# LEGISLATIVE COUNCIL

**Wednesday 4 April 2001**

**The PRESIDENT (Hon. J.C. Irwin)** took the chair at 2.16 p.m. and read prayers.

## LEGISLATIVE REVIEW COMMITTEE

**The Hon. A.J. REDFORD:** I lay on the table the 14th report of the committee and move:

That the report be read.

Motion carried.

**The Hon. A.J. REDFORD:** I lay on the table the 15th report of the committee.

## GAMBLING REFORM

**The Hon. R.I. LUCAS (Treasurer):** I seek leave to table a copy of a ministerial statement on the subject of gambling reform made in another place by the Premier.

Leave granted.

# QUESTION TIME

## GOODS AND SERVICES TAX

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** I seek leave to make a brief explanation before asking the Treasurer a question about the GST and hospitals.

Leave granted.

**The Hon. CAROLYN PICKLES:** On radio today the Minister for Human Services said that his department had been talking to hospitals about taking out SAFA loans because of a $10 million cash flow crisis created by the GST. Given statements by the Minister for Human Services to the estimates committee on 21 June 2000 that Treasury would compensate health services for the cost of implementing the GST, what request did the minister make to the Treasurer for extra funding to meet the cash flow crisis in our hospitals before asking hospitals to take out loans?

**The Hon. R.I. LUCAS (Treasurer):** As I understood it, the minister had indicated that hospitals were not being asked to take out loans with the private sector, which, as I understand, was the allegation being made yesterday. The honourable member is now raising a question about SAFA loans. I certainly need to take advice on that but, in relation to requests for funding assistance, all ministers, as I am sure all members would acknowledge, go in to bat fearlessly for their portfolio areas, and ultimately all ministers accept the decisions of their colleagues and their peers in cabinet or in the ministry about the decisions that governments take. That is the way governments run budgets. It is the only way in which you can run the business of running the state. You have a process where everyone obviously acts on behalf of their portfolio. They then come together and collectively we make decisions and collectively we accept the responsibility for all those decisions, and the Minister for Human Services is in exactly that position.

## NATIONAL ELECTRICITY MARKET

**The Hon. P. HOLLOWAY:** My questions are as follows:

1. Will the Treasurer confirm that the then Liberal Premier of South Australia Dean Brown signed an agreement committing South Australia to the principles of competition policy articulated in the report of the national competition policy review (the so-called Hilmer report) at a COAG meeting in Hobart on 25 February 1994?

2. Will he confirm that Dean Brown signed the COAG competition principles agreement on 11 April 1995?

*The Hon. L.H. Davis interjecting:*

**The Hon. P. HOLLOWAY:** Just listen. Further:

3. Will he confirm that the competition policy agreement, section 4.1 under the heading 'Structural reform of public monopolies' states:

Each party is free to determine its own agenda for the reform of public monopolies.

4. Further, will the Treasurer confirm that South Australia took the role of lead negotiator in relation to the legislation required to establish the national electricity market and that the Electricity Act of 1996 provides the underlying regulatory support for the national electricity market in South Australia?

5. Why therefore is the Treasurer, and his Premier, seeking to rewrite history about the role of the Liberal government in relation to electricity reform? In particular, why does the latest issue (the March issue) of *State Update*—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** —under the heading 'Time to review national electricity market' contain the following misleading statement:

The national electricity market was established in the early 1990s by the Keating federal government—

it is right up to there—

in conjunction with other state governments, including the Bannon-Arnold government in South Australia.

Quite wrong, quite misleading, quite deceitful.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** My questions are: who is responsible for this deceitful propaganda? How much did it cost to produce and how widely has it been distributed?

**The Hon. R.I. LUCAS (Treasurer):** The only people responsible for deceit and propaganda are the Hon. Mr Holloway and his colleagues within the Labor opposition in South Australia. Labor Party members in South Australia are desperately trying to rid themselves of the tag of the government that brought in the essential foundations of the national electricity market. I do not know why they are desperately trying to get away from the fact that they brought in—

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Holloway!

**The Hon. R.I. LUCAS:** —the essential foundations of the national electricity market. The government has been quite open about this.

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! The honourable member has asked his question.

**The Hon. R.I. LUCAS:** We have acknowledged the leading role that Prime Minister Keating, Premier Bannon and Premier Arnold took in relation to the national electricity market.

**The Hon. P. Holloway:** You are still telling lies.

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** We have also conceded that Liberal governments—

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Holloway is out of order.

**The Hon. R.I. LUCAS:** We have conceded that Liberal governments, federal and state, have also supported the national electricity market. We have not tried to shirk our role in this. We have followed the lead of Labor governments, federal and state, and we openly acknowledge that state and federal Liberal governments have supported it. The Hon. Mr Holloway is so desperate to wash his hands of the leading role that federal and state Labor governments took, but let me remind the Deputy Leader of the Opposition of the facts of the situation.

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Holloway will listen to the answer.

**The Hon. R.I. LUCAS:** The national electricity market was started by federal and state Labor governments under Prime Minister Keating and Premier Bannon. The concept of the national electricity market originated at a Special Premiers' Conference in October 1990 under Prime Minister Keating and Premier Bannon. What happened after that? That was 1990.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** What happened after that? There was a critical COAG meeting in Melbourne in June 1993.

**The Hon. L.H. Davis:** Doesn't the Hon. Paul Holloway look terrific when he is angry?

**The PRESIDENT:** Order, the Hon. Mr Davis!

*Members interjecting:*

**The PRESIDENT:** Order! I have called for order.

**The Hon. R.I. LUCAS:** Let us listen to this. The Labor Party is desperate not to hear this part of the response. A critical COAG meeting was held in June 1993 in Melbourne, and that meeting issued the following communique under the heading, 'Electricity industry reform':

> Since the National Grid Management Council was established in July 1991—

*Members interjecting:*

**The Hon. R.I. LUCAS:** They don't want to hear this, do they? They are desperate not to hear this. Let us listen to the Labor communique, as follows:

> Since the National Grid Management Council was established in July 1991, relevant heads of government have extensively considered the arrangements necessary to give effect to their decision—

past tense—

> to implement a competitive electricity supply industry in eastern and southern Australia. The Prime Minister, the premiers of New South Wales, Victoria, Queensland and South Australia, and the Chief Minister of the ACT agreed—

past tense—

> to have the necessary structural changes put in place to allow a competitive electricity market to commence as recommended by the NGMC from 1 July 1995.

Who signed that communique off?

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** No. Who signed that communique off in June 1993? It was signed off by Labor Premier Lynn Arnold.

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order, Mr Holloway!

**The Hon. R.I. LUCAS:** Who was the senior minister in Lynn Arnold's government at the time? Mike Rann. Who was the senior policy adviser to Lynn Arnold when he signed off this communique?

**The Hon. L.H. Davis:** Kevin Foley.

**The Hon. R.I. LUCAS:** Kevin Foley was the senior policy adviser to Lynn Arnold, the Premier, when he signed this communique which gives effect to their decision (a Labor Premier and a Labor Prime Minister) to implement a competitive electricity supply—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** They are desperate.

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! Next time I will warn the Hon. Paul Holloway.

*The Hon. Sandra Kanck interjecting:*

**The PRESIDENT:** Order! Does the Hon. Sandra Kanck want to question that?

**The Hon. R.I. LUCAS:** They are absolutely desperate to wash their hands of their responsibility and their leadership role in the establishment of the national electricity market. I have one final quote from Premier Arnold. Kevin Foley was providing him with advice before he signed this communique. He was a senior policy adviser, and he advised Lynn Arnold to sign this communique which came out of the Premier's conference in June 1993. He told Lynn Arnold that he had to sign this document, which states that the premiers:

> . . . reconfirmed the objective of competitive generation as envisaged in the national grid protocol noting that this will involve merit or dispatch of individual generators to ensure that the most cost effective generation is dispatched and to enable private sector generation to compete on equal terms.

This is an absolutely fundamental plank to the way in which the national electricity market is operating at the moment. It is an absolutely fundamental principle advised by Kevin Foley. Kevin Foley advised Premier Arnold to sign this critical communique confirming the decision that Premier Arnold and Prime Minister Keating had taken. He was advised by Mike Rann, a senior minister of the cabinet at that time. Now we have the Hon. Mr Holloway trying to pretend that they had no responsibility at all for the national electricity market. The people of South Australia will not believe Mike Rann, they will not believe Kevin Foley, and they will not believe the Hon. Mr Holloway.

## HOUSING, NEW

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Treasurer a question about the downturn in the number of new housing applications in South Australia.

Leave granted.

**The Hon. T.G. ROBERTS:** There was an increase—

*An honourable member interjecting:*

**The Hon. T.G. ROBERTS:** Well, I will start off with a positive, then. There was an increase in applications for housing in South Australia in the lead-up to the GST in the financial year 1999-2000 but, since the introduction of the GST, the blip that the increase in new applications caused in that financial year has by all commentators' assessments led to a downturn in applications for the year 2000-01.

South Australia seems to be in the same position as the other states; it is only a matter of what figure applies to this

downturn in applications, which is being increasingly felt throughout the community, particularly by the timber industry in the South-East. My questions to the Treasurer are:

1. What is the true picture of the housing industry in South Australia in relation to housing applications, as the figures that I have seen and heard are conflicting?

