LEGISLATIVE COUNCIL

Wednesday 15 November 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 fifth report of the committee 2000-01 and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay upon the table the sixth report of the committee 2000-01.

QUESTION TIME

OVERSEAS TRADE OFFICES

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer, in his capacity as Minister for Industry and Trade, a question about overseas trade offices.

Leave granted.

The Hon. P. HOLLOWAY: The opposition has been advised that South Australia's 10 overseas trade officers have been summoned to a meeting with senior government officials in Adelaide this week. The meeting involves the state government's trade representatives in Beijing, Jinan, Shanghai and Hong Kong in China, Jakarta and Bandung in Indonesia, Singapore, Malaysia, Japan and the United Arab Emirates, and it has been called to sort out problems in their operations, including greater scrutiny of their spending. The Economic and Finance Committee has just launched an inquiry into these offices. My questions are:

1. Is the minister concerned about any aspect of the operations of these overseas trade offices?

2. Will he make these representatives available to the Economic and Finance Committee for its inquiry into the future of these trade offices?

3. Can he explain what checks and balances are in place that could give him full and complete confidence that each of the government's overseas trade offices represent value for money to the taxpayer and that they operate according to appropriate standards of probity?

The Hon. R.I. LUCAS (Treasurer): I am happy to take advice from the department in relation to the meeting to which the honourable member has referred. I understand that a regular series of meetings takes place each year where the representatives of the overseas trade offices come to South Australia not only to be briefed but also to share investment trade opportunities with offices located in South Australia. It may be that this meeting to which the honourable member refers is one of those scheduled meetings. I will need to take advice from the department in relation to that matter.

The government is happy to assist the Economic and Finance Committee with its inquiries. We certainly do not have in contemplation depositing 10 overseas trade representatives in front of the committee for a joint presentation. I assume they are here for briefing and information sharing purposes with the department. If particular issues need to be pursued at some stage, we are happy to discuss them with the Economic and Finance Committee and, to the degree that is possible, we will do our best to work with the committee's inquiry.

In relation to other issues, I am happy to take advice on any issues that the opposition might want to raise or has raised in the past. We have responded to those questions that have been raised in relation to the trade offices. I need to work with the Premier regarding these issues and in terms of the ministerial responsibility for the operation of trade offices. We are working on a process of greater accountability. Since I have been the Minister for Industry and Trade we have introduced a requirement for the Department for Industry and Trade whereby the total expenditure of the offices is now fully accounted for in the department's annual report. This issue has been raised over the past 12 months. It is also fully accounted for in the Auditor-General's Report. From the government's point of view we are doing what we can to ensure an appropriate level of public accountability. If the opposition or anyone has concerns in relation to the operation of the offices, we are happy to respond appropriately and as expeditiously as we can.

The Hon. P. HOLLOWAY: I have a supplementary question. Will the Treasurer provide a breakdown of the expenditure of each of the 10 overseas offices?

The Hon. R.I. LUCAS: I will take that question on notice and bring back a reply.

TRANSPORT, PUBLIC

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

Leave granted.

The Hon. P. HOLLOWAY: Allegations have been made to the opposition that private operators in the public transport industry are concerned that rises in diesel fuel prices following the introduction of the GST and increases in the global price of oil are affecting the viability of the bus service contracts that they have signed with the South Australian government. The opposition has been told that the rail operations of TransAdelaide attract a diesel fuel subsidy but that bus operations by private operators do not, as the buses do not meet the eligibility criteria. Other allegations made to the opposition include that private bus operators such as Serco are attempting to renegotiate their contracts with the government because of the increased price of fuel and that the government is using the diesel fuel rebate it is collecting from its rail operations to cross subsidise the private bus operators. Private bus companies won key government bus service contracts earlier this year in competition with TransAdelaide. In light of that, my questions to the minister are:

1. Have any private bus operators approached the government regarding problems they are facing because of the increases in the price of diesel fuel and, if so, what was the government's response?

2. Has the government been involved in any talks with private bus operators regarding the renegotiation of their contracts to supply public transport services and, if so, what has been the government's response?

3. Has the government been involved in any cross subsidy of private bus operators using funds from the federal government's diesel fuel rebate for TransAdelaide rail operations?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I would like to clarify at the outset the honourable member's reference to 'government'. I

assume that the honourable member is referring to me as minister so, in relation to each of those questions, I would have to say no. If the honourable member is referring to the Passenger Transport Board, which is empowered under the Passenger Transport Act to negotiate and sign the contracts, I am aware that there have been discussions about the price of fuel, and no-one would be surprised at that. Just as motorists are concerned about the price of fuel, so are other operators, whether they be in the heavy vehicle industry or the bus business.

I have been alerted by the PTB that, in addition to the regular discussions that the bus operators have about a whole range of service and contractual issues, the matter of the price of fuel has been raised and I understand that some proposal may be put to me from the PTB about that matter shortly. I repeat: I have not had any discussions with any operators but the PTB has, and a proposal is to come to me. Again I say that that is hardly surprising in the circumstances, despite what seemed to be the tone of the question, which was to beat up an issue that is just a matter of course when there is a change in price. In terms of any cross-subsidy issues, I will inquire from the PTB.

The Hon. P. HOLLOWAY: I have a supplementary question. Will the minister say what implications the increases in fuel prices are likely to have on fares for public transport?

The Hon. DIANA LAIDLAW: The answer is self-evident. If the price of fuel has gone up, so have the operating costs of the contractors.

ABORIGINES, HEALTH

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question on the diabetes testing program at Point Pearce.

Leave granted.

The Hon. T.G. ROBERTS: Yesterday, which was Diabetes International Day, I asked a question about diabetes and that triggered a question from an Aboriginal community for which the government has spent a considerable amount of money on a community health service, which the opposition commends the government for doing because it was urgently required. However, the diabetes testing program that it was indicated would operate this week has been cancelled. The people in the community were not able to provide me with any answers as to why it was cancelled because they were not sure whether the program has been suspended, whether it has been cancelled or whether another testing regime is being developed. My questions are:

1. Why was the Point Pearce diabetes testing program cancelled at such short notice, with little or no explanation?

2. Will the testing regime be continued or reconstructed to operate out of the new facilities that are being built at Point Pearce?

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

FINE ENFORCEMENT

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about fines enforcement.

Leave granted.

The Hon. J.S.L. DAWKINS: On 5 October the *Advertiser* included a report titled 'Caught Again', by Simone Reid. This report gave details of the outstanding fines owed by a taxidriver of the name of Mr Con Bourlioufas. The report stated that Mr Bourlioufas ran up a total of 37 traffic fines from five different council areas stretching back to March 1997. Each of the unpaid fines had incurred reminder fees. The *Advertiser* article stated that Mr Bourlioufas owed $20 000 in fines and that the magistrate ordered the late fees of 35 fines be wiped, leaving Mr Bourlioufas with a bill of $1 155. My questions are:

1. Did Mr Bourlioufas have his debt reduced from $20 000 to $1 155?

2. What negotiations did the courts enter into with Mr Bourlioufas in an attempt to settle this matter?

The Hon. K.T. GRIFFIN (Attorney-General): There is an interesting background to this matter. Mr Bourlioufas did appear before the Magistrates Court on 4 October. He had made application for a review of 35 enforced expiation notices, which at that stage totalled $6 620, not $20 000 as was then reported. In the matter before the court relating to the 35 enforced expiation notices, the amount that remained after the application was granted—and that was an application to relieve him of some of the accumulated fees for non-payment—appears to have been about $2 315, not $1 155 as was reported in the article.

The inaccuracy appears to have been caused by Mr Bourlioufas's long list of other offences for which he had incurred a substantial debt. In the court hearing a long list of information was provided so it is information that is on the public record, as I understand it. He has had a total of 114 expiable offences recorded on the court system between May 1993 and September 2000—a total value of $27 767.80—including 51 speeding fines, 21 parking fines for things such as parking in disabled car parks and blocking fire hydrants, and a range of other traffic related matters including disobeying traffic signals and signs. During the past seven years he has paid approximately $7 000. Since 1993, 16 reminder notices were issued to him. A warrant of commitment was issued in 1993 and suspended on four occasions to enable payments to be made. A total of 48 time payment arrangements were made, all of which have been defaulted. Some payments, it should be said, were made from time to time.

The Hon. Diana Laidlaw: Is his car registered?

The Hon. K.T. GRIFFIN: I will come to that in a minute. The fines call centre made contact with Mr Bourlioufas on four recent occasions. On 1 July a cessation of business order was placed on Mr Bourlioufas and was lodged with the Registrar of Motor Vehicles and Transport SA. He was given the opportunity to have the suspension removed and subsequently entered a further fortnightly payment arrangement to repay the total amount outstanding of $21 475.70. He defaulted on that payment arrangement. A summons was issued and it was determined that he had the capacity to repay the amount outstanding. He then made an application for review.

The total amount which remained outstanding and owing to the court after the application was granted and referred back to the various issuing agencies was $14 855. Mr Bourlioufas failed to make payment on the balance and an order for sale was issued on 10 October this year. It is interesting to note that, having been through all the processes and having used a variety of the enforcement options which are available, on 27 October the Sheriff received payment of $15 982.90. That sum included some additional fines which

were owed but which had not yet reached the enforcement stage. Mr Bourlioufas now has no remaining debt with the courts.

These are the sorts of people we are trying to reach under our new fines enforcement scheme. As members can see, we are having some success with that. These people create a great deal of problems, particularly for those who pay their fines on time only to find that some people (like Mr Bourlioufas) thumb their nose at the whole system, incur substantial additional reminder fines and other costs by refusing to pay or ignoring the payments and, most of all, ignore what are, effectively, no-parking areas for people in his circumstances such as disabled car parks, blocking fire hydrants, and so on.

So, there is a lesson there for those who break the law and receive these sorts of expiation fees, and that is that they really need to pay up or there can be a substantial cost attached. Ultimately, the range of sanctions available indicate that, finally, success can be achieved.

ROXBY DOWNS RAIL LINE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about the need for a railway line between Roxby Downs and Pimba.

Leave granted.

The Hon. L.H. Davis: Roxby Downs shouldn't be there!

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Following the expansion of the Olympic Dam operation last year, approximately 1 million tonnes of freight will be roaded into and out of Roxby Downs this year. Copper is the principal export from Olympic Dam and, when that copper is road freighted to Port Adelaide, some of it is transferred to containers and railed to Outer Harbor whilst some of it is railed from Port Adelaide to Port Kembla.

Regardless of what happens when it reaches Port Adelaide, all of that copper travels extensive distances on road with the attendant dangers of fatal road crashes and road degradation. A mere 75 kilometres of rail track could connect Roxby Downs to the Adelaide to Perth line and, eventually, the Adelaide to Darwin line. That is just one-twentieth of the length of the Alice to Darwin line but, due to the fact that a Roxby to Pimba line would need few bridges and could use second-hand material, the cost would also be a great deal less than one-twentieth of the cost of the Alice to Darwin line. My questions are:

1. Does the Minister consider that there could be benefit in the construction of a rail link between Roxby Downs and Pimba?

2. Has Transport SA examined in any way the economic feasibility of constructing a line between Roxby Downs and Pimba?

3. If not, will the minister initiate a feasibility study on the construction of a line between Roxby Downs and Pimba?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have indicated to the honourable member and the parliament in the past that the role of Transport SA has changed considerably in the past few years. It was always a road transport agency; it now incorporates a rail section, and that section's role is not only to address rail safety issues but also to work with the private sector and the road sections to see what savings in terms of road construction there could be if freight was transferred to rail. It is an issue also in terms of the number of heavy vehicles on our roads with an expanding economy which we are now enjoying in South Australia.

Against that background, I highlight to the honourable member that I am aware that the rail section of Transport SA is exploring with Western Mining—and generally with ASR, I think—a rail line from Roxby to Pimba. I will obtain some information on that.

Further work is being done by the rail section in terms of the Barossa Valley. We would all appreciate that there are huge increases in freight because of the very big export market from the Barossa Valley. Our rail officers are meeting with Orlando and, I think, almost every other big producer of wine to see what freight could be taken by rail in future out of the Barossa, and also bottles into the Barossa. Likewise, in the South-East the honourable member would be aware that the government has sought expressions of interest from operators for the reopening of the South-East rail line. This is an important issue—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Yes, there has been a short list of companies, and there are intense negotiations with those companies. In the past I have highlighted in this place—and I see the honourable member smiling because I got very cross with her at one stage—

The Hon. T.G. Cameron: Nothing unusual.

The Hon. DIANA LAIDLAW: 'Nothing unusual' interjects the Hon. Mr Cameron—also with a smile on his face, I should add. I did get cross and irritated because the Hon. Sandra Kanck was very blatantly favouring one operator, and it is definitely in the interests of this state and the public purse that we keep at least two operators interested in the South-East line so that we can negotiate the best—

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: The Hon. Mr Davis might be right on that case. The Democrats did not support Roxby Downs; but, despite them, fortunately Roxby Downs is there. It is probably the biggest growing town in the state, and has an enormous investment in expanded facilities. We are taking seriously, as a government and as an agency through Transport SA, rail options for increased freight business in the future. I will bring back further advice on that for the honourable member.

The Hon. T.G. CAMERON: As a supplementary question, in the minister's opinion could the building of this rail line facilitate a further expansion of copper and uranium production at Roxby Downs?

The Hon. DIANA LAIDLAW: I do not have the advice to provide a considered answer to the honourable member. We would all wish to see expanded opportunities for Roxby Downs and the state in general. If this rail line did contribute, as the honourable member has outlined, it certainly would be a bonus. I will make some inquiries through our officers and of Western Mining.

AUSTRALIAN VIOLENCE PREVENTION AWARDS

The Hon. A.J. REDFORD: I seek leave to ask the Attorney-General a question on the subject of the Australian Violence Prevention Awards.

Leave granted.

The Hon. A.J. REDFORD: Last week the commonwealth Minister for Justice and Customs, Senator Amanda Vanstone, announced the national winners of the ninth annual Australian Violence Prevention Awards. She said:

> Each year these awards demonstrate the creative approaches adopted by the community to prevent violence. The rationale for focusing on violence prevention programs is simple. It makes much more sense to prevent people becoming victims of violence than to try and deal with the consequences of violence.

The awards are sponsored by the heads of Australian governments as a joint commonwealth-state and territory initiative. They include monetary awards totalling $100 000. I understand that a number of South Australian projects were recognised in the awards. In particular, the Port Lincoln local crime prevention committee received recognition for its domestic violence project. My questions are:

1. Can the Attorney give the Council details of the awards won by Port Lincoln?
2. What does the Port Lincoln project involve?
3. What were the other South Australian projects to gain recognition in the Australian Violence Prevention Awards?

The Hon. K.T. GRIFFIN (Attorney-General): The awards were made—

Members interjecting:

The Hon. K.T. GRIFFIN: It is a very good and a very important question. The awards are important. Port Lincoln was awarded $5 000 and a certificate of merit. It was one of 12 South Australian projects to be recognised. There were some 64 projects nationally, and the $5 000 award was in the group of the highest awards for these sorts of projects. Others to be recognised included the Young People's Rape and Sexual Assault Project at Yarrow Place. That was $3 000 and that, I should say, is supported by the Attorney-General's Crime Prevention Unit. The Violence Intervention Program through the Magistrates Court with collaboration with police and corrections received a $3 000 award and, again, that is a project which is quite innovative because it involves a domestic violence court. Maternal Alienation, which was a research project to support the work of workers dealing with family break-ups, received $1 000. The Abuse Prevention Program, which is an advocacy model relating to elder abuse, received $1 000. The Victimisation and Gender in High Schools project translated research findings into practical interventions, and that was awarded $1 000.

Six projects were awarded certificates of merit: the Abuse of Older People Education program; the Middle Eastern Communities Development; Relationship Violence—No Way! project; Preventing Workplace Violence: toward a best practice model for work in the community; addressing family violence in recently arrived non-English speaking communities; and a program called WOW—Safe: Women of the West for Safe Families.

These awards were open to any government or non-government group or organisation, or an individual who has made a significant contribution to a project in Australia. The Port Lincoln project was based on a project run by the British Home Office called the Merseyside Demonstration Project. Its aim was to break the recidivist cycle of domestic violence by installing monitored alarm systems into the homes of women who have left violent relationships. That project was initiated in 1998-99 and it was considered suitable for the award because it is a relatively small geographical area making hiding from a partner impossible, with women who have left violent partners still living within a few kilometres of their partners. This also means police are able to respond quickly to most areas when required.

A consistent number of incidents were being reported to police and health services. There had been an increase in the number of accommodation services requested. The working party that was established to implement this program was supported by the Port Lincoln Crime Prevention Committee coordinator and, again, that is a reflection upon some of the successes of the crime prevention project and programs throughout the state, looking at innovative ways in which crime can be prevented.

The program involves the installation by a security company of a personal alarm system within 24 hours of the risk being identified. In urgent cases that can be done in just a few hours. Police are notified of the up-dated list of people in the program and keep this list in the communications centre. Alarms are installed initially for 12 weeks and all those in the program are reviewed for their on-going safety and psychological need. If they need to they can have the alarm for an extended period. An extensive ongoing evaluation is in place with written and verbal feedback from clients, police, agency workers and the security company. The program has been operating since September 1998. During that time 22 alarms have been installed. There have been eight to 10 women on the program at any one time, and sometimes they will be on the program from six to nine months before they feel confident enough to live without the alarm.

During the regular reviews, the women on the program unanimously agreed they felt safer and more relaxed knowing that, if they needed to activate the alarm, help was only a few minutes away. It is considered that a number of clients who may not have been normally seen by the support centre have participated in the program, and that means that they have accessed services they may not have otherwise known about. There have been two women who needed to activate their alarms, and the police and security staff were there within five minutes on both occasions. The number of activated alarms is lower than what was anticipated. It is not known whether the violent partners became aware of the monitored alarms or not, and that is the subject of a further evaluation.

There are two other programs operating in Port Lincoln which support the work of this rapid response program—they are six-week personal safety and self esteem programs: Women Taking Control of Their Lives, and a men's counselling pilot project targeting men with violent behaviours. The awards do recognise some very good programs and some very effective work, particularly by volunteers within their communities and I commend those involved for their innovative approach to violence prevention.

PORT PIRIE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning a question about major development status at and around Port Pirie.

Leave granted.

The Hon. R.R. ROBERTS: I recently received some correspondence from my colleague Senator Chris Schacht concerning a constituent living at Coober Pedy who owns property at Mount Ferguson, or what is known traditionally in and around Port Pirie as Weerona Island. This constituent owns a property on Weerona Island which also houses some 120 other residential properties.

Earlier this year, on 25 May, the minister in the *Government Gazette* declared an area in and around Port Pirie which looks to be a natural square but with a projection to one side which is gazetted as section 1069. Within that area are two further areas marked A2 and A10 which happen to house the radio active settling ponds that were used when the uranium plant operated. It looks quite incongruous when one looks at the map, and I am sure the minister's officers will take what I am saying into consideration when they answer my question.

My constituent purchased this land on Weerona Island as a residential property. It was zoned as such and is liable for rates to the Mount Remarkable District Council. The declaration by the minister on 25 May talks about the project being encompassed in the Port Pirie District Council area and shows a map which excludes Weerona Island. Weerona Island is outside the area that was originally declared. Then again in August the minister, by way of another gazettal—in fact, it was the Hon. Michael Armitage acting for the Minister for Transport—moved the boundaries further north. My constituent was notified on 22 September, some days after the closing of responses to the discussion papers. On inquiry, she was advised that she should read the *Government Gazette*.

I can tell the minister that this has not made my constituent entirely happy. She is obviously concerned about her rights in respect of the major development declaration, although it is accepted very readily by the people in the region because it does offer some prospects of further expansion, economic growth and jobs for people living in an area where employment is sorely required. However, the questions that I put—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: Your function, minister, is to answer my questions, not to ask me questions.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order, the honourable minister!

The Hon. R.R. ROBERTS: The questions relevant in this exercise relate to the rights of those residents who have bought these properties and had a certain amenity which has now been changed. I have had submissions from residents of Weerona Island who are concerned that, for instance, a pumping station is to be established within about 50 metres of a shack and, when I say a 'shack', that is the greatest understatement you have ever heard. They fear that their concerns will not be taken into consideration as this development takes place. My questions are:

1. Can the minister guarantee that the rights of the residents will be protected and that they will be consulted throughout the building and planning process to ensure that their amenity is not undermined?

2. Will the minister have her officers determine the purpose of including the section marked on the map as section 1069 in the declaration for major development purposes, given the existing use of that land, that is, to house the radioactive settling ponds? Under this declaration, my understanding is that an environmental impact statement is not required to undertake development in that area.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I do not have the material in front of me in terms of the application and approval process, so I would certainly appreciate the material that the honourable member has in front of him. Perhaps with planning officers we can together address these issues. When I was last in Port Pirie just a few weeks ago, the advice from people whom I met from Weerona Island was that they were pleased in terms of this development because their property values were increasing. So, the information that the honourable member raises is certainly new to me, but I am more than prepared to investigate further.

ELECTRICITY UTILITIES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer questions concerning electricity utilities.

Leave granted.

The Hon. T.G. CAMERON: This is a question that the Hon. Legh Davis would have liked to ask and, if I have pipped him at the post, I apologise. An article in the *Australian Financial Review* today (page 5) headed 'Treasury props up Enertrade' states:

> The Queensland government has agreed to cover up to $80 million of losses this financial year on contracts made by one of its state-owned electricity companies with privately owned power generators. The company, Enertrade, said in its 1999-2000 annual report it had entered into an agreement with the Queensland Treasury Corporation and Queensland Treasurer Mr David Hamill to ensure its continued solvency. Under the agreement, QTC will provide funding for Enertrade to meet its working capital needs and the Treasurer will repay all funds drawn down by the company and all of QTC's costs.

It gets worse, Mr President. I quote further:

> The last annual report of EnerTrade, the business name of the Queensland Power Trading Corporation, showed it faced future losses valued at between $439 million and $575 million on its power purchase agreements.

As I understand it, because these assets are publicly owned, those losses will be borne by the taxpayer. The article further states:

> New South Wales government-owned generator Pacific Power faces unspecified losses potentially totalling hundreds of millions of dollars on contracts with Victorian power distributor Powercor. The size of the losses depends on future power prices.

Various reports that I have read and reports I have heard on the radio indicate that these losses could be as high as $1 billion, again to be borne by the New South Wales taxpayers. Can the Treasurer assure this Council that South Australian taxpayers will not suffer losses similar to those in New South Wales and Queensland by their electricity authorities?

The Hon. R.I. LUCAS (Treasurer): That is a very good question from the Hon. Mr Cameron. He has outlined very succinctly the Rann-Foley prescription for South Australia's future—sadly, a position supported by the Hon. Mr Holloway in this chamber as the shadow minister for finance. As the Hon. Mr Cameron has pointed out, we are not just talking about one trading company in Queensland facing potential losses of up to $575 million; already, as my quick look at the article at lunchtime indicated, $80 million in losses have already crystallised for this year. So, we are not talking about potentials in the future.

The story in the *Financial Review* talks almost in terms of a company having to come to a scheme of arrangement with its shareholders. That is, to avoid insolvency of the company they had to organise an $80 million facility with the Treasurer of Queensland for this year so they can close off their books for 1999-2000. That is the sort of future that the whingeing, whining opposition we have here in South Australia, led by Mr Rann and Foley—

The Hon. L.H. Davis: And Mr Holloway.

The Hon. R.I. LUCAS: I would not say 'led' by Mr Holloway—

The Hon. L.H. Davis: Too strong a word.

The Hon. R.I. LUCAS: But supported by him. That is the sort of vision that they have—trading companies in the electricity market taking huge gambles with a potential cost of hundreds of millions of dollars of taxpayers' money. That is the sort of future that the Hon. Mr Holloway supports. The trading losses—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Hon. Mr Holloway! I do not think the Treasurer needs help with his answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: An extra nought does not make much of a difference to the Labor Party of South Australia. What is an extra nought or two here or there? What is the difference between $4.8 million or $575 million? What is the difference in the court settled claim in New South Wales, where a claim was up to $600 million? We understand that a settlement at the taxpayers' expense may have been about $400 million in that single court case, which was settled between two power companies in New South Wales.

The Hon. T.G. Cameron: I bet Egan's happy.

The Hon. R.I. LUCAS: And I bet David Hamill is happy in Queensland. In those states of Queensland and New South Wales, the long suffering taxpayers—the workers and their families—are the ones who have to put their hands in their pockets and pay for these losses of hundreds of millions of dollars. But Labor politicians in Queensland and New South Wales merrily go about trading in the national market, losing hundreds of millions of dollars because they have some sort of ideological commitment. They are not prepared to look at the reality of trading in the national market and how much taxpayers can lose. What they say to the workers of their states and South Australia is, 'What the heck? It's not our money: it's only your money. You hard working South Australians and your families can afford to pay for these losses in the future. We don't give a continental about you, the workers and your families in South Australia, or about how many taxes you have to pay in the future to pay for these sorts of losses.' This is the Labor vision for South Australia's future: more and more losses. You would have hoped they had learnt from the sad experiences of the State Bank—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and SGIC in the late 1980s and early 1990s. Sadly, under the whingeing and whining leadership of Mr Rann, the policy prescription for the future is just more of the same. The only difference is that it does not involve financial institutions: it involves the electricity businesses.

The Hon. L.H. DAVIS: I have a supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: In view of the experience that has occurred in Queensland and New South Wales as a result of the national electricity market, is the Treasurer saying that, if ETSA had not been privatised over the past 18 months, there was a very real possibility that taxpayers in South Australia may have been suffering losses of some magnitude, perhaps even similar to those experienced in New South Wales and Queensland?

The Hon. R.I. LUCAS: There is no doubting that the risks that confront any electricity business in the national market run into at least the tens of millions of dollars and potentially, depending on how horrendous the management is, some hundreds of millions. I will just leave members who are prepared to listen in a rational way to the risks involved in the market with one figure, which I have quoted before: on one single February afternoon this year, the year 2000, one of the electricity businesses in South Australia lost $15 million in less than four hours trading in the national market in South Australia. One business lost $15 million in trading in our market in one afternoon in February this year. That is not hypothetical and it is not made up—it is a real life example of a business that lost $15 million in less than four hours trading in the national electricity market in South Australia. That is the sort of future that the Hon. Mr Holloway wants for workers and their families in South Australia.

Members interjecting:

The PRESIDENT: Order!

FISHERIES RESEARCH ADVISORY BOARD

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Deputy Premier, a question about appointments to the Fisheries Research Advisory Board.

Leave granted.

The Hon. IAN GILFILLAN: The Fisheries Research Advisory Board, which is a South Australian entity, is ministerially appointed to assess and prioritise annual research applications and give advice to the Fisheries Research and Development Corporation, which is a federal corporation which gives advice directly to the federal government. FRAB, the South Australian entity, makes important decisions about the priorities for research for the fishing industry every year. It is important that it is a properly functioning committee with a broad spectrum of views and expertise so that the interests of the industry are best served. There is an independent chair, five standing members, including the chief scientist of SARDI, the Director of Fisheries and the General Manager of SAFIC, and eight members with expertise in various fields, namely, marine biology, habitat, environment, economy/commerce, social science, marketing, fish management and industry needs.

