semi-skilled jobs no longer exist. The unskilled jobs disappeared a decade ago, and the opportunities that a lot of people in our communities experienced in getting into the mainstream of the economy have disappeared.

There are no policies. You can pick up whatever budget document you like; no policies are outlined in those economic statements and there are no directions as to where the funding is going to try to deal with the problems I have just outlined. Australia used to have an economy that delivered to all states. It now has a regional based economy where it is now beyond proof: the eastern states suck in all the increased taxation revenue. Sydney is probably the best example with the Olympics. The euphoria will probably last until February or March when the economic indicators will start to turn around and there will be a downturn for all those people who have been impacted upon by unprecedented growth. We have had eight years of growth in the economy, yet we still have 38 to 40 per cent unemployment in some areas. Many people are

unable to get starts in the employment stakes. We have funding programs for training that are going nowhere. Young people know this, and middle aged people who cannot get into the work force know that training programs are leading not to employment but to another training program or another certificate and a lot more frustration.

I will read a few facts on a poverty update which I have been able to pull off the internet and which goes into some of these problems. The paper put out by the library from the home page of the Brotherhood of St Lawrence states:

> Poverty
>
> In 1996 an estimated 11 per cent (at least 1.6 million people) of the population was living in a household with an income below the poverty line. More than one in seven children (more than half a million children) lived in a household with an income below the poverty line. Unemployment, living in a sole-parent family, and disability are key factors associated with poverty.
>
> Income inequality
>
> The richest 30 per cent of Australians receive more than half of total income, while the poorest 30 per cent receive only 30 per cent of total income.
>
> Wealth inequality
>
> The top 10 per cent of households hold over 50 per cent of all household wealth while the bottom 50 per cent hold 3 per cent of all household wealth.
>
> Unemployment
>
> Poverty rates are high among those who are unemployed. In March 1996—

unfortunately the figures do not come up for 1999—

> over two in three unemployed people had an income below the poverty line. In January 2000:
>
> · 696 300 people were unemployed;
> · 186 500 people had been unemployed for a year or more; and
> · 22 per cent of teenagers in the full-time job market were unable to find work.

There are headings on families and so on but, because of the hour, I will not go into that. Regarding the shadow area for which I am responsible, namely, Aboriginal and Torres Strait Islanders, in relation to poverty, the position stated on page 2 of page 5 of the print-out states:

> Aboriginal and Torres Strait Islander people are the single most disadvantaged group in Australia. The unemployment rate of Aboriginal and Torres Strait Islanders is 38 per cent, almost five times the national rate. Indigenous people are far more likely to suffer from diabetes, tuberculosis, leprosy, respiratory disorders and circulatory disorders. Aboriginal infant mortality rates are between three and four times higher than those for the whole of Australia. The life expectancy of indigenous people is about 17 years below that of other Australians.

The paper goes into general health, housing, homelessness and poverty over time; and I would recommend to members to log on to the Poverty Update on http://www.bsl.organisation.au/library/povupdate.htm. So, as legislators we should look at the amount of time we have apportioned in this Council alone to all the unnecessary legislation that has been put on our plate, in some cases emanating from another place—all the perennial legislation that takes up our time, including that dealing with prostitution, gambling and drug reform. All these are important issues.

Surely we could get committees to at least sit down and draft up a recommended position on all these major issues just to get them off the *Notice Papers* forever. I have been in this place for 14 years and I think every year I have had to pull out a speech on prostitution, drug reform and the other perennial—

The Hon. J.F. Stefani: Euthanasia?

The Hon. T.G. ROBERTS: Euthanasia is the other one. It takes up endless hours of debating time in this council when there are issues we could be debating in relation to job creation and regional development: positive initiatives on which we could be making recommendations in a uniform and bipartisan way to progress the citizens of this state. Instead of that, all the important issues are discussed—or, if you like, under discussed—at a commonwealth level. We look at template legislation that covers this state and wait for regional outcomes associated with these federal decisions. We put out reams of paper, lots of position papers; the Hon. John Dawkins mentions the regional networks that are being set up, and that is all very fine but I can remember them being set up in the 1970s—the same type of committees, the same type of discussions.