2. What impact will the downturn have on budget expectations for 2000-01?

3. What impact has the downturn had on the timber industry in South Australia; in particular, in the South-East?

**The Hon. R.I. LUCAS (Treasurer):** I am happy to take aspects of those questions on notice and seek a more detailed response for the honourable member. There is no doubt that there has been some impact as a result of the introduction of national tax reform.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Well, the GST and national tax reform. The GST was part of the national tax reform. There are aspects of national tax reform other than the GST, such as the First Home Owners grant and the recent decisions which, as part of the national tax reform package, have impacted in varying ways on the housing industry.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** They have, and in varying ways, because the first home owners has actually been a positive scheme, and I seek to highlight that and will provide further detail. The discussions that we had last Friday with Treasurers from the other states were interesting. The general consensus was that there had been an enormous pull forward before 1 July last year in terms of housing. Some of the Treasurers and their officers were putting the view that some of the decisions people took were those that they might later have regretted.

That tremendous pull forward in demand sent the costs for contractors and specialist workers within the building industry through the roof. At the same time we also had complications with the Olympics, in that many of the contractors were heading to Sydney rather than staying in their various states.

Anecdotally, I heard figures quoted of bid rates of $400 per 1000 up to $1200 or $1500 per 1000 bricks being laid during that period, and some people, in bringing it forward to try to avoid what they saw as being the impact of the GST, ended up paying significantly more on the bottom line because of the increased costs working their way through the industry in that period.

Since then, we have had the introduction of the First Home Owners scheme. I am advised that, as at the end of January, in South Australia some 9500 applications had been received for the First Home Owners grant and about 8400 applications had been approved and paid, the total cost of that scheme being just under $60 million. So, those grants have certainly been paid out into the industry.

The big issue that the federal government recognised, albeit belatedly, although I do not have the exact percentage, is that in South Australia (as well as nationally) well over 90 per cent of the First Home Owners grants were being paid to couples who were buying established residences, and a small percentage was going to the construction market to build new homes.

As members know, for some six months toward the end of last year, the housing industry lobbied the federal government. We supported it, and we were very pleased to see the Prime Minister listening to the views of the community and making a change in relation to the scheme so that we now have a second $7000 increment being paid for construction of new houses up until December only of this year. Again, I do not have the figures with me but will be happy to try to obtain them. I am told that in all states there has been an enormous response in terms of applications.

Whilst there was an impact late last year because of the national downturn and because of some of the implications, one suspects, of all that was occurring in the economy, partly as a result of national tax reform, that downturn was affecting not only the timber industry but the related housing industry in South Australia. The initial views are that there might be a very quick turnaround of that, particularly the quite restrictive provisions on the second $7000 grant.

I will need to check, but there is a 60 day provision now, I think, and you have to commence the work within six months. I will correct the record in bringing back the reply about what the restrictions are for the second $7000 grant. Whatever they are, there has been a very strong response nationally to that scheme.

As we look at the impact on the timber industry in the South-East and generally, we will need to look at what has occurred over the past six to nine months. We hope that it will not be a forecaster for what is going to happen for the next six to nine months, because we would hope to see, as a result of the $14 000 grant, a significant boost to our housing market, particularly in states such as South Australia, where $14 000 on a house and land package actually means something. Treasurer Egan from New South Wales was telling me that the average house in Sydney costs just under $250 000. I said, 'You all ought to move to Adelaide, because you could buy yourself a pretty good house in the eastern/south-eastern suburbs for some of the prices you are paying a long way away from the CBD in Sydney.'

## AMUSEMENT RIDES

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about amusement devices.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** A recent news release by the shadow minister for industrial affairs, Michael Wright, claims that until 1995 an Australian standard relating to amusement devices applied in South Australia. Mr Wright claims that the standards were dumped in 1995 by the present government. My questions are:

1. Is Mr Wright's claim about the standards correct?

2. What steps is the government taking to address the obvious public concern with regard to safety of amusement devices?

**The Hon. R.D. LAWSON (Minister for Workplace Relations):** I did see the reports attributed to both Michael Wright, the shadow minister for industrial affairs, and the Leader of the Opposition concerning the Australian standard for amusement rides. Contrary to their claims, so far as my research has been able to indicate the Australian standard for amusement rides has never applied in this state.

Prior to 1995, amusement devices were covered by the Places of Public Entertainment Act and researchers reveal that there was no standard adopted under that legislation in any formal sense. Mr Wright went on to claim that the Liberal government failed to make amusement rides standards law in this state when the regulations were consolidated in 1999, that is, when amusement rides came under the

control of the occupational health, safety and welfare legislation.

The reason they did not was that the Labor Ministers' Council, comprising Ministers for Industrial Affairs around the country of all political persuasions, resolved that it would be inappropriate to call up standards generally because of the confusion that they can cause in the regulatory regime. Standards are not drawn like regulations: they incorporate other documents and standards and refer to non-government instruments and the like.

The view—and in my view the entirely correct view—taken by Labor ministers was that regulations ought to lay down requirements that citizens are required to comply with, that they should be readily accessible, that they should be able to be consulted in some public and accessible form, and that people should not be prosecuted for breaches of what essentially are private instruments and instruments that are very often not easily available. It was for that reason that the standard was not called up at that time.

The provision in the occupational health and safety legislation in any event is one that enables standards to be called up as merely 'codes of practice'. The breach of such a standard is not an offence. However, it does make it a little easier in certain circumstances to secure a conviction if somebody is prosecuted.

I happen to take the view that it is better that regulations of this kind be specific regulations set out in a form that is readily understandable and brought before the parliament either as legislation where it can be debated or as regulation where it can be disallowed upon the resolution of either house.

As I recently announced, we have undertaken a review of the regulations relating to amusement devices in this state. At the present time, there are no specific regulations relating to amusement devices. However, in the occupational health and safety legislation 'plant' is defined to include amusement devices. Therefore, amusement devices are included with cranes, items of machinery, scaffolding, ladders and all the rest, but there are no specific provisions.

As a result of recommendations received from Workplace Services, I have announced that we will introduce regulations which specifically address a number of the items which are referred to in the standard but not specifically addressed. For example, there will be a requirement that all amusement devices be regularly inspected by a qualified engineer of chartered status—and I think that this highlights the difference between a regulation and a standard. A standard, for example, requires inspections by what it defines as 'a competent person', but it specifies no particular qualifications or experience—simply a competent person. Our regulations will specify the qualifications and experience by reference to an accredited professional standard.

We will impose requirements for compulsory public risk insurance. No such regulations currently exist, nor do any standards exist in the Australian standards. We will also require that the manufacturers' requirements relating to the non-destructive testing of components of amusement devices be complied with, upon pain of prosecution if they are not.

Contrary to the grandstanding of the Labor Party on this issue, simply seeking to call up the standard, the government will pursue a tougher regulatory regime. I am not dismissing the Australian standard. I think that the Australian standard, in so far as it goes as a code of practice, is reasonable, and that will be called up as a code of practice. However, superimposed upon it will be regulations which are enforceable. This government is determined to ensure that we have a safer regime for amusement devices.

## UNEMPLOYMENT

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Treasurer a question about unemployment figures in South Australia.

Leave granted.

**The Hon. M.J. ELLIOTT:** Yesterday, in answer to a question from the Hon. Legh Davis, the Treasurer said (and he was talking about unemployment in South Australia at the time when his government was elected) as follows:

> To be talking about that 12 per cent having been reduced to just over 7 per cent—I think that is the closest South Australia's unemployment rate has ever been to the national unemployment rate, certainly in the past (I am guessing here) seven to 10 years—

When one looks at the Australian and South Australian trend unemployment figures produced by the ABS, does the Treasurer acknowledge that when this government was elected in South Australia the unemployment rate was 11.1 per cent but is now 7.4 per cent; that the national figures were 10.7 per cent and are now 6.8 per cent; and that the gap was 0.4 per cent and is now 0.6 per cent?

**The Hon. L.H. Davis:** Are you talking about trend figures?

**The Hon. M.J. ELLIOTT:** The trend figures because, as the honourable member knows, the monthly figures are highly unreliable because of the way in which they are collected. The trend figures are by far the most reliable.

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order! It is not a debate: it is question time.

**The Hon. M.J. ELLIOTT:** Does the Treasurer also acknowledge that the employment participation rate in South Australia when this government was elected at the end of 1993 was 61.4 per cent and has now declined to 60.0 per cent, a decline of 1.4 per cent, whilst the national participation rate has risen from 63.2 per cent to 63.5 per cent?

*Members interjecting:*

**The Hon. M.J. ELLIOTT:** I am not happy you guys have stuffed up; no.

*Members interjecting:*

**The Hon. R.I. LUCAS (Treasurer):** I was waiting for the punch line.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The honourable member should not be using such unparliamentary language and I ask him to withdraw and apologise.

**The PRESIDENT:** I ask the Hon. Mr Elliott to withdraw.

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** Truth has nothing to do with it. Mr President, I withdraw and apologise.

**The Hon. R.I. LUCAS:** As gracious as ever, I accept the honourable member's apology and will not hold against the Leader of the Democrats his intemperate language in question time. That sort of language is a very poor example for those who observe question time, I would have thought.