In 1996, the South Australian FRAB was convened with 14 members. Presently, out of the 13 possible members, the board is convened with only three valid members and the chair. The standing members all received letters from the department saying that they were no longer members. That follows the minister's announcement in September 2000 that a review of operations was being conducted. Some of the standing members continue to turn up anyway as they feel it is their duty to the industry, but they are not valid members just the same. This lack of a properly appointed board has been the case since April. The minister publicly called for the replacement of members whose terms had expired back in February and, despite being given that list of recommended board members in April, appointments for the rest of the board have not been made.

The last meeting of FRAB was convened with the chair, three valid members and representatives of DEH, SAFIC and SARFAC. They made decisions on the research priorities for the fishing industry for the next year and, while nobody doubts the expertise and efforts of the current FRAB members, it is quite unacceptable that this important work is done with such a small number of people who are formally appointed to the board. My questions are:

1. Why has there been such a delay in appointing the full complement of the board?

2. Why did the minister not follow the recommendations given to him in April this year of names to fill the vacancies on the board?

3. If he was not happy with the recommendations, why has he not called for further applications?

4. Why should it have to depend on ministerial appointments in any case as it is run by the industry's money and does not report to the minister in South Australia but, rather, to the federal government?

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

ADELAIDE CASINO

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about the Adelaide Casino.

Leave granted.

The Hon. NICK XENOPHON: Earlier this year, I obtained a copy of a document of some 170 pages entitled, 'The Adelaide Casino Gaming Manual' and its preface describes it as being 'issued as a basic reference guide' for Casino staff. In addition to technical information about the Casino, odds on games and the like, and information about junkets and inducements, there is a section called, 'Baiting the Hook', which quotes from a book on gambling as follows:

> Casinos use a variety of ingenious techniques to encourage people to gamble longer, more frequently, for higher stakes. You will never see a clock on a wall in any gambling casino. Management doesn't want you leaving the table to run off to some appointment or worrying that you have squandered too much of the day gambling or feeling that you should pack it in because it is getting near bedtime. Coupled with a lack of windows in the casinos, the absence of clocks helps create an unreal, timeless atmosphere removed from every day reality, one in which it is only too easy to follow the path of least resistance and keep gambling until your money runs out. This atmosphere is strengthened by the ever present cocktail waitresses serving free drinks. Alcohol has never been noted for promoting a responsible attitude towards either time or money.

I recently wrote to the Gaming Supervisory Authority asking a number of questions including whether the GSA or its predecessor was aware of the existence of the manual and, if it was, whether any action was subsequently taken; whether the GSA has requested copies of the Adelaide Casino training manuals at any time; and, further, whether the GSA considered it had the authority to request withdrawal or alteration of a training manual if it contained material that was liable to mislead or deceive patrons at the Casino. The Gaming Supervisory Authority in a letter dated 7 November—which I undertake to provide to the Treasurer—indicated as follows:

> The Gaming Supervisory Authority was not aware of the existence of the Adelaide Casino gaming manual to which you refer. I cannot speak for the Casino Supervisory Authority, the predecessor to the GSA.

The response goes on to say that the understanding was that the manual was an internal training document used by the Casino and that it was not intended for dissemination other than to employees of the Casino authorised to have access to it. The letter goes on to say:

> It does not appear to me to contain any material that, of itself, would be liable to mislead or deceive patrons since the information it contains was not intended to be made available to Casino patrons.

My questions are:

1. Does the Treasurer consider it unsatisfactory that the GSA cannot apparently comment, in part, on the issues raised because it involved its predecessor, the Casino Supervisory Authority, which I understand was in existence until 30 June 1995?

2. Is it the case that there has not been a full transfer of information between the CSA and the GSA?

3. If the GSA cannot speak for the Casino Supervisory Authority, who can?

4. Given the seemingly narrow scope of the GSA's authority to deal with such information, does the Treasurer consider that consumers of gambling products at the Casino have not been sufficiently protected given the existence in the past of documents such as the Adelaide Casino gaming manual?

The Hon. R.I. LUCAS (Treasurer): I must be getting old, but I found it hard to understand or hear clearly all the honourable member's explanations as he rattled through, in very quick fashion, some of the quotes. At my own leisure I would like to read his explanation and then bring back a reply. Given those parts of the member's question that I could understand, I know he has raised this issue before. Certainly, some aspects of the language used in the training manual, I am sure, would not be supported by many members, if any, in this chamber. Equally, in relation to the authority of the Gaming Supervisory Authority, as we have acknowledged in other debates in this chamber, we are looking at expanding the role of the Gaming Supervisory Authority. A number of the pieces of legislation before the parliament envisage an expanded role for the Gaming Supervisory Authority in some of these areas.

I think we need to bear in mind that the Gaming Supervisory Authority was created by a previous government with a specific purpose in mind. I imagine that it does not have the power to do many of the things that the Hon. Mr Xenophon would like it to do. That should not be a criticism of the Gaming Supervisory Authority or the previous government. The Gaming Supervisory Authority was established at that time for the specific function of dealing principally with probity in relation to the control and ownership of licences and the operations of the Casino business. That was the main rationale for the Casino Supervisory Authority and the GSA which followed it, because that was the principal issue that was being debated during the 1980s, in particular, when the authority was originally established.

The whole world has moved on. Responsible gaming issues are now much more to the fore in terms of parliamentary and public debate. I think it is true to say that the existing arrangements in relation to the GSA do not fit comfortably with what many of us see as perhaps the future of the GSA. As the honourable member knows, there has been a debate about whether or not to establish another commission or to expand the role of the GSA. My view is that we should not have another body but, in essence, update and review the role of the GSA for the year 2000, compared with 1984 or 1983 (whenever it was first established as the Casino Supervisory Authority), rather than go down the path of having another body, commission or agency involved in this area. We might all have different views on that—I am not sure—but it is one of the issues that we will debate in two pieces of legislation that will potentially come our way when we seek to expand the role of the GSA under the TAB and Lotteries Commission legislation.

As I have outlined, the government is also considering potential policy responses in this area which may build on the thinking that is implicit in the TAB and Lotteries Commission legislation. I will take the other aspects of the honourable

member's explanation and question on notice, read them more closely and bring back a reply.

PETROL, LEAD REPLACEMENT

In reply to **Hon. R.R. ROBERTS** (24 October, 8 November).

The Hon. K.T. GRIFFIN: The Commissioner for Consumer Affairs has provided the following information:

1. No, the Office of Consumer and Business Affairs has not specifically looked at this problem. The Commonwealth Department of Environment and Heritage has assumed responsibility for issues related to fuel grade and quality issues. The National Fuel Quality Standards Bill 2000 was introduced into the Commonwealth Parliament on 7 September 2000. However, my department was not involved in the consultation process.

Since the introduction of leaded replacement petrol in South Australia during early 2000, the Office of Consumer and Business Affairs has received only one recent complaint alleging a problem associated with its use. However, after lodging the complaint the complainant determined that the matter was not associated with the leaded fuel and in fact was an unrelated mechanical problem.

The RAA has not recorded any members' complaints concerning the use of leaded replacement petrol which have resulted in engine problems or damage claims against fuel suppliers.

2. Since the introduction of leaded replacement petrol in early 2000, the major suppliers such as Mobil and BP have conducted information campaigns. BP distributed leaflets at the point of sale to consumers. The leaflets outline the impact on motorists and the health benefits related to the introduction of leaded replacement petrol. Mobil have put together a similar information resource on their website www.mobil.com.au.

BP Australia Ltd has reported that when their leaded replacement fuel was first introduced during the early part of 2000 they received numerous complaints. These related to 'cold starting' of early model motor vehicles that were subject to short distance operation or that were near the end of their maintenance cycle. To eliminate this problem the formula of the additive to the fuel was altered and they report that since then no further problems have been brought to their attention. Mobil Oil Australia have received no complaints since the introduction of their leaded replacement fuel.

The marketers of this new fuel have not found it necessary to provide any more information than what has already been made available to date.

The Office of Consumer and Business Affairs has not been involved in conducting an information campaign in relation to the introduction of this new fuel.

3. If the service station is selling lead replacement fuel marketed as leaded fuel, then there may be a misrepresentation that could give rise to liability. The sale of fuel is by way of a contract like any other sale and if the seller makes a misrepresentation he/she could be liable for damages and/or the contract could be rescinded.

If a person claims that the representation was misleading or deceptive (i.e. that it contravenes Sections 56 or 58 Fair Trading Act or the Trade Practices Act equivalents), he/she may recover losses from any person involved in the contravention.

However, whether there is in fact any liability will depend on all of the representations made and the knowledge of those having made them. It is not possible to provide a definitive answer without reference to all of the relevant information.

4. The Unleaded Petrol Act 1985 was enacted with the introduction of unleaded fuel. This placed a requirement on suppliers to sell unleaded petrol at a minimum of 2¢/litre cheaper than leaded fuel. As the legislation expired on 31 December 1989, the price differentiation between the two fuels ceased to be effective as of that date.

Currently leaded petrol has a 2¢/litre environmental levy placed on it by government. At present, BP import leaded replacement petrol into South Australia from their Kwinana refinery in Perth. The Adelaide refinery produces its supplies for Mobil outlets. Leaded replacement petrol, which has no lead and does not attract the 2¢ per litre, is more expensive to produce than unleaded petrol and there should only be a minimal affect on the price of fuel at the pump to the consumer.

QUESTIONS, REPLIES

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

The Hon. K.T. GRIFFIN: I advise the honourable member that his questions have not been ignored as suggested.

With respect to Question on Notice 120, asked in the Third Session, a response was prepared but did not reach cabinet approval before the end of the session.

As the honourable member would be aware if the session has ended and the answers to questions on notice have not been given, the question lapses and the member, if he or she wants the answer, puts the question on notice again.

In terms of Question on Notice 38, I have been advised that this response was tabled and printed in *Hansard* dated 14 November 2000.

WATER SUPPLY, SOUTH-EAST

The Hon. M.J. ELLIOTT: I seek leave to ask the Treasurer a question about promises made during the last session of Parliament.

Leave granted.

The Hon. M.J. ELLIOTT: During debate on water resources in the South-East, the minister promised this place that legislation would be introduced during the spring session in relation to land use. That has not happened. Why?

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

SITTINGS AND BUSINESS

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

That, for this day, statements on matters of interest be postponed and taken into consideration on the next day of sitting.

Motion carried.

The Hon. R.I. LUCAS: I move:

That Notices of Motion: Private Business and Orders of the Day: Private Business be postponed and taken into consideration after Notices of Motion: Government Business and Orders of the Day: Government Business.

Motion carried.

STATE DISASTER (STATE DISASTER COMMITTEE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the State Disaster Act 1980. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This bill amends the *State Disaster Act 1980* (the Act) to reflect the revised administrative arrangements to support emergency management activities in South Australia.

In 1997, the government considered the report of a review of South Australian emergency management arrangement which was conducted by Mr Barry Grear ('the Grear Report').

Many of the changes to the emergency management procedures recommended in the Grear Report have already been implemented by way of administrative action. Now that those administrative arrangements have had sufficient time to settle down, it is appropriate to make minor legislative amendments to change the membership and functions of the State Disaster Committee to reflect the new arrangements.

The main reforms to date have involved:

- the establishment of the Emergency Management Council and its Standing Committee with the State Disaster Committee reporting to the Council through the Standing Committee;

- the appointment of an independent Chair to the State Disaster Committee;
- a review of Divisional boundaries in conjunction with SAPOL;
- an ongoing assessment of mitigation and prevention measures by way of the State Disaster Committee's Emergency Risk Management Project;
- improved arrangements for non government support in response and recovery operations are being pursued by the State Disaster Committee;
- improved local government participation in disaster planning and response operations;
- a *Police and Emergency Services Joint Agreement for the Response to a Major Incident* has been established as part of the State Disaster Plan.

The State Disaster Committee and its Recovery Committee are established under Part 2 of the Act. The Grear Report made a number of recommendations about the future membership and functions of both committees. These recommendations have been taken into account in formulating the amendments.

Section 6 of the Act sets out the membership of the State Disaster Committee. The bill provides for increased membership as suggested in the Grear report. The Chief Executive of Emergency Services Administrative Unit will be an *ex officio* member of the Committee. This acknowledges the Chief Executive's role in working with leaders of the Country Fire Services South Australian Metropolitan Fire Services and the State Emergency Services to ensure that emergency services are in a position to protect the community.

In addition, the bill allows an increase in the number of Ministerial nominees under section 6(2)*(b)*(i) from three to "*not less than three but not more than six*". This enables the inclusion of the broad level of expertise recommended in the Grear report, while maintaining a flexible approach. The nominations and selections currently set out in section 6(2)*(b)*(ia) to (vi) are retained. The bill further provides for the chair to be appointed by the Governor *on the nomination of the Minister*. The bill also inserts provisions to deal with resignations and retirements of members and the revocation of appointments in designated circumstances. These issues are not currently dealt with in the Act.

In addition, the bill repeals sections 8A and 8B of the Act. These sections deal with the establishment and functions of the Recovery Committee. Clause 5 extends the functions of the State Disaster Committee to "*oversee and evaluate recovery operations during and following a declared state of disaster or emergency*." The bill also allows the State Disaster Committee to establish such subcommittees as it thinks fit to advise the Committee on any aspects of its functions or to assist with any matters relevant to the performance of its functions. Therefore, the provisions will enable the State Disaster Committee to establish a committee with similar functions to the Recovery Committee which can be constituted more flexibly, if necessary.

The aim of the amendment is to coordinate the efforts and centralise the reporting of emergency related committees through the State Disaster Committee and the Emergency Management Council Standing Committee to the Emergency Management Council.

The bill also seeks to recognise the important role played by local government in disaster planning and response. New section 8(1a) provides that the State Disaster Committee must consult with the Local Government Association in the process of reviewing and amending the State Disaster Plan. In addition, the State Disaster Committee must keep the Association informed of what would be expected of local government in the event of a disaster or major emergency.

In addition, the Grear Report emphasises that committees and individuals need to clearly understand their functions and responsibilities before, during and after disasters and emergencies. New Section 8(6) provides that the State Disaster Committee must, as it thinks fit, prepare and publish guidelines to assist persons, bodies and subcommittees to understand perform and fulfil their functions and responsibilities under the Act and State Disaster Plan

The schedule to the bill makes a number amendments to the penalty provisions in the Act.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—State Disaster Committee

Paragraph *(a)* inserts proposed new subsection (2)*(ab)*, which states that the Chief Executive of the Emergency Services Administrative Unit is a member of the Committee.

Paragraphs *(b)* and *(c)* amend subsection (2)*(b)*, allowing the number of appointed members of the Committee to be increased to twelve.

Paragraph *(d)* updates the reference to the State Emergency Service in subsection (2)*(b)*.

Paragraph *(e)* amends subsection (4) to allow the Minister to nominate for appointment the presiding member and deputy presiding member.

Paragraph *(f)* corrects a typing mistake in subsection (5).

Paragraph *(g)* inserts two proposed new subsections.

Proposed new subsection (6) allows the Governor to remove a member from office for failing to carry out his or her duties.

Proposed new subsection (7) specifies the ways in which the office of an appointed member may become vacant.

Clause 4: Amendment of s. 7—Proceedings of Committee

This clause adjusts the number of members that constitute a quorum for a meeting of the Committee.

Clause 5: Amendment of s. 8—Functions of Committee

Paragraph *(a)* inserts proposed new subsection (1)*(g)*, which transfers to the State Disaster Committee the only function of the Recovery Committee that is not currently specified as a function of the State Disaster Committee.

Paragraph *(b)* inserts proposed new subsection (1a), which requires the State Disaster Committee to consult with the Local Government Association and keep them informed of their responsibilities.

Paragraph *(c)* inserts several proposed new subsections.

Proposed new subsection (3) allows the Committee to establish sub-committees to assist it in the performance of its functions.

Proposed new subsections (4) and (5) permit the Committee to delegate any function or power to a sub-committee.

Proposed new subsection (6) requires the Committee to produce guidelines which assist in the understanding of functions and responsibilities that arise under the principal Act.

Clause 6: Repeal of ss. 8A and 8B

This clause repeals sections 8A and 8B of the principal Act, which relate to the constitution and functions of the Recovery Committee.

Clause 7: Amendment of s. 22—Offences by bodies corporate

This clause amends section 22 of the principal Act by stipulating that where a director or manager is guilty of an offence under this section, he or she is liable to pay the penalty applicable to a natural person.

Clause 8: Further Amendments

This clause states that the Schedule sets out further amendments to the principal Act. These amendments change divisional penalties into monetary amounts.

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

ESSENTIAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Essential Services Act 1981. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This bill amends the *Essential Services Act* by replacing the offence and penalty provisions in sections 4 and 9 with new offences and penalties which draw a distinction between an inadvertent or negligent breach and an intentional or reckless breach. The bill also provides that company directors are guilty of an offence where the company of which they are a director commits an offence. Finally, the bill will provide immunity for civil liability for persons acting in good faith in compliance with a direction.

In South Australia, the procedure for dealing with the prolonged disruption of essential services is set out in *Essential Services Act 1981*, although some industry specific legislation such as the *Gas Act*

provide for temporary disruptions to the gas supply. In some States, such as Victoria, the emergency provisions are included in their industry specific legislation.

The *Essential Services Act 1981* (the Act) was enacted in 1981. The Act is aimed at protecting the community against the interruption or dislocation of essential services. An '*essential service*' for the purposes of the Act, means a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced. The Act provides for the use of appropriate emergency powers in situations where essential services are subject to prolonged disruption. The services covered by the Act could include the supply of gas, electricity and water.

Section 3 of the Act allows the Governor to issue a proclamation to declare a period of emergency where, in the opinion of the Governor, circumstances have arisen (or are likely to arise) which have caused or are likely to cause, an interruption or dislocation to essential services of the State. If, during a period of emergency, it is, in the opinion of a Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services. It is an offence under the Act to contravene or fail to comply with such a direction.

Following the gas emergency caused by the explosion and fire at the Longford gas processing plant, the Victorian Government reviewed its emergency legislation and amended the legislation covering the gas and electricity industries to strengthen the enforcement provisions. The amendments were considered necessary in the light of the behaviour of some people and businesses during the gas emergency where an estimated 450 people and businesses ignored orders to refrain from using gas with some going so far as to remove gas meters so that their usage could not be detected.

The Victorian experience has prompted the Government to examine the offence provisions of the *Essential Services Act* . Section 4(5) of the Act makes it an offence to fail to comply with a direction of the Minister in relation to a prescribed essential service. The penalty for failure to comply with a direction is $1 000 for a natural person and $10 000 for a body corporate.

The Government considers that the current penalties in the Act are too low. Of particular concern is the potential use of the *Essential Services Act* in situations of an electrical or gas shortage, where the economic benefit that could be derived from disobeying a direction may be significantly higher than the current penalties for disobeying a direction. While it would be hoped that the majority of persons would obey a direction in an emergency situation, the Victorian experience demonstrates that this cannot be assumed.

In setting the appropriate penalties a balance needs to be struck between the need for sufficient condemnation of the behaviour and the need for proportionality between the offending and the penalty imposed.

A further issue which arises in this context is how a person is to become aware of a direction. It is arguable that the higher the penalty to be imposed, the greater the burden that should be imposed on the prosecution to establish that the relevant person knew of the order.

The bill therefore creates two offences. The first offence, which will carry a lower penalty, will involve failure to comply with a direction. The penalty for this offence will be $5 000 for a natural person and $20 000 for a body corporate.

The second offence, which carries a higher penalty, will require the prosecution to establish that the failure to comply with the direction was intentional or reckless. The penalty for this offence will be $20 000 for a natural person and $120 000 for a body corporate.

The bill also extends the offence provisions to company directors. This will provide an additional deterrent for company directors who would otherwise be tempted to direct or encourage their company not to comply with a direction. However, a general defence will be available, so that company directors, and indeed any individuals, who have taken reasonable steps to ensure compliance with a direction will not be criminally liable.

Consideration has also been given to an appropriate enforcement mechanism. While the police would ordinarily have sole responsibility for the investigation and prosecution of offences under the Act, it is considered that there is a role for enforcement officers with expertise in particular areas in addition to the role played by the police.

The Victorian Government's review of its emergency rationing powers also resulted in recognition of the need for an effective enforcement mechanism. The Victorian response was to amend the *Gas Industry* and *Electricity Industry Acts* to enable inspectors under the *Gas Safety Act* and enforcement officers under the *Electricity Safety Act* to enforce emergency rationing orders.

While the Government does not consider it necessary for South Australia to adopt a similar approach in terms of separate emergency legislation for each utility, the use of enforcement officers with expertise in relation to a particular utility is considered to be an appropriate method of enforcement. Such an approach would increase the number of officers able to enforce the Act while minimising costs as the staff would already be trained in the particular area of operation.

The bill will therefore enable authorised officers under existing legislation to exercise relevant enforcement powers in relation to the *Essential Services Act.* The relevant existing legislation will be prescribed by regulation and will limit the exercise of the powers to situations where the proclaimed essential service is the service to which the primary Act relates; so, for example, authorised officers under the *Electricity Act* will only be empowered to exercise their powers where the proclaimed essential service is electricity. The bill will not affect the ability of the police to investigate and prosecute offences under the Act.

Finally, the bill provides that information may be sought under the Act relating to the administration of the Act, the *State Disaster Act,* the *State Emergency Service Act* or an assessment of the risks of disruption to the provision or use of the essential service to which the notice relates. Detailed information about the operations of the providers of essential services will be necessary if State Disaster Committee is to properly perform its preventative risk assessment role.

The bill also provides a general immunity from civil or criminal liability for persons acting in compliance with a direction given under the Act. It is appropriate that a person should not incur any civil or criminal liability for acts or omissions which occur as a result of complying with that direction.

The Schedule to the bill makes a number of amendments of a statute law revision nature.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Directions in relation to proclaimed essential services

Paragraph *(a)* strikes out subsections (4) and (5) and inserts proposed new subsections (4), (5), (5a) and (5b). These proposed new subsections differ from subsections (4) and (5) of the principal Act in the following respects:

Proposed new subsection (4) states that a direction given by the Minister during a period of emergency may be given by faxing the direction to the person, or by publishing the direction in a newspaper. Reference to service by telegram or telex has been removed.

Proposed new subsection (5) creates the offence of intentionally or recklessly contravening a direction, and proposed new subsection (5a) establishes the lesser offence of contravening a direction. The penalty provisions are varied.

Proposed new subsection (5b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (5), but is satisfied that the defendant is guilty under proposed new subsection (5a), the defendant may be found guilty of that offence.

Paragraph *(b)* inserts proposed new subsection (8), which states that a person is not liable for an act or omission in compliance with a direction.

Clause 4: Amendment of s. 6—Power to require information

Paragraph *(a)* strikes out and substitutes subsection (3). Proposed new subsection (3) states that information sought by the Minister under subsection (1) must be relevant to the administration of the principal Act, the *State Disaster Act 1980*, or the *State Emergency Services Act 1987*, or relevant to an assessment of the risks of disruption to the provision or use of the service.

Paragraph *(b)* inserts proposed new subsection (6), which states that confidential information acquired by the Minister under subsection (1) can only be disclosed in specified circumstances.

Clause 5: Insertion of s. 7A

Proposed new section 7A(1) states that the regulations may prescribe other Acts under which authorised officers have powers of administration and enforcement, and the authorised officers under the prescribed Acts may, during a period of emergency, administer and enforce the principal Act.

Proposed new subsection (3) clarifies the fact that the powers of the police are not altered by this section.

Clause 6: Amendment of s. 9—Exemptions

This clause strikes out subsection (4) and substitutes proposed new subsections (4), (4a) and (4b).

Proposed new subsection (4) creates the offence of intentionally or recklessly contravening a condition of an exemption granted by the Minister under this section, and proposed new subsection (4a) establishes the lesser offence of contravening a condition. The penalty provisions are varied.

Proposed new subsection (4b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (4), but it is satisfied that the defendant is guilty under proposed new subsection (4a), the defendant may be found guilty of that offence.

Clause 7: Insertion of ss. 10A, 10B and 10C

Proposed new section 10A states that an offence under the principal Act may be a continuing offence.

Proposed new section 10B states that where a body corporate commits an offence, a director is also guilty of an offence.

Proposed new section 10C states that it is a defence to a charge of an offence under the principal Act if it is proved that the offence did not result from a failure by the defendant to take reasonable measures to prevent the offence.

Clause 8: Statute Law Revision Amendments

Clause 8 and the Schedule set out further amendments to the principal Act of a Statute Law Revision nature.

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

INDIGENOUS FOOTBALL AND NETBALL CARNIVAL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement given today in the other place by the Minister for Aboriginal Affairs, the Hon. Dorothy Kotz.

Leave granted.

BARLEY MARKETING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 474.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the bill. The Hon. Paul Holloway did not so much raise questions but made a number of observations about barley marketing in South Australia and in other jurisdictions. The bill is relatively straight forward and, as indicated, confers on ABB Grain Export Ltd the single desk export marketing arrangements beyond 30 June 2001. A review of wheat marketing arrangements is currently in progress following that review and, because of changes to grain marketing and handling arrangements happening in other states, the bill allows for a review of part four which deals with the marketing provisions of the bill two years from the commencement of the bill.

It should also be pointed out that because it is unlikely that Victoria will extend the life of the Victorian act the legislative scheme for marketing barley will be contained only in the South Australian act. This is likely to result in some loss of business by ABB Grain Export Ltd to Victorian competitors. On balance, in spite of the overall objective of deregulation which forms part of competition policy, the government is sufficiently concerned about the potential regional and social impacts and costs to maintain the single desk exporting arrangements in South Australia. I do not think it is necessary for me to respond to all of the comments and observations made by honourable members and, as I said at the commencement of my reply, I thank honourable members for their indications of support for the bill.

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

SHOP TRADING HOURS (GLENELG TOURIST PRECINCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 452.)

The Hon. IAN GILFILLAN: I indicate the Democrats' emphatic opposition to this bill, but first I put on the record that we are supportive of enhancing the tourism industry in South Australia. Coupled with the agriculture and manufacturing sectors, it is one of our biggest export areas and provides many jobs for South Australians. That really is a truism that I am emphasising to indicate that we do not regard this measure as being in any way significant to the prosperity of the tourism industry in South Australia.

In fact, this bill is not about tourism. It is about the gradual deregulation of shop trading hours in South Australia. Having looked at the arguments supporting the bill, supposedly as a measure to support tourism, they do not stand up to scrutiny. The minister quoted many numbers in his introduction of the bill. The numbers of tourists are impressive. With 3 million visitors each year and 50 000 visitors each weekend, one would be hard-pressed to argue that Glenelg is not a tourist area. In fact, I firmly believe that it is a tourist destination, but what the bill does and how it relates to shop trading hours is interesting.

The bill proposes to allow traders in the Glenelg tourist precinct to trade during the same hours as occur in the city, these being until 9 p.m. on every weekday, until 5 p.m. on Saturdays, and from 11 a.m. until 5 p.m. on Sundays. One might say on the surface of this issue that that is fair enough because, where we have high numbers of tourists visiting an area, it would be of benefit to the local businesses to be open at these times. However, if you scratch around a bit with the evidence put forward to support this bill, it does not seem in any substantial way to consolidate the argument of the Minister for Administrative Services.