What are we hearing now from our economic experts? Shut down towns that have fewer than 4 000 people in them. That is the best the academics can come up with. If we have to wait for academics to make recommendations about how the regions are going to survive, then we cannot be relying on academics alone. Members of parliament—those people representing the people in those areas—have to start to take the issue seriously and apportion time for debate, discussions and for committees to be set up to examine options so that we can make recommendations that really count.

I do not know how many sitting days we have turned over to those sorts of positive options but outside of question time and budget estimates I do not think it is any time at all. Most question times and estimate committees have been turned over to negativity and point scoring. Unfortunately, I am not in a very optimistic mood at this time of the evening. I am firing a shot across the bows of all state and federal legislators that parliaments have to start focusing on the real issues affecting people out there. As I mentioned the other day whilst asking a question, according to a journalist 30 people died of exposure to the elements over a four month period in the metropolitan area. I have not been able to check those figures from any of the government departments but I am assured that the figures are reasonably accurate. In a lot of cases, the deaths are handled by voluntary organisations because the government departments do not have people operating in the field.

If 30 people were killed in a plane accident, a myriad of words would be written about it. If 30 people were killed in a bus crash on the eastern freeway, there would be photographs and a huge splash. However, because it is 30 people with few relatives or recognition, a little bit appears in the Messenger. I believe that those are the sorts of issues we should be looking at. With respect to the debate on emergency housing in the inner metropolitan area, the Adelaide City Council has decided that it clashes with the fashionable section of Adelaide and it is inappropriate for emergency housing.

Backpackers are having trouble finding appropriate accommodation. Divides are starting to be created within our communities and, as legislators, we must start to address them. We must start to integrate all sections of society otherwise we will end up with society being directed, pushed, dragged and cajoled as is the case in America. I am afraid that, as a legislator, I would be ashamed to walk out of this parliament if we took any more steps that started to reflect our own internal cultural determinations based on the integration of our economic debates without having a social debate which had some outcomes and which had a truly distinctive Australian style in terms of looking after those people who cannot look after themselves.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indication of support for the second reading of the Appropriation Bill. Given the lateness of the hour, members will be delighted to know that I do not intend to make a detailed response to members' contributions. I will briefly respond to three or four issues that have been raised. The Hon. Mr Holloway criticised the regional document and the government's spending $120 000 on community consultation. I remind the honourable member that that is a reference to the community cabinet meetings that the government has highlighted. Although he says that he will not have as many, the honourable member's own leader has promised to conduct similar community consultations.

I assure the honourable member that should the Labor Party ever be in government there is no way of conducting country cabinet meetings or community cabinet meetings without spending some money. The honourable member's criticism of community cabinet meetings, I am sure, will be used by my colleagues the Hon. Caroline Schaefer and the Hon. John Dawkins, and others, as an indication that members opposite are not really serious about community cabinet meetings and community consultation. With respect to the issues in relation to the budget papers raised by the Hon. Mr Holloway, as I have said, the government, in moving to output budgeting, acknowledges that it is an evolutionary process.

We welcome constructive criticism about the information that is made available in the documents and, if the honourable member were prepared to provide further information, I certainly indicate that the government will at least consider that in future years. The pining for the days of more and more detailed information about just how much money is spent on which little bit of which particular department is, from the government's viewpoint (in some part, any way), misguided. One problem with previous budget packages of documents is that we spent too much time providing information about that sort of detail and not much information about the quality of the services that are provided by government departments and agencies.

After all, our budget documents and our budget considerations ought not to be about, we believe, just how much money we are spending on which particular part of an agency so that oppositions, the community or unions can say, 'Okay, we will judge the budget only on how much money you are spending here and there and how one year compares with the next.' Surely, it ought to be about the quality of the service that is being delivered by the departments and agencies and, if they do not measure up in terms of an improvement in quality, they should be criticised for the quality of the service they are delivering or not delivering to the South Australian community.