It will not surprise members that I do not carry around with me an encyclopaedic knowledge of monthly trend figures going back to 1993. However, I am very happy to have the question raised by the honourable member checked by officers and bring back a reply. What I will say—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** —is that the figure of 12 per cent or 12.3 per cent, which was the peak of unemployment under the previous Labor government, and I think 42 per cent to 44 per cent youth unemployment, were figures achieved—if I can use that word advisedly—by Mike Rann and the Bannon government in the last year or two of their government. Again, I will have those dates checked. It was some time in 1992 or 1993 but I certainly want to check which month of the year the Leader of the Democrats has selected. I remember the big debate at the time as to whether the December 1993 or the January 1994 figure was used as the starting date for comparisons of the Labor and Liberal government performances on unemployment. The critics of the government used one month (I do not recall which one it was) and the government preferred to use a different month.

Having had much more experience with the statistics than the Leader of the Australian Democrats, and whilst I would have to bow to the Hon. Mr Elliott's self-proclaimed expertise and knowledge in virtually every other area of government and human endeavour, I believe there is at least one minor area where I can indicate that perhaps I have marginally more knowledge than he has. I am aware that the particular month you pick does have some impact on the story that you might be able to tell on this issue and, indeed, on anything else. I am happy to take the member's question on notice and bring back a reply as quickly as I can.

## FOOTY EXPRESS BUS SERVICE

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation prior to asking the Minister for Transport and Urban Planning a question in relation to the footy express bus service.

Leave granted.

**The Hon. J.S.L. DAWKINS:** I have in the past frequently used the footy express bus service from Gawler to attend Adelaide Crows matches at Football Park. This experience, as well as feedback from other passengers, caused me to make successful representations regarding alterations to the route of the Gawler Footy Express service. Footy express bus services operated for the first time in 2001 last Saturday evening for the Port Power and Brisbane Bears match.

**The Hon. R.R. Roberts:** Did you go?

**The Hon. J.S.L. DAWKINS:** No, I did not go. Subsequent radio and newspaper reports indicated overwhelming support for the express bus services and the new bus terminal at Football Park. I understand that the main complaint was that there were not enough passenger collection points and services overall. My question is: is an assessment being made of the operation of the new footy express services following the launch of the initiative last Saturday night with a view to providing more buses in the future?

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** Yes—

*The Hon. R.R. Roberts interjecting:*

**The PRESIDENT:** Order, the Hon. Ron Roberts!

**The Hon. DIANA LAIDLAW:** I have heard that the Port players and supporters are suggesting that the bus will have to leave earlier next week rather than after the match, because Crows supporters will be wishing to leave the match early. However, as a Crows' supporter I will be there to the end, and hopefully cheering and winning. I thank the Hon. Mr Dawkins for his longstanding interest in the footy express and for his question today. I am really pleased to advise that patronage of Football Park services to Port Power matches last year averaged about 700, but last Saturday night 1 400 passengers arrived by the footy express service, which is double the average of last year and which is a terrific result for the first time the service has operated.

Saturday night is never the most popular night at football. The afternoons certainly have proven to be so in the past and I would expect that to be the case in the future, and we would gain more at those times. I am told by the Passenger Transport Board that, after it had contacted all service providers, no passenger was left stranded and no passenger missed the beginning of the match. I am also informed that there is to be a meeting between the PTB and the service providers this week to ensure that they can prepare for fluctuating demand, and the plan at this stage is that every service provider will have drivers and vehicles on stand-by each week to respond to changes in demand.

Directly in response to the honourable member's question, I have been advised that there are 19 destinations, including Gawler; and that 67 stops are made overall, including four from Gawler. From the feedback that I have heard on 5AA in particular, but also *Advertiser* articles, there may well be need for more stops, although we would not want that to mean that we were not able to provide an express service. There may have to be some compromise, but we will certainly look at the issue.

I have had some feedback from one passenger from Aldgate that I want to mention for the record. She was particularly thrilled with the service and said:

> It is the first time in 35 years that I have caught the bus and the first time that I have arrived relaxed for a match at Football Park.

Generally that is the overall experience, without the hassles—

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

**The Hon. DIANA LAIDLAW:** Yes. My nice letters file, as I have said before, will always be thin but they are precious letters, and that one will be inserted. Generally people are thrilled not to have all the hassles of car parking and walking. Certainly, as more and more people catch the bus, we will see less pressure on the residents and less parking in the residential streets, which is an important consideration also.

**The Hon. T.G. ROBERTS:** I have a supplementary question. Is it right that, after waiting for 35 years for that bus, two arrived at the same time?

## SCHOOLS, ENERGY DRINKS

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education and Children's Services, a question about energy drinks in schools.

Leave granted.

**The Hon. CARMEL ZOLLO:** Having prepared this question a while ago, I was pleased to hear the notice of motion by the Hon. Mike Elliott yesterday in relation to caffeine in drinks. Members may be familiar with a relatively new range of beverages described as energy drinks, such as Red Bull, V Vitalise and Life Plus, which claim to be developed especially for times of increased stress and strain. The drinks, manufactured in New Zealand, are widely available by import to South Australia as dietary supplements. They are strongly marketed to young people with what I am informed is sexy, hip advertising, often invoking the imagery of the youth rave subculture to attract buyers.

Energy drinks are non-alcoholic beverages that are characterised by the addition of a number of so-called energy-enhancing ingredients including caffeine and/or guarana—a herbal source of caffeine—and usually a selection of various vitamins and minerals, as well as amino acids such as taurine. These drinks are considered foods rather than therapeutic goods and are regulated under the New Zealand Food Act but not under the Australian Food Standards Code. These products are primarily imported to Australia from New Zealand under the Trans-Tasman Mutual Recognition Agreement.

The Australian Food Standards Code restricts the addition of caffeine to soft drinks, flavoured cordials and flavoured syrups. The total caffeine content must not exceed 145 milligrams per kilogram or 36 milligrams per 250 millilitre serve in the drink as consumed. The code does not prescribe limits for naturally occurring caffeine in food, for example, tea, coffee and guarana. In New Zealand, caffeine may be added to any soft drink, and a maximum level of 200 milligrams per kilogram is prescribed. It is also allowed as flavouring in any other non-alcoholic beverage where flavourings are permitted, with no maximum level prescribed.

For members' information, I advise that a range of these energy or smart drinks is sold at the Blue Room in this building. The beverages claim to have 80 milligrams per 250 millilitres of caffeine, which is more than twice the level allowed for Australian-made soft drinks. The products claim to give a fast ballistic boost of clear-headed, long-lasting energy. Perhaps someone is trying to give members a message.

On a more serious note, I understand that one of these energy drinks was associated with the unexplained, sudden death syndrome of a student in Ireland and, as a result, a Dublin jury has recommended research into stimulant drinks. The university student collapsed and died during a basketball match last November after consuming three cans of energy drinks with friends. In another case, two Californian high schools have banned energy drinks from their campuses after two student athletes fainted and remained unconscious for several minutes and were taken to hospital. In Australia, the death a 25-year old Western Australian woman has also been associated with the consumption of energy drinks. My questions to the minister are:

1. Given the high caffeine levels in these products, do any South Australian primary or secondary schools sell any beverages known as energy or smart drinks?

2. Does the department or any school have policies prohibiting or restricting these drinks?

3. Have any reports of adverse effects associated with the consumption of energy drinks been made?

4. Will the minister seek to limit the availability of such drinks pending further research into their effects on children?

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

## STATE ECONOMY

**The Hon. L.H. DAVIS:** I seek leave to make an explanation before asking the Treasurer a question on the subject of the South Australian economy.

Leave granted.

**The Hon. L.H. DAVIS:** There has been some comment in the media recently about the global slowdown in economic growth and the likely impact—

**The Hon. T.G. Roberts:** It started in South Australia.

**The Hon. Caroline Schaefer:** Yes, it did, with the Bannon government.

**The Hon. L.H. DAVIS:** It did start in South Australia back in 1991, but that is another story. The South Australian Centre for Economic Studies, which is very well respected not only at a state level but nationally, puts out a regular review on the Australian economy and the South Australian economy. Last week I understand it issued a quarterly survey on the South Australian economy. My questions are:

1. Has the Treasurer had a chance to assess this report from the South Australian Centre for Economic Studies?

2. Is he in a position to advise the Council as to whether the assessment from the South Australian Centre for Economic Studies accords with the assessment from his own Treasury officers?

**The Hon. R.I. LUCAS (Treasurer):** It is disappointing to see that, when the South Australian Centre for Economic Studies produces a report which, in terms of the national and South Australian context is, I would have thought, relatively positive, sadly, it does not seem to get much publicity in the South Australian media. The only way of getting guaranteed media coverage is by canning both the Australian and the South Australian economy: then one gets guaranteed headline coverage or prominent coverage in the electronic media. The pleasing thing from the point of view of the Australian economy is the centre's assessment that a recession in the Australian economy is unlikely. The report states:

> 'Talk of a recession is premature', said Associate Professor Owen Covick. . . 'The true underlying situation of the Australian economy is far better than indicated by the various headline data in the past month or so; and far better than many in the community seem to fear.' This is also true of the South Australian economy', he said.

Whilst those who have been predicting a recession get prominent coverage, commentators such as the centre, which has urged caution in terms of hurrying into judgments collectively that the nation and the state are rushing headlong into a recession, perhaps ought to be cautious and not given the prominence that they deserve, at least in terms of balancing the debate. No-one is suggesting that those who have a different view should not be covered. On the other hand, regarding those who are indicating their concerns about the all too frequent talk of a recession, their views are not being given prominent coverage as well. The report states further:

> . . . the recent performance of the South Australian economy largely mirrored that of the national economy, with slower growth since the middle of last year due to the downturn in home building activity and the weakening of consumer and business confidence. 'But there are already clear indications that the downturn will be short lived', he said.