The minister quotes that, of the 285 businesses in the Glenelg tourist precinct, only 56 do not currently trade on Sundays. This leaves 229 businesses that do. These traders are able to trade mainly because of their size. Those that cannot trade are generally the larger supermarkets and chainstores. I ask: if a tourist visits Glenelg for the day or a weekend, do they intend to shop at a supermarket?

The Hon. M.J. Elliott interjecting:

The Hon. IAN GILFILLAN: Quite clearly not. I think that is a cynical interjection, and I hope my speech will entice my leader to add to this argument. There are supermarkets dotted all over the place, so they would not go to Glenelg specifically to shop there. Glenelg is a tourist attraction, and that is for a number of reasons—its proximity to the city; the city to Bay tram; historic buildings; and the beach and jetty. They all combine to give Glenelg its charm. Also contributing to this are the restaurants and a variety of small shops along Jetty Road, but certainly not the supermarkets. Most of these small businesses are already open on Sundays. In fact, much of their business is conducted on Sundays. To suddenly allow the supermarkets and larger stores to open as well will put these small retailers already struggling to make ends meet in a much more difficult position.

Mr John Brownsea, the executive officer of the State Retailers Association, stated as follows:

> There are some very clear winners out of this bill, and it is not the small retailers who are already allowed to open on Sundays.

Mr Brownsea prepared the Small Retailers Association submission to the minister regarding the bill and has raised concern over the process involved. The bill is primarily an issue of shop trading hours and not tourism. Will the change in trading hours and the classification of the precinct be an excuse for increasing rents? Will retailers lose trade to the larger supermarkets? Will small retailers be hurt by the introduction of the bill? The answers to these questions quite clearly seem to be 'yes'.

Although I appreciate the Labor Party's caution in respect of the bill, I am very disappointed that its members have chosen to support it. Some time ago we debated the issue of shop trading hours in the city. That was the thin end of the wedge as far as the deregulation of shop trading hours in this state is concerned. We negotiated on that matter, made some concessions and achieved some gains for small retailers, but we drew a line in the sand. Now the government is attempting to move that line. The Labor Party has chosen to retreat, but I assure you, Mr President, and the small retailers in South Australia and Adelaide that the Democrats will stand firm.

The passage of this bill is not needed and, if it passes, it will be to the detriment of the South Australian community. The Democrats will not support such an action, and those members who are interested in looking at this in some detail will be amazed at the delineation of the area which is supposedly to be determined as the Glenelg tourist precinct. It is a farce to consider that this is being put forward seriously as a measure to enhance and support tourism at Glenelg. As I have said several times throughout my contribution on the bill, it is purely an extra step towards breaking down the barriers to deregulation of shop trading hours.

The Hon. L.H. Davis interjecting:

The Hon. IAN GILFILLAN: The interjection from the Hon. Legh Davis shows a predictable total insensitivity to small retailers. He, and I assume his party, does not care a jot for the small, locally owned, run and staffed businesses, but would prefer to see the trade and profit go to the mega-entities, most of which are held by shareholders from interstate, and quite a substantial portion from overseas. That is not the intention of the Democrats. We do intend to protect the small retailers and we do not intend to support a bill that is really deceptive in its baldest terms. It is deregulation of shop trading hours, and it does nothing for the basic protection and enhancement of tourism.

The Hon. M.J. ELLIOTT: I will speak briefly in this debate. This bill is nothing but dishonest, and the arguments that seek to support it are dishonest. The minister may care to correct me but, on my understanding, only five shops on Jetty Road cannot currently open on Sundays. They are the two supermarkets, the Reject Shop, Cunningham's and Cheap as Chips, and they cannot open on the basis of floor area. Every other shop along Jetty Road at Glenelg can open. It may be true for some of the shops which have been illegally opening for some time and which have been getting a lot of trade, but to argue that this is a tourist precinct issue and that tourists are coming from all over the world to Glenelg so they can go to the Reject Shop and Woolworths is an absolute nonsense. The minister insults his own intelligence before he insults the rest of us by putting up those sorts of arguments—or he is simply dishonest and is being dishonest on behalf of the government. The suggestion is made, 'Give the shoppers a chance,' but the fact is that shoppers can get into all but five of those shops under the current legislation, and can get into several others because the government has never bothered to enforce the legislation.

If you are serious about the people who go there on Sundays and do the tourist bit, anyone who knows Glenelg knows that if there is one problem there it is parking. The best place to park on a Sunday is in the supermarket car parks. Those are the two largest parking areas you can find.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: No, they are not closed; in fact, they provide the parking that allows Glenelg to really buzz. So, by opening the supermarkets on Sundays, people who have been too damn lazy to do their supermarket shopping on other days of the week will be there at the supermarkets and the car parks will be full. Coles and Woolworths will love it, but every other trader along Jetty Road will be denied people who normally walk past their shops. People will give up because they cannot get a car park. As an individual I have stopped going to Glenelg because car parking is just about impossible. After you have driven three laps around you say you would rather go to Henley Beach anyway.

With all the development work in Glenelg at the moment, a lot of parking is currently not available, anyway. So, come this summer, with a lot of car parking already denied and with the two supermarket car parks now being taken up by customers of the supermarkets, genuine tourism along Jetty Road will be decreased by this legislation. Only five businesses want this, and those five are very easily identified. This government bends over backwards for the big supermarkets and, unfortunately, for reasons that are pretty obvious, the Labor Party also tends to bend over in relation to what Coles and Woolworths want.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I am sure the Hon. Terry Cameron could expand on the reasons why the Labor Party bends over every time Coles and Woolworths want something. The reasons are blatantly obvious. This is an act of dishonesty. If the government wants to expand trading hours, why cannot it at least be honest and seek to do it that way? It is going down exactly the same path as I recall when we had Sunday trading in hotels and bottle shops in tourist precincts. We all knew that when that happened every other hotel would complain—and they did—and it expanded. I am not arguing the rights or wrongs of Sunday trading in this case: I am arguing about the blatant dishonesty of this sort of approach.

The Hon. R.D. LAWSON (Minister for Disability Services): I thank members for their contribution to the second reading of this bill, and I thank the opposition and SA First for their expressions of support. It is regrettable that the Australian Democrats are adopting a dog in the manger approach to this issue by accusing the government and other supporters of this measure of merely being in the pockets of big business. This initiative stemmed from an approach by the council of the City of Holdfast Bay. It was not engineered by any big business or other business enterprise. It is a reflection of a unique situation that exists at Glenelg. Glenelg is the focus of a large tourist enterprise in South Australia. People who go, for example, to the West Beach camping ground or who stay in the apartments that exist in Glenelg do

seek supermarket and additional shopping on Sundays; they are not presently being served.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! The Hon. Mr Elliott has asked that question by interjection four times. He can ask it in committee.

The Hon. R.D. LAWSON: Members of the Australian Democrats accused the government of dishonesty in this measure when they suggested that the measure is being advanced for the purpose of enabling Swedish tourists to go to Cheap as Chips. There is no suggestion that these shops are being opened on Sundays for the purpose of visiting discount stores in Glenelg.

It is a sign of the moral bankruptcy of the Democrats that they would seek to so distort the argument as to suggest that those who support this measure are suggesting that overseas tourists come to Glenelg for the purposes of discount shopping. That has never been suggested. What has been suggested right from the very beginning is that the appropriate local government authority and the business organisation representing the traders on Jetty Road—these are small traders—are in support of shopping hours which recognise the unique attributes of Glenelg.

The Hon. Mr Gilfillan mentioned Mr Brownsea of the State Retailers Association of South Australia Inc., and it is true that Mr Brownsea did make a very extensive submission to the review which was undertaken. Of course, he put very forcibly—and rather more cogently in some respects than did the Australian Democrats—the position of small business, but nowhere in Mr Brownsea's argument is there any consideration of the needs and desires of small traders themselves, customers and other businesses. They cannot all open in any other way. The reason for our acknowledging in the shop trading hours legislation the particular position of the central business district of Adelaide and providing for special trading hours applies equally to the situation at Glenelg. I thank members for their expressions of support and I look forward to answering any queries that might arise in the committee stage.

The council divided on the second reading:

AYES (15)

Cameron, T. G.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T.
Holloway, P.	Lawson, R. D. (teller)
Lucas, R. I.	Redford, A. J.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Sneath, R.K.
Stefani, J. F.	Xenophon, N.
Zollo, C.	

NOES (3)

Elliott, M. J.	Gilfillan, I. (teller)
Kanck, S. M.	

Majority of 12 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

The Hon. M.J. ELLIOTT: During the second reading stage, I made an observation to which the minister chose not to respond, and that related to how many shops along Jetty Road are not able to open under the law as it currently stands. Would the minister care to tell the committee how many shops are precluded from opening on a Sunday or until 9 o'clock on other days?

The Hon. R.D. LAWSON: The honourable member said that, according to his calculations, there were five, namely, three discount stores and two larger supermarkets. I am certainly aware of those stores. I am not aware of any others but there might be others that are not able to open. The situation is not static because the size of shops can be changed and is regularly changed by either the amalgamation of tenancies or the subdivision of tenancies. Similarly under our present act, not only floor area is relevant but also the type of merchandise sold.

Whilst it is true at the moment that only a small number of stores in the Glenelg tourism precinct are unable to trade 24 hours a day, 365 days a year, that is not to say that that situation will not alter at any time in the future. It is also worth saying that, on estimates that I have seen, 80 per cent of all of the shops in South Australia are entitled to open 24 hours a day, 365 days a year.

The Hon. M.J. Elliott: More than 80 per cent.

The Hon. R.D. LAWSON: More than 80 per cent of shops in this state are entitled to open. Of course they do not for all sorts of reasons. Those reasons include business decisions that they wish to make for themselves, employee considerations, and family and other considerations. The fact is that, notwithstanding the fact that so many can open, there are still others, particularly in this region, that do want to open and serve an established demand and, where the government recognises a particular and unique situation, it is appropriate to act accordingly.

The Hon. M.J. ELLIOTT: It is worth noting for the record that the minister has not denied that probably only five stores are currently precluded from opening, and he acknowledged that all the others can now open. He also went further to acknowledge that many people who do not open do so for good reasons, for example, that they have families that they care about or that it is not a good investment decision to remain open for longer hours for the same amount of business.

The Hon. J.F. Stefani: They go to church.

The Hon. M.J. ELLIOTT: They go to church—there are a whole range of reasons. This government claims to care about these sorts of things. Once the big stores—their competitors—open, they have a commercial imperative to open, otherwise they will lose market share. The minister has just acknowledged that as well. All this talk about tourist precincts, when we are talking about only five shops—

The Hon. L.H. Davis: Would you like to close down the smaller ones, really make the tourists sweat a bit?

The Hon. M.J. ELLIOTT: They can choose to open now.

The Hon. L.H. Davis: Exactly.

The Hon. M.J. ELLIOTT: No-one has decried it.

The Hon. L.H. Davis: Exactly.

The Hon. M.J. ELLIOTT: Exactly. What I am saying is that we do not need to change the legislation through this bill so these shops can change their mind as to whether or not they open. They have that choice. Once their big competitors start opening, they lose their choice because of their position in the competitive market.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: You don't care about families. The Liberal Party talks about families, it says that it cares about drugs and youth problems—and then they have mum and dad having to work in their shop, no choice.

The Hon. L.H. Davis: You are hypocrites, that is what you are.

The Hon. M.J. ELLIOTT: No, you guys are the hypocrites. The very point I made is the hypocrisy of you people who stand up in this place and talk about values, and then nothing you ever do is consistent with it. That is absolute nonsense. The next question that I do not think has been addressed is the car parking at the two supermarkets. The two largest areas of car parking in Glenelg are in the supermarkets, and they play a significant role in terms of Sunday trading for all the small businesses. Does the minister acknowledge that there is a major parking problem that may be exacerbated by this decision?

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.D. LAWSON: The honourable member accuses the government and supporters of this measure of not caring about families. Nothing could be further from the truth. This is not a measure which requires any business to open that does not want to open. The honourable member talks about car parking. It is true that at the present time there are car parks in Glenelg which are extensively used on Sundays. However, the allocation of appropriate car parking for a shopping area such as this is the responsibility of the Corporation of the City of Holdfast Bay. It seeks to develop its area and therefore it has the obligation of finding appropriate car parking. This matter was raised during the course of the review. It is the view of the corporation that this measure will foster investment in the Glenelg area, and particularly investment in additional car parking; and not only ground level car parking but also car parking stations for the convenience of the many tourists who go there.

The Hon. P. HOLLOWAY: I wish to make a few comments as someone who spent most of my early years at East Glenelg. I went to Glenelg Primary School. My parents still live in that part of Adelaide. One thing I have noticed over many years is how the nature of the shops on Jetty Road has changed. I can recall when I was attending primary school at Glenelg in the 1950s and 1960s that there were department stores there—in fact, Myers or Bon Marche, if I can recall correctly, had stores there. They have nearly all gone. If you go along Jetty Road these days, there are only two or three business premises that have the same use as they did then—one is a cake shop and another is the picture theatre. Along Jetty Road there are a great number of shops which specifically deal with the tourist trade. A classic case—

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: That is one that has, but new shops have opened up, including ice-cream shops. There are dozens of them which cater specifically for the tourist trade. I do not believe that they would be threatened—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: That is right. I do not believe those shops will be threatened in any way by the supermarkets. The reason why I support this change is that at West Beach we have one of the largest caravan parks in this state. I looked at the statistics some years ago when the Economic and Finance Committee examined the West Beach Trust. I think about a third of all caravan park places in the state were located at West Beach. Many people who holiday there come from the country areas of the state, and it is also a popular destination for people from Broken Hill. Those people are not all that well heeled—

The Hon. J.F. Stefani interjecting:

The Hon. P. HOLLOWAY: Yes, but there are no supermarkets to provide a large range of goods at a reasonable price within that area. When the Hon. Mike Elliott accuses the opposition of not caring for families, there are people, including many from Broken Hill, who stay at the caravan park and who are entitled to have access to cheap groceries. They are having a relatively cheap holiday. I do not believe that doing their grocery shopping at Coles and Woolworths will have any impact at all on the number of icecreams and other goods that are sold in the main tourist strip of Jetty Road.

The statistics the minister gave during his second reading contribution demonstrated how many more tourists there are in the Jetty Road precinct compared with anywhere else in the state. That is why I believe it deserves to be a special case. I do not think there is any justification in the accusation that Mike Elliott has made that we are not looking after families. These changes will protect the lower income families who wish to have a relatively cheap holiday near the beach.

The Hon. T.G. CAMERON: I thought I might join the debate as well. I guess the main reason why SA First is prepared to support this proposition follows a meeting that our office had with representatives from the minister's office, the Glenelg council and the traders at Glenelg. I had a very careful look at all the evidence that was put forward to support the fact that it is a tourist precinct. I think the evidence is so compelling and so overwhelming. Over 3 million tourists visit the Bay every year, which is about 50 000 each week. There was an interjection that people would not travel from the caravan park to the Bay. Well, I often travel from Upper Sturt down to the Bay on a Sunday.

I do not know whether members have been to look at the West Beach Trust caravan park, but I can only agree with the Hon. Paul Holloway that it is an extremely popular destination for country South Australians and people from Broken Hill. People will go down to the Bay. Once every couple of months, when I do not have too much to do on a Sunday, I will spend a pleasant few hours wandering around the foreshore and taking in the scenery and the atmosphere. I do not think anyone can mount an argument that it is not a tourist precinct. I will not argue that, if this legislation goes through, tens of thousands of Adelaidians will be down there on a Sunday to do their shopping.

I know from conversations I have had with tourists who come to Australia that they are absolutely amazed; they just cannot understand why they can have Sunday trading in the city but if they want to go to Victoria Square and jump on the tram and travel to Glenelg to take in the Glenelg area, which has a lot to offer tourists, they do not have the full range of shopping.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: I have been to Paris.

Members interjecting:

The Hon. T.G. CAMERON: As much as I love the city in which I have lived for 54 years, I think you would have a hard argument persuading tourists that Adelaide has more to offer than Paris. From my point of view, you can give me Adelaide any day. I did not enjoy Paris a great deal.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. CAMERON: He may be correct. Perhaps I did not enjoy Paris because I could not indulge myself in my favourite pastime, which is shopping. Quite frankly, I hate shopping: you do not see me out there shopping on a Sunday. Some people would suggest I am too mean with my

money to go shopping on a Sunday, but that is entirely untrue.

For the life of me, I just cannot see merit in the arguments that the Democrats are mounting on this. I will acknowledge that the Democrats have championed small business and small retailers' issues in this parliament for many a long year when it seemed to me that both the Liberal Party and the Labor Party had forgotten their constituency. There is no doubt in my mind that a significant part of the vote that the Democrats receive comes from the small business sector. However, in terms of the merit of the argument, this does make sense. I do not think that it opens the door for seven day trading all over Adelaide, and I take the point that we are opening the window only a little bit here.

The Hon. IAN GILFILLAN: I ask the minister whether, to his knowledge, at any stage, there was an overt or covert understanding with the Holdfast Shores development that there would be an initiative to have 24-hour trading?

The Hon. R.D. LAWSON: As far as I am aware, no. The Holdfast Shores development made no submission to this review, and I have had no discussions with them. I have not heard at all what their view might be on the subject. This tourist zone on which we are being asked to vote today is hundreds of metres from the Holdfast Shores development. This is a discrete area, which has been developed over many years, well before the Holdfast Shores development was ever thought of. So, there is certainly no overt or covert assistance or cooperation with the developers of the Holdfast Shores development in this measure.

The Hon. NICK XENOPHON: My views are similar to those of the Hon. Terry Cameron in that I believe the Glenelg area is different from other areas of the state. I share the Hon. Terry Cameron's concerns about the impact on small businesses. I have only just received material from John Brownsea of the State Retailers Association on this issue. He asserts that the SRA has not been consulted, that submissions were made but that there has been no consultation with the State Retailers Association. I understand that the Australian Retailers Association has been consulted and has had discussions with the government, but—

The Hon. M.J. Elliott: You know what their agenda is.

The Hon. NICK XENOPHON: Yes. Will the Minister indicate whether there have been any consultations with the State Retailers Association and, if not, why not?

The Hon. R.D. LAWSON: Is the honourable member referring to the State Retailers Association of which Mr John Brownsea is the executive officer?

The Hon. NICK XENOPHON: Yes.

The Hon. R.D. LAWSON: I attended a meeting of the consultative committee on the Retail Trading Act at which Mr Brownsea was present. As one would expect, he presented his particular position quite forcefully, and there was discussion around the table from various interest groups, a few of which adopted the same position as Mr Brownsea. Mr Brownsea also submitted to the review a lengthy document (a letter of some eight pages together with annexures) which set out his arguments against the proposal.

You would have to say that Mr Brownsea is very intemperate in the way in which he presents his arguments. I refer to the second paragraph of his letter in which he states:

> What happened in Glenelg comes as no surprise following an almost similar (and successful) attempt in Berri earlier this year—and in both cases the major beneficiary of the extension of hours is an interstate based retailer who takes profit out of this state.

That is very much the argument put by the Hon. Ian Gilfillan. It is worth informing the committee of what happened at Berri. The local council, as in this case, passed a resolution to adopt a particular measure. In Berri, the proposal was to de-proclaim the shopping district and totally deregulate shopping hours. Following that, a survey was distributed to every resident in the area, and the result of that survey indicated overwhelming support from consumers but opposition from retailers. An overwhelming number were in favour of supporting the measure, which was duly promulgated.

For Mr Brownsea to say that what is happening here is, in some way, an example of what happened in Berri, suggesting that there was something nefarious about what happened in Berri and that it was solely for the benefit of some outside trader, I think is entirely wrong. What happened here—and I think it is worth repeating—is that the council made an application which the traders supported. The Australian Democrats claim to be the champions of small business, but no small business came out of the woodwork at Glenelg to say that it was opposed to this measure. The Traders Association on Jetty Road was in favour of the proposal. They could have come forward and said, 'We don't want this to happen', but they did not. There were three newsagents who did come forward and said, in this order, 'Yes, we—

The Hon. M.J. Elliott interjecting:

The Hon. R.D. LAWSON: No. There were three who said, 'We support it; it's a good idea.' When it was pointed out that this might mean that Coles and Woolworths might open, they said, 'Oh well, if that is the circumstance, we don't support it, because we don't think this is a tourist precinct.' Obviously that was done not for family, church or sporting reasons but for purely competition reasons. They do not want competition. That is fair enough. They had the opportunity to express a view.

An honourable member: They open on Sunday anyway.

The Hon. R.D. LAWSON: They do open on Sunday. The Hon. Ian Gilfillan referred to 24-hour a day trading and whether a deal had been made with Holdfast Shores. This measure does not open up Glenelg to 24-hour trading: it simply allows Glenelg to trade on Sundays from 11 a.m. to 5 p.m., which is the same as in the central business district of Adelaide.

The Hon. L.H. DAVIS: I think it is important to recognise the consumer in this debate. There has been very little discussion about the rights of the consumer. If we go back two decades, we will all remember that there was no shopping on Saturday or Sunday afternoon. I used to live on Norwood Parade and I shopped in Norwood. You could shoot a bullet down the parade after midday on Saturday—there was no trading.

The Hon. M.J. Elliott: They were probably all at the football.

The Hon. L.H. DAVIS: There is probably an argument for moving a motion against football, because you seem to be against most things. The fact is that our lifestyle has changed. More people in the family unit are working. Many more women are working these days than used to be the case. There is more part-time work because of structural changes in the economy. There is more tourism from people within the state, interstate and overseas. The nature of the world is changing. This may come as a surprise to the Democrats, who opposed even the Mount Lofty development because their happened to be a few trees in the way which they said should not be cut down even though they were regrowth eucalypts.

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: You opposed the knocking down of trees and you blocked Mount Lofty—it was a page one story. They were regrowth eucalypts just a decade or two old. That is how bizarre your arguments on development have been. Returning to Glenelg, the Hon. Ian Gilfillan and I jogged to Glenelg a short while ago.

The Hon. R.I. Lucas: I hope it wasn't on a Sunday.

The Hon. L.H. DAVIS: I was just going to share a confidence with the community. Sadly, I have to advise the Hon. Rob Lucas that the Hon. Ian Gilfillan jogged down Anzac Highway to see at first-hand the prosperity of Glenelg. He was greeted by applause as he jogged very serenely and almost regally down Jetty Road. I was just a few minutes behind observing this. I was some six minutes behind and I noticed that all the stores were open and the shop traders were smiling. I bought an ice cream.

The Hon. R.I. Lucas: On Sunday?

The Hon. L.H. DAVIS: This was a Sunday. The Hon. Ian Gilfillan was there on a Sunday. I think that should go on the record. Glenelg obviously offers a range of attractions for people.

The Hon. R.I. Lucas: Even for Democrats.

The Hon. L.H. DAVIS: Even for Democrats. People who live nearby use it as a shopping destination. People who visit from other parts of Adelaide go there as tourists and perhaps do some buying deliberately or on impulse. Then there are a large number of opportunities for people to live in holiday accommodation, ranging from the five-star Ramada Grand through a range of holidays flats and other various accommodations and, as the Hon. Paul Holloway has mentioned, there is the very popular West Beach Caravan Park.

All those people are entitled to be able to access the goods and services they need. Just think of the Australian Democrats living away in Sydney in a modest holiday flat. I had that experience recently. I went to Sydney for a couple of weeks with my wife. I happened to be living in an area where, horror of horrors, there was a supermarket open on a Sunday. I looked sideways to make sure that there were no Democrats around, and I entered quickly and did some shopping.

But seriously, there is that opportunity for people from the West Beach Caravan Park and the Ramada Grand who live in accommodations where they do their own cooking to be able to access shops conveniently at any time. I think the Australian Democrats would be the last to stand up and say, 'When we are on holiday we do not expect to have a supermarket open where we are, because that would not be fair on the small businesses.' We have to have some balance in this. We are talking not only about small businesses—

The Hon. T.G. Cameron: What do you do up at Munno Para if you want to go grocery shopping on Sunday?

The Hon. L.H. DAVIS: Exactly. We are talking also about the changing lifestyles and expectations of people. This is fundamental to what we are talking about here. Glenelg is a prime tourist destination not only for people within Adelaide but for people from outside Adelaide and overseas. I think that this legislation is just recognising reality and giving Glenelg the opportunity to do what people can do in pretty well any other place around Australia which has a similar appeal for tourists.

The Hon. R.R. ROBERTS: Along with my colleagues, I support this alteration to the legislation. I want to make a couple of observations. It has been claimed that Glenelg is a tourist destination, and there is very little doubt about that. But I think what we will see is a rush of people trying to prove that they are in tourist destination areas. What this legislation will provide is some relief in an area about which I have previously raised a concern. It will allow people to buy groceries at a reasonable price.

One of the anomalies we see these days is multinational petrol stations running mini supermarkets in the guise of petrol stations. In some areas—not in Glenelg I might say, because there are not too many people from Holdfast Shores who are battling to pay the extra 20 per cent or 30 per cent they have to pay at the BP Shop—this does provide relief for shoppers who want to buy groceries at a reasonable price.

I have argued this case for years when addressing shopping hours legislation. I handled the bill when we debated shopping hours in the metropolitan area. On that occasion I led the charge of those opposed to the extension of shopping hours. At one stage we had the numbers, including the support of the Democrats. If my memory serves me correctly, it was after a meeting with Mr Brownsea that the Democrats changed their view and supported Sunday trading in the metropolitan area. I think it is a little cheeky of the Democrats to come in on this occasion and claim the high moral ground.

I think that this is the start of going to full open shopping hours in South Australia. This is the very method I raised when I talked in the prostitution debate, namely, the step-by-step approach of legislators. When you want to get to a particular point and you know you do not have the numbers you take the first step. The first step was to get deregulated shopping hours in the metropolitan area. We are now seeing the next step into Glenelg, and it will not be too long before it is completed. Some people will support that, other people will not. But let us not be hypocritical about this. Sure, it provides that there will be five extra shops, on the Democrats' figures, that will be open in Glenelg, and it will give some competition.

The more important issue I am interested in is that, on my understanding, the extra shops that will be open will be fully unionised, and therefore those who work on Sundays or Saturdays will have an organisation that will protect their conditions. Therefore, what we will have is better protection for the workers, a greater choice for those people who are purchasing groceries and greater options. I was somewhat concerned about this extension to shopping hours, but when you see the people in Blair Athol who, on a regular basis, drive down Prospect Road to go to the BP service station and pay 20 per cent or 30 per cent more for their groceries and who drive past Bi-Lo where they could get the same products cheaper you start to balance it all up. I support the legislation.

The Hon. R.D. LAWSON: In answer to the Hon. Ron Roberts, this is not some measure by stealth to extend deregulation throughout shop trading. It is fair to say that in many country areas of South Australia there is unrestricted trading which the particular municipality has decided upon. For example, in Victor Harbor and Hahndorf, in parts of the Riverland—

The Hon. L.H. Davis: Tell us about Port Pirie.

The Hon. R.D. LAWSON: Port Pirie, indeed.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. R.D. LAWSON: There are no restrictions, for example, in the Coonawarra, the Barossa Valley, the Flinders Ranges, Goolwa, the Coorong and Robe. So, this is not some unusual measure. I assure the Hon. Ron Roberts, in response to his concerns about employees in the retail industry, that the

Shop Distributive and Allied Employees Association was closely consulted on this measure.