The move to output budgeting and performance indicators is a genuine endeavour from the government, in an evolutionary way, to say, 'Let us try to apply some hard measures.' If one looks at the human services portfolio, the justice portfolio and some of the other portfolios, one can see that, for the first time, we are seeing genuine endeavours by agencies. With respect to the transport portfolio, I take my hat off (if I had one) to the minister and her agency, which has been at the forefront in trying to develop some realistic performance indicators particularly with respect to the transport section of her large portfolio.

That ought to be encouraged by non-government members in this and the other chamber rather than members perpetually whining and bleating about what is not in the documents anymore. As I said, this is an evolutionary process. I am prepared to look at those issues and take them up with the ministers. The days of relying just on budget documents which try to indicate how much money is spend this year compared to last year in this area down to the most minute detail, rather than looking in some genuine way at the quality of service, is misguided in terms of what budget documentation, discussion and consideration ought to be about.

I pay some credit to the Hon. Terry Roberts for his contribution. It was one of the more thoughtful contributions made in either house of the parliament. He bemoaned the parliament's lack of willingness to debate a number of issues and to spend time debating a range of other issues. I do not decry the importance of some of those issues in terms of parliamentary debate, but I join with the Hon. Terry Roberts in acknowledging that, in terms of our priorities and the amount of time we spend on those issues, we ought to try to counterbalance that with some of the issues that he raised.

The challenge goes back to the Hon. Mr Roberts. It is fine for him to make these comments in the budget debate, but ultimately he has the capacity to move motions in private members' time or introduce bills in those areas, and to try to seek agreement from his own party to do so in terms of discussion. I will not take up time this morning running through the private members' section of the *Notice Paper*, which contains a continual series of motions for disallowance of regulations, condemnations or censures of ministers in commonwealth governments, or a variety of other such issues.

Frankly, one of the other issues which is of interest to the Hon. Mr Roberts is a variety of motions that have been moved in recent times to either congratulate or condemn foreign policy actions of the commonwealth government. We participate in those debates but, ultimately, the issue is how much influence the South Australian state parliament has on a foreign policy issue such that when there may well be other issues such as regional development or job creation motions to which members might like to devote some time, endeavour and effort, rather than, as I said, sadly too many times making destructive criticism of individuals in terms of their attention to portfolios and other matters.

The Hon. Mr Holloway and others raised many other issues but I will not tackle them. We have addressed in other forums the issues of debt and the budget benefit from the electricity lease, and I am sure we will have further opportunities in the future to do so. I thank members for their support for the second reading.

Bill read a second and taken through its remaining stages.

GROUND WATER (QUALCO-SUNLANDS) CONTROL BILL

Adjourned debate on second reading.

(Continued from 11 July. Page 1573.)

The Hon. R.I. LUCAS (Treasurer): I thank members for their thoughtful contributions to this bill and look forward to its speedy passage.

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

GAMING MACHINES (FREEZE ON GAMING MACHINES) AMENDMENT BILL

Second Reading.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

Given the hour—it is 5 minutes to 2 in the morning—I will be brief in relation to this bill, although I note that I will have an opportunity to conclude. By way of background, I remind members that this bill has come from the other place. Its sponsor in the other place is the member for Gordon. He introduced the bill following discussions I had with him last November at a public meeting in Mount Gambier in relation to the whole issue of capping.

To his credit, when parliament resumed this year in March, the member for Gordon moved a bill to cap poker machines. I will reflect briefly on a number of clauses in the bill. It was amended last night in the other place. We also need to consider a number of amendments that have been filed in my name, which I have filed in consultation with the member for Gordon. It is his wish to have these amendments dealt with, and I note that some other amendments have been filed by members.