This is in relation to South Australia. Further:

> 'The decline in home building activities has clearly bottomed. . . retail sales and new motor vehicle sales were up in the December quarter. More recent data indicate that some weakness remains in retail sales—

although I think there have been more recent retail sales—

*The Hon. L.H. Davis interjecting:*

**The Hon. R.I. LUCAS:** —yes—since this bulletin was put out, but at the time this was put out there had been some weakness in retail sales. It continues:

> . . . and in new capital expenditure by business, but the cuts in interest rates in January and February together with the build up of more positive news on the economy should prevent a further slide and help to turn these negatives around. Notably, the downturn in advertised new job vacancies in South Australia in the past few months has been considerably less than in all other mainland states.

Despite those falls, vacancies remain at a level well above the average of the past 10 years'—

says Professor Covick and the South Australian Centre for Economic Studies.

**The Hon. L.H. Davis:** Mike Elliott is still not smiling.

**The Hon. R.I. LUCAS:** Good news will never make the Hon. Mr Elliott smile. I will not take up too much of question time by going into the full detail of the centre's report. I recommend it to the harbingers of doom and gloom who prevail around Parliament House.

**The Hon. Caroline Schaefer:** The ruinisms.

**The Hon. R.I. LUCAS:** The ruinisms, as Tony Abbott would say. I refer the researchers who work for the Australian Democrats and the Australian Labor Party to Professor Covick's report and some of the recent reports that Access Economics and others have done in relation to the relative performance of the South Australian economy.

## MEN'S HEALTH

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, questions regarding funding of the Men's Information and Support Centre.

Leave granted.

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. R.R. Roberts interjecting:*

**The PRESIDENT:** Order, the Hon. Ron Roberts!

**The Hon. SANDRA KANCK:** This week is Men's Awareness Week, which is designed to raise awareness of issues affecting men with regard to their physical, mental and social health. It is not generally acknowledged that men have poorer health outcomes than women. This has been attributed to men themselves being notoriously bad at attending to their needs due to a perception that it is wimpy or soft to seek help. It has also been documented that men tend not to address emotional and social problems until it is too late.

This is often reflected in domestic violence, alcohol or drug abuse and the onset of mental illness. In 1984, the Men's Contact and Resource Centre began, with the aim of providing men 'with some direction and support in a rapidly and profoundly changing world,' and is arguably the longest-running men's support organisation in Australia.

It operates on a shoestring budget and on the commitment of volunteers, many of whom have themselves suffered some personal life crisis. It is now called the Men's Information and Support Centre, and it offers a counselling service for men in need.

*The Hon. A.J. Redford interjecting:*

**The Hon. SANDRA KANCK:** It most certainly does. It receives up to 60 calls a day and conducts workshops on building better relationships, on anger management, on sexual abuse and on health care, to name a few. It is a safety net for the men who fall through the cracks in the system, especially the mental health system. The service is one of a kind in South Australia, yet it receives minimal funding from the government.

The government has stated that no new funding will be forthcoming until the men's health policy has been completed. Unfortunately, this could mean the end of a valuable service. The service has enough money for the rent, phones and administration costs until July, after which time the doors will have to close if there is no extra funding. This will further burden other counselling services.

The 1997 policy of the Liberal Party, called *Rebuilding South Australia: A Focus on Family and Community Services*, promoted the creation of a men's information service. Four years later we have a service struggling to keep up with demand, with little support from a government that advocated such a service. My questions to the minister are:

1. When will the men's health policy be completed?

2. What funding arrangement is the minister considering for the Men's Information and Support Centre?

3. Considering the valuable contribution the service makes, will the minister guarantee government support and funding for the service's future?

4. Given the budget and staff restrictions of the service, will the minister provide support and advice to help develop the service's application for commonwealth funding so as to comply with funding requirements?

5. Does the Minister acknowledge the Men's Information and Support Centre's cost effectiveness and invaluable role as an information and counselling service to the men of South Australia?

**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, but I would add a history to this matter. I recall that it was through the Women's Council of the Liberal Party that the issue was first advanced, and certainly the council was the champion of the measure. It was then put through the State Council of the Liberal Party and adopted in policy.

I have met with the volunteers in the past and have encouraged their success in gaining more accommodation. They have also been in contact with the Women's Information Service, based in Railway Arcade in Roma Mitchell House. That service, which has been funded for some 30 years, is enjoying a new lease on life with the shopfront of North Terrace opposite the Railway Station. It is an outstanding model and one that the men's information service would seek to adopt.

However, it did take the women 30 years to get there! I am not necessarily recommending such a long course for the men. We know that the model works in terms of women, and I would encourage the men to keep working within the resources they have to provide the service. As most volunteer services would know, you cannot always meet all expectations, especially when there is a lot of demand in the community. It does not mean that you give up when times are difficult.

I do not know what funds are available within the health budget, but I do know that most of the calls are to support the hospital services. I also expect that if we keep people out of hospitals, such as by this counselling method, we can ultimately limit the demands on the more professional health services and hospitals. So, there is an enormous benefit in the work undertaken by the men's information service, and I will pass on the honourable member's question to the minister and seek to obtain a prompt reply.

## INDUSTRY LICENCE CARDS

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about industry licence cards.

Leave granted.

**The Hon. A.J. REDFORD:** Last year the Office of Consumer and Business Affairs introduced a new and more secure and effective identity licence card for electricians, builders, plumbers and gasfitters. I understand that the minister recently announced an expansion of the secure licence cards to include instrument service licensees and organisations operating public weighbridges. My questions to the minister are:

1. What is the reason for extending new licence cards to the instrumentation and weighbridge sectors of our economy?

2. What features make the new licence cards secure?

3. What do these licensed industries need to do to obtain one of the new cards?

**The Hon. K.T. GRIFFIN (Minister for Consumer Affairs):** About a year ago the Office of Consumer and Business Affairs introduced a new licence card system for plumbers, gasfitters, electricians and building work contractors. There had been a lot of concern in those industry groups about the then existing scheme which was to require a photograph to be presented every year with a licence renewal to be impressed upon a licence card. It was not particularly secure and it also caused a great deal of inconvenience to the licensee who had to find a photo point to get the photograph taken and then had to have it delivered with the application for renewal.

The new system has hologram security; the photograph is taken at a secure photo point, mostly in conjunction with the Office of Motor Registration; and the photograph will be reused and not have to be renewed for 10 years, even though the licence renewal occurs on an annual basis. We had such success with the new card that it has now been extended to instrument service licensees and organisations operating public weighbridges.

Currently there are 60 licensed weighbridges in South Australia, approximately 100 registered public weighbridge operators and 65 licensed instrument service companies employing more than 300 certifiers. As the licences come up for renewal, they will be transposed into the new licensing card format. The licensees will retain the same licence number. As I say, it will take about 12 months to implement. Importantly, there will be no additional cost to licensees and only one photograph will need to be taken in each 10 year period.

Certifiers will be issued with a unique client identification number. They will keep their certifier's mark and the identification number will be used for any other licences they may have, for example, building work contractors, plumbing or gasfitting licences. The weighbridge licensing system is an important part of our general day-to-day commerce. There has been a high level of compliance with the requirements expected of the various licensed industries as well as weighbridges. I think everybody would appreciate that to have weighbridges weighing accurately is particularly important for both the licensee and the business person whose trucks are run over a weighbridge.

The weighbridges are tested regularly. We have a 48.4 tonne weighbridge testing truck, which works about nine to 10 months of the year. Last year, it carried out 543 tests, with an 86 per cent compliance rate. The tolerances are small, and very few of those not meeting the standards were not very far off the mark. So, all in all, the new system will provide a greater level of confidence for the public, both for business and for consumers.

## BORRIKA INSTITUTE

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I seek leave to table a ministerial statement on the subject of Borrika Institute issued today by the Minister for Environment and Heritage (Hon. Iain Evans).

Leave granted.

## BUSES, MANNUM

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Mannum bus.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** A number of my lower house colleagues and I have been lobbied on the fact that the Mannum passenger bus, which is a privately run bus service, ceased about two weeks ago. I believe that there has been a temporary coverage, but the lack of that bus, which travels through Gumeracha to the city—

**The PRESIDENT:** Order! The time for questions has expired.

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

That standing orders be suspended to enable the honourable member to ask her question and for me to answer it.

Motion carried.

**The Hon. CAROLINE SCHAEFER:** I understand that a temporary reprieve for that bus service was provided by another bus company, but I know that a great deal of anxiety is being experienced by people whose children use that bus service on a daily basis to access special education and schools, and by people from the Adelaide Hills who travel to work on that bus. Can the minister advise the council whether that bus service will continue?

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I am pleased to advise the honourable member (who has taken an intense interest in this matter on behalf of a number of local residents) that today I have signed an approval for a one year extension of the current trial being undertaken by Harris Coaches for the bus service between Mannum and Adelaide. Initially, when the service provider pulled out, it gave very little notice for an alternative system to be put in place, and there was some sense of crisis and alarm amongst local people—and the honourable member was a recipient of a fair bit of that, as was the Hon. Ivan Venning. Certainly, I received petitions on the matter and representations were made through my office.