The Hon. IAN GILFILLAN: I was concerned about the procedure to deregulate shop trading hours in the Renmark-Paringa area. Only last week I tabled a petition with 331 signatures opposing that deregulation, which would extend wider than just the traders. It is significant that one cannot assume, as the Hon. Legh Davis does, that all consumers are prepared to take the extended shop trading hours on the basis that it is more convenient for them. The more thoughtful of them realise that there is a very substantial down side. The requirement for the local council to comply with the survey and assess the opinion and interests of the community is a legal requirement before a council can submit to a minister a request for variations to shop trading hours. I ask the minister: did the Holdfast Bay Council comply with that requirement of the act and, if so, in what form, and what was the result of those surveys and assessments of the community's opinion?

The Hon. R.D. LAWSON: There is no procedure laid down in the legislation for the adoption of a tourist precinct, so that was not available to the council. The only procedure laid down in the legislation would be for the variation of the metropolitan shopping district, which is the whole of metropolitan Adelaide excluding the central business district. The procedure followed in relation to proclaimed shopping districts, such as Renmark, is quite a different procedure that is laid down specifically in the act. It does not require that the council undertake a survey or a poll but it does require that the council ascertain the views of residents and those employed in the retail industry.

The conventional way in which that has been done is to have a survey. However, there is no statutory requirement for a survey. The obligation there is to simply ascertain the views of residents. However, it was an undertaking in relation to this measure because it would have involved the whole of the metropolitan area, and there is no possibility of extracting any part of the metropolitan shopping district under the existing legislation. It has been drawn in that way—pretty obviously—for the purpose of making it difficult to deregulate shopping hours.

I think it is worth remembering that we did not have a shop trading hours act until 1911. At that time it was the large retailers who said that they needed restricted hours because small business was ripping business away from them. Small business, which used family members and the like, was able to open for extended hours and was making it difficult for large business to survive. So, the whole shop trading hours act was introduced on the basis of protecting large stores. The wheel has turned considerably.

The Hon. IAN GILFILLAN: I take it from the minister's answer that there was no assessment in any detailed way of the opinion of the rest of the community of Glenelg on this matter. I have no evidence that it was done, and the minister really confirms that.

Briefly, it is quite clear that this debate has hinged substantially on the issue of shop trading hours. I think it is also quite clear that there is an expectation that the shopping pattern will gravitate to mega nodes, and for those in the community who have readily available forms of transport that may not be a serious disadvantage. However, a high proportion of the community do not have cars of their own or do not know people with cars who can take them to the mega nodes and, as we see the smaller stores disappearing, the quality and convenience of life for many of those people will deteriorate dramatically.

In relation to this debate, because it has stretched quite clearly into the shop trading hours arena, I think it is important even in the committee stage to make those observations. I am pleased to hear the minister at least give the assurance that this will not be the creeping shopping precinct plague that the Hon. Ron Roberts with his usual acuity of forward sight has predicted. Sadly, I do not think it will be the case however earnestly the minister feels because, no matter how much I can rely on him, the pressure from the other centres once this precedent is set will be irresistible. It will be washed along by the gung-ho attitude of so many who will say that we should be deregulating shop trading hours.

The Hon. NICK XENOPHON: I have some questions to ask of the minister in relation to monitoring of the impact on small retailers in the Glenelg shopping district and surrounds. I accept that Glenelg is a special case, but I certainly do not want this to be seen as the thin end of the wedge. Given the concerns of the State Retailers Association (formerly the Small Retailers Association), will the minister agree to undertake a comprehensive and transparent assessment of the impact on small retailers within the designated tourist precinct and surrounding or adjoining suburbs? If it simply means that there will be a greater concentration of sales for larger retailers at the expense of small retailers (mainly family retailers), that would concern me greatly.

I accept that Glenelg is a different case, but I would not want to see small retailers having a negative impact with respect to this, and I would like the minister to indicate whether he is prepared to undertake some form of review and survey of retailers and for that to be made available to the public for further discussion on this issue.

The Hon. R.D. LAWSON: I cannot give the undertaking sought by the honourable member. The State Retailers Association in its various guises has always made dire predictions about what will happen in the event of any change to the shop trading hours regime. It is interesting in the long and extensive submission it made to this review that it did not produce evidence that its predictions in relation to liberalisations in the past came true. There will obviously be effects on business. Some businesses will gain as a consequence of any change in the regime, while others may find that their business patterns change.

It is difficult for us in government to conduct what the honourable member described as a comprehensive and transparent survey of the impacts without going to businesses and demanding access to their books. That is the last thing that one would expect the members of Mr Brownsea's association to welcome. Of course, the State Retailers Association is quite at liberty—and I am sure it will if it wants to on this occasion—to undertake a survey of its members to ascertain the impact upon them, and no doubt the results of that survey will inform the debate which inevitably occurs about shop trading hours.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill read a third time and passed.

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

A quorum having been formed:

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 446.)

The Hon. T.G. CAMERON: I will conclude my earlier contribution. This time I will be a little more accurate in what I am dealing with. SA First supports the bill. It seeks to amend sections 21 and 37 of the Legal Practitioners Act. Very simply, it seeks to create a new category of work that can now be undertaken by individuals who are not qualified as lawyers—I guess you would call them paralegals. It is only a small addition to the list of exempted activities but it will mean that non-lawyers will be able to work on pro forma documents such as mortgages and so on.

That is to be welcomed. I believe that the legal profession has a real problem that it must address in the forthcoming years, and that is the cost of getting legal representation. No way in the world do I support setting up a medical benefits type fund for legal practitioners, but this is a positive way of reducing the costs of having to access the law. I would encourage the Law Society and legal practitioners to examine any innovative ways that they can to reduce the costs of accessing the law. The second amendment relates to the disclosure of the affairs of a legal practitioner. Once again, SA First supports that amendment.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the bill. Although, as the Hon. Terry Cameron says, it is a relatively small issue, it is nevertheless an important one, and I appreciate the indications of support for that change. The Hon. Paul Holloway indicated that he understood that the Law Society may have raised some concerns about section 21 of the act and asked that I address these concerns. The Law Society was provided earlier this year with a draft form of the bill, different from its present form, for comment. Comment was received to the effect that the society feared that there may be some risk to the public in that an unqualified person might make a mistake in selecting which document was applicable to the transaction. It was also concerned that, because the bill did not impose time limits on the life of a pro forma document, it might get out of date.

These concerns were considered and, in order to address them, the draft bill was modified into its present form which does not permit the sale of these documents direct to the public by the unqualified person but only permits them to be completed for use by a deposit-taking institution or other commercial lending institution. That institution will be able to identify for itself or to take legal advice on whether the document is the right one for the transaction and is legally satisfactory. So, we have dealt with the issues that were raised by the Law Society. The Law Society has been provided with a copy of the bill as introduced but has not offered any comment or raised any concern.

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

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 410.)

The Hon. T.G. CAMERON: This bill has been sponsored by the Liberal Party but, from what I can ascertain by reading the debate, the principal provisions of this legislation are being supported by all political parties. This bill has been introduced in response to the search by the federal government to find an appropriate nuclear waste storage facility. From the public record, it is leaning towards choosing a location in the state's far north.

This bill prohibits the construction and operation of a nuclear waste storage facility, the incorporation and transportation of nuclear waste for delivery to a nuclear waste storage facility in the state, and prohibits public money from being spent on encouraging or financing construction and operation of a nuclear waste storage facility. It provides that any waste stored legally in South Australia under provisions before this bill becomes law is exempt from prohibition under this act. A public authority may remove a storage facility, make good any environmental harm and prevent further environmental harm caused by the construction and operation of a dump.

It also provides that 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 socioeconomic wellbeing of the state. It goes on to provide for a penalty of $500 000 or 10 years imprisonment for a person, including the directors or managers of a corporation, that is guilty, or a penalty of $5 million for a body corporate for each breach of the act—fairly substantial penalties I think anybody would agree.

It needs to be pointed out that this bill, despite its ability to be overridden by the commonwealth parliament, is a clear declaration from this parliament that the South Australian public does not want medium or high level nuclear waste, especially if it is produced interstate. One can see from the opinion polls that that is quite clear, and there is a great deal of anecdotal evidence supporting it too. Quite clearly, people do not want the rest of Australia's medium or high level nuclear waste being dumped or stored in South Australia. In fact, I would suggest that the public mood goes further than that: people do not want any medium or high level nuclear waste, even if it is produced in this state, stored here in South Australia.

SA First supports the second reading. SA First will not be supporting the amendments calling for a referendum. I would have thought if there was any one issue that we did not need a referendum on to find out what people were thinking then it would be this issue. The Australian Labor Party and the Australian Democrats have moved similar, if not identical, amendments. From time to time they prefer to act as a tag team, and they seem to want to out-politicise each other with some of these amendments. But I would rather the money stay in general revenue and be spent on doing something about the crisis which is developing in our public hospital system, than spend $5 million on a referendum when we know what the answer is going to be.

The referendum proposal also would necessitate the referendum being conducted at the same time as the next state election, and I do not think it would be appropriate to conduct a state election at the same time as we are having a referendum on what is an extremely emotional issue, an issue where, whenever debate starts about it, the first casualty is always the truth. It is an issue which has now quite clearly become a political football, where the name of the game seems to be to keep handballing it between the Democrats and the Australian Labor Party to embarrass the federal government.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: The Hon. Sandra Kanck interjects, and I thank her for that, because I can respond to the interjection. At the end of the day, I do not know what people want their governments to do with nuclear waste. It is a fact of life that we produce low level nuclear waste here in South Australia, and I understand—and I will stand corrected by the Hon. Sandra Kanck if I am wrong—that Lucas Heights produces a range of nuclear medicines, radioactive isotopes etc. that are exported from Lucas Heights to South Australia. It is a bit rich if South Australia gets its radioactive material from one state and then we adopt a position saying, 'Thank you very much, but we don't want any of your low level waste that is being produced by that nuclear reactor. We want all the advantages that might accrue to society from the use of radioactive isotopes and so on in medicine and a whole range of other uses where radioactive material is used. Thank you very much for the medicines and what have you, but—'

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: The Hon. Sandra Kanck interjects and says it is too simplistic. What is simplistic about our getting this material from Lucas Heights and then saying we will now safely store our own low level nuclear waste here but we do not want anyone else's?

The Hon. Sandra Kanck: We get the waste from that anyway; it comes out of the hospitals and we then have to dispose of it.

The Hon. T.G. CAMERON: Yes, we do; but where do we get the material from? It is my understanding—and once again I will stand corrected by the Democrats if I am wrong—that we currently have low level radioactive waste stored in some 50 separate locations around Adelaide.

The Hon. Sandra Kanck: That is the *Advertiser* story.

The Hon. T.G. CAMERON: The Hon. Sandra Kanck interjects, and I look forward to hearing her evidence proving the *Advertiser* wrong. Whilst normally I do not believe everything I read in the *Advertiser*, separate inquiries did not confirm the exact number but they did confirm to me that we have low level radioactive waste stored all over Adelaide. If some people were aware that they are currently living in very close proximity to low level nuclear waste, I am sure we might get a different result in an opinion poll. The facts of life are that we do have to store this low level radioactive waste somewhere.

One of the things that has been sadly missing in this debate is a little bit of honesty and integrity. I am not suggesting that the Australian Democrats lack integrity on some of these issues. I disagree with them and I think they are wrong, but their position has been fairly consistent. The Hon. Sandra Kanck eloquently described in her contribution the ducking, weaving and to-ing and fro-ing that the Labor Party has undergone on this issue, as it has turned itself inside out and as its federal parliamentarians do not necessarily subscribe to the political games that are currently being played by the Australian Labor Party. I have no hesitation in saying to the Hon. Sandra Kanck that if we had a state Labor government here at the moment it would be cooperating and working with the federal Liberal government to get a low level radioactive waste dump here in South Australia for all Australia's waste.

I will not mention people by name—it would be improper—but I have had numerous conversations with numerous members of state and federal parliaments who have argued strongly that we do need a nuclear waste repository here in South Australia and that there are big bucks to be made from it. If members have not already done so I would urge them to read the contribution of the Hon. Sandra Kanck, because it is a very accurate assessment of the way in which the Australian Labor Party has turned itself inside out on this issue as the state leader attempts to find a position that will be electorally convenient and positive for the Australian Labor Party.

I will make a few brief statements in relation to the differences in the Hon. Sandra Kanck's amendments, and I would invite her to correct me if I am wrong—although one does not need to invite the Hon. Sandra Kanck to tell you that you are wrong. I understand that the Democrats' measure defines nuclear waste as any radioactive material derived from the operation of a nuclear reactor, nuclear weapons facility, nuclear repossessing plant or isotope enrichment plant. I understand that that is a little narrower than the government's bill.

I understand that the government defines nuclear waste as any waste that contains a radioactive substance and is derived from the use or decommissioning of nuclear reactors, nuclear weapons or weapons facilities, radioisotope production facilities, uranium enrichment plants or the conditioning or reprocessing of spent nuclear fuel. However, it does not include low level category A, B or C radioactive waste, as defined under the national code of practice for the near surface disposal of radioactive waste in Australia.

I further understand that the Democrats' amendment does not apply to waste generated in Australia or waste used pursuant to a licence issued under the Radiation Protection and Control Act 1982 and in accordance with that act. The government bill does not apply to waste currently lawfully stored in the state or waste from radioactive material that has been used or handled in accordance with a licence, permit or any other authority granted under the Radiation Protection and Control Act 1982 or the storage or disposal of which has been authorised under this act. I understand that the storage facility provision is the same in both bills. There is little difference, except for the quantum of the fine in relation to offences. The provision relating to offences by a body corporate is the same, and the provision that no public money is to be used is the same in both bills.

I also understand that the government's bill contains provisions not contained in the Kanck bill, including the powers of a public authority to remove a waste facility or to make good any environmental harm caused by a facility and to prevent or mitigate any future environmental harm. I would ask the Hon. Sandra Kanck to address that provision, because I would have thought that, if this bill is to be passed by the state parliament, we would want to have those powers. I also understand that a court can make an order against offenders to remove a waste facility, to make good any environmental harm and to prevent or mitigate any future environmental harm. It can order the defendant to publicise its contravention and its environmental and other consequences, pay any costs and expenses that a public authority has incurred by removing, making good or preventing environmental harm and to pay compensation to a person who has suffered as a result of the action or the costs to avoid suffering; and, further, to fix a period of compliance and conditions for the expedient enforcement of the order.

I also understand that it provides for the holding of a public inquiry into the environmental and socioeconomic impact of a storage facility built under the authority of the commonwealth. Whilst there might be a little sting in the tail of that proposition—and I would be interested in hearing any

other members' contributions on it—I do see merit in the holding of a public inquiry into the environmental and socioeconomic impact of a storage facility built under the authority of the commonwealth. It goes without saying that people are playing politics with this issue.

When propositions are put forward, irrespective of whether we agree or disagree with them, in this business of politics, appropriate public debate should take place. However, with Senator Nick Minchin's proposals in this area, the Australian Labor Party and the Democrats have played a political game to lock in a position and to prevent any further debate on the issue. That is a pity.

It would be wrong for South Australia to bury its head in the sand like the proverbial ostrich and to completely oppose this bill. As I indicated to members earlier, SA First will support the second reading. SA First will not support a referendum but I will listen to the debate so that I can fully understand what is transpiring on the minor amendments that have been moved by both parties.

The Hon. T. CROTHERS: Like my colleague from SA First, I support in full measure the measure that is in front of us. It is very easy for anyone to stand up and take an opposite point of view, particularly when a thread of populism runs through the community in respect of the particular viewpoint that the person is taking which is the opposite of good prudence and good common sense. Good prudence and good common sense have very often lost debates in times past, but they have never lost the ultimate argument. The ultimate argument here is a very simple one. Forms of nuclear waste are scattered about our community—in hospitals, in factories, at Lucas Heights and in other areas. Senator Minchin seeks to collect all those wastes, wastes with minimal toxicity, and gather them together and locate them in the one place where, obviously, they will be subject to greater control than if they continue to lie as wide apart as is currently the case.

When last this matter was visited, John Scott, the then member for Hindmarsh, was able to find nuclear waste, much more toxic than this, lying in all sorts of places within the inner confines of the metropolitan area.

The Hon. T.G. Cameron: It is probably still there.

The Hon. T. CROTHERS: It may well be; that is quite possible. How can we go on tilting at windmills like Sancho Panza and his good knight, pretending that the matter is not there when it is, when it is staring us squarely in the face, and the question is: what do we do with it? It is very well and good for people to embrace populist beliefs in respect of advancing a political cause or whatever, but 99 times out of 100 at the same time they do not advance other forms of methodology in respect of how one should handle a matter that is of some import to the community at large. I cannot for the life of me see how from time to time people should behave in that sort of fashion, telling us all that we will fall into the abyss if we do not conform a certain way.

I am not advocating that energy should be fuelled by the nuclear process. However, the fact is that the cleanest way to generate electricity at the moment is by nuclear energy. If nuclear energy was not used as much as it is today, where would we be now with global warming? That is a question that never gets asked.

The Hon. T.G. Cameron: In more trouble.

The Hon. T. CROTHERS: In very deep and dire trouble. All that the people who advocate the sinks are doing is storing up carbon dioxide for it to be spilled over onto the earth's surface in 100 to 150 years' time. I understand that it takes 1½ tonnes of fresh water to produce a kilogram of fresh wood and that is tied up in carbon dioxide form to spill over onto this earth when those trees are cut down or reach the end of their lifespan and fall over.

We are not asked about those matters. It is the matter of the moment that counts, the matter of the yelping, yodelling few, that hideousness that seems to grab the public's soul and psyche when it comes to grappling with the nettle of intent, which, according to the press, will be the absolute end of all if we do it a particular way. That is a question that I have asked. What would have happened in respect of our awful position at the moment with global warming if we did not have the current level of energy powered by nuclear fusion? We would be in diabolical straits. I am not advocating that but blind Pugh could tell us, if he or she looked at it just briefly, that that is the cleanest way that we know of to generate electricity.

The Hon. J.F. Stefani: Other than water, or hydro-electricity.

The Hon. T. CROTHERS: Other than hydro-electricity, which is about 40 years away—hydrogen fusion, actually, and I agree. I am talking about the present, but I understand what the honourable member is saying. I recall being on a committee, and I think the Hon. Mr Stefani was also a member, where I raised the question of tidal farms. That is another example that is moving ahead of hydrogen fusion.

Having said all that, I point out that this bill does not seek to do that. It seeks to dispose of low-level toxic wastes generated by nuclear medicine, generated by the nuclear pharmaceutical industry, generated by low-level activities at Lucas Heights, and generated by some industries. What is not known is that, in a lot of automated plants, the weight of goods that is being produced is measured by a table that is powered by low-level atomic energy, but it is there nonetheless.

I believe that it has been very prudent of Senator Minchin to grasp the nettle and say that we will now take everything and put it together collectively in the one spot, so that we can monitor it much better there and determine its security much better rather than having it lying around. This is a bill that has been waiting for a long time to happen. I can understand the Democrats' amendments, because after all the Democrats are now the party of the left, but there is not much prudence or common sense in those amendments relative to the futuristic wellbeing of the state, the nation and the world as a whole. I commend the bill to members.

The Hon. L.H. DAVIS: I rise briefly and join in support of the remarks of the Hon. Terry Cameron and Hon. Trevor Crothers. The Australian Democrats really do speak in the language of Loony Tunes. It is extraordinary that with such facts around the Australian Democrats choose to ignore them. Fact 1: every Australian in their lifetime will on average have medical treatment with radioisotopes. That is a fact. It reflects the community in which we live. We have goods and services which can be both good and harmful. We drive cars which can be good but they can be harmful. The radioisotopes save people's lives. I am sure there are many Australian Democrats who have had their lives saved or prolonged by the use of radioisotopes.

The material that we are talking about, the waste we are talking about, more often than not is the storage boxes in which those radioisotopes are contained. Those radioisotopes are driven to hospitals in metropolitan Adelaide. It was

fashionable in the 1980s, we all remember, when the Labor Party-dominated councils had signs up in these council areas 'Nuclear free zone'. What did that mean? It meant that those radioisotopes should not have been driven to a hospital in that area because they were not nuclear free. How ridiculous. We do not see many of those signs around now. That fashion has passed.

But it is still very fashionable for the Australian Democrats to poke fun at the benefits of nuclear medicine. We saw only today a conversion, a blinding light that had overtaken the Australian Democrats in relation to Roxby Downs. For the first time they were admitting that Roxby Downs was bringing some good, notwithstanding the fact that within the past 12 months one of their federal senatorial colleagues had said that the extension to Roxby Downs, which has made South Australia hundreds of millions of dollars each year in export revenue, could well bring radon gas clouds floating over Adelaide. That is what one of the Australian Democrat senators said publicly only last year—shades of Sister Bertel when she gave evidence to the select committee on uranium resources back in the early 1980s.

The Australian Democrats, on the one hand, are silent on the benefits of radioisotopes. Presumably, many of the Australian Democrats have survived and had their life prolonged because of the use of radioisotopes, but they are silent and play Loony Tunes when it comes to the disposal of these waste products. We saw this extraordinary example of where the media, these days driven by conflict and sensation, decided to beat up this story about nuclear waste. Channel 7 in particular, and the *Advertiser* to a lesser extent, grabbed on this subject to the point that Channel 7 organised a rally using Ivy, 'We Back Ivy', as a vehicle for this.

The Attorney-General had had some experience with Ivy being used in whipping up fear about home invasion. It was very much a political campaign, where the Hon. Trevor Griffin could not get close to Ivy to even talk about it for the fortnight leading up to the petition being presented on the steps of Parliament House. He was not even allowed to participate in the demonstration of protest on the steps of Parliament House. When Ivy was recycled by Channel 7, with everyone being used to back Ivy, and Channel 7 ran this big protest rally on the steps of Parliament House, we saw the crowd getting out of control, not wanting to listen to what the federal minister responsible in this area (Hon. Nick Minchin) had to say. I happened to be there and the Hon. Nick Minchin was saying such things as, 'Do you know that every one of you, on average, will be saved by the use of radioisotopes?' The crowd was booing and it was getting out of control. Channel 7 suddenly realised that it had a bit of a monster on its hands and it had to continue to intervene to have the Hon. Nick Minchin heard. People tried to knock him over with a placard at one stage. It was extraordinary stuff.

When it went to carry on with this, with a 30 minute segment on *Today Tonight* with Leigh McClusky, it brought together a range of people for and against the storage of nuclear waste, and someone, who might well have been in the likeness of Sandra Kanck, was saying that we should leave it where it is. At that point the whole debate changed because someone actually came up with a fact. The Hon. Sandra Kanck has difficulty with this: she would trip over a fact and would not recognise it. The person in the television audience who stepped forward said, 'Wait a minute, I happen to work at the University of Adelaide where we store nuclear waste. We use it in our research. We store waste. That waste was in the basement of an University of Adelaide building which was flooded. We had concerns about what to do with it.'

The Hon. T.G. Cameron: What were the security arrangements like?

The Hon. L.H. DAVIS: Exactly. Waste is stored at hospitals—the very hospitals where Australian Democrats may have their lives saved by these radioisotopes that are driven through nuclear free zones. This person on Channel 7 turned the whole debate around. Suddenly people realised that this was a real issue. The simple question for the Australian Democrats, to which the Hon. Sandra Kanck will have a chance to respond, is: does she believe it is preferable to leave the waste in the basement of the University of Adelaide, in storerooms ad hoc around Adelaide or, rather, secure it in a remote area away from the dangerous fault lines which exist in Adelaide?

We should remember, of course, that the Australian Democrats would be big on this, having done 1 000 hours research, that Adelaide has a dangerous fault line in it. I can remember the earthquake of 1954. What would happen? It is a high risk area. Do your homework. You should know that. You know everything else: you should know that. I should not have to tell you that. I think the facts speak for themselves. The old fashioned latin maxim res ipsa loquitur does deserve to prevail in the case of the bill before us.

The Hon. J.F. STEFANI secured the adjournment of the debate.

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

In committee.

(Continued from 14 November. Page 473.)

Clause 1.

The Hon. K.T. GRIFFIN: When we dealt with this bill in committee last evening, a number of questions were raised and I undertook to provide some responses. The Hon. Carmel Zollo asked a range of questions. Subsequently, the Hon. Mr Xenophon raised similar questions, but he desisted when he found that he was duplicating the questions that had been asked earlier. It might be helpful if I deal with the questions raised by the Hon. Carmel Zollo first and then with some of the issues that others have raised.

The Hon. Carmel Zollo asked who will do the assessments and whether it will be individual assessors or panels of assessors. Each accredited assessor will have the capacity to work as either an individual assessor or as a member of a panel. A person will be referred to an individual assessor in the first instance. That assessor will then use his or her clinical judgment to decide whether the person is able to be supported by the expertise of the single assessor and not require additional input, whether to bring in the advice of a legal consultant to assist the person, whether to convene a panel meeting of other assessors within the region (much like a case conference) if that person is considered to be in a more complex circumstance, or whether to convene a clinical panel together with the support of a legal consultant if a number of more complex clinical or legal matters are involved.

The Hon. M.J. Elliott: Is that just to determine where you are going to send them?

The Hon. K.T. GRIFFIN: This is the assessment process to determine where they—

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: That is an assessment.

The Hon. M.J. Elliott: That's what you're talking about?

The Hon. K.T. GRIFFIN: Yes, that is what I am talking about. It is an assessment, and that maps out what should happen thereafter.

The Hon. M.J. Elliott: If a person from Mount Gambier comes into the process, how will that assessment happen?

The Hon. K.T. GRIFFIN: It will happen in Mount Gambier. The whole object of this is to try to get assessments done in local communities if at all possible. I am happy to answer these questions; there is no problem.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: Yes. I am quite happy for that to happen. I interpose that the Drug Aid and Assessment Panel has a manual about 1½ inches thick. It has developed its procedures over 12 or 15 years. It is fair that we endeavour to give as much information as possible about what is being proposed under the new scheme, but it must be remembered that, obviously, there will be some development of the structure, particularly once we know what legislation is going through.

The other point I make, which is not directly relevant to this, is that DAAP is required to sit as a panel but, because of the inflexibility of that, DAAP is sitting with a one person panel. So, it is acting in contradiction of the provisions of the current act, but it must do that because otherwise it would not be able to meet to deal with some cases.

The system that we propose in the bill is flexible. It is not a 'one size fits all' approach; it relies on the expert judgment of the assessor and his or her capacity to bring in other clinicians as required. The proposed model recognises that people have complex problems which go beyond drug taking and can include, for example, domestic violence, financial problems, relationship difficulties or mental illness. Assessors would be part of agencies which already provide services within regions.

It is expected that assessors would be senior clinicians working within agencies such as the Drug and Alcohol Services Council, Community Health Services, Family and Youth Services, Child and Youth Services, Aboriginal Health Services, and the Drug Aid and Assessment Panel. This spread not only brings significant additional capacity to the system but also provides for a more local and responsive system than has been in place in the past. In particular, the proposed system will provide better capacity for supporting people in rural and remote areas, Aboriginal people and people from non-English speaking backgrounds. These groups have not been able to access the existing system in the numbers that ordinarily would have been expected.