When a similar bill introduced by me was voted in this place on in March of last year, it was defeated by some 13 votes to seven, as I recollect. Since that time the Productivity Commission's report on Australia's gambling industries has been released. It contains an enormous amount of useful information as to the impact of gambling on the community. It contains statistics that should concern all members on the level of problem gambling in the community—some 290 000 Australians have a significant gambling problem, losing an average of $12 000 per annum each. One of the most significant causes of problem gambling in the community relates to poker machines, accounting for some 65 to 80 per cent of problem gamblers in the community.

The commission, at chapter 15 of its report, with respect to regulating access, discusses the question of capping. Some would say that the commission is somewhat ambivalent on the issue of capping and regards it as a blunt instrument in some circumstances in dealing with and reducing problem gambling. We also need to reflect on some of the findings of the commission in terms of community attitudes to gambling. It undertook an extensive national survey of some 10 000 Australians in all states with respect to their attitude towards gambling in the community and found that some 92 per cent of Australians did not want to see any more gaming machines in the community. It also found in South Australia that some 76 per cent of South Australians wanted to see some reduction, with some two-thirds wanting to see a large reduction in the number of gaming machines. That really is at the nub of this issue.

It is important that we listen to the community on this issue and important that we consider the report of the Productivity Commission with respect to the findings as to community attitudes. According to the Productivity Commission, if you accept its survey (and there is no reason not to accept it, given the extensiveness of it), a majority of those surveyed do not want to see any more gaming machines in the community.

I have fought and lost a number of cases before the Liquor and Gaming Commissioner and some on appeal before the Liquor Licensing Court in relation to gaming machines. In some of those cases are microcosms of community attitudes. For instance, in the township of Callington, a town of some 200 people, a petition was signed by something like two-thirds of the population of Callington and surrounds expressing their opposition to the introduction of poker machines in that community. If we are to represent community opinion we need to take that on board. The member for Gordon in the other place, in introducing this bill, spoke in terms of its being important to pause to consider the impact of gaming machines in the community, effectively to draw a line in the sand—very much the sort of language the Premier used on this issue. It is interesting to note that in the other place last night the Premier, the Leader of the Opposition, the Deputy Premier and the Deputy Leader of the Opposition all supported this bill.

Clause 2 of this bill provides for a freeze in the grant of gaming machine licences if an application is made on or after 30 March. Subclause (2) refers to exceptions, and I propose to discuss that in detail in the committee stage. For the benefit of members, it relates to cases of a surrender of a licence. It was not intended by the mover in the other place, the member for Gordon, to have anomalous situations whereby, if a hotel was being transferred or if there was going to be a transfer of a lease, it would affect that, because this is effectively a bill about capping and about ensuring that there is not an increase, or effectively slowing down the increase in poker machines in the community.

Proposed section 14A(2)(d) provides that if an application is made by any other person in prescribed circumstances the licence application can be granted, but it is subject to subsection (3), which provides:

> A regulation made for the purposes of subsection (2)(d) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either house of parliament.

I propose to move amendments (which have been circulated) to delete those clauses, but I understand that the consensus in the other place was to support that. There is a typographical error in the amendments circulated in my name. The fourth amendment refers to clause 3, page 4, lines 1 to 3, and the fifth proposed amendment to clause 3, page 4, line 6. That ought to be clause 2 in respect of both those amendments, the fourth and fifth anticipated amendments referred to.

The Hon. T.G. Roberts: When does it start from?

The Hon. NICK XENOPHON: The bill passed in the other place indicates that the freeze starts with respect to applications made on or after 30 March 2000. Some members have indicated that there are issues they wish to raise with respect to retrospectivity and the like. There are other amendments that I will speak to if this matter passes the second reading stage, which relate to a surrender of a licence.

It was the wish of the member for Gordon to have these amendments moved, because there were some difficulties with the bill in its current form and it may have some anomalous consequences. These amendments essentially prevent that. The bill also makes clear, together with the amendments, that if a venue already has, for instance, 20 gaming machines and has approval for only 20, it cannot increase that to the current maximum of 40. This is so that we do not see a situation whereby venues top up the number of machines as a result of this amendment.