The PTB worked overtime and was able, from the beginning of last week, to commence a two week trial with a new company, Harris Coaches. The recommendation to me today from the PTB was that, notwithstanding very low patronage on the service now being undertaken by Harris Coaches, this service should continue as a trial for one year, to 6 April 2002. That will get over the peak summer period and also the start of the next school year. There definitely has to be, in the longer term, a commitment by so many of those people who signed the petition and indicated that they were earnest in maintaining the service to now use that service. That is my plea.

I understand that last week (26 March to 30 March), which was the first week of the new service provided by Harris

Coaches, the numbers were down to half the level of the week before. That is not promising, but it may well be due to the fact that there is so much uncertainty about the route. That is why I was very keen to see that we did not just have a two week trial but that we extended it for one year and sought, through PTB assistance and community efforts, to build up the business and, hopefully, within the year we will find that it is a viable operation that provides a continuous service to students, people with disabilities, the backpacker market and a whole range of client groups. I thank the honourable member for her persistent representations on this matter and, if she could be equally as persistent in encouraging people to use it, this matter will not have to be raised in this parliament again.

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## MATTERS OF INTEREST

### YOUTH OF TODAY

**The Hon. T. CROTHERS:** Today, I wish to use the five minutes allotted to me to talk about present day youth. There is no question in anyone's mind that the youth of today are different from the youth of 20 years ago and different from those of my youth—some 45 years or 50 years ago.

Unemployment has added to the fact that young people are much less disciplined today for the tasks that lie before them than they have ever been in the history of young people. There are many under-age children sleeping in the streets—1 000 alone in Adelaide, and I suppose many thousands more around the major cities (both metropolitan and rural) in Australia. We have to ask ourselves why that is so. It is so because of the weight of television programs and the mass media today, which are not as disciplined or, indeed, as mindful of the impact they can have on the younger generation.

However, there are other matters such as the issue of drugs and two-parent working families. I do support affirmative action but not extreme affirmative action because extremism in any form is extremely dangerous. I will touch on that directly. Drugs confront our younger children today, and the two-parent working family. I do not care which parent is home, whether it is the husband or the wife, but one should be home to receive the children, and particularly the younger children, coming home from school.

Unfortunately, there are far too many latchkey children today because it now takes two incomes to keep a family in the style to which our middle class—both upper and lower—have become accustomed. There are, of course, high rates of divorce today, and I put that down to the fact that females have been accorded, in the main, but not totally, equal rights with the male, which is as it should be.

There is increased bullying at school. We have only to look at the recent explosion of head lice, which resulted in some schools being closed. Why is that so? Head lice were about when I was a kid at school, and I am sure that every member at one time or another has had head lice. Out would come the fine comb as mum went through your hair and out would come the basic oil and shampoos, but one thing was sure: mum would not let you go back to school with head lice. Unfortunately, that is not true today.

There is no discipline in the schools, either. The Hon. Malcolm Buckby, the state minister, is currently conducting an inquiry into education. The federal parliament is so concerned that boys are learning 20 per cent more slowly than girls that it has set up an inquiry as to why that should be. Rod Sawford (who was previously a school principal), who I think chairs that federal inquiry, recently appeared on television and questioned why only 17 per cent of males were teaching in schools. He put it down to the fact that wages are not high enough. I would contest that. I would say that it is because extreme affirmative action has now taken control of our education system.

I have talked to many males who have said that they are not prepared to work in the school system. Malcolm Buckby has also said that. They are giving the wrong reasons as to why there are fewer men in the education system. It is not the wages. Heaven knows, our teachers are paid more than enough now. There are fewer men because they cannot work with some of their extreme colleagues. That will be denied in this place, but everyone with a brain with which to think knows the truth of that.

There are many more things. There is the banning of the cane. The headmaster at the boys school I went to was Bulldog McNelly, and he was an absolute bloody sadist. Many times I got six across the derriere, six across the left hand and six across the right hand. If I had gone home and told my father, I would have received another six from him for behaving in such a fashion. Without being too modest, I believe that there are no marbles in my mouth as a result of the cane being used on me to enforce discipline.

Time expired.

### MULTICULTURAL YOUTH LEADERSHIP SUMMIT

**The Hon. J.S.L. DAWKINS:** This should fit in very well with the Hon. Mr Crothers' contribution. At Berri on 21 March I had the pleasure of opening the Multicultural Youth Leadership Summit 2001, Living in Harmony. The Division of Multicultural Affairs (formerly OMIA) has held a number of multicultural youth leadership summits, with support from the federal government's Living in Harmony program. The aim of the summits is to provide opportunities for young South Australians of all backgrounds to celebrate their cultural and linguistic heritages, to explore their role in our multicultural society and to facilitate the development of leadership skills amongst them.

Each of the earlier summits has attracted more than 250 students from up to 44 metropolitan and regional secondary schools. The Riverland summit, which was the first to be held in a regional area, had nearly 200 registrations from students throughout the Riverland, the Barossa Valley, the Murraylands and Adelaide. The students' ages ranged from 12 years to 19 years. While the summit was primarily aimed at upper secondary students, a number of schools expressed interest in sending younger students, and this wish was accommodated. Several year 6 and 7 pupils, mainly student representative council members in their own schools and delegates to the Riverland Student Forum run by Winkie Primary School, also attended.

Schools that attended were: East Murray Area School, Renmark High School, Glossop High School, Nuriootpa High School, Swan Reach Area School, Mannum High School, Valley View Secondary School, Meningie High School, Wilderness School, Murray Bridge High School, and

Woodville High school. A number of local dignitaries, government agency and community representatives were also invited to attend the summit as observers. These included the Mayor of Berri-Barmera (Mrs Margaret Evans) and John Tzanavaras (a member of the South Australian Multicultural and Ethnic Affairs Commission).

The Division of Multicultural Affairs decided to use the expression 'Living in Harmony' as the theme for this fourth summit as it was held on Harmony Day in Australia, which coincides with the International Day for the Elimination of Racism, in the International Year of Mobilisation Against Racism, Racial Discrimination, Xenophobia and Related Intolerances. The summit consisted of presentations by youth speakers, performances by young people drawn from local culturally diverse communities, workshops and a fun 'harmony ribbon wrap' event. The ribbon wrap involved selected students attaching a giant orange and black Harmony Day banner to the Berri town hall's flag assembly and hoisting it to the top of the flagpole, allowing it to unravel for several metres and then tying the other end to the bottom right-hand corner of the hall entrance and creating a giant sash effect. The rest of the summit participants were invited to gather on the footpath outside the town hall to watch the ribbon wrapping ceremony.

I was particularly impressed by the calibre of the young people who took part in the summit, particularly the two young ladies who acted as the MCs for the event. They were Maria Gagliardi from the Chaffey Theatre and Tracy Wilke, who is a student at Glossop High School. In addition, the four speakers also set a high standard for the young people who attended. They were Miss Sharon Johal of Renmark High School; Miss Kylie Rolfe, a Riverland resident who is currently studying at Monash University; Ms Ida Wong, a member of SAMEAC; and Ms Sejal Amin of Wilderness School.

I would like to acknowledge the contribution to the summit by the Berri-Barmera council, the Anarungga Dance Company, the Riverland Youth Theatre's Nunga Dance Troupe, and a range of other local and statewide sponsors. I was delighted to be involved in the summit. It had a great focus on the development of leadership skills, something that all of us in this chamber would agree is very important.

Time expired.

## WORKERS REHABILITATION AND COMPENSATION ACT

**The Hon. R.K. SNEATH:** Yesterday I asked a question on section 6 of the Workers Rehabilitation and Compensation Act. Today I would like to speak about a judgment that was handed down in October 1998 by the Full Court of the Supreme Court. The judgment was in relation to a transport driver who was killed in South Australia. He was in a defacto relationship and had two children. WorkCover recognised that relationship and the de facto as the worker's spouse. The worker died on 25 July 1995 at an Ampol roadhouse at Pinnaroo after an accident while performing his duties for his employer. At the time of his death, he was an interstate transport driver employed by L. Wood Transport Pty Ltd, which is a South Australian company and with which he had been employed for some 10 years.

At all material times Wood Transport Pty Ltd was based at 25 Francis Road Brahma Lodge in the state of South Australia and paid workers' compensation levies in respect of Mr Keating (the deceased). At the time of Mr Keating's death he resided at Borunga in the state of New South Wales and had done so for five years. In 1981, he formed a de facto relationship with Karen Smith and the children followed. Mr Keating was paid an average weekly wage while working at the transport company. There was no disputing his injuries. There was no disputing his wages calculation. In 1995, if a worker was killed while performing his duties at work, normally the widow would receive a lump sum payment of $100 000 (or just above) and I understand the deceased worker's average weekly wage until the age of 60. I also understand that the children would receive some weekly compensation until the age of 15.

Mr Keating's widow and children received nothing because of section 6 of the workers' compensation act of South Australia. It was rather ironic, because one of the judges who made a statement on behalf of the Full Bench said that this was certainly unfair and unjust but their hands were tied. I have spoken to the minister responsible for this area and I have to say that I have received a sympathetic ear. I believe that now that this has been brought to his attention he will make the necessary inquiries and try to improve this section, because surely if you work for a living, you have the right to be protected from workplace injuries or death.