The honourable member also asked: if both, how would there be a differentiation between individual assessments and panel assessments? As I have already indicated, each person will be seen by a single assessor initially. A judgment will then be made on whether or not there is a need for a panel and, if so, what kind. Guidelines for the taking of that decision are being prepared by a joint working party comprising DAAP, the Drug and Alcohol Services Council, South Australia Police, the Attorney-General's Department (the Justice Strategy Unit) and the Department of Human Services.

Regarding how legal consultation and advice will be made available to individual assessors, as I have already indicated, the proposed model provides for an assessor to access legal support through the existing panel of legal consultants. That panel is currently attached to DAAP.

The honourable member also asked about the relationship between DAAP and any newly accredited assessors, whether they be individuals or members of a panel. It is expected that the members of DAAP will be accredited as both individual assessors and with the capacity to operate on a panel. The proposed model provides for a strong working relationship between accredited assessors and the legal team assembled by DAAP. It is expected that the system of convening panels will include those people who are already DAAP panellists.

It should be noted moreover that, in any event, DAAP has been working, as I have indicated, outside the existing legislative structure. That is because it is too inflexible to use individual assessors in rural areas. The proposed system will allow that to occur within a sound legislative framework and provide greater support for assessors in regional areas (both country and metropolitan).

The Hon. Carmel Zollo: You say that it is expected. Is there any reason to think that it is not likely to occur?

The Hon. K.T. GRIFFIN: No. I think the word 'expected' is used to indicate that that is what is planned. It depends on what resources are available in rural and remote areas as to whether or not the expectation can be realised, but that is certainly the objective.

A working group has been established by the Minister for Human Services to discuss the detailed implementation of the proposed programs. It should give some reassurance that that is under the responsibility of Human Services, although it does comprise representatives from the police—obviously they will be very much involved—the Attorney-General's Department—very largely my Justice Strategy Unit—and the Department of Human Services, along with those who already have a range of experience—the DAAP and the Drug and Alcohol Services Council. The group is working cooperatively to develop the operational system by which the proposed amendments can be implemented.

In a lot of these new initiatives it is important to recognise that what we are trying to do within our Justice Portfolio is not only to get cooperation across the portfolio between the DPP (if appropriate), police and corrections but that we are deliberately endeavouring to develop much stronger lines of communication and cooperation with agencies such as Human Services. Frequently in the past there has not been the level of contact that I think should exist in this and other areas between the justice system and, say, Human Services. That is why you have new programs such as the violence intervention program and domestic violence courts; why you have the new mental impairment program operating within the Magistrates Court; and why you have the Aboriginal court day operating.

We are trying to ensure that, when people come to the courts—which is probably the trigger point for other action to be taken and also a point at which they are more likely to be persuaded to participate in rehabilitation, treatment and other sorts of programs—we do it on a much more cooperative basis than has existed in the past. Whilst there will be some failures, there will also be a lot of successes, and that has been evident in relation to a number of those cooperative programs to which I have referred.

I know that that is digressing, but it should provide some evidence that this will not be a police, Justice or Human Services run program but that it will be done on a cooperative basis. In the longer term—and this is my very strong view and it is the view of the government—these cross agency links and the level of communication and cooperation are

critical if we are to get value for money and the best outcome for the people who need the assistance.

As I said earlier, it is recognised that there are a number of issues of detail that obviously we cannot put into the legislation, and they will require some detailed consideration and perhaps some adjustment from time to time. That is really important, because the flexibility is necessary to ensure that we get proper outcomes.

The Hon. T.G. Roberts: How does the flexibility affect the commonwealth model of funding?

The Hon. K.T. GRIFFIN: That is what the commonwealth model is actually requiring—that there is more flexibility in the delivery of services. In general terms it is expected that panels will take on the more complex clients and that the existing DAAP system will be able to deal with many of the most complex clients.

As to whether existing panel members will be able to function as individual assessors, there is a simple answer to that. Yes, existing panel members can either function as members of DAAP as continued under the amendments on file or, if accredited, as single assessors.

Regarding who will have the responsibility for recruitment, accreditation, training and support of assessors, I have already indicated that but reaffirm that the Department of Human Services, and in particular the Drug and Alcohol Services Council, will have that responsibility.

The next question concerns where confidential assessment information, medical and criminal reports will be secured. Assessment information will be held by the assessor in what I think is a usual manner, and client confidentiality will be maintained in the usual course of events, particularly regarding the detail of any treatment. An assessor will be able to provide any information to the drug diversion appointment line in the Drug and Alcohol Services Council on whether or not a person attends the assessment. However, it should be noted that an assessor is able contact the person concerned as many times as he or she wishes to secure an appointment. It is up to the assessor to determine whether and when he or she wishes to pass the person back to the South Australia Police, the person not having met the initial conditions of the diversion.

As to who will have the responsibility for communication with the Police Commissioner for decisions as to non-diversion or breach of undertakings, the answer is that the assessor who is responsible for the assessment or treatment of the alleged offender at the relevant time is that person. Rather than communication with the Police Commissioner, I suspect that that is used generically as communication with the South Australia Police. That is made clear in new subsections 37(3) and (5).

The next question concerns what measures will be put in place to ensure financial accountability for the commonwealth and state funding involved. Accountability for the program will be held by the Minister for Human Services, supported by a state reference group and a management committee, both to consist of representatives across government. Financial accountability will also be secured by means to be set out in the eventual intergovernmental agreement between state and commonwealth governments.

Regarding what evaluation measures will be put into place, a formal state evaluation of the police diversion initiative, including programs for young people, is being developed. An evaluation brief has been prepared and will be considered by the state reference group in the near future. A formal national evaluation is also to be undertaken. As part of the monitoring process, statistical data relating to assessment and treatment options will be provided and maintained through the Drug and Alcohol Services Council, using the agreed national minimum data set. The South Australia Police will collect basic information regarding the nature of arrest and diversion.

It is important to recognise that there is a much greater emphasis now on evaluation of these sorts of programs. Again, the government believes that evaluation is an integral part of any program because, if it is not working, then we ought to be sufficiently bold enough to terminate it. If it is working but needs some modification, then evaluations will give us an opportunity to make the appropriate finetuning or other changes.

The next two questions were: why was the evaluation exercise terminated after two months; and why were reasonable comments from DAAP on the first report not reflected in the tabled report? The evaluation of DAAP was to have been done in two stages: first, an overview of the existing system and discussions with key stakeholders; and, secondly, a detailed investigation into the DAAP model. The tabled document is the first part of the evaluation. The evaluation was terminated because there were the documented significant problems with data integrity and validity which made the detailed assessment of the model problematic.

I think that deals with all the questions raised by the Hon. Carmel Zollo. The Hon. Michael Elliott raised a number of questions, and I did my best to answer those last evening. I will now deal with them more specifically. His first question was whether DAAP is one of the nominated assessment services available. Under the bill as it was introduced it could have been (and proposed section 35(2) refers to that). Under the amendments on file there is no need for that to occur because the transition provision continues DAAP, as constituted under the old legislation, as a body which the minister will accredit. The next question was: what else is considered to be a possible nominated assessment service? Accredited assessment services can include senior clinicians working within such agencies as the Drug and Alcohol Services Council, community health services, family and youth services, child and youth services, aboriginal health services and the Drug Aid and Assessment Panel.

The Hon. M.J. Elliott: Are you saying it is intended that they only be government agencies? That is all you have listed.

The Hon. K.T. GRIFFIN: For the assessment they will be government agencies.

The Hon. M.J. Elliott: It is certainly not clear in the legislation.

The Hon. K.T. GRIFFIN: The legislation is broad necessarily, but it is intended that they be the assessment services. They will not necessarily be the only service deliverers in terms of the treatment that is provided. There may be in local communities agencies which are specifically dealing with drug related issues and problems which, subject to the accreditation process which is being developed, might be approved to be the treatment providers in those local communities. But they will be overseen by these government agencies. The spread of the assessment services not only brings significant additional capacity to the system but also provides for a more local and responsive system than has been in place in the past.

The next question raised by the Hon. Mr Elliott was: if a person is referred who will decide which assessment service that person is to be referred to? The referral is made by a

police officer through the drug diversion appointment line. As I have indicated earlier, that is to be managed by the Drug and Alcohol Services Council. It is to be a 24 hour service. It will have a complete list of available assessors within regions and will make a judgment on the best placed assessor to provide the service. The drug diversion appointment line is to be staffed by people who have extensive experience in drug addiction and will be managed in conjunction with the existing alcohol and drug information service.

The Hon. M.J. Elliott: If a person is picked up in Mount Gambier for a simple possession offence, the police officer will be on the phone talking to—

The Hon. K.T. GRIFFIN: The drug diversion appointment line—

The Hon. M.J. Elliott: In Adelaide?

The Hon. K.T. GRIFFIN: In Adelaide.

The Hon. M.J. Elliott: And by way of phone conversation a decision will be made as to where that referral will take place, or to whom it will take place?

The Hon. K.T. GRIFFIN: Yes, that is right. The drug diversion appointment line will have available lists of assessment service providers in the locality, for example Mount Gambier, from where the appointment is sought to be made.

The Hon. Carmel Zollo: And the police officer will be responsible for actually making the appointment?

The Hon. K.T. GRIFFIN: Yes. The first assessment will be performed by a single assessor within—this is the plan—five working days of the diversion. The system will reduce complexity at the point of referral and will also allow for a sound, expert judgment to be made.

The Hon. M.J. ELLIOTT: Under the current process with a person referred to DAAP, DAAP will not necessarily see them. DAAP will make a decision whether to see them and I presume, if it is a first offence, it will not bother to do so. On my reading of the way things are now being drafted that is not at all clear. There was clearly a choice available to DAAP previously. What is meant to be the case under this legislation?

The Hon. K.T. GRIFFIN: This scheme is about early intervention, trying to get to offenders at the earliest opportunity. One of the problems with DAAP has been that it has been seeing repeat offenders and not getting to the offender at the first offence. The objective of this is to endeavour to get to a person at that first offence. It is intended that the person will be seen. It may be that it will be one information session. An assessment will have to be made as to what is required, but that is the intention of this program.

The Hon. M.J. ELLIOTT: What percentage of the people who have had a simple possession offence—usually expiated—would currently find their way to DAAP? It seems to me that you are saying that 100 per cent will now find their way into this new process.

The Hon. K.T. GRIFFIN: None of the offences will be expiated because they are not cannabis offences. They are all offences other than cannabis.

The Hon. M.J. ELLIOTT: In relation to a simple possession offence, are all of those currently appearing before DAAP and, if not, what is the percentage?

The Hon. K.T. GRIFFIN: I do not know that accurate statistics are available—certainly I do not have them—about the number who should be referred, and are referred—

The Hon. M.J. Elliott: And then are seen.

The Hon. K.T. GRIFFIN: And then are seen, or drop out of the system. I am told that there is a three-month waiting time to get to DAAP. Of those who are referred, a number will drop out and get lost. Police will not necessarily refer as they should because they say that it is just not worth it, because they know that nothing much will happen. The expectation of this new scheme is that, first of all, because police are interested and have obligations, because there will be a 24-hour appointment line and it is intended that there will be a referral within five days, and because that is so much closer to the point of apprehension, or detection and referral, there will be fewer people falling through the system. There will be more people who will actually be seen.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: Yes, it is a problem. All we can do is indicate what the expectation is. We are hoping that that will occur. That is certainly the objective towards which we are working. And there are some resources to go with it, particularly at the commonwealth level. I will just finish the answers to the questions and then we will report progress and seek leave to sit again. The Hon. Mr Elliott's next question asked what aspects of the current DAAP process did not fit into what the commonwealth requires.

The agreed COAG initiative for drug diversion is framed with clear guidelines for service provision based on the best practice model. The guidelines include a need to cover the complete at-risk population across ages, cultures and geographical areas; a separation of assessment from service provision; and the development of a simple, timely and comprehensive assessment and referral system. The existing DAAP model does not fit these criteria. The existing system does not provide services for young people, provides only limited services for Aboriginal people, is not able to address the needs of people in rural areas and has problems with timeliness. These problems will not be served by simply adding to the existing DAAP model. DAAP agrees that it is not able to provide a flexible service, and the requirement for three panel members militates against the involvement of some clients. That reinforces what I have just been saying about the objective of this scheme.

The Hon. Mr Xenophon got one question up, and the rest were obviously duplicating those raised by the Hon. Carmel Zollo. His question concerned what happens to people who have a simple possession offence and other offences at the same time, for example, property offences. I can say that precisely the same consequences as happen now will flow if the bill is passed. The police are obliged to refer simple possession charges to the diversion process, and any other charges are dealt with in the normal way. So, that is what happens now, and that is what is proposed to happen under the new system if it is enacted by the parliament.

The Hon. Carmel Zollo: So, there is no process for rehabilitation for people, outside simple possession. Is that right?

The Hon. K.T. GRIFFIN: No. If it is a simple possession offence and the person is alleged to have committed other offences, the simple possession offence will be dealt with as it is now, through DAAP or, as is proposed, through the diversion process, but that does not mean that that person escapes responsibility for the other charges. Those other charges will be dealt with in the normal process. That is a bit different from the drug court pilot that we are running, where they are all part of the one package. If a person qualifies for acceptance into the drug court program then all the charges are dealt with. The charges for the serious offences, for example, are progressed but, generally, dealing with them is delayed until whatever treatment process is put in place by

the drug court. When the time comes for sentencing or, if it involves committal and sentencing in the District Court, that will be the time at which the progress in relation to the drug taking offence will be taken into consideration in fixing penalty. That is not held out as the carrot, but it is one of the factors that are taken into consideration.

The Hon. Carmel Zollo: So it will be people doing things simultaneously?

The Hon. K.T. GRIFFIN: That is right; but remember, we have the drug court in place now as well.

Progress reported; committee to sit again.

[Sitting suspended from 6.03 to 7.45 p.m.]

The Hon. K.T. GRIFFIN: There are two other matters on which I wish to make comment. I overlooked giving a response to the Hon. Terry Roberts' inquiry about what is happening in other states. Western Australia is still negotiating with the commonwealth. Its proposed model is very similar to the bill that is before the committee. Parts of its model build on an existing court diversion program. Victoria is putting a cannabis caution program into place and a similar police diversion program for other illicit drug users of all ages.

I was asked a question about statistics, and I am reminded that one of the reasons why the DAAP evaluation was terminated was that no statistics were available upon which there could be any credible basis for determining the outcomes or otherwise of the whole scheme.

The Hon. M.J. ELLIOTT: I am looking at proposed new section 38, which relates to undertakings. It does not in any way spell out the involvement of a client, or whatever they are called, in this process. Anybody who has been involved in the drug area knows that no one treatment works for everybody and that, in fact, a treatment that works for one person at one time might not work at another time. If they have an addiction, it is a question of what stage they are at in their addiction. The way proposed new section 38 reads at the moment, it suggests that a single person, the assessor, makes the decision. The client may believe in the process very strongly and may even be sympathetic about trying to do something about their problem, but they may also believe that the solution that is offered will not work.

For instance, it might be proposed that they be sent off for a methadone treatment program, but they might have done it before, they hated it and it did not work for them. Having gone into this process, they have no choice. Why is there no spelling out of the role that the client plays in this process, other than signing on and basically agreeing to do what they are told? I am not saying that ultimately they should not be told what to do, but there seems to be no spelling out of the role of the client. If we are seriously trying to treat such people, particularly those with an addiction, and if the client is not involved in the decision making, it will be a failure. Although people are put in a position where they know best, they may be wrong but, with the absolute power they have got in this process, I wonder why no consideration was given to permit a person, having been prescribed a certain treatment, to appeal it so it might be reviewed elsewhere in the structures of assessment.

The Hon. CARMEL ZOLLO: Was the Hon. Mike Elliott alluding to an audit of the assessment procedures?

The Hon. M.J. ELLIOTT: I am talking about a particular individual who has undertaken assessment. One would expect that that would involve a great deal of conversation but, at the end of the day, the person in charge of the assessment will say what that person will do. It is possible that the person will believe quite honestly that it will be totally inappropriate and will not work. If they believe that, it almost certainly will not.

I know that the government does not want to create a situation where these people can refuse everything, but there must be some process that guarantees that the person is engaged in the process and that, if a person believes that a mistake is being made, there is some way of addressing it. Rather, as this seems to be, they are sent for treatment, perhaps methadone, and although it did not work last time they are being sent off to do it. I do not think that flexibility or responsiveness to the needs of the client is built into this measure in the way it should be. It might be intended to do it administratively but in the bill it is not there.

The Hon. K.T. GRIFFIN: In the present act, there is already provision for an assessment panel to require the person alleged to have committed the offence to enter into a written undertaking relating to the treatment that the person will undertake, participation by the person in a program of an educative, preventative or rehabilitative nature, and any other matters that will in the opinion of the assessment panel assist that person to overcome any personal problems that may tend to lead or may have led to the misuse of drugs. That is in almost identical terms to proposed section 38.

The Hon. M.J. Elliott: I understand that, but I think that the question is still applicable.

The Hon. K.T. GRIFFIN: It is still applicable but the new system is probably more flexible because we are getting people at an earlier stage and we have a more flexible—

The Hon. M.J. Elliott: You may.

The Hon. K.T. GRIFFIN: We may, but we are more likely to than under the DAAP process. Under the DAAP process there is the same issue to address but in this bill we have provided that the service may, at the request or with the consent of the person bound by the undertaking, vary the terms of the undertaking but not so that the total period of the undertaking exceeds six months, and that is the same under the DAAP process.

Flexibility is built into this but, ultimately, the choice is there for the offender/client, that is, if you do not want to face up to the crisis in your life and the help being offered at a time when probably you are under the most pressure to undertake rehabilitation and treatment, then you can choose to withdraw. That is the ultimate choice for the offender/client. Then you go back into the court system. There will be a lot of pressure, because of the nature of that option, to endeavour to persist with the treatment and rehabilitation processes that are required as a result of the undertaking.

The Hon. M.J. ELLIOTT: Can the Attorney-General say how the treatment services will be upgraded in South Australia? There is no doubt that the two major criticisms up until now have related to the adequacy of the assessment services, in particular the resourcing of the assessment services, and the fact that there were no places to which to refer them. I know there has been some upgrade, but how much expansion will there be of rehabilitation treatment services?

The Hon. K.T. GRIFFIN: An additional $3 million a year will be available.

The Hon. M.J. ELLIOTT: Is that for treatment and rehabilitation services?

The Hon. K.T. GRIFFIN: I have not yet finished. Of that, it is expected that about $2 million in additional money

per year will be spent on new treatment services across the state.

The Hon. T.G. ROBERTS: How does the program apply to people on home detention or those who reoffend or might volunteer to go onto a program, given that a lot of the prison programs are not properly resourced? How well resourced are country areas such as Port Lincoln, Port Augusta, Murray Bridge and Mount Gambier with their high release rates of prisoners who are still drug affected or not fully rehabilitated?

The Hon. K.T. GRIFFIN: The intention is to build the capacity to provide treatment services in all the major country towns—in fact, across the state. The first priority will be those who come into this system charged with a simple offence and who are referred through the process we have already outlined. That may mean that there will be some people on home detention, ultimately, who flow through because they have committed other offences. It may be that there are people in the prison system, but it is not designed specifically to deal with them. It is to deal with early intervention and early assistance, and if there is that capacity there, and there is some free board, then others may voluntarily be assisted by it. This is a focus upon offending where the intention is to get those who are offenders at an early stage rather than waiting until they are repeat offenders.

The Hon. CARMEL ZOLLO: Perhaps those who have been caught for the first time. Is that what you are saying?

The Hon. K.T. GRIFFIN: The first time, but not necessarily just first offenders.

The Hon. M.J. ELLIOTT: This is a bit aside from the bill, but I am wondering whether or not the services which are set up under this bill will be available for voluntary admission. Could a person with a drug problem put themselves in the hands of the panel, rather than waiting until the police get them?

The Hon. K.T. GRIFFIN: The answer is yes, provided there is the capacity within the system to cope with it. If there is unused capacity, of course it will be available.

The Hon. M.J. ELLIOTT: Otherwise, I would get arrested.

The Hon. K.T. GRIFFIN: Well, if that is your choice, so be it. I make no observation on your willingness or otherwise to be arrested.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 3—
Line 34—Leave out 'offer the person the opportunity of being referred' and insert:
refer the person
Line 35—After 'service' insert:
and give the person a notice that sets out particulars of the date, place and time at which the person must attend the service

Page 4—
Lines 1 to 13—Leave out subsections (2) and (3).
After line 23—Insert new paragraph as follows:
(aa) give written consent to—
(i) the release of the person's medical and other treatment records to the service and to any drug treatment service that is to provide treatment to the person pursuant to an undertaking under this Division;
(ii) the release to the service of—
(A) records held by or on behalf of an assessment service or any agency or instrumentality of the Crown relating to previous assessments of, or undertakings entered into by, the person under this Division; and
(B) the person's criminal record (ie, record of any convictions recorded against the person); or

Page 5—
Line 3—Leave out 'no longer wishes' and insert:
does not want
Line 8—After 'Division' insert:
to give written consent to the release of records or

Page 6—
Lines 15 to 19—Leave out all words in these lines and insert:
by a person cannot proceed unless the person has been referred to an assessment service under this Division and the referral has been terminated by the service.
Line 21—Leave out 'consents to being referred to an assessment service' and insert:
participates in an assessment

There are a number of amendments to clause 4. The first two amendments are taken together in the explanation. Some members, and some who have made submissions regarding the bill, have argued that the words 'offer the person the opportunity of being referred' in what is proposed to be section 36(1) have the effect of conferring a discretion on the police concerned. Some have argued that the words have the effect of conferring a discretion on the alleged offender. It is clear that the phrase does not confer a discretion on the police officer concerned.

It is also true that as a scheme the alleged offender has a choice about whether or not to participate at all times. He or she can opt out at any time. It is a voluntary scheme, but some have argued that to give the appearance of having a choice at the first instant of apprehension will be counterproductive and will result in the non-participation of those who might in the sober light of day reconsider. Since the phrase in question has led to so much argument, I would suggest that, for no real purpose, the point of the amendment is to remove it. This removes the need for what is proposed to be subsection (2) except for the mere giving of the notice.

The second amendment provides for that to be done. The next amendment is to delete two proposed subsections, and that is consequential on the amendments to which I have just referred and to some subsequent amendments. The fourth amendment is consequential on those to which I have referred. There will be no signed consent form at this stage.

The effect of the fifth amendment is to move the requirement of effective consent to the release of certain records to the assessment service from the point at which the person to be diverted is apprehended to the point at which that person arrives for his or her first appointment at the assessment service. This amendment addresses concerns that have been expressed that, because of the possibility that the person at the point of apprehension may be intoxicated or in some other fragile state, the more complex questions of consent could not properly be informed consent and may cause some to become confused and refuse the opportunity of diversion which they might otherwise have taken.

The next amendment is consequential on earlier amendments. Since there is no consent form in the first place, it is not a question of the alleged offender no longer wishing something: it is now a question of whether the offender wants to continue. The next amendment is consequential on that amendment to which I have just referred in relation to the release of records. The next amendment is consequential. The reference to 'opportunity to be referred' and 'consent to be referred' is no longer relevant in the light of earlier amendments to which I have referred. The last amendment to clause 4 is also consequential. The notion of the earlier

consent is no longer relevant in the light of the earlier amendments to which I refer.

Amendments carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

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

Page 7, after line 25—Insert new subsection as follows:

(3) The panels of legal practitioners and health professionals established by the minister under section 34(2) and (3) of the principal act, as in force immediately before the commencement of this act—

(a) continue in existence and will be maintained by the minister in the manner contemplated by that section; and

(b) together form a body that the minister will accredit as a drug assessment service under and in accordance with the act as in force after that commencement.

My colleague the Minister for Human Services has expressed the desire that the bill include a transitional provision which continues the Drug Aid and Assessment Panels (as presently constituted) as being accredited as drug assessment services for the purposes of the proposed regime. This amendment achieves that objective.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

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

A quorum having been formed:

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 492.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contributions. This is an important issue for the state. It was on the *Notice Paper* last session but arrived in this place very late and could not be addressed at that time. There are a number of amendments on file that members have already addressed in their second reading contributions, and that debate will be advanced during the committee stage. I thank members for accommodating changes to the program. I appreciate it.

Bill read a second time.

In committee.

Clause 1.

The Hon. SANDRA KANCK: During the second reading stage the Hon. Legh Davis referred to the 'I am with Ivy' rally that Channel 7 organised, and he made some scathing comments about that.

The Hon. Nick Xenophon: *Today Tonight*.

The Hon. SANDRA KANCK: *Today Tonight*, sorry: he said Channel 7. As someone who has been involved in the anti-nuclear movement for close on 30 years of my life—I have been to rallies and meetings and I know the people who come to these rallies—I can tell this chamber that the people who were at that rally were not the normal people who turn up to anti-nuclear or environmental rallies. This was a completely different group of people—they were middle aged, and I am certain that some of them had never been to a rally before in their life. People such as the Hon. Mr Davis really misjudge them and give them motives that should not be assigned to them. Mr and Mrs Average turned up to that rally, and the government would be very foolish to ignore their cry.

I also noted that the Hon. Legh Davis could not resist, in his usual mean-spirited way, attempting to have a go at me for my stance. Clearly, he had not listened to what I had said. I have said all along that I do not object to a state-based nuclear waste repository but that I object to other states' waste being brought to South Australia. I would no more suggest that the waste that is produced at Roxby Downs be shipped to New South Wales than I would suggest that Lucas Heights waste be shipped to South Australia. We have to take a responsible position on that, and that is exactly what the Democrats are advocating. We should look after our own waste. Nobody but nobody is saying that people should not have access to medical tests that require the use of radioactive isotopes, but we must be responsible for the waste we generate.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. T.G. ROBERTS: I move:

Page 3—

Line 14—After 'nuclear waste' insert:

or 'Category S nuclear waste'

Line 23—Leave out 'fuel,' and insert:

fuel; and

Line 24—Leave out 'but does not include Category A, Category B or Category C' and insert:

(c) that is Category S

The amendments have different intentions. The amendment moved by the Labor Party is an indicated amendment that triggers a referendum if the commonwealth government selects a site in this state for the establishment of a nuclear waste storage facility. It provides:

> . . . the following question is to be submitted to a referendum of electors of the House of Assembly. . .

and then states the question. The reason the Labor Party has framed it in this way is that it is not an automatic trigger, it does not lock any future state government into a referendum on the question regardless of whether or not a facility will be built here.

However, if the commonwealth—and it can; it has the power to do it—overrides the state's legislation in relation to the siting of a dump—and it has used its power to date by transporting and storing low level waste in outback South Australia—and attempts to take on board medium or high level waste that is either of international origin or unknown origin through either the Port of Sydney or the Port of Melbourne and attempts to transport it into outback South Australia, that is when a referendum would be triggered.

If the commonwealth decides to use its power the amendment recognises that it will be able to select sites and override the intentions of state governments. The difference in the referendum question in our amendment is that it would highlight the commonwealth's action in building a facility that is not in tune with the requests of a majority of South Australians, if indeed that is their wish.