There is one clause, clause 4, that I hope all members will support, whether or not they support a cap, and that relates to a review of the act; that the minister must cause the act and its operation to be reviewed and that a copy of the report is to be laid before both houses of parliament no later than 30 April 2001. As a result of discussions with the member for Gordon, he proposes to delete a number of the matters in subclause (2) of that clause as to the matters that ought to be considered and has proposed a broader catch-all clause as to the social and economic impact of the prohibition of granting applications for gaming machine licences or approvals to increase the number of gaming machines to be operated under gaming machine licences, and measures that may be introduced to promote responsible gambling practices and to minimise the harm associated with gambling.

So, my plea to all members is that, whatever their views as to the effectiveness of a cap and what ought to be done in that regard, they support the second reading, particularly clause 4, which provides for a review of the act which would ensure further informed debate on this issue with some concrete solutions suggested with respect to promoting responsible gambling practices and minimising the harm associated with gambling.

In the Productivity Commission's report, table 6.11 indicates the prevalence of gambling problems and harm incidence by state. The South Oaks Gambling Screen (SOGS), which is the pre-eminent gambling screen in terms of assessing levels of problem gambling in South Australia, indicates that on the SOGS 5+ scale 27 809 South Australians have a gambling problem. If you accept the Productivity Commission's statistics that 65 to 80 per cent of problem gamblers use poker machines, that is a very high figure.

Regarding the review, I again urge members to consider that in the context of overall strategies. Given that the Treasurer has said in this place that one problem gambler is one too many, I would like to think that he will be sympathetic to a review of the act at the very least.

The hour is extremely late. I propose to reflect further on this bill in my reply. I urge members, in the light of what some would say has been filibustering by some members in relation to gambling legislation in the past, to treat this bill expeditiously and seriously given the enormous degree of harm that has been caused in the community by problem gambling. This capping bill, in essence, reflects widespread community concern that enough is enough. In fact, it reflects the ethos of the remarks of the Premier of this state who, in June 1997, said, 'Enough is enough on poker machines.' He spoke strongly about their social impact on the community, but since then the number of poker machines in the community has increased by 2 100, with an extra $100 million plus in gambling losses per year.

I think it is important that, if we reflect on the ethos of the Premier's remarks and those of a number of senior members of the government, including the Minister for Human Services, we ought to support this Bill. I would be more than a little disappointed if some members decide that this is just another opportunity to play games and engage in vendetta politics. I hope members will treat this bill expeditiously and that their contributions will be relevant.

The Hon. R.I. LUCAS secured the adjournment of the debate.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

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

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

That this bill be now read a second time.

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

Leave granted.

For some years now, various commonwealth governments have been working towards the establishment of a permanent national repository for low-level radioactive waste.

The repository is required to deal with some 3500 cubic metres of low-level waste currently stored at over 50 locations around Australia.

This material stems from the medical, research and industrial use of radioisotopes in Australia, and includes such items as lightly contaminated soil, paper, plastics, glassware, protective clothing, laboratory equipment, electron tubes, smoke detectors, luminescent signs, watch faces and compasses.

In May this year—after an Australia-wide selection study first started in 1992—the commonwealth announced that its search for a low-level radioactive waste repository had been narrowed down to five possible sites in the central-north region of South Australia.

These sites will now be further examined and detailed environmental impact assessments will be carried out by the commonwealth.

The South Australian government has no objection in-principle to the commonwealth's plans to establish a low-level radioactive waste repository in South Australia.

It should be noted that the definition of nuclear waste in both the opposition and government bills does not include *Category A, B* or *C* radioactive waste as defined in the *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia* (1992) approved by the National Health and Medical Research Council, which is commonly known as low and short-lived intermediate waste. It is this waste that could be disposed of in a low-level waste repository.

It is a responsible course of action—also supported by the former Labor Government—to ensure that such waste is stored as safely as possible.