I will not read all the statements made by the judges in their decision about their understanding of this section, because members would need to be a lawyer to understand them. I am sure that no normal worker would understand why such a decision would go against them. However, one thing of interest is as follows:

> Mr Keating did not come within section 6(2)(a) because his duties employed him not only in South Australia but in New South Wales. He spent more than 10 per cent of his working time in employment in both South Australia and New South Wales. He was therefore not usually employed in South Australia and not in any other state.

Perhaps he could apply for unemployment benefits. This bloke worked full-time but was never employed anywhere, which seems to be rather ridiculous. In a statement at the end of the case, the judges drew parliament's attention to the circumstances of the case and said:

> Unless this section is amended, any worker who lives outside [the state] but who is employed in South Australia and whose duties and employment require that worker to perform more than 10 per cent—

will have all sorts of trouble claiming workers' compensation.

Time expired.

## SOUTH AUSTRALIAN AMATEUR FOOTBALL LEAGUE

**The Hon. A.J. REDFORD:** On Wednesday 21 March I had the honour of representing the Minister for Sport at the South Australian Amateur Football League pre season dinner. The South Australian Amateur Football League has quite a proud history involving some 68 clubs. During the winter season it puts some 2 500 players on the football field every week and involves numerous other supporters and volunteers in enabling them to achieve that. The mission of the South Australian Amateur Football League is to provide and promote an opportunity for all people to participate in every aspect of Australian football in an accessible, safe, healthy family environment.

The amateur league has been in existence since 1911 and has a very proud history of involving young men in sport ever since that time. I understand that it is now the largest league

putting the most number of players on the football field in this country.

*The Hon. R.D. Lawson interjecting:*

**The Hon. A.J. REDFORD:** The member interjects: I am not sure where he gets that from. I was privileged during the course of the evening to be present and witness merit awards being given to people who had contributed significantly to their various clubs. I will mention some of them at random—I am not picking out anyone in particular—to give members a picture of the enormous commitment and work that some of these people have put in over many years. One recipient, Kevin Honeychurch of Brahma Lodge, started with the club in 1978 as a junior trainer and has been a senior trainer for over 19 years and head trainer for 10 years. He played 200 games for the club. He has coached the C grade and over the last three years has been a goal umpire when he is injured.

Another fellow is Kevin Prettejohn from GAZA, who has served the club for over 45 years. He is a life member of the club and has operated as a handyman for the club from hanging photos to repairing benches in the change rooms, and on Saturday and Sunday mornings he gets up for his trouble and marks the oval. Ron Smith from Glandore was given an award. He has served as secretary of that club—

*The Hon. Ian Gilfillan interjecting:*

**The Hon. A.J. REDFORD:** Yes, it is our Ron Smith and he received a merit award: he is quite photogenic. I did not know this, but Ron has been secretary of the club for 15 years and treasurer for a year, and he captained and coached the B grade team for a number of years, during which time it made the finals. Another fellow, John Parks from Kilburn, from 1984 to 1987 has been a committee person, runner for the A grade, reserves goal umpire and team manager, and has done much more, including cooking barbecues and helping around the club.

We have Ross McGlashan of Walkerville, who is the A grade team manager and who has held that position for 15 years. He served on the football committee for nine years and he was granted life membership of his club in 1998. We also have Graham Pascoe from Woodville South, who has been involved in that club for his entire career, having played 300 games, been a senior coach of both the A and B grades and a member of the committee for the past 11 years. He has played an integral part in fundraising throughout that time and is a life member.

Another member from Kilburn is Lorna Elliott. I know Lorna well. Every time I go to Kilburn, she can be found working hard behind the counter in the canteen, raising money so the club can put players on the park on Saturday. There are quite a number of others, including Dominic Zampogna from Glandore, Raymond Wooley from Para Hills, John Moss from Pooraka and John Forth from Walkerville. Michelle Hure from Rosewater has been involved with the club for 13 years and has held positions as a trainer, a bar person, in fundraising and as president. She has declined life membership until she retires. All these people do an enormous amount to assist our community and they should all be recognised in this, the Year of the Volunteer.

Time expired.

## SAFETY INSTITUTE OF AUSTRALIA

**The Hon. CARMEL ZOLLO:** Several weeks ago I had the pleasure of attending the annual dinner of the Safety Institute of Australia. The President of the South Australian Division is Allan Wright and the Secretary is Graham Lienert. The annual function provides an opportunity for members to join together and recognise the work of the institute and also to pay a tribute to the winners of the John Pook Award and the academic prize.

The institute has played a major part in the increasing community recognition that the promotion of good work practices and safety in the workplace provides many economic and social benefits. The institute believes that the distinctive advice of qualified and experienced safety and health practitioners is a prerequisite for the specification of the safety and health responsibilities of government, employers and community organisations. They aim towards the highest possible standards of safety and health at work, on the road, at play and at home.

The institute began in 1949 when the first group of students in the industrial safety and accident course at Melbourne Technical College formed the Industrial Safety Research Group. Over the next 50 years it has developed into a national professional body with some 1 800 members and branches in all states. The principal aims of the institute are to promote health and safety awareness, to advance the science and practice of occupational health and safety, and to research and develop occupational health and safety procedures and practices.

The John Pook trophy for 2001 was awarded to the City of Onkaparinga Asset and Infrastructure Services Department, and the medal for academic excellence in graduate diploma occupational hazard management was awarded to Mr Ray Murphy. The John Pook Award is named after the late John Pook, a foundation member of the Safety Engineering Society of Australia (now the Safety Institute of Australia) for his commitment to the advancement of health and safety and the valuable services rendered to the society over many years.

The award is presented annually to an individual or group who has made a significant contribution to improving the health and safety of others in the community. It was presented this year to the City of Onkaparinga's Asset and Infrastructure Services Department for its innovation in improving the operation procedures and safety of the city's Jetpatcher, a machine for repairing road potholes.

After a risk assessment survey several years ago, the council determined that the current machines and technology available did not meet all its needs and subsequently set out to design, in conjunction with a manufacturer, a machine that suited its demanding work and safety requirements. I understand that the final design is truly innovative and is the first of its kind in the world.

It is operated by a single employee via a fully remote joystick system. The benefits in operation, safety and productivity greatly outweigh the relatively small additional capital investment. Safety improvements have included increased protection from harmful UV rays, from the elements, from severe heat generated by conventional patching methods, reduced exposure to fumes from hazardous substances, reduced manual handling and reduced potential for road accident injury as operators outside the vehicle are no longer required. The development of the improved Jetpatcher has received much interest from other councils, including several interstate, and there is enormous potential for the machine to be used throughout local government and other sectors.

The medal for academic excellence was awarded to Mr Ray Murphy, enrolled at the University of Adelaide as a July 2000 graduate and currently employed as the Occupational

Health and Safety Coordinator for Radio Rentals. I understand that Mr Murphy was nominated by the Course Coordinator and Deputy Head of the Department of Public Health at the University of Adelaide, Dr Dino Pisaniello. Adelaide is such a small place: Dr Pisaniello's parents and mine have been dear friends all their lives. I congratulate both award winners and, once again, recognise the professional work of the institute in its promotion of occupational health and safety.

## SOUTH AUSTRALIAN REGIONAL ORGANISATIONS OF COUNCILS

**The Hon. IAN GILFILLAN:** It is with some pleasure that I acknowledge some good news as far as rural and regional South Australia is concerned. I want to refer to portions of a budget submission that I have received from the South Australian Regional Organisations of Councils. This organisation represents the Central Local Government Region; the Eyre Peninsula Local Government Association; the Murray and Mallee Local Government Region; the South-East Local Government Association; Southern and Hills Local Government Association; and the Spencer Gulf Cities Association.

In the letter, addressed to me, Jeff Burgess (the chair) states:

> Enclosed is a copy of a submission which was put to the state government in the latter part of last year on behalf of country councils in this state. We are yet to receive a substantive response from the government, but we hope that the proposals we have put forward are being given serious consideration by the government in the budget context.

I will not read the rest of the letter, but I commend SAROC for its submission. It does not pull any punches but is written in moderate language and, I believe, offers some very constructive recommendations as to how to improve the general prosperity and good management of rural and regional South Australia. I quote at random from that submission as follows:

> This submission is of a selective nature: it does not purport to cover all issues of interest to our communities. Among the issues not taken up in detail in this document, but which are of very great concern to rural and regional councils, are the cuts which the government made in its 2000-2001 budget in the funding of public libraries and the catchment management subsidy scheme.

A little further on it makes the rather wry observation:

> The government's rhetoric in this area is quite good.

However, translating rhetoric into reality, it points out, is a different matter. It refers on page 3 to an example of disappointment, when it states:

> In April 1998—

and I can remember this very clearly (in fact, I think that I raised the matter in this chamber)—

> five regional local government bodies wrote jointly to the Premier proposing the creation of a rural and regional areas infrastructure and facility fund. In May of that year the Premier responded negatively, stating that he did 'not believe that your proposal should be pursued further at this time'. However, about a year later (mid 1999) the government changed direction by 180 degrees and, in fact, did establish a regional development infrastructure fund. Unfortunately, this fund is not operating as well as it could be were there greater scope for influence by regional local government.

One can see that, although critical, this is actually a constructive identification of areas where there could be improvement. They want some funding assistance for the regional organisations; they want an improvement, according to the budget paper, in the range and, more important, the quality of information in the new annual budget paper introduced by the government last year entitled *Regional Statement*.