If it is the wish of South Australians as shown through a referendum that they do want to store French, Japanese, English or Belgian high level waste or to start to use outback South Australia as a dump for discarded Russian submarines and failed nuclear reactors in generating plants or waste of that ilk, then good luck to those people—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: The honourable member says that there is plenty of it in Russia, and I indicated that in my second reading speech. There is pressure on countries like

Australia and Argentina, and I would say that some African countries will be coming under pressure soon to put in place a facility for handling the waste of the nations involved in the cold war—

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: Well, I am not as well informed as the honourable member in relation to who was cheering and who was booing. I certainly was not cheering when the Soviet Union was putting nuclear submarines into the water; I was not cheering when the United States was putting nuclear submarines into the water; and I certainly was not cheering when any other nation was putting nuclear submarines in the water. Like another old war horse—if I can refer to the Hon. Sandra Kanck in those terms—I have been involved in the anti-nuclear fuel cycle and anti war-machine campaigns over the past thirty years, and I have followed the nuclear industry for some considerable time. The opinion was that at some time in the future the countries who have the ability to involve themselves in the nuclear fuel cycle would not be able to capably and technically look after the waste they were creating. That is now the case.

I mentioned in my second reading speech that countries like Bulgaria and the old East Germany have been shown to have participated in the nuclear fuel cycle in the generation of power and nuclear weapons and are now totally incapable of dealing with that waste. So, there will be pressure on countries like Australia to involve themselves. People will be selling it on the basis that there are jobs involved, that there will be jobs created and, as with any other cargo cult, there will be people in society who expect governments to become involved.

A referendum is a democratic way of deciding. I am sure there are other members who would be quite happy to have a citizens initiated referendum on many other subjects, but I am not one of those. I am advocating in this case a referendum based on a problem where commonwealth powers override state powers, and in this case it would be a political response to a question that most South Australians disapprove of even though there are no plans on the horizon as announced. However, we now all know that the thin end of the wedge is being applied to South Australia to open up our outback areas to deposit waste. We would expect that, if there were such an announcement by the commonwealth, the referendum would be triggered.

The Democrats have an amendment that provides for a referendum. The Hon. Sandra Kanck is quite able to talk to her amendment but I would seek the committee's support for the Labor Party's amendment over the Democrat's amendment on the basis that it is triggered only if the commonwealth makes a move—or attempts to make a move—to put a category S waste storage facility in South Australia.

The Hon. DIANA LAIDLAW: I rise to oppose the amendment. On the surface the amendment looks pretty innocuous and straight forward but it is—

The Hon. T.G. Roberts: Would I put forward anything that was other than innocuous and straight forward?

The Hon. DIANA LAIDLAW: I will not comment further on the interjection. Despite the appearance of the amendment being straight forward and acceptable in its own right, the fact that it is directly related to other amendments the opposition proposes to move for a referendum leads the government to oppose this amendment also. The honourable member is correct in pointing out that the Australian Democrats have amendments on file that also provide for a referendum on the location of a nuclear waste storage facility. The difference is that the Labor Party proposes that the referendum is triggered only if and when the commonwealth has made any such decision.

The Hon. T.G. Cameron: That could well be a Labor government after the next election.

The Hon. DIANA LAIDLAW: The Hon. Mr Cameron is correct in saying that a government of any persuasion will have to address the issues that currently face the coalition government. These issues, like the prostitution debate last night, are difficult to address and it is easier for many members not to address them, which is essentially what has happened with the build up of nuclear waste in this country for some considerable years, and it is time that these issues are addressed.

In terms of a referendum, we know what the answer would be in terms of any high level nuclear waste being deposited in this state. The government has made very clear what its views would be on such an issue, and that is 'No.' The community has resoundingly said the same. We believe that a referendum, costing up to some $5 million, will provide an outcome that everybody knows already. In terms of the measures before us at the moment, I note that in the House of Assembly the shadow minister for the environment moved similar, or the same, amendments. They were not passed and then the minister moved amendments which were accepted. They provide for an inquiry and were inserted in the bill in the other place. Clause 14 provides:

> If a licence, exemption or other authority to construct or operate a nuclear waste storage facility in this state is granted under a law of the Commonwealth, the Environment, Resources and Development Committee of the Parliament must inquire into, consider and report on the likely impact of that facility on the environment and socio-economic well-being of this state.

I am advised that in the other place the opposition supported that provision for a public inquiry, and we as the government believe that that inquiry is sufficient to address all the issues that the honourable member, on behalf of the opposition, would want addressed through a referendum, that is, the environmental and socio-economic well-being and the impact on this state.

The Hon. NICK XENOPHON: With respect to the Hon.Terry Roberts's amendment, I will say at the outset that I am a great believer in the referendum process. I believe that, looking at the history of the referendum movement in the United States, referendums there initiated by petition process have been effective in involving citizens directly in the legislative process. In something like 24 states in the United States since the end of the 19th century the referendum movement has grown. But in the United States—

An honourable member interjecting:

The Hon. NICK XENOPHON: I will have a few questions to ask the Hon. Terry Roberts in a moment. I am sure he is enthralled with what I have to say. In the United States, the whole purpose of having referendums—

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: The Hon. Terry Cameron says he thought that they were moving away from referendums in the United States. The reading I have been doing on the issue recently indicates that there has been a steady increase. In the 1970s and early 1980s, due to a number of tax initiatives, there was a spate of referendums in a number of states, and they are still used on a whole range of issues. There were referendums on gambling in a number of states; in the election that occurred last week, on the medical use of marijuana—

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: I am sure we will have fruitful discussions with the shadow attorney-general on that issue. The point is that in the United States referendums are conducted either to change an existing law or to bring about a new law that the legislature is unwilling to pass. In this case, I think all honourable members agree with the thrust of this bill—that there ought not to be a high-level or intermediate nuclear waste dump in South Australia. I would like the Hon. Terry Roberts to explain to what extent a referendum will do anything differently from what this parliament is already doing. If the parliament is saying that we do not want this, and we hold a referendum to confirm what the parliament has already said, as a matter of simple logic, to what extent will that advance the issue? It may cost several million dollars.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: The Hon. Sandra Kanck says it is to determine what the people want.

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: I will respond to the Hon. Sandra Kanck in terms of giving the people what they want. If the parliament is asking the people of this state to ratify what it has already decided unanimously, are we wasting $5 million? If, however, there is to be a referendum to discuss or vote on a proposal to change the law as it will be in the near future on dumping nuclear waste in this state, that would make some sense. If all we are asking the people to do is to ratify what we have already done I can see some difficulties with that. I must emphasise that I am a great believer in the referendum process, but will this be a Clayton's referendum, where we are not advancing the issue? I am still open to be convinced on this issue, but I cannot see how we will achieve anything further. There is another sort of referendum, in a sense. If Senator Minchin and the federal government are hell-bent on having a high or medium level nuclear waste dump in this state for interstate and overseas radioactive waste, I think that federally the Liberal Party in this state will feel the wrath of the electorate at the next election.

The Hon. T.G. ROBERTS: I explained in my second reading contribution that most bad decisions made by government against people's wishes are done by degree. The introduction of an extension of the nuclear waste cycle in South Australia will be done like that, by degree; it will be low level and medium level waste, and most anticipate that, if South Australia becomes a repository for those two and we set up a structure to accept low and medium waste, eventually the question will be asked of a government in the future, 'You have facilities for medium and low level waste; why do you not accept category S?'

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: But one of the complications we have and the difference between our commonwealth and state system and, say, Switzerland, which determines a whole range of key policy matters across parties by referenda, is that their referenda are then transferred into legislation. Our commonwealth state relationships are not like that: the commonwealth can override state determinations.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: No; I am saying that, if we have a referendum on the question, it would be a very brave government that did not take into account the will of the people in South Australia. If, for instance, 90 per cent of South Australians were opposed to a high level waste dump being built in South Australia and that was an overwhelming vote, the result of which was then passed on to the federal government, it would be a very brave federal government to move into the next stage from low level to high level waste in this state. Because the political ramifications would be such that it would lose quite a number of seats, it would be a very foolish move to make. The Hon. Diana Laidlaw said, 'We won't be doing that.' This government has said that it will not, but there are no guarantees that another government will not be in that position.

This measure triggers a referendum for political consideration. It does not have the legislative power to protect South Australia's interests. Most South Australians, except for those who are here tonight, do not know or understand that. Most South Australians believe that state laws made in state parliaments are sacrosanct and cannot be altered by commonwealth parliament. That is not the case. As soon as the commonwealth wants to issue a directive to its bureaucrats to draw up a bill to override states' rights in relation to commonwealth sitings, they can use commonwealth land, the highways and railway land. I am not sure about the rail if it is privatised; that question may need to be considered. They can certainly use rail and road links in the transport net.

The Hon. T. CROTHERS: I want to address a number of weaknesses that reside in the amendments moved by the Hon. Terry Roberts, not the least of which is the amount of land we ceded to the commonwealth here in South Australia over the nuclear testing that took place in our Far North, the bulk of which still resides under commonwealth law. So, the results of any referendum initiated here could certainly not be held to apply to any commonwealth land that was excised and ceded by the state at the time of Maralinga and Woomera. Secondly, from the days of formation of parliaments, from the days of the Anglo-Saxon witan, the days of the atheling of Iceland, and the days of the fjords and kings of Scandinavia it has been recognised that the shortest distance between two points is a straight line. The straight line in this case happens to be the parliament's meeting to embark upon a process of decision making—not a referendum, which may take four to six weeks to organise and which will then need six weeks to nine months to give literal effect to. So, that is a nonsense as well. The thing is so shot full of nonsenses that I doubt that even I will be able to stitch them together to make some commonsense.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: You can have the logic; give me the numbers.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: As my friend the Hon. Mr Cameron and I have observed over the past couple of months now, anyone who has been paying even scant attention to what is going on in the world around us would have seen that governments as we understand them are beginning to have their day. Look at what the people have done to the Presidents of Peru, Serbia (Milosevich) and Russia (Yeltsin). Look what is happening now as the courts battle to determine who will be the next American President. Look at those and other matters and see the way in which we have lost governments to the media, to the press—and, dare I say it, through referendum—when we ought to be taking the bit of decision making between our own teeth. First, because we can do it more quickly, secondly because we are the mechanism to do it, and thirdly because we are showing the people that the art of good governance has not yet been lost when it comes to acting on their behalf.

I say that yet another one of the reasons that the art of good governance has been lost is political correctness. Let us not get involved here in a piece of methodology which may not be aiming the arrow straight from the quiver to the heart but which is drawn into the centre of the body politic. Let us not have that nonsense; let us support what the government is trying to do in honesty; let us reach out and embrace them. Let us embrace that honestly and let us not play around with the body politic which all sides of politics are wont to do. I support the government. I do not think that we can afford to deviate it away or demonstrate to the people that we are capable of good governance—even at 8.47 p.m.

The Hon. SANDRA KANCK: As the Hon. Terry Roberts has explained, including the words in the amendment will create the trigger necessary for the referendum proposal. In the light of information that came out last week about the size of the dump that the federal government is contemplating, it is not an 'if' but a 'when'. During her contribution, the Hon. Diana Laidlaw said 'when' and then corrected herself to 'if'.

An honourable member interjecting:

The Hon. SANDRA KANCK: There may have been, but there is no doubt that this waste dump will include medium level waste, which means that, whilst the option for a referendum in the Labor Party amendment could happen, my amendment suggests that it will happen. In regard to the referendum, the difference between the Labor Party amendment and my amendment is that Labor's amendment provides for a stand alone referendum and my amendment provides for a referendum to be held in conjunction with a state election at a lesser cost, and I ask honourable members to take that into account when making their decision.

The Hon. DIANA LAIDLAW: The Hon. Sandra Kanck referred to my comments about when the federal government will make a decision about any future nuclear waste storage facility. It is only when such a decision is made that the Labor Party amendment will be triggered. Because that comment may have been misinterpreted, I immediately corrected myself. But my remarks were in the context of the Labor Party amendment and how that would trigger a referendum rather than stating that the federal government would act in such a fashion.

The Hon. T.G. CAMERON: I believe the Hon. Nick Xenophon was close to the mark when he referred to propositions for a referendum. I believe the Hon. Sandra Kanck's amendment is the worst of the two amendments because if it is passed it will mean the next general election will include a referendum. No discussions have taken place about the guidance that will be provided to electors for this referendum. For example, if the Labor Party's amendment is passed, how many honourable members—let alone the general electorate—would have any idea what category S nuclear waste means?

I suppose the Hon. Sandra Kanck would know, but I doubt that one person in 10 in the electorate would know what category S nuclear waste means. For those who do not know, category S covers waste that does not meet the specifications of categories A, B or C—that is a bloody lot of help for the person in the street, isn't it? One would have to know what is in categories A, B and C, and then there is a qualification as to what category S nuclear waste is. Do members really believe that an election is an appropriate time for the people of South Australia to make a decision on an issue like this—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I am not suggesting that it does. Does the honourable member really believe that it is appropriate for the people of South Australia to make a decision like this at the same time as a state election when people have to consider policies on health, education, etc? We know that the electorate will not be told what the policies will be until an election is called.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: Yes, that is the game plan—sometimes it is after the election. The problem with the Democrat's proposal is: what if Howard goes to the polls early? Will they legislate or do whatever they have to do to set up a dump in South Australia? We could then have a situation where the dumps are already in place before the next state election is held before March 2002. So we could commit ourselves to spending $5 million on a referendum at a state election, yet the decision has already been made, implemented and in force.

I do not believe that an appropriate course of action on this issue is a referendum. The first casualty in this debate was the truth. One only had to look at some of the public pronouncements that were being made. I have no doubt in my mind that the Democrats would proceed with this amendment if the Labor Party won the next federal election. I would put a dollar to a cent that, if we have a federal Labor government in March or April next year, we will be able to watch the squirming and the wheedling that the Australian Labor Party will do as it attempts to get out of this decision to hold a referendum, because it knows that a federal Labor government will continue to walk down the same path as the federal Liberal government. If you need any verification of that, have a look—

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: Sorry, am I interrupting you? One has only to look at the contribution made by the Hon. Sandra Kanck about the role of Martyn Evans when he referred to South Australians as NIMBYs. Let us look at these amendments for what they are. There is a little bit of political integrity in the position adopted by the Australian Democrats. At least they have been consistent about uranium over the decades, but these garbage amendments that are being put up by the Australian Labor Party epitomise hypocrisy. It is just a pathetic attempt at playing politics. This committee should consign them to the electoral dustbin immediately. If I could move that the motion be put, I would do so, but unfortunately the debate will probably continue.

Members interjecting:

The CHAIRMAN: Order! The Hon. Nick Xenophon has the call.

The Hon. NICK XENOPHON: Given that we partly went down this path over the ETSA debate and a select committee was formed, I recollect that—

The Hon. T.G. Cameron: The Labor Party is not the only one keen on referendums.

The Hon. NICK XENOPHON: That is right, but I recollect that there were some practical procedural and legislative difficulties in simply calling for a referendum merely by this mechanism. My understanding is that there could well be some constitutional difficulties in terms of the referendum taking place, that there would need to be a separate act setting out all the procedural issues with respect to a referendum. That gives me some pause to reflect. I am not against the concept of a referendum at all but, when we look at the referendums that we have had in South Australia, such as the one for lotteries in the 1960s, when the Walsh-

Dunstan government gave the people a choice as to whether we had a lottery in this state, it was a new piece of legislation. It did not relate to something that parliament had already ratified. Other referendum issues have been daylight saving and shopping hours. There have been a whole range of issues where we were making new laws, not ratifying existing law, and the Hon. Terry Cameron might be able to assist me on that.

If the Hon. Terry Cameron and the Hon. Sandra Kanck are saying that this is a political lever to put more pressure on the federal government, I respect and sympathise with that, but there are some procedural issues with respect to the way in which the referendum clauses have been structured in the amendment moved by the Hon. Terry Roberts and in the amendment moved by the Hon. Sandra Kanck, and I invite them to explain what advice they have received. On the basis of a lot of the work that was done in the ETSA debate, it seems we could have some procedural difficulties in getting a referendum called on the basis of this clause, or at least in the way in which it has been drafted. I have some serious drafting difficulties with it and I do not know whether the members can assist me with that.

The Hon. T.G. ROBERTS: My understanding is that the honourable member is right, that a bill would have to be drafted to accommodate the detail but the indications of what the questions would be are included in the amendment.

The Hon. T.G. Cameron: Your heart is not in this.

The Hon. T.G. ROBERTS: The honourable member says that my heart is not in it. He was in the Labor Party for some considerable time and he knows that there was a strong lobby inside the Labor Party, which included me, over a whole range of issues relating to the nuclear fuel cycle and the struggle within the party was never known until the last votes were counted. The last votes to be counted were generally the centre's votes, and the centre always sided with the right. The right always had a pro-nuclear fuel cycle—

The Hon. T.G. Cameron: Not true. I was over there voting for the left to stop Qantas.

The Hon. T.G. ROBERTS: I am not talking about Qantas: Qantas is not on the agenda. The last national conference before the honourable member was exited from the party was a very close vote. It was not known until the last hour of the conference before the vote was put. In fact, a lot of people absented themselves from the convention floor—

The Hon. T.G. Cameron: That was 30 years ago and your faction hasn't changed one bit.

The Hon. T.G. ROBERTS: No it is not: it is no more than six years ago. People absented themselves and stayed the other side of the mountain away from the convention hall so they could not be lobbied.

The Hon. Diana Laidlaw: Which faction; right or centre?

The Hon. T.G. ROBERTS: It was the centre. The Hon. Mr Cameron could probably get up and say that some of my colleagues in the left faction were wavering as well, and they could have moved over. The point I am making is that, within the Labor Party, there has always been healthy debate as to the direction and flow of the vote.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Bill was always there to support it. There has always been healthy, spirited debate inside the Labor Party and I am sure that there will be healthy debate from here on. The question in front of us is one of process. The honourable member is understandably concerned about how a referendum is to be conducted, because there is no detail in the amendment as to the questions that will be asked. There is a series of five parts in the amendment that describe some steps in terms of process, but it is up to the honourable member to have some faith in the commitment that the Labor Party would have, either in opposition or in government, to put forward a referendum. We cannot do it in opposition.

The Hon. Nick Xenophon: This clause will not guarantee a referendum on this issue, will it?

The Hon. T.G. ROBERTS: It will guarantee a referendum, particularly if we are in government. The Hon. Mr Cameron has another view and, if this is passed in both houses, it should guarantee a referendum in the life of this government.

The Hon. Diana Laidlaw: It did not pass in the other house. Your party accepted a public inquiry.

The Hon. T.G. ROBERTS: If it goes back in conference and it is determined that there is a different position, it will have another life. I am obligated to put the amendment to members in this chamber. If it is not accepted and if the amendment moved in another place is adopted, that is the position that this chamber will adopt as well.

The Hon. SANDRA KANCK: I put on the record what I think the Hon. Nick Xenophon was wanting to hear or to have confirmed, that the Democrats see this unashamedly as a political lever. That has always been the stance that I have taken from the moment that I first announced some six months ago that I was going to move such an amendment. I believe it will be incredibly effective. Imagine if 95 per cent of South Australians in a referendum say, 'We do not want a nuclear waste dump that brings in material from other states.' That is the rider.

The Hon. Diana Laidlaw: Low level or high level?

The Hon. SANDRA KANCK: My amendment says 'all waste'—low, high and medium; any that is imported into the state. That would be an extraordinarily powerful message. The Hon. Terry Cameron asked what would happen, however, in relation to my amendment—which I have not yet moved but which is being discussed so, when the questions are being thrown around, they need to be answered—if John Howard goes early. What would happen if a state election were held after we had such a referendum is that the passage of this legislation would probably—in fact, almost certainly—cause the federal government to pass legislation to try to override what we are passing. For that legislation to pass—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: I believe they do.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: Yes, they do. Because they have commonwealth land does not necessarily mean they can go ahead and do it. The advice I have is that by passing this legislation here, if we place the federal government in a position of having to pass its own legislation to override ours, then the South Australian federal MPs would necessarily have to vote against the interests of their own state. Passing this bill with the provision for a referendum, such as this, applies enormous pressure on all South Australian federal MPs. That is why we need it. It is unashamedly a political lever.

The Hon. NICK XENOPHON: I thank the Hon. Sandra Kanck and the Hon. Terry Roberts for their responses. I want to make it absolutely clear that I support the concept of referenda as a general principle to get people involved in important issues, and I am very sympathetic to the US system in terms of how the referenda work there. The concern I have

with respect to the amendments moved by both the Hon. Terry Roberts and the Hon. Sandra Kanck is that procedurally it does not provide a structure as to how it will occur. I can understand their intention, even though I think in some respects some people would see it as a Clayton's referendum. I understand the intention to act as a powerful political lever with a commonwealth government that wants to use South Australia as a dumping ground for medium and high level nuclear waste is laudable.

But in good conscience I cannot support these clauses as they are currently because they are procedurally defective. The Hon. Terry Roberts' amendment to subclause (4) provides:

> The Electoral Act 1985 applies to the referendum with adaptations, exclusions and modifications prescribed by the regulations as if the referendum were a general election of members of the House of Assembly.

That to me is fraught with all sorts of difficulties. We do not know what the regulations will be; the government could make all sorts of regulations which could be totally unfair to the proponents of this referendum. If the members are serious about this, and I believe both members are, then they should have a bill which covers all these issues so it is properly watertight and we can deal with it.

I indicate that I am very sympathetic to it, but this is not the way to go. I can see the warning signs. We would be making a symbolic gesture that in the end could not lead to anything in terms of these clauses. I am not sorry if I am pedantic and legalistic, but I have spent 17 years as a lawyer. Just as the intentions of the members are honourable in respect of this, my intentions are that if you are going to do it, you should do it properly—and this is not the way to do it. That is why I cannot support them. I believe you will be doing your cause a disservice with respect to this.

Amendments negatived.

The Hon. SANDRA KANCK: I move:

> Page 3,lines 24 to 28—Leave out all the words in these lines.

This amendment removes any reference to categories A, B and C waste from the definition of nuclear waste. The effect of that is that all levels of nuclear waste that are generated either interstate or overseas will be prevented from being brought into South Australia and put into a nuclear waste repository. It is a catch-all move. It is not clear from the wording, but it is a catch-all so that all categories of waste are prevented from being put into a national waste repository in South Australia.

The Hon. T.G. ROBERTS: I do not wish to proceed with my amendment. Based on the consideration of the committee on the last vote, it is clear that we have not got the numbers. Those who are voting against both the Democrats' and the Labor Party's motions on this issue have made it clear they are not supporting them. Although our amendment is slightly different from the Democrats, we will be supporting the Democrats but understanding that it will not get up. We will not be dividing on it.

The Hon. DIANA LAIDLAW: The government does not support the amendment for the reasons outlined earlier. I highlight, in terms of the Democrats' provisions, there is no distinction at all between the various levels of waste. We think that is a deficiency in the proposition, as well as our opposition in general to a referendum on the issue.

The Hon. SANDRA KANCK: I think I had better explain it again because I know there was a lot of conversation going on at the time. We are talking about clause 4, page 3, lines 24 to 28—leave out the words in this line. This amendment removes any reference to categories A, B and C and the effect of that is to say that no forms of radioactive waste will be allowed to be imported into South Australia, whether it comes from other states or overseas.

The Hon. T.G. CAMERON: It is my understanding that if we carry that clause as so amended it would have the effect of banning low level radioactive waste. Is that correct?

The Hon. SANDRA KANCK: From being imported into South Australia.

The Hon. T.G. CAMERON: Yes, from being imported into South Australia. I also understand that, if this amendment is carried, it will not affect nuclear waste which is already lawfully stored in South Australia at the time of commencement of the act. I ask the honourable member: why is that the case?

The Hon. SANDRA KANCK: This clause—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: We have nuclear waste here in South Australia.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: No. What I have said before on a number of occasions is that I support the establishment of a nuclear waste repository in South Australia to deal with the waste that we have and any further waste that we generate in South Australia. We should be responsible for it.

The Hon. NICK XENOPHON: I would like to ask a question of the honourable Sandra Kanck. I do not necessarily subscribe to this argument, but what does the honourable member say of the argument that, because we are part of the nuclear fuel cycle—something about which I have grave reservations, as has the honourable Sandra Kanck for many years—if we produce the stuff and sell it we have an obligation to store it? I do not agree with that argument but I am interested to hear the honourable member's views.

The Hon. SANDRA KANCK: I am happy to address that argument. I think it is an erroneous one. If you subscribe to such an argument, it means that when all the Japanese cars that we buy in Australia are no longer operable we should ship them back to Japan. No-one would suggest such an option.

The Hon. T. CROTHERS: One of the great attractions that this bill has for me is that it is like a squirrel gathering little gumnuts in the one place and then placing its protective little paws over them. If we follow this amendment standing in the name of the Hon. Ms Kanck there will be nothing to stop us having five or six other little piles of gum nuts in categories C, B or A with nuclear waste in them set up by other states. That, to me, tears apart that which I thought Minchin had right on his side over, and that was to garner all the waste in the one epicentral spot where it is pretty safe relative to earthquakes and earth movement and so on and where it is possible to keep a watching vigil. I oppose the amendment because in the very death throes of this bill we are doing the old crocodile death roll which would take us back to where we were in the very first instance with all of those little separate dumps. I oppose the amendment.

The Hon. T.G. CAMERON: I oppose the Democrats' amendment and I support the government bill. The Hon. Trevor Crothers is correct when he points out that, if this amendment is carried and other states follow suit—and one cannot see why this would not trigger off or be a catalyst for every other state's adopting a similar position—as I understand it, we could end up with eight nuclear dumps in

Australia. I fail to see how anyone can argue that it would be better for Australia to have eight separate dumps with the attendant possibilities of leakage and security problems, let alone cost, than finding one suitable site to place all the low level waste. I am sure that the Hon. Sandra Kanck appreciates that there is a vast difference between low level waste and medium or high level waste or even category—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: It is my understanding that we live in a country called Australia. We have a federal government and a federal constitution which bestows certain powers upon that federal government. The honourable member is a lawyer. He understands the constitution and the Westminster system of government and the relationship between state and federal rights. It just so happens that this lies within the privy of the Australian federal government. We could pass whatever we like here today and it could be automatically overridden by the federal government. I thought we made certain decisions back in 1900 and 1901 that we were going to live in one country. An argument has been advanced by the Democrats that if we allow—

The Hon. M.J. Elliott: Why don't you put SA first?

The Hon. T.G. CAMERON: I am putting SA first. We have less than 10 per cent of Australia's population. We import this material from interstate, and you want to create eight dumps in this country. That will be far less safe and secure than having one dump. We are talking about low level waste. We are not talking about medium level waste.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: You can't make decisions based on 'Well, if we do this, this will happen and that will happen'. That has been the catchcry of the Democrats ever since they were formed: this will open the window and that will put a foot in the door. 'If we do this, this and this will happen.' These are scaremongering tactics that you are adopting.

The Hon. M.J. Elliott: Didn't you read the Hon. Sandra Kanck's contribution?

The Hon. T.G. CAMERON: I read the Hon. Sandra Kanck's contribution. I have already referred to it, but you were not here. I praised it. I think it is the first time that I have ever praised one of her contributions.

The Hon. M.J. Elliott: The second.