The commonwealth is also exploring potential sites for a national storage facility to house an estimated 500 cubic metres of long-lived intermediate level waste currently stored around Australia, as well as reprocessed fuel rods from Lucas Heights.

This is an entirely different matter.

As indicated to this House by the Premier in his Ministerial Statement of 19 November 1999, the South Australian government is opposed to long-lived intermediate to high-level radioactive waste being dumped here.

No decision has been made on the location of a national store for long-lived intermediate waste.

But it is clear that South Australians do not want their backyard to become the dumping ground for the nation's long-lived intermediate and high-level nuclear waste.

The best way to send this message loudly and clearly to Canberra is for the Parliament of South Australia to pass legislation prohibiting the establishment of a national nuclear waste storage facility.

But we have to get it right.

Private Members' bills introduced by the Democrats and the opposition either don't go far enough, or are seriously flawed.

The Nuclear Waste Storage Facility (Prohibition) Bill 1999 introduced by the Honourable Sandra Kanck is not supported by the government.

The Kanck Bill would allow nuclear waste of any level that has been generated in Australia to be stored in South Australia.

This is not what South Australians want, and the government rejects this proposition outright.

The Democrat Bill is also found wanting in that its definition of nuclear waste does not include waste from nuclear weapons or spent nuclear fuel.

The Nuclear Waste Storage Facility (Prohibition) Bill 2000 introduced by the Member for Kaurna in another place is unworkable.

It does not take account of radioactive material currently used in South Australia for medical, research and industrial purposes and waste that is already stored here.

The opposition's bill does not distinguish between radioactive material which is in use, and that which is waste. Consequently, anyone who stored radioactive material still in use would be in breach of this legislation.

It does not provide for the storage of *Category S* waste already stored in South Australia with the approval of the South Australian Health Commission pursuant to the Ionizing Radiation Regulations made under the *Radiation Protection and Control Act 1982*. For example, in South Australia *Category S* waste is generated by medical, industrial and research activities that are regulated by the Radiation Protection Branch of the Department of Human Services.

It is anti-competitive, in that it does not allow for future legitimate activities in South Australia of a similar nature to those already authorised by the Health Commission under the Radiation Protection and Control Act.

It fails to take account of the small number of businesses which may require to store waste temporarily before exporting it out of the State and the return of radioactive sources in instruments that have been manufactured in South Australia.

It does not mention nuclear waste from weapons as waste, and

It would preclude the expenditure of any money by the State government to responsibly manage any waste that is presently lawfully stored in this State or is lawfully produced in the future.

The government's bill takes account of these factors.

It clearly defines the nuclear waste that South Australia does not want to store:

Waste derived from the operations or decommissioning of a nuclear reactor, a nuclear weapons facility, radioisotope production facility, uranium enrichment plant, the testing, use or decommissioning of nuclear weapons or the conditioning or reprocessing of spent nuclear fuel.

The bill will ban the construction or operation of a storage facility for this waste.

It will also ban the importation or transportation of nuclear waste for delivery to such a facility.

Stringent penalties are included for any breach of the legislation—with fines of up to $5 million and 10 years' imprisonment.

Further, the bill provides that a person found guilty of contravening the Act can be required to remove any such facility and mitigate any future environmental harm resulting from its construction and/or operation.

This bill makes it abundantly clear that South Australia does not want to become the backyard dumping ground for the rest of the nation's nuclear waste.

The government looks forward to the support of the Parliament to send a bipartisan message to Canberra and the commonwealth.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Objects of Act

This clause provides that the objects of the measure are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State.

Clause 4: Interpretation

This clause defines words and expressions used in the measure.

Clause 5: Act binds Crown

This clause provides that the measure binds the Crown in right of the State and, in so far as the legislative power of the State permits, in all its other capacities.