A little later the report speaks about the devolution of parts of large government agencies, and on page 14 lists about 10 separate entities they believe could be appropriately decentralised. They are very good suggestions, and I urge the government to take these specific examples to act on. On page 16 they ask the government to commit to the following approach regarding regional South Australia:

1. agreement in principle to a selected decentralisation program;
2. the immediate formation of a task force;
3. when new state agencies or sections of agencies are to be created, for there to be discussions with the regions.

Obviously, I do not have time to go through this in detail, but I would recommend it to all those who care about the matter, indicating that the recommendations are very modestly costed. At $40 million, compared with the public sector outlay of $8.7 billion for the whole of the state, it is quite modest in its expectations. It is a very well thought out and presented document and goes very well with the other piece of enthusiastic good news that I can bring, which is the annual conference of the Regional Development Board that I attended last Friday in a slightly different area of activity. There again, there is genuine constructive cooperation between the development boards in the regional areas, with positive proposals. I believe that together they offer a lot of hope for a brighter future for regional South Australia.

## RADIO FREQUENCY IDENTIFICATION SYSTEMS

**The Hon. L.H. DAVIS:** Earlier this week I represented the Hon. Robert Lucas, Minister for Industry and Trade, at a celebration that saw the launch of the world's first university chair in radio frequency identification systems. This was an exciting event, which involved people who were attending an international RFID standards conference in Adelaide. The background to this development is interesting.

In the early 1980s the University of Adelaide formed a company called Integrated Silicone Design Pty Limited (ISD) to commercialise technology that had been developed by the University of Adelaide, principally through Dr Peter Cole, who is regarded as a world leader in this field. RFID is new technology, which is going to be recognised increasingly as a very versatile technology.

For instance, it will enable retail stores to prevent theft; it will enable library books to be traced if they have been placed on the wrong shelves; it enables something as basic as the sliding door to open; and it will allow someone who is lying sick on a pavement to be attended to by a medical team that can access their smart card and find out immediately what the medical background of that person is.

This smart card technology will also enable you to access your bank balance. This is leading edge technology. The University of Adelaide developed ISD as a company until 1999 when it believed that it could be taken no further, and so it was acquired by a major French group known as Gemplus, which has sales of over $US1.2 billion per annum. Gemplus recognised the worth of ISD by making this acquisition. Indeed, Gemplus is the founder of the smart card and regarded as the world's leading smart card solutions provider.

Gemplus Tag is dedicated to the identification and tracking of objects through RFID, and has leadership in the manufacturing of the smart card and smart labels around the

world. Gemplus Tag uses this technology to identify and track assets such as garments, industrial/domestic gas, plastic containers, medical equipment and automotive insurance. Gemplus regarded ISD's work so highly that it took it over and then invested back into the company by creating the world's first Professorial Chair in Radio Frequency Identification systems. That speaks very highly of the foundation professor for RFID, Dr Peter Cole, who has had this involvement with ISD for over two decades. Gemplus is funding this chair, and this will enable the company in South Australia to continue the research and development work which it has been carrying on over many years.

Time expired.

## CAFFEINATED BEVERAGES

**The Hon. M.J. ELLIOTT:** I move:

That the Legislative Council requests that the South Australian government—

I. (a) Examines whether caffeinated drinks should be banned from sale to minors, in the same manner as tobacco and alcohol;

(b) Promotes caffeinated energy drinks as being unsuitable for the general population, particularly children and caffeine-sensitive people.

(c) Endorses proposals by the Australian New Zealand Food Authority for stricter labelling and marketing controls for caffeinated energy drinks; and

II. Uses its role on the Australian New Zealand Food Standards Council consisting of health ministers, to lobby for the passage of strict food standard regulations to cover formulated caffeinated beverages.

There can be something of a danger in our community that we focus very narrowly on illegal drugs and not on legal drugs and do not recognise that a very artificial line has been drawn through drugs in the community, some of which we have declared to be legal and treat them in a particular manner and some of which we have declared illegal and treat them in a different manner.

Whilst I have talked about reform in relation to cannabis and heroin, anybody who has listened to what I have had to say about those drugs will know that I have always stressed that it is very important that we do all that we can to keep those drugs away from minors—children—and that we ensure that we give as much good education and information as we can to adults in terms of their making informed decisions about use. I have always acknowledged the potential for harm to a greater or lesser extent with those drugs.

Those members who have been in this place for a long time will know that I was involved in moves to ban the advertising of tobacco for exactly the same reason. My move for a ban on the promotion of tobacco was not a statement about whether or not I believed that any individual should or should not smoke; I thought it was wrong that we should allow a campaign which actively encouraged people to smoke, particularly young people, and either deliberately or not—and tobacco companies would differ on this—I think young people are a target audience.

We need to acknowledge that caffeine—another legal drug which probably most people in this place consume, and that includes me—does have potential for some harm; and if we acknowledge that we also need to ask, 'What is our view in relation to minors and their consumption of caffeine? What is our view in terms of adults and advertising campaigns, promotion and education, and all those sorts of things?' I have argued that we should be very consistent right across the whole drug spectrum and not try to draw an artificial line where we call something legal and treat it one way and treat everything on the other side of the line in another manner. We need to be far more consistent in our approach.

It is worth noting that the sales of caffeine laced so-called energy drinks are booming. Aggressive marketing campaigns are pushing the products into more and more cafes, deli fridges and supermarket shelves. Only on the weekend as I was sitting in a bar I looked down at the shelves of the bar and lined up with the beers were a range of energy drinks. I did not see any soft drinks, but I saw these energy drinks. You go into a supermarket now and you have the shelves of soft drinks and then lined up is a range of energy drinks. Most importantly, the level of advertising of these so-called energy drinks has absolutely exploded.

This new generation of energy drinks is seen by many simply as a soft drink which gives you that added energy boost. That is the way they are promoted: have one of these drinks and give yourself a bit of energy. But these drinks can be quite dangerous to certain groups in our community to the extent that I believe that we should consider imposing a restriction on sales and require public warnings about their potential for harm.

Earlier this year the Australian New Zealand Food Authority (ANZFA) put energy drinks under the spotlight with the release of a plan to adopt a specific regulation for the energy drinks identified as formulated caffeinated beverages. ANZFA is now considering submissions made on its plan. The ANZFA move will close a loophole which has allowed these drinks to escape specific regulation under our food laws until now. In fact, soft drinks, with the exception of cola drinks, are not allowed to have caffeine. Cola happens to be a natural source of caffeine, and so the only caffeinated soft drinks that are currently sold in our markets are the cola drinks.

*The Hon. T. Crothers interjecting:*

**The Hon. M.J. ELLIOTT:** The number of cola drinks, certainly. Under the plan, energy drinks are to be defined as non-alcoholic water-based beverages containing carbohydrates and between 145mg and 320mg per litre of caffeine from guarana or any other source, which means one can of drink could contain the equivalent of one strong cup of coffee. Some people are being told that guarana is this new wonderful energy drink containing this new wonder herb guarana. Guarana, for those who do not know, is a berry which happens to be a very high source of caffeine. So not only do you get caffeine out of cola nuts, coffee beans and tea leaves but guarana berries happen to be very high in caffeine. So this wonderful new energy booster guarana is just another source of caffeine.

*The Hon. T. Crothers interjecting:*

**The Hon. M.J. ELLIOTT:** Well, it is. Guarana contains about six times the level of caffeine that a coffee bean would contain before drying and so on. These drinks may also contain amino acids, vitamins and other substances intended to provide a real or perceived energy boost. Soft drinks now available in Australia must have no more than 145mg per litre of caffeine. So, when I say soft drinks in Australia, I am talking about cola drinks. These energy drinks contain as much to twice as much—in fact, very close to three times as much—caffeine per litre as the current cola drinks do: they are a fair whack between the eye.

I have been increasingly concerned about the rapid growth in the sale of these products. In fact, about five months ago I became aware of proposals to allow caffeine into other soft

drinks in South Australia. In fact, what happened is that a New Zealand company was trying to exercise the trade relationship between Australia and New Zealand and was putting on pressure to allow caffeine into other soft drinks. It is worth noting that, in the United States, caffeine does appear in other soft drinks. In fact, a drink like Mountain Dew, which in Australia contains no caffeine, in the United States actually contains more caffeine than Coca-Cola. So, America already has gone down the path of allowing caffeine through other soft drinks, and the proposal was for it to happen here.

At that time, I put out media releases and wrote letters to various people expressing concern about this, and I was pleased to see that, in fact, the companies that were applying pulled back. But I suspect that they had already worked out, 'Let us not get the public upset about what is happening with soft drinks and let us use the energy drink loophole.' I think most people would acknowledge that, just in the last five months, there has been quite an explosion in the push of these energy drinks. Prior to about five months ago, Lift Plus was getting a little advertising, and I think Red Bull had appeared on the market, but there was not a great deal of advertising at that stage. But in the last five months a range of these so-called energy drinks have come out, and the promotion has really been wound up. So, while five months ago I was concerned about what was happening with respect to soft drinks, and energy drinks were sitting on the periphery, things have moved very quickly, and the push now by the pushers (and I think that we should call them pushers—drug pushers) was to be able to deliver caffeine through the energy drinks.

*The Hon. T.G. Roberts interjecting:*

**The Hon. M.J. ELLIOTT:** No, there are some sports drinks which I think are just simply high in sugar and salts of various sorts, plus a few artificial colourings and flavourings, but which do not contain caffeine. So, I differentiate between the sports drinks, which have been around for a while, and the energy drinks. I think some people question whether or not sports drinks are particularly good for sports people, and whether the formulations are good. But that is another issue.