The Hon. T.G. CAMERON: The second, is it? What was the first? I have forgotten. It was an exceedingly accurate assessment of the hypocritical role that the Labor Party has played on this issue for something like two decades.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: I'm not making any point; I am just responding to inane interjections. If you will stop interjecting, I can get back to the matter at hand. Quite simply—

The Hon. M.J. Elliott interjecting:

The Hon. T.G. CAMERON: Did I just hear the Hon. Mike Elliott say that he is only here to help? Is that why he came back into the chamber?

The Hon. M.J. Elliott: To help you because you are having trouble.

The Hon. T.G. CAMERON: Is that right? I am beginning to repeat myself, but it is an absolute nonsense to argue on any grounds at all that Australia would be better off if it had eight of these dumps. I pick up the point raised by the Hon. Nick Xenophon. We import this material interstate and overseas, yet we are adopting a position that we are quite happy to do that while saying, 'We know that you use this staff too, but don't you dare send this low level waste to South Australia.' The politics that have been played with uranium over the past 20 or 30 years never cease to amaze me. I support the government's position.

The Hon. DIANA LAIDLAW: I must explain briefly that my remarks on this amendment moved by the Democrats were premature because I was speaking to the issue of the referendum. What I should have said has already been extraordinarily well expressed by the Hon. Mr Crothers and the Hon. Terry Cameron. I simply repeat the government's position that it has no objection in principle to the establishment of a repository for low level radioactive waste. Therefore, I do not support the amendment moved by the Hon. Sandra Kanck.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Without wishing to be distracted by the presence, contribution and interjections of the Hon. Michael Elliott, I highlight that, if the interjections are not on the record, it is worth recording how depressing and negative they are. It is regrettable that so often the contribution comes in that vein: it is the instinctive response. There is a lot that we could do here and there is a lot that has been done.

It would be interesting to reflect back, if one had the time and the inclination, on the number of times that the Hon. Mr Elliott has been so depressing about actions that have been taken but his reflections have not been realised. Time and again they have not been realised. I think this point was made by the Hon. Mr Davis earlier. The Hon. Mr Elliott seems to think he has far-sighted glasses and can predict doom and gloom all around. Fortunately, his predictions so rarely are forthcoming.

The Hon. NICK XENOPHON: My understanding about the current position is that low level waste is kept in a number of places around the state. It makes sense to have just one repository for that waste.

The Hon. Sandra Kanck: For South Australian waste.

The Hon. NICK XENOPHON: The Hon. Sandra Kanck says, 'For South Australian waste.' My understanding is that low level waste is kept safely in other states but that there is an issue in terms of security about having one central place to store it. Because of the very nature of the waste, because it is low level waste—and I understand that low level nuclear waste is stored a few hundred metres away in the Royal Adelaide Hospital—I am inclined to support the Democrats amendment. Unless there is evidence to the contrary and some compelling reason why we ought to have all low level waste in one place in Australia, I am inclined to support the amendment.

The Hon. SANDRA KANCK: The scientific and technical information about nuclear waste is that the most danger occurs in the handling and transport of it. So, in the process of putting one dump in South Australia and having other states bring their waste into South Australia, we create greater risk, particularly for South Australia. That is the scientific and technical evidence. That is recognised worldwide. No matter the form of the waste, the capacity for accidents is increased the more it is handled and the greater the distance.

I appeal to members to support the amendment. Passing it in no way will prevent our state government from building a repository. In fact, I find it surprising, given the amount of waste that already is in South Australia, that the Health Commission has not dealt with this in a responsible way over

a number of decades. The state government, through the Health Commission, should be doing that.

What this is doing is saying, 'Let us not have the waste that is generated in other states coming here and being dumped in South Australia.' South Australia has borne our share of the nuclear legacy. We do not owe other Australians anything in terms of having to bear any more. If members support the amendment, they will be saying to South Australians that they do not believe we should be dumped on.

The Hon. T.G. ROBERTS: We will support the Democrats amendment for reasons similar to those that were outlined by the Hon. Sandra Kanck. I remind members who are opposing the measure that we are debating not a facilitating bill but a bill that prohibits actions and activities from occurring. In general terms, we are supporting the government's position in recognising the difficulties and dangers in that South Australia has been identified at a commonwealth level as an attractive repository for low and medium waste and, eventually, will be identified as an attractive repository for high level waste.

We are trying to get both houses to a common position where support for prohibition is unified in a tripartisan way, and with the Independents as well. At this stage we only have a unified position in relation to the prohibition of low level waste. There is still some doubt as to the various positions in relation to the movement of waste from other states and perhaps from overseas. I have not canvassed that argument with members, nor have they put it on the record.

Each state in Australia has a history of dealing with its waste. Western Australia already has contaminated sites in Monte Bello and the Barrow Islands where bomb testing was held in the 1950s. The Northern Territory already has contaminated sites at Radium Hill and two other worked out mine sites, and it now has Kakadu being mined at Ranger and another mine is about to gain consent and a licence.

We now have an extra two uranium mines in South Australia. When Labor governments were in power, we had a three mine policy. We had Roxby Downs, and we did not have the in situ leachate mining where acid is pumped into the ground to pump up the sludge and treat the uranium as a liquid and then the waste is pumped back into the ground. Those who believe that the Labor Party has a hypocritical view ought to look at the record.

In relation to getting a unified position on the storage of waste, it is important that we have a position we can all agree on. If we cannot, we can get it on the record, go out to the electorates and try to sell our position, because most people do not want repositories in this state that include medium to high level waste. Most people believe that others ought to look after the waste created by themselves. I am on the ERD committee, and the jury is still out, on the information I have been reading, in relation to how you treat your repositories in hospitals and industry, particularly in the mining industry, and other places, and how you register and report it.

John Hill, the shadow minister in the other place, asked questions of the minister in relation to what volumes and categories of waste were in South Australia, and he is still waiting for answers. There has to be an inventory of the waste we have in South Australia. We have the reclamation work that has been done in Port Pirie, which in my view still has not been done properly. We have the site at Maralinga which is still contaminated not with low level or medium level waste but with plutonium—one of the most dangerous elements known to man.

We need to send messages that South Australia will not become the waste dump of Australia—and we need to send them strongly. I think the knocking out of the referendum and the firming up of the bill has weakened our position somewhat, but we need to support the Democrats so that we can send signals to every other state. The protocols Nick Minchin has set up force other states to put together a single repository for their own waste and, if it is going to be stored in South Australia, that is the next decision that has to be made by technical experts. I think we need to know the history and the future of the nuclear waste cycle. We will support the Democrats amendment.

The Hon. M.J. ELLIOTT: Other than by way of interjection, I have not been involved in this debate so far, so I want to use this amendment as an opportunity to make a few comments. First, in relation to nuclear power, which a lot of people have talked about in this debate, I come from the position of originally having been a strong proponent of nuclear power. When I first went to university I was studying chemical engineering and one of my hopes was that I would do a double degree, chemical engineering/physics, and work in the nuclear industry. So, that is where I started when I first arrived at university: that was the direction I was heading in. I come from a position that was strongly supportive of the use of the nuclear fuel cycle to one that is strongly opposed.

As for disposal, nowhere in the world is there a solution. Not even the Americans have the arrogance to believe they have a means of permanent disposal of nuclear waste. The Russians certainly did: just drop a bit in the sea, as one method of permanent disposal.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Yes, and then another bit. The Russians were technologically capable of doing an awful lot in outer space and in the way of weaponry and, certainly, if there were a solution, would have been capable of finding one. However, their solution was dumping things in the sea. The Americans, English and French, all with long histories in the nuclear industry, have not found a means of permanent disposal.

It is an interesting experiment that humanity is involved in. It is an experiment that is creating a waste, and more and more of it, which is dangerous and hoping to God that we actually find a way of getting rid of it later on. That is precisely what we are doing. It is a bit like jumping off a cliff and hoping that you get a parachute on the way down. It is about the same level of logic. We are building up large levels of waste that nobody can deny is dangerous. Some people will say that we can dispose of it and yet, as I said, nobody has yet found a safe way of permanent disposal.

My concern about a site in South Australia is not just about taking somebody else's rubbish. It is about trying to get some accountability in decision making. It seems to me that as long as there is an easy means of disposing of it (in other words, putting it in the middle of the South Australian desert out of sight, out of mind) you do not have to face up to questions about what we are going to do in the long term. Australia fortunately does not have a big nuclear industry. We do not create anything like the waste of other countries but we are still steadily building up quantities of waste that need to be disposed of. The government is about to build a new nuclear reactor at Lucas Heights which will produce high level waste and yet we do not have a genuine means of disposal. It is simply going into the middle of the South Australian desert.

This is not simply the 'thin end of the wedge' argument. Anybody who is aware of the FOI which was reported in the *Australian* last week would know that there have been a whole lot of clear indications that, at a federal level at least, we are talking not just about a low level waste dump but about medium and high level waste as well. It is time that everybody—not just the South Australian community but the New South Wales community and the Victorian community which produce the largest quantities—was forced to face up to the realities that we do not have a real means of disposal; and to realise that there are a whole lot of alternatives.

The average household is capable of reducing its demand for energy by a half at no real expense by simply changing a couple of simple items such as lighting, shower roses and a few things like that. There are simple changes which cost a few hundred dollars which could almost halve energy consumption. We can face up to the long-term future realising that we do have pressure in relation to using fossil fuels but the alternative is not just nuclear. Our first alternative is to use less energy and we can use a lot less energy without changing our lifestyle.

I would not consider my lifestyle to have changed because I put in fluorescent instead of incandescent lights. I would not consider my lifestyle to have changed simply because I put in a high efficiency shower rose, and yet those things make a significant contribution to energy saving, and pay for themselves. The government should be insisting that all new homes incorporate simple features, such as pointing in a certain direction and having shading over windows and northern walls during summer, for example. These things do not add any real cost to the house at all, just simple design features which reduce energy demand. When are we going to face up to the realities? We seem to be avoiding them.

Points were made, for instance, about the use of nuclear medicine. I have never heard any Democrat arguing against the use of nuclear medicine, but I will make a point that if there is sufficient pressure we will actually find other alternatives. Already, for example, magnetic resonance imaging can do a damn sight better job than X-rays. My own daughter who had an injury only two weeks ago had some X-rays taken first, and they showed a bit, but when they used the magnetic resonance imaging the three dimensional clarity of the injury was absolutely amazing.

They do not do it at the moment because it is more expensive, but we know with all technologies that the prices come down rapidly. The point I am making is that, yes, there is technology that uses radioactive materials and it saves many lives, and we should not necessarily stop using it, but I think we will find that every use that is creating these wastes is capable of being replaced by something else. X-rays will undoubtedly be replaced by magnetic resonance imaging, and I am sure there will be other technologies beyond that. Ultrasound is another one that, of course, many people are familiar with.

I think some people feel that we have no choice, that we really are stuck with radioactive waste and have to face up to it, and it is true that we do have all the radioactive waste that has already been created and that we are stuck with that. I am only stating a personal view here, not a party view, but if I knew that we were not going to produce any more and that we were going to look for a one-off solution for what we have—and as long as it was thoroughly researched, although I suspect that will still take a couple of decades because, as I said, nobody else has found a permanent solution—I think I would agree to a dump and if the best place was South Australia I would live with it.

But that is not what we are facing. We are facing a future in which we will go on accepting the fact that there will be waste and indeed allowing increasing amounts of waste, with the building of the new reactor at Lucas Heights. All of that waste will come to South Australia in due course. Anybody who does not believe that is a fool.

As I said, I have not been involved in the debate up until now, but I just wanted to make that brief contribution. It is time we faced up to reality. We do have choices; we just have not been prepared to face up to them and to explore them. I am not saying it is simple. It is always easy to paint things as black and white when you get involved in debate, but it is achievable and I think I gave some examples of clear alternatives to even creating that sort of waste in the first place.

It is only by making sure we have very strong legislation here that we make the whole of Australia eventually face up to these sorts of realities and not take the easy way out. I am afraid that a dump in the middle of South Australia is the easy way out and creates long-term problems.

The committee divided on the amendment:

AYES (9)

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

NOES (10)

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

PAIR(S)

Pickles, C. A.	Stefani, J. F.

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Clauses 5 to 14 passed.

New clauses 15 and 16.

The Hon. SANDRA KANCK: I move:

New clauses, after clause 14—Insert new clauses as follows:

Referendum on location of nuclear waste storage facility

15. At the next general election of members of the House of Assembly after the commencement of this Act the following the question must be submitted to a referendum of the electors:

Do you approve of the establishment of a facility in South Australia to store nuclear waste generated interstate or overseas?

Regulations

16. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

These new clauses require that a referendum be held at the next general election. I will not canvass the arguments; we went through a great deal of that debate when we went through the Hon. T.G. Roberts's amendments. I will not call for a division in this case, because we have canvassed the issue at great length.

The Hon. T.G. ROBERTS: We support the amendment.

The Hon. DIANA LAIDLAW: The government opposes the amendment.

New clauses negatived.

Title passed.

Bill read a third time and passed.

DEVELOPMENT (SYSTEM IMPROVEMENT PROGRAM) AMENDMENT BILL

In committee.

(Continued from 5 October. Page 64.)

Clause 1.

The Hon. DIANA LAIDLAW: I want to explain some background and the process this evening. This bill was introduced by the government in March this year. It lapsed in July for a variety of reasons, including lack of time to consider amendments, change of positions by certain parties—a whole range of issues. The bill proceeded as far as the committee stage when it lapsed. The government reintroduced the bill at the start of this new session, and discussion between the parties has not yet resolved party positions on various amendments that are on file. There is concern however that, because we have only one full week and a few days left of this period of the session, to advance the whole of this bill in late November and early December might almost prove almost impossible given the range of other legislation before us at that time.

Tonight it has been accepted with goodwill by all members who spoke in the last session on the second reading of this bill and through earlier discussions with me today that, to advance the bill, we will simply address the clauses to which there are no amendments on file. Then, we will talk further over the next 10 days and, on Tuesday week, by recommitting them we will discuss those clauses to which amendments are to be moved.

I have amendments on file. On behalf of the government I can agree to a number, but not all, of the Democrat amendments. Even if there is agreement to the government and the Democrat amendments, they may be part of a clause with a whole range of amendments. Rather than dealing tonight with little bits and pieces of amendments, where there is agreement the preference is to recommit a clause in whole, and deal with none of the amendments tonight. So we would deal with and pass those clauses where there are no amendments on file, in order to advance the bill, and then recommit the bill to deal with those clauses where there are amendments.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. DIANA LAIDLAW: The Australian Democrats have an amendment to this clause on file and therefore this clause will be recommitted.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

The Hon. DIANA LAIDLAW: The Australian Democrats have an amendment on file and therefore this clause will be recommitted.

Clause passed.

Clauses 10 to 13 passed.

Clause 14.

The Hon. DIANA LAIDLAW: I indicate that I have amendments on file in relation to this clause, as do the Democrats. There are quite a number of amendments on file on this clause, which deals with regional development assessment panels, and I know that the Labor Party is still holding discussions within its forums about the way in which to progress the issue. It would be beneficial for all parties at this stage that those discussions continue and that we recommit this clause.

Clause passed.

Clauses 15 and 16 passed.

Clause 17.

The Hon. DIANA LAIDLAW: The Australian Democrats have indicated that they will oppose this clause and I indicate that this clause will be recommitted.

Clause passed.

Clause 18 passed.

Clause 19.

The Hon. DIANA LAIDLAW: I indicate that the Australian Democrats have a number of amendments on file in relation to this clause, which addresses the car parking fund, and I indicate that this clause will be recommitted.

Clause passed.

Clause 20.

The Hon. DIANA LAIDLAW: The government has a number of amendments on file, as do the Australian Democrats. I know that discussions are still being held within Labor Party forums about the matters raised in the provisions of the bill and the amendments, and we seek further time for those discussions. I indicate that the clause will be recommitted.

Clause passed.

Clauses 21 to 23 passed.

Clause 24.

The Hon. DIANA LAIDLAW: This clause will be recommitted.

Clause passed.

Clause 25 passed.

Clause 26.

The Hon. DIANA LAIDLAW: I have an amendment on file and this clause will be recommitted.

Clause passed.

Clauses 27 to 31 passed.

Clause 32.

The Hon. DIANA LAIDLAW: Schedule 1, which is part of this clause, will be recommitted. There are a number of amendments on file and there are various discussions between the parties on how to progress those amendments.

Clause passed.

The CHAIRMAN: Is it understood that, if any members wish to negotiate with the minister on clauses that we have already passed and are not subject to amendment at this stage, they may be brought back before the committee?

The Hon. DIANA LAIDLAW: That is possible but it is my understanding that that will not be the case.

Title passed.

The Hon. DIANA LAIDLAW: I move:

That the bill be recommitted in respect of clauses 5, 9, 14, 17, 19, 20, 24, 26 and 32, and in respect of new clauses 2A, 17A, 17B, 17C and 18A.

Motion carried; bill recommitted.

RACING (TRANSITIONAL PROVISIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 474.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I conclude the debate.

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

RACING (PROPRIETARY BUSINESS LICENSING) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 455.)

The Hon. T.G. ROBERTS: I indicate that the opposition will not be supporting the bill. All the arguments have been put in another place by the shadow minister for racing, Michael Wright. I place on record in the Council the same arguments that have been put forward in another place on the basis that no change has taken place in relation to the amendment that was discussed and placed on the record by the member in another place in relation to the licensing fee or lack of it for proprietary racing—one of the major objections of the opposition to proprietary racing.

This bill has come to us in a form that, after 4½ years of discussion within the community about how we would be looking at some form of legislation in relation to proprietary racing, is certainly nowhere near the style of a bill that had been conceptualised in the early days of the proposal to have proprietary racing set up in this state. The idea of proprietary racing running alongside the established racing codes was difficult for people to come to terms with. It was certainly even more difficult to accept the proprietary licensing, given that a new style of gambling was being introduced.

The proponents of the concept were knocking on doors in regional areas trying to get local government interested in picking up the concept in order to lobby the state government in this state, in particular, and in other states to support the concept of proprietary racing with a legislative mechanism that would include an act so that a structure could be put in place that would link into the internet for internet gambling in overseas countries. That was the first idea.

The people who were proposing the then TeleTrak program were selling the ideas mainly into regional South Australia and regional Victoria and, because of the depressed nature of many of the regions, the concept was picked up, and certainly endorsed, by the Port Augusta council, the Riverland Waikerie council area and, in the South-East, what is now the Wattle Range council. The proponents did not have any capital at all, as I understand it. They had a concept and an idea but they needed financial assistance or support. It was very difficult for those of us who were put in a position of trying to visualise legislation that would suit the concept, because the concept kept moving. Local government in the case of Wattle Range and Waikerie—I am not sure about Port Augusta—supplied some seed funding to the proponents of the TeleTrak proposal, which was a straight line racing concept without any provisions for spectators; it was purely a visual display put on for the internet gambling services.

The proponents of the TeleTrak proposal had to have a gambling facilitator. In the case of South Australia, the TAB would have been the ideal carrier for that. They also had to have television services beamed into overseas countries via either the internet or satellite. I had a lot of sympathy for the proponents as they wandered around trying to sell the concept because, as I said, it was hard to visualise the quantum shift away from the established racing codes and to pick up a proposal that was foreign to many people in relation to how Australians (in particular, South Australians) enjoyed their racing.

The current racing industry had evolved over many years and was put together by non-profit racing clubs which were part of a social network which employed large numbers of people and which had given a lot of pain, gain and pleasure to many people, including generations of my family which has a strong Irish connection to the turf, the pies with sauce and the punting experience that goes with it—the two bob each way. I remember my grandfather, my father and others involving themselves in, particularly, the gallopers. So, there was a whole history associated with the turf and trotters, the square gaiters and the dogs, and the new kid on the block had to convince people that the concept that they were selling was worth supporting.

The proponents had a difficult job selling the proposal because, when asked whether they had a business plan or what capital they had to support the concept, the answer generally was, 'We have to get the concept into place via a legislative process before we can present a prospectus to people to get the investment that is required to get this racing going.' So, it was a catch 22 situation. They had an idea and a concept, but there was no capital to supply it. If they had had the capital required, I am assured by legislators that no legislation was required, that they did not have to have any legislation in place to get the concept of proprietary racing up and running.

That was something that local communities, including mine in the south-east of the state could not understand. I was continually being lobbied to put my view of proprietary racing on the record and to make a commitment as to when I was going to support the legislation that would be coming into the Council to make sure that proprietary racing got off the ground. I stated that legislation was not required, that no-one needed my vote to get proprietary racing off the ground, and that if the concept was such a good one why was legislation or government support or funding from local government required? Why could it not stand alone as a business enterprise?

The Hon. Caroline Schaefer interjecting:

The Hon. T.G. ROBERTS: It is called probity. Why could it not stand on its own feet and compete? Those questions were in everyone's mind, including the people on the work site who were also having difficulty dealing with the proposal, because the begging bowl was out and traditional racing was not supporting the concept because it was seen (in part) to be in competition with it. Although the proponents said that it would not compete with the local industries, there was always the view that, with another form of gambling (added to poker machines) and competition for the social recreation dollar, the traditional racing codes and the TAB were going to be the losers. Somewhere during the negotiation process the concept changed. It moved from straight line racing of gallopers over 1000 metres to include straight line racing of dogs and, I understand, trotters.

The Hon. M.J. Elliott: Yes.

The Hon. T.G. ROBERTS: Is that the concept?

The Hon. M.J. Elliott: Yes.

The Hon. T.G. ROBERTS: The three codes were to be sited on a single site on a straight track in three regional areas: Port Augusta, Waikerie and a site that kept changing between Beachport and Southend. Whenever someone approached me about my views and ideas, I would say, 'Which concept are you talking about'—because the concept kept changing. Right up to the final days of the preparation of this bill I was not au fait with the final concept regarding the discussions on the details that had gone on between the proponents: Cyber Raceways and/or TeleTrak. I was not sure about the delineation of the corporate structure or the

relationship between Cyber Raceways and the racing codes or Cyber Raceways and the TAB.

When the ink on the bill was still wet and it was placed in my hands to handle in this Council, I was visited by the local mayor and the local CE0 of Wattle Range. I was well abreast of the issue along with the shadow minister in another place. When speaking to my colleagues on the concept, they kept referring to TeleTrak and straight line racing. I informed them that it had changed, that there was a new concept which now had the authoritative stamp of Sky. They said, 'Does that mean that local gambling will take place on it?' I replied, 'Oh yes, it will now be in direct competition with the racing codes.'

As I said, the first stage of the sale process, to me as a member of this parliament, was to sell it as straight line racing, gallopers only, straight into Hong Kong, Singapore and the Asian market, and everyone would be happy. The codes here would not be seen to be losing any competitive dollars and there would be boom times. If you read the local press—I have not picked up the Port Augusta or Waikerie press, but I have kept myself abreast of the promotional articles that have been printed—you will see that the expected job creation from proprietary racing is about 3500 to 4000 jobs at the top end.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: Well, it is 2.5 plus with the families and the pay and the odds and the barley and the gumnuts. There were 4000 jobs to be created. In regional areas at this point in time any job is important to hold regions together. The concept was difficult to grasp and because it kept changing it was a challenge to maintain your optimism about it as one that would survive and thrive, that no-one would lose money if it fell over, not even the government. It was very difficult to explain, because some people were selling it as part of a cargo cult and if you opposed any part of the concept you were being seen as negative and not representing the interests of your state properly. That is the way it was sold to individuals so that they would support it.

The Hon. L.H. Davis: What about other states?

The Hon. T.G. ROBERTS: I understand that other states have looked at the idea. Victoria and New South Wales have rejected it. We are still being told by proponents of it in this state that if we do not grasp it with both hands and secure it Victoria will grab it and we will miss out on a great opportunity. My information from the Victorian government is that it is not interested in it and that it will be concentrating on its traditional forms of racing.

I must say that Victoria is doing it a lot better than we are. All the Victorian country racing purses are attracting horses from along the South Australian border, and the race committees on this side of the border are having trouble putting meetings together. It is tragic that South Australia cannot put together a Sunday meeting in the upper or lower South-East or in the Port Lincoln or Port Augusta area to get into the national Sky Channel racing program around Australia. We cannot get enough horses together, and yet on Sundays there will be at least two country race meetings on the Victorian side of the border between Wimmera and the western districts.

That says a lot about the current state of play in relation to the stakes that are being paid to race horse owners, trainers and farriers on this side of the border. The TAB's earnings are dropping in this state as opposed to the earnings in other parts of the country. In New South Wales, Queensland and Victoria racing is thriving, yet we are being put in the position of accepting the barnstormers.

If an appropriately drafted bill, which would pay its due respect to the risks that governments take in relation to any program set up in a community that sells itself as providing 4 000 jobs, does not succeed then people will be hurt. My view is that, if there is to be proprietary racing, and that is the view of the Labor Party, then it should pay to Caesar what is due to Caesar in relation to returns, because the other codes will be paying through their TAB dividends, and the tax on their dividends will be paying back into the racing industry the revenues that it deserves and earns in putting on the features that it does. As I said, it is part of the community.

The government is making a huge mistake in not insisting on an appropriate licence fee. In the first draft we heard from government that there was to be a $25 million licence fee payable to the government to make sure that proprietary racing paid its way. We now see that that licence fee has been waived and that there is no provision for extracting fair returns to the state in relation to the gambling dollar. We have an amendment on file that extracts 1 per cent of turnover from the wagers of punters on proprietary racing. This was rejected in the other place, and I expect it will have trouble seeing the light of day here also.

The concept has further changed in recent times. Particularly in the South-East, there is now a plan to race quarter horses as well as dogs and trotters. The original concept was to run traditional thoroughbreds over 1 000 metres in a straight line. That concept has now moved back to quarter horses who run 800 metres in a straight line.

The Hon. M.J. Elliott: That's a different company again, is it?

The Hon. T.G. ROBERTS: It is Cyber Raceways rather than TeleTrak.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: Yes, it is very difficult to work out the interlocking relationship between the two. Cyber Raceways will be promoting the quarter horses. Quarter horses in South Australia do not have a long history of bloodlines. All the front line bloodlines for the first generation of horses will have to be imported, and most of them will come from Queensland. The concept of the quarter horse, as I said, is now the new part of the developed program that will emanate in the South-East. Not only has the concept changed in status but also it has changed in form. The 1 000 jobs that have been promoted, particularly in the South Eastern region, as coming out of proprietary racing have to be seen against the light of competition within the traditional racing industry.

The Hon. L.H. Davis: How many jobs does traditional racing offer in the South-East?

The Hon. T.G. ROBERTS: Overall, you might have 400 jobs associated with the traditional racing codes, although I do not have those figures with me.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. ROBERTS: My colleague behind me, who is a former secretary of the AWU who covered the industry, might have an estimate.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. ROBERTS: It is hard to put a finger on it. If you take the casual jobs and turn them into full-time jobs, I would say there—

The Hon. R.K. Sneath interjecting:

The Hon. T.G. ROBERTS: If the honourable member wants an accurate answer to that question, I can bring back a reply. But there are significant jobs in the traditional racing

industry in the South-East. At this stage there is not a lot of cooperation between the two groups. In fact, traditional thoroughbred breeders, racers and owners are quietly hostile to the concept because they see that they will either be forced over the border to race in the Hamilton-Warrnambool-Casterton area or they will get out of racing altogether. The South-East has been a strong feeder of thoroughbred race horses into the metropolitan area, and it would be a tragedy if anything happened to dissuade people from staying in the industry.