Clause 6: Application of Act

This clause excludes from the operation of the measure—

(a) radioactive waste lawfully stored in the State before the commencement of the measure; and

(b) radioactive waste—

(i) from radioactive material that has been used or handled in accordance with the *Radiation Protection and Control Act 1982* pursuant to a licence, permit or other authority granted under that Act; and

(ii) the storage or disposal of which has been authorised by or under that Act.

Clause 7: Effect of Act

This clause provides that the measure has effect despite any other Act or law.

Clause 8: Prohibition against construction or operation of nuclear waste storage facility

This clause makes it an offence for a person to construct or operate a nuclear waste storage facility and prescribes maximum penalties of $500 000 or imprisonment for 10 years in the case of a natural person and $5 000 000 in the case of a body corporate.

Clause 9: Prohibition against importation or transportation of nuclear waste for delivery to nuclear waste storage facility

This clause makes it an offence for a person to bring nuclear waste into the State, or transport nuclear waste within the State, for delivery to a nuclear waste storage facility in the State.

It prescribes maximum penalties of $500 000 or imprisonment for 10 years in the case of a natural person and $5 000 000 in the case of a body corporate.

Clause 10: Offences by body corporate

This clause provides that if a body corporate commits an offence against the measure, each person who is a director of the body corporate or a person concerned in the management of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence when committed by a natural person unless it is proved that the person could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate. Such a person may be prosecuted and convicted of an offence whether or not the body corporate has been prosecuted or convicted of the principal offence committed by the body corporate.

Clause 11: Powers of public authority

This clause empowers public authorities to do one or more of the following:

(a) remove a nuclear waste storage facility constructed or operated in contravention of this measure;

(b) make good any environmental harm resulting from the construction or operation of that facility;

(c) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility.

Clause 12: Orders by court against offenders

This clause empowers a court that finds a person guilty of an offence against the Act to make one or more of the following orders against the defendant:

(a) an order that the defendant take specified action to—

(i) remove a nuclear waste storage facility constructed or operated in contravention of this measure;

(ii) make good any environmental harm resulting from the construction or operation of that facility;

(iii) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility;

(b) an order that the defendant take specified action to publicise the contravention and its environmental and other consequences and any other orders made against the defendant;

(c) an order that the defendant pay—

(i) to a public authority that has incurred costs or expenses in taking action of a kind referred to in clause 11 as a result of the contravention; and

(ii) to any person who has suffered injury or loss or damage to property as a result of the contravention, or incurred costs or expenses in taking action to prevent or mitigate such injury, loss or damage,

the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such amount as is determined by the court.

Clause 13: No public money to be used to encourage or finance construction or operation of nuclear waste storage facility

This clause prohibits the appropriation, expenditure or advancement of any public money for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in South Australia.

Clause 14: Public inquiry into environmental and socio-economic impact of nuclear waste storage facility

This clause provides that if a licence, exemption or other authority to construct or operate a nuclear waste storage facility in South Australia is granted under a law of the commonwealth, the Environment, Resources and Development Committee of Parliament must inquire into, consider and report on the likely impact of that facility on the environment and socio-economic wellbeing of South Australia.

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

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

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

CREMATION BILL

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

PETROLEUM BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ELECTRICITY (PRICING ORDER AND CROSS-OWNERSHIP) AMENDMENT BILL

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

SOUTHERN STATE SUPERANNUATION (CONTRIBUTIONS) AMENDMENT BILL

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

Clause 28, page 9, lines 18 and 19—Leave out 'from subsection (2) "manager of"' and substituting "responsible person for" and insert:

subsection (2) and substituting the following subsection:

(2) However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if—

(a) the minor is of or above the age of 16 years, a child of the licensee or a responsible person for the licensed premises and resident on the premises; or

(b) —

(i) the minor is of or above the age of 16 years and a child of the licensee or a responsible person for the licensed premises; and

(ii) the licensing authority, on application, approves the employment of the minor for that purpose.

ADJOURNMENT

At 2.15 a.m. the Council adjourned until Thursday 13 July at 11 a.m.