As I said, if the returns through the purses do not improve and if government support for traditional racing drops off at the expense of the new kid on the block, I can see that some of those new jobs that are coming into this new concept will be at the expense of the traditional racing industry.

I have never seen a business plan put forward by the marketers of Cyber Raceway, and I have not seen a business plan put forward by the government that indicates what the impact of the new racing plan will be on traditional racing. I say to those who have been critical of me and others who have not been warm to proprietary racing that legislation is not required for proprietary racing to get up and running, but legislation is required to legitimise the concept so that the investment required to get it up and running can come to fruition.

The development funds that are being put together in Waikerie at the moment are an indication that at least one site will be up and running within a reasonable time frame. I suspect from what I can see and from what I am told that the funding being made available to Waikerie will probably soak up all the funds available to the proponents in the one area. I cannot see there being any funds left over for investment in the South-East or in the Port Augusta area. That will be a considerable disappointment to those who believe that they are on the cusp of a new, thriving industry. An article in the local press of Thursday 4 May titled 'TeleTrak bill gains upper house support' states:

> The possibility of Millicent becoming the centre for two major private horse racing ventures has increased in recent days.

That was in May. An article in the press of Monday 13 November under the heading 'Vital racing legislation in the Legislative Council tomorrow' stated that the mayor and the CEO would be travelling to Adelaide to talk to members of the Legislative Council to make sure the bill went through.

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

The Hon. T.G. ROBERTS: I beg your pardon?

The Hon. J.S.L. Dawkins: There is an even better story on the back page.

The Hon. T.G. ROBERTS: I think the lobbyists who were coming to see legislative councillors on this side of the Council to make sure that the bill went through should have been paying a little bit more attention to detail in terms of the content of the bill that was coming before us. We are not opposed to proprietary racing as such: we are opposed to the bill that we now have to deal with which does not give the state any return and does not allow fair competition, in our view, with traditional racing at all, because the returns that the state gets from traditional racing that are given back in percentages come out of the turnover via the TAB. It is a non profit organisation as opposed to a proprietary racing company that will be operating for profit and will be trying to maximise the returns for its investors and trying to minimise the returns for those people who will ultimately be keeping the industry alive, that is, the horse owners, the breeders and those people attached to it.

Many of them do it, and that is why I could not give a figure on the number of people in the South-East employed directly in the industry. Many of them are hobby supporters and bear the cost themselves: they would not be included in the statistics. One of the most successful breeders in the South-East, Alan Varcoe and his sons, who own Redelva, owned quite a few tracts of land and had beef cattle and sheep. Many people in that area who race horses are in the same situation. They have stables and they use the horses for multiple purposes: they ride them around their sheep and their stock and on Saturdays they race them.

It is a little bit more professional than that and has been for many years. A lot of them have stables and employ professional trainers and owners. Certainly, the thoroughbred industry has been thriving in that area. I suspect that, if the state government does not get it right and if local governments such as Wattle Range, Waikerie and Port Augusta have expectations in relation to returns, it is incumbent on the government—the promoter of this bill—at least to outline to those local communities what their expectations should be in relation to the plans that are being put to them.

As I said, I have not seen any plans—neither a business plan nor any projected plans—and I am sure that a lot of the investors who are expected to invest in proprietary racing have not seen a business plan either. That does not mean to say it cannot get off the ground or will not get off the ground: I am saying that there are better ways to promote a concept, an idea, and ultimately a sporting interest than the way in which this concept has been promoted. We have a lot of questions that I think we will not get answers to. I think the bill is destined to go through—

The Hon. Diana Laidlaw: Because I won't or because I don't have them?

The Hon. T.G. ROBERTS: I do not think the government has them. It is not because anybody in this Council is unhealthily promoting the measure to a point where it is being stampeded through but it is being put forward in a way that is not delivering the best result. Any of the regional papers give an indication, for example, page two of the *South Eastern Times* of 12 November, which has the headline 'Riverland track—a sign of things to come'. That means not a sign of things to come to the Riverland but a sign of things to come to Millicent. It would be good if the proponents of proprietary racing were able to talk to the councils in the three areas in which they propose to develop their views and ideas: they should talk to them together, along with the Minister for Racing in this state, all around one table. If all the ideas, projections and views were put and the big picture painted, I am sure there would be a lot more support for the idea, and support would come from government, both local and state, to try to make the ventures successful.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Well, a lot of councils that have been approached to assist with the infrastructure have rejected it outright. They have heard the concept and have said they did not want a part of it. As I said earlier, there are a number of councils that were approached that did not want to be a part of it.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I can get some councils to write letters—

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Councils may have heard the same story but they have rejected it. They do not want to be part of it.

The Hon. T.G. Cameron: Who doesn't?

The Hon. T.G. ROBERTS: It is up to them to write to you or to—

The Hon. T.G. Cameron: I have already got all the letters. They are supporting it.

The Hon. T.G. ROBERTS: Well, I have been informed that there are councils that rejected the concept early. The position we find ourselves in now is that we have a bill, we have a concept, but we do not have agreement in a bipartisan way on how to proceed, which is unfortunate. Let us hope that we do get, perhaps in a conference of both houses, because I understand the numbers are very tight, a combined position from which we can move forward and possibly bring about the realisation of some of the expectations that a number of our desperately needy regional areas have for employment opportunities, a position that allows a new concept to develop and to work and also makes sure that the current racing codes are not put at risk, and survive. Included in that is the sale of the TAB and TAB Corp and the future of that.

The government appears to be very fragmented in its total approach to racing per se. I think it is time that the government drew a picture for the public of South Australia and said, 'This is where we expect racing to be in the next five years. This is where we expect the TAB to be in the next five years. This is where we expect proprietary racing to be in the next five years.' We can thus have some confidence that what legislation is coming before the Council and what restructuring is taking place in the privatisation of the TAB are going to give the best possible returns to our racing codes. If this is not the case then the eastern states will be the dominant force in future, as they always have been. South Australia has always played a part in all of that. People will say that proprietary racing will be a leader internationally in South Australia and that other states will want to get on to the bandwagon a little bit later. Let us have a look at that; let us see some of these plans.

At the moment the Opposition's position is to oppose the bill. As I said, we have an amendment that at least tries to pull back some of the revenue that may be created by the new concept in the form of a turnover tax, which does not mean that it jeopardises any of the capital investment that these private companies will make. But it does at least allow for some returns to the state so that we can ensure some subsidisation, or at least some support and assistance, to areas where racing may falter with the advent of the new kid on the block.

The Hon. M.J. ELLIOTT: I rise to speak to the second reading and explain why at this stage I am using that terminology rather than speaking for or against the second reading. It is worth noting that legislation does not appear to be necessary for proprietary racing to occur, but there are consequences of deciding not to legislate, as there are consequences of deciding to do so. I do not believe that simply rejecting the legislation as the Labor Party seems to be doing at this stage is a constructive thing to do either, because some issues deserve to be addressed through legislation, and the question is whether or not this bill is capable of doing so. I must say that the political aptitude of the people involved in this whole process has been pretty ordinary. While I had read a little about TeleTrak—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I am not talking about politicians but the people involved in and promoting the industry. If I had not read a little in the *Murray Pioneer* and the *South-East Times* I would have known nothing about what was proposed for some 12 months. Newspapers were coming to me at least 12 months ago asking, 'Are you going to support it or not?' I said, 'Support what? No-one has been to see us; there's simply no information on the table.' Eventually, someone from the Wattle Range council must have got into TeleTrak's ear and said, 'For goodness sake, at least go and start talking to the politicians.' They may have been talking to the government but until then they had not been talking to anyone else.

At that stage a version suggested that one company would own all the horses. Perhaps the horses would be bred separately, but they were all to be owned by the company and stabled, fed and trained on site. There was to be a pool of jockeys etc. that belonged only to TeleTrak. As described, the concept was for a straight line course and it was to be a product for the overseas market via the internet. That was the concept. There was not a whole lot more than concept, other than the suggestion that there were three sites, at Waikerie, Port Augusta and near Millicent.

Having been visited on one occasion, absolutely nothing appeared. Again, it disappeared off into the ether. From time to time some media person—particularly media from the South-East and the Riverland—would come to ask what I was going to do about it and my response was 'Well, what's happening?' I was hearing absolutely nothing. It was not until nearly two weeks ago when I was speaking with representatives of the three racing codes in relation to other legislation in this place that they talked about the fact that they were getting involved with this racing in some way. In particular I discovered that the trotting and greyhound codes had both signed up to be involved in providing horses and the like, allowing their horses and dogs to run.

Members interjecting:

The Hon. M.J. ELLIOTT: I do not know. That was the first I had heard that we had gone from the concept of ordinary horse racing moving over to trotters and greyhounds. In fact, at that stage SATRA had not come on board, and I have heard various rumours but nothing concrete as to whether or not it will get involved. Some people absolutely swear that SATRA will never get involved and others say that it will.

In further conversation with representatives of the Wattle Range council and the member for Chaffey, I discovered that in fact the TAB had already signed a contract with Cyber Raceways—another company that seemed to come out of left field. That intrigued me to start with, because I thought we had legislation in this place to sell the TAB, yet the TAB is signing what I guess you would have to describe as a blue sky contract at this stage. What its return (if any) might be is difficult to tell; it may be a major return or zero.

Here we are debating the possible sale of the TAB, yet it was getting involved in a significant new venture. I think the parliament deserves to have that put on the public record in this place, rather than just the coincidence that proprietary racing is being discussed at about the same time and having it filter through. I found it quite extraordinary that the TAB would be involved in something like that when we are talking about the TAB sale, yet the parliament and the public generally were not being informed.

I understand that, apart from those near the top, people in the racing codes generally still do not realise half of what is

happening at this stage. I am not saying whether it is a good or bad thing; I am simply saying that the information is not out there, despite the fact that we have legislation in this place through which we are trying to sort our way. I do not know what other information has been brought forward at this stage but, before we have a final vote on this, I would hope that a lot more spelling out is done as to precisely where things are at this stage.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I think it would be useful in closing the second reading stage to provide at the very least a detailed explanation of this matter, which as I said certainly has not been on the public record, to my knowledge. I have spoken to people fairly high up in the racing codes who do not have knowledge of it. Clearly, the people at the very top have knowledge of it, but it has not filtered down very far. Certainly in this place if we are making decisions it should be on the basis of as much information as is possible.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Not at this stage. In fact, I am expecting to meet or have a telephone conversation with people from Cyber Raceways. They have made contact with me now. I expect to have a long conversation with them, and I hope that fills in many more gaps. I have made some comment as to how poorly that side of the lobbying is being done. All that aside, given that the government is involved and is introducing the legislation, it should have made sure that this high level of detail was put on the record. This significant change in form appears to be a late development, but it may have been developing out in the ether for quite some time. It has certainly been outside the public domain. I suppose there are issues of commercial confidentiality, but once you get to the point of debating legislation in parliament it is time for all that stuff to be on the record.

As the Hon. Terry Roberts noted, not only do we have that, but what I understood to be a separate proposal was in relation to quarter horses, and I was told that Arabian interests were involved and investing in that. I may have been told something different from what the Hon. Terry Roberts was told, but that is probably not surprising, as things stand.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: You reckon we might go to Monarto and get a few of Przewalski's horses and race some of them. Other than the obvious need for a lot more information to go on the record very quickly, the issues for me at this stage include the implications on the TAB sale. It is a side issue in relation to this bill, but it certainly arises from what has become apparent as we consider this bill. When finally making my decision on whether to support the bill I will first take into account the probity issues.

I will want to be satisfied that there is a very high level of probity in relation to this legislation. That is one reason why I would want legislation to be passed. If this can operate without legislation, I cannot see how we are getting a very high level of probity, and the challenge for us is to ensure that we end up with legislation that addresses that issue. Whether we can do it in the limited sitting time with which the government has left us is another question.

Although it has been argued that the industry could continue without legislation, in the long term I do not believe that the people of South Australia will accept that the industry should continue without it. It would not be doing the industry a favour to allow them to set up and then bring in legislation later on. If they are setting up—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Some argue that they have and some that they have not. It would be a nonsense for it to happen and in the long term the public would find it unacceptable.

Aside from the issue of probity, there is the issue of the expansion of gambling opportunity. For a number of years I have consistently argued that a comprehensive overall view of gambling is required and that some sort of gaming commission should be established. Whatever it is called, I want to see a body established which encompasses all forms of gambling and which has as consistent a set of rules as possible in relation to probity, licensing, etc.

With recent legislation, the government is starting to move in that direction—it has been bringing a few things under fewer umbrellas—but there is nothing like producing a comprehensive body with oversight. A separate body to oversee the impact of gambling may be required. It would not be a large organisation: as I see it, it would be a committee with a small secretariat with a responsibility to monitor the impact of gambling on the community and, on an annual basis, to report to the parliament and the appropriate minister in relation to the impacts of gambling and gambling trends. It would make recommendations regarding ways to minimise harm and perhaps keep a watching brief over the Gaming Commission itself, which carries out probity checks.

Anyone involved in a number of the industries associated with gambling will say that at the moment probity checks are not being carried out and that there is very little enforcement. If there is an independent body which is interested in harm caused by gaming and which can see where harm is occurring—and some of that relates to probity and the behaviour of some people in the gaming codes—it can bring that to the attention of the parliament and the minister. It will have a watchdog role to ensure that we take responsibility for the victims of gambling.

I have no problem with the state accepting that gambling occurs and the state regulating gambling. It is the approach I have taken in a number of areas in which, people acknowledge, there is the ability to create social harm. I do not believe that we should simply wash our hands of it and say, 'We have allowed it; we have a set of rules and we are enforcing them.' We should also be constantly looking for where the harm is being created and endeavouring to minimise that harm.

We cannot keep putting it off. With this and other legislation relating to gambling, it is time the government bit the bullet. When approached by government members on a number of matters relating to gambling early last year, I said that we should not proceed further until the central question of gaming regulation has been tackled. The time is overdue; it is an issue that I want the government to address before we proceed further with this legislation. Hopefully, over the next week or so we can engage in useful discussion to find a resolution in that area.

There has been a significant move within the community and I have been involved in several meetings with representatives of a large number of churches that, through a range of bodies under their umbrella, pick up the pieces. They have made it clear—and I am sure that in the last couple of days all honourable members have received emails from them spelling out what they believe should happen—that they are absolutely committed to seeing some form of gaming commission, or similar, operating in this state and addressing the very real problems.

At this stage I will not oppose or support the legislation but I acknowledge there is a need for legislation. I am prepared to support legislation in this session provided I am satisfied that we have tackled issues of probity, gaming regulation and harm minimisation of gambling impacts.

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

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 405.)

The Hon. P. HOLLOWAY: I indicate that the opposition will oppose the sale of our ports. This is another in the series of asset sales that have been conducted by the Liberal government over the past seven years. During debate on the Appropriation Bill which we had earlier this year, I had incorporated in *Hansard* a table of all the government asset sales from 1993-94 to the present time and at that stage it was over $6 billion. Since that time, Flinders Power, Terra Gas and ElectraNet have been added to that list. Now something well in excess of $7.5 billion of assets have been sold.

As I pointed out at the time, the problem is that something like $2 billion of the proceeds of those sales has gone missing in the sense that it has not been used to pay off debt. If we look at a break-up of where that $2 billion has gone, we can see that there have been a lot of off balance sheet transactions such as payments for redundancy packages within the Public Service. This government has also been running up debt. It has been creating its own debt during the seven years. Whilst it has been selling off assets and while it is claiming credit for reducing the debt of the state, at the same time through its budget it has been contributing to debt to a significant extent.

Associated with these asset sales is the fact that literally hundreds of millions of dollars have gone to consultants and other people involved in the sale process, including many tens of millions of dollars in success fees to some of the successful consultants. That is the history of this government on privatisation and now the ports are being added to that list.

I note that, when Bob Such resigned from the government party not that long ago, he indicated that this government was obsessed with selling everything, and that appears to be the case. What is most appalling about this sale process is that, during the nearly three years that it has gone on since the government indicated in February 1998 that it was setting up a scoping study, so little information has been made public in relation to the sale. When the government sold its electricity assets at least it tried to make some justification for the case for selling it.

I recall early in the ETSA sale process that the government provided some figures that were compiled by a former Auditor-General of this state, Mr Sheridan. One might argue about those figures and they certainly were not all that comprehensive, but at least they led to some public debate. Other people responded to it. At least there was a substantial public debate about the economic benefits or otherwise of disposing of our assets. But what have we had in relation to ports? We have had an incredible history, and I will go through that in some detail later, where there have been so many twists and turns down the track in this whole sale process.

This government has come to its decision on the sale of the ports through a whole lot of deals and accommodations with all sorts of interest groups within the process. When the government introduced its bill into the House of Assembly in the early part of this year, it forced it through at the second reading but it did not proceed further with the bill for some time because there was so much unfinished business in relation to the sale of the ports. Even to this day there is still unfinished business in relation to the sale of our ports, and I refer to the grain terminal issue where I understand that the question of who should operate the new bulk terminal, which the government came up with at the last moment to push the process through, will not be resolved until the end of this month. That has been the history of this process.

Perhaps one could expect it from the current Minister for Government Enterprises. He initially had the ETSA sale process but this government, very wisely in my view, took the sale process out of his hands because he made such a mess of it. Hasn't he made a mess of some of the other areas as well! This is the minister who wants to sell our ports; yet at the same time he has been investing $10 million in the water industry in Indonesia.

This government is selling our assets. In the case of ETSA, the excuse used was that we had to reduce the risk, that we could not own our electricity assets, even if they were monopolies. That was bad. We had to sell them. What are we doing now? The Minster for Government Enterprises has just spent $10 million in Indonesia on water resources. I find that absolutely extraordinary and I am sure that, when the people of this state come to vote at the next election, they will also find it extraordinary that, one the hand, this government should be selling our assets, telling us we must reduce risk, while at the same time it is getting involved in ventures in Indonesia, where there is very little security. I am sure that we will hear a lot more about that episode in days to come.

The Minister for Government Enterprises who wants to sell our ports is the same minister who recently sold the Central Linen Service. As the Auditor-General's recent report pointed out to us, he actually sold it at a loss. The Auditor-General's Report told us that cabinet had approved the sale of the Central Linen assets and the outsourcing of the linen service to a private operator to avoid risks. There is that argument again: we have to avoid the risk of owning the linen service. So we sold it at an estimated cost to the government of $5.8 million in net present value terms over 10 years. The audit report stated that a significant ongoing cost to government relates to redeployees previously working within the Central Linen Business Unit.

This minister sold Central Linen at a cost to the taxpayer of nearly $6 million to reduce risk; yet he is the same minister who is now investing in water in Indonesia. We could not own our own clothing factory because that is too risky, but we can invest in water resources in Indonesia. As I say, the public of South Australia will make their decision on that nonsense when we go to the next election.

One of the most appalling parts of this episode of the sale of our ports is the lack of information that this government has provided. In August last year when the government was contemplating a sale, the government put out some backgrounder kits to try to give us some information. One explained why private ownership of our ports will be good for South Australia, stating:

> As a business, Ports Corp has been brought to the state where it is mature and has gone through the risky early growth phases. . .

That is an interesting turn on the risk argument. Apparently we had to sell the electricity business because it was too risky even though the poles and wires provided a natural monopoly. Despite that there was some risk to it.

Here we are told that Ports Corp does not need to be state owned any more because the risk has gone. The logic is that government should only own these sort of businesses in their early risky phase. What an interesting statement by the government that is. The paper continues:

> Ports Corp is a relatively small port business and is not in a position by itself to develop the necessary innovations. This will require a private sector owner with the necessary resources.
>
> Such buyers can see the potential for Ports Corp and that is why we expect them to offer a price greater than the value achieved by retaining it.

That was something like 18 months ago in the early documents put out by the government. The proposal for the grains terminal is that this government will use taxpayers' money from the proceeds of the sale to bring about that development. The argument has completely changed in 18 months. First we had to sell it to get that private investment into our ports. The government could not do it, we needed a new private sector owner. Now we need to use a substantial proportion, some $30 million to $35 million of taxpayers' money we are told, to invest in the ports. There goes the argument about the need to bring in new owners.

The paper goes on to say that rail freights and airports are already private operations. That is interesting. We did have a public airport in this country. It was sold by a Labor government, I might say, but what we have now seen is that, having been privatised, this year the taxpayers of this state have made a substantial donation, apparently, to the upgrading of that airport. I find some curious logic in all this. When this facility was publicly owned, apparently taxpayers' money could not be spent on it but, as soon as we privatise it, taxpayers' money goes in. That is exactly what will happen under the ports proposal which is now before us. We are selling it and, as soon as it is privately owned, $30 million to $35 million of taxpayers' money from the proceeds will go into upgrading it. Where is the logic in that?

Also, in the justification for sale document, it is pointed out:

> That the centre's report also claimed Ports Corp is a natural monopoly but Leadenhall [which is a study to which I will refer later] says the business is subject to a wide range of commercial pressures from a number of quarters and does not have the opportunity to practise many of the characteristics of a natural monopoly.

I refer to some of the propaganda in relation to the sale that the minister put out in his *Ports Sale News* of 1 June 1999. In a column 'Your questions answered', it states:

> Additionally, it would be economic nonsense to truck grain from Thevenard or lead from Port Pirie to a dockside in Melbourne only for it to sail west again along the South Australian coast.

What the minister is really saying is that, in fact, our ports do have a significant element of natural monopoly about them. If you are a grain producer who lives within 20 or 30 kilometres of a port, then the only real option you have, unless the prices are absolutely prohibitively expensive, is to ship your grain out through that port. It does not make sense to ship it hundreds of kilometres to a competing port. Our ports are natural monopolies and we need to consider very carefully what we should be doing whenever we dispose of a natural monopoly.

I would now like to read a quotation from a book that was recently released. I had a copy placed in the library, and I advise any member who wishes to go into the detail of privatisation to read this book. It is written by Professor Bob Walker, who is a Professor of Accounting at the University of New South Wales and is well-known for his writings on the subject. I might say he is not exactly a radical. He served as Chairman of the Australian Shareholders Association and he was Chairman of the New South Wales Council on the Cost of Government from 1995 to 1999. The co-author of this book is Betty Con Walker who is an economist with experience in both the private and public sectors. This book has some very good analyses of privatisations that have been taken back. The author is not against privatisation in principle. He does not have any ideological leanings either way, but he gives very good guidelines as to what matters should be considered in relation to this whole question.

In his suggestions at the end of the book in the last chapter, under the sub-heading 'Proposals to sell GTEs' (government trading enterprises), he makes the following comments which are worth putting on the record:

> Whenever a government proposes to sell a business, full details of that proposal should be presented to parliament for consideration—and adequate time and funding should be made available for that review. It is not acceptable for governments to force proposals through without giving all members (government, opposition or crossbench) the opportunity to review the case for sale or retention in a professional and systematic way.
>
> This proposal would merely bring public sector requirements for the disclosure and prior approval of proposals closer to the standards already established in the private sector. Usually, public sector requirements are the more demanding, because of higher expectations about accountability for the use of taxpayers' funds. Yet, in this area, the private sector has more rigorous requirements. Australian Stock Exchange listing requirements have long prescribed that public companies should formally provide explanations and seek shareholder approval before they can dispose of a company's major undertaking, or change the rules of its activities. Currently, chapter 11 of the listing rule provides:
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> > if an entity proposed to make a significant change, either directly or indirectly, to the nature or scale of its activities it must provide full details to the ASX as soon as practicable. It must do so in any event before making the change (The Australian Stock Exchange, 1999).
>
> The listing rules specify that the entity must have give the ASX (and hence 'the market') information regarding the change and its effect on future potential earnings, 'and any information ASX asks for'. If the ASX requires, the entity must get the formal approval of shareholders by calling a special meeting.
>
> As a minimum, proposals for the sale of public trading enterprises should include five to 10 year forecasts of the earnings likely to be lost on sale, together with the cash flows associated with the investment of the proceeds (be it interest saved from debt reduction, or the costs of maintaining non-revenue producing infrastructure).

I would have thought that is fairly uncontroversial stuff. Given the fact that we have sold $7.5 billion worth of assets covering 20 or 30 different government trading enterprises in this state, one would think that those sorts of requirements, as Professor Walker and Betty Con Walker point out, would be required within the public sector as in private business practice. Surely, we should do the same here. Unfortunately, that has not happened in the case of the ports sale. There is very little information, indeed, and it has not happened in too many other cases, either.

While I am reading from this book, there is one other quotation I wish to refer to because it might give us some clue as to why the government is making the sale. The paragraph reads as follows:

> But so long as political leaders avoid articulating their vision about the role of government in Australia, or are not challenged to do so, it would be seem that we will continue debating the merits or otherwise of privatising the latest potential target.

Many potential targets are now profitable enterprises providing reliable services, and a good revenue stream for the government. Others are attractive sale prospects simply because governments have had difficulty in reducing existing levels of service when they are in public hands. The gains to government take the form of costs which can be avoided. It would be nice to see political leaders enter this debate.

Perhaps that gives us a clue as to one reason why the government wishes to sell the ports. Is it the fact that in relation to some of the grain ports around the coast, for example, it believes that some of them need to be closed and the government does not have the courage to make the decision and, instead, would rather privatise them so a private operator would do so and then the government would be able to stand back and say, 'It is nothing to do with us. We privatised it'? Maybe that is one reason why the government is proceeding down this track. I guess only time will tell.

It still comes back to the question: why is this government so keen on selling the ports? If we return to some of the earlier information that the government was putting out in information kits, there was nothing that would really provide the sort of analysis Professor Walker was talking about where this parliament could make a reasonable decision about whether the public of South Australia were getting a reasonable return on the asset which, after all, is their asset—an asset that they own.

In some of the frequently asked questions, some of the points that are made are as follows:

Why were secret briefings being held for councils and regional development boards? What is the government trying to hide from employees and the public?

That is a fair question, I would have thought. It states:

The briefings we are holding are to inform what we call the key stakeholders. These are all organisations that have a special interest in the ports and have responsibility for activities relating to them so they need to be given an early opportunity to find out the facts surrounding the in-principle decision to sell and be given an opportunity to comment.

We plan to maintain a flow of information to the general public and other interested parties as the sale process continues.

What I think is a key issue in this whole matter is that this government organised a scoping study. It began that study way back in February 1998 yet, to my knowledge, the details have never been made public. The information kit that was put out 18 months or so ago states:

The decision to sell the Ports Corp is based on placing the ports within the best framework for future economic growth. In conducting the initial scoping review, the question was asked: 'Does continuing to own SAPC provide the state with more revenue than selling it?' The answer was a clear 'no'. This is because SAPC is a business that has grown to maturity. It no longer needs or benefits from the security of government ownership as it did in its risky early growth phases.

The question I ask is that, if this scoping review is so clear, if it reveals that it is in the best interests of this state to sell it, if the answer is so clearly 'No', that we should not keep it, why not release those details so that they can be publicly evaluated? If the case is so good, let it stand. The fact that we have not seen it in my view speaks for itself. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SITTINGS AND BUSINESS

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

That Notices of Motion: Private Business and Orders of the Day: Private Business set down this day be postponed and take precedence over Government Business on the Notice Paper on Thursday 16 November 2000.

Motion carried.

ADJOURNMENT

At 11.36 p.m. the Council adjourned until Thursday 16 November at 11 a.m.