*The Hon. T. Crothers interjecting:*

**The Hon. M.J. ELLIOTT:** I will not comment on energy drinks. But I have heard from time to time comments that, indeed, for the genuine sports person, some of those are not as good as they might be. But that is another issue.

I believe that the state government must play its role in making sure that we deal with these drinks properly, ensuring proper safeguards against their consumption by vulnerable groups and pushing for proper labelling and public information about their effects. We must ensure that parents can easily gain good information about what is in the bottle their child is drinking (that is, if they provide soft drink to them). Drinks must identify in large print whether they contain caffeine in any form and the recommended daily intake. Energy drink labels should warn that caffeine consumption for children is not recommended. These drinks should not be marketed or sold to children. I would argue that there should be a restriction on points of sale. Certainly, I do not think that they should be sold in school canteens, for example.

The concern over caffeine and its effects has been heightened by research about the effects of caffeine and the reasons why it is put into soft drinks. US research has revealed that caffeine, the world's most widely consumed psychoactive drug, is put in soft drinks to make consumers addicted, not to enhance taste. In the United States, quite a series of research tests were carried out, and what they found was that the overwhelming majority of people simply could not taste caffeine. If one cannot taste caffeine, why has caffeine been put into a soft drink? It is put into a soft drink because it does have an addictive nature. An application to ANZFA to add caffeine to all soft drinks consumed in Australia was withdrawn late last year. Caffeine now can be added only to cola-based soft drinks.

While speaking on drug law reform at a recent congress of the Royal Australian and New Zealand College of Psychiatrists last year, I was alerted to the dangers of caffeine by Professor Jack James, head of the Psychology Department of the National University of Ireland—in fact, we spoke to the same group of psychiatrists at the conference. I was talking about cannabis and he was talking about caffeine, and I thought to myself at the time, 'You have to be joking. What is this bloke doing about caffeine and why has he come from Ireland to do it?' It turns out that he was an Australian who was living in Ireland. I thought, 'Caffeine addiction? What is controversial about that?' But when I heard his speech, I really had quite a different view.

More than two decades of research by Professor James indicates that, if the entire population stopped caffeine use, we would see a 9 to 14 per cent drop in coronary heart disease and a 17 to 24 per cent drop in the incidence of stroke. The professor goes further, debunking the general belief that caffeine improves the ability to think quickly and clearly. His studies have shown that, far from elevating performance, the effects of caffeine are merely reversing the withdrawal symptoms that were degrading the performance of those tested. So, when a person gets up in the morning and says, 'I have to have a coffee', and they have it and say they feel better, they are doing what many drug addicts do: they are in withdrawal and, by taking the caffeine, they have gone back up to the level that their body is now accepting is natural. The reason why people feel better and, in fact, perform better (that is, among regular caffeine consumers) is that they are performing better because they have just got over their withdrawal symptoms by having their first fix of caffeine for the day. Professor James has carried out quite a series of tests—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. M.J. ELLIOTT:** A person who is addicted to tobacco knows that when they have a cigarette they feel better.

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** For people who do not smoke, the first cigarette does not make them feel better. But for people who smoke regularly, the first one in the morning does, because they are coming out of withdrawal. Coffee is exactly the same.

**The Hon. Diana Laidlaw:** And in combination?

**The Hon. M.J. ELLIOTT:** For those doubly addicted—

*Members interjecting:*

**The Hon. M.J. ELLIOTT:** If the minister starts with her first gin in the morning as well, we will be even more worried.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. M.J. ELLIOTT:** After 6 a.m.?

**The Hon. Diana Laidlaw:** No, 6 p.m.

**The Hon. M.J. ELLIOTT:** I should not allow myself to be diverted, but most of that was quite relevant. Professor James was strident in his opposition to the withdrawn ANZFA application to add caffeine to all soft drinks consumed in Australia. In his comments (and he was a consultant to ANZFA) opposing the application he said that habitual use

of caffeine leads to physical dependence; that habitual use has no demonstrated benefits; that dietary caffeine has harmful physical and behavioural effects; and that the harmful effects of caffeine probably extrapolate to children. The popularity of soft drinks among children make them especially vulnerable to caffeine consumption, with increasing evidence that caffeine causes health problems and addiction in children.

If we are to get tough on illicit drugs, we must also be sensible about what is happening with the legal drugs in our society. Already in the US, some soft drinks manufacturers are encouraging toddlers to drink soft drinks by licensing their logos to the makers of baby bottles. One-fifth of one and two year olds in America drink one cup of soft drink a day, on average. I believe that the new rules being developed for energy drinks should be expanded to the existing soft drink market. Soft drink manufacturers must clearly label caffeine dosages in their products and the risks of consumption, so that informed decisions about caffeine consumption can be made by adults and, where adults choose to give it to their children, the adults are doing so also with good information. It is also necessary that caffeine sensitive people, such as pregnant women and those with high blood pressure, are aware of the potential impacts of caffeine.

While manufacturers have always justified caffeine inclusion in soft drinks on the grounds that it enhances taste, as I said earlier, new research reveals otherwise. In August last year, the John Hopkins Medical Institute revealed a study which found that caffeine does not cause a taste difference in the 90 per cent of caffeinated soft drinks consumed in the United States. This led researchers to conclude that caffeine was included to create addiction to the products. Based on the study results, researchers have called for consumers and government regulatory agencies to recognise the possibility that the high consumption rates of caffeine containing soft drinks are more likely to reflect the mood altering and physical dependence producing effects of caffeine than its subtle effects as a flavouring agent.

In 1998, the University of Minnesota Medical School researchers found that children who usually drink large quantities of caffeinated soft drinks show withdrawal symptoms, including a significant deterioration in performance and attention when the caffeine intake is restricted. So, we could see the situation where children, perhaps over the weekend, have had a large number of caffeinated soft drinks, in particular—a bit more than they have during the week. When the school week starts, they have not had as much caffeine, and they are at school in withdrawal. That is not a hypothetical possibility: I think that it is a very real risk. Researchers concluded that withdrawal from caffeine may affect learning, and called for children to avoid high levels of caffeinated beverages.

It is time that consumers were given the full facts with respect to the risks of caffeine, the most widely used drug in the world. Global consumption of caffeine is estimated to be about 120 000 tonnes every year—that is for the drug itself. Present in the leaves of more than 60 plants, it is commonly consumed in coffee, tea, cocoa and chocolate products and soft drinks. While a cup of coffee may contain 24 to 35 milligrams per cup, a can of Diet Coca-Cola contains 53 milligrams, and I am told that, if you are partial to Tim Tam biscuits, you will get about 2 milligrams. So, after 10 Tim Tams, you are up to one cup of coffee, more or less.

Caffeine is the only drug that is widely added to the food supply—deliberately added to the food supply. Caffeine has the same pharmacological effects on the body as many of the substances that we associate with doing harm. The half-life of caffeine in the human body varies from between three and seven hours. It is a strong diuretic and can produce insomnia, and high concentrations can make the heart beat abnormally fast. Caffeine strips the cerebral blood vessels, which makes it popular in some over-the-counter painkillers but, once the caffeine intake is stopped, headaches occur. In fact, I know some people who do not take caffeinated drinks at any time because just a very small quantity gives them an immediate headache. Research has revealed that caffeine reduces the chance of conception and, when consumed during pregnancy, it can result in lowered infant birth weight, prematurity, poorer reflexes and neuro-muscular development.

For the sake of our children's health, we must identify from the labels which soft drinks contain caffeine and the recommended daily allowance. I will go further than this motion suggests and say that caffeinated soft drinks should not be made available to children and, indeed, that the information provided is really for adults in terms of their informed consent in terms of using it or not.

I encourage consumers to ask for the facts to be printed on the bottles—whether it be an energy drink or a soft drink—so that we can make a truly informed choice. I encourage the Council to support our consumers by pushing for tougher guidelines for producers of these products. I hope that all members in this place will support the motion.

**The Hon. CARMEL ZOLLO** secured the adjournment of the debate.

## GENETICALLY MODIFIED MATERIAL (TEMPORARY PROHIBITION) BILL

**The Hon. IAN GILFILLAN** obtained leave and introduced a bill for an act to regulate the possession and use of genetically modified plant material. Read a first time.

**The Hon. IAN GILFILLAN:** I move:

*That this bill be now read a second time.*

In moving the second reading of this bill, I remind the Council that I introduced a similar but not identical bill on 28 June last year. I spoke at some length on the bill that I introduced at that time and I do not intend to go through all that material again. However, I recommend that members of the Council refer to it because a lot of the argument and comments included in my second reading explanation are just as valid now as they were then, if not more so.

As an introduction, I highlight the simple description of the bill. The bill is a move to declare South Australia, or areas of South Australia, free of genetically modified material for a period of five years. A sunset provision is built into the bill, and this has been done deliberately because I believe that the situation may well change in various ways so that what is appropriate now may not be appropriate in five years. Therefore, I think it is sensible to have this five year sunset clause built into the bill.

I have varied the bill from the one introduced last year in several ways, and the first is the definition of 'genetically modified'. Clause 2(2) provides:

> (2) A plant is genetically modified if—
> (a) its genetic material has been modified by recombinant DNA technology or any other similar technique specified in the regulations; or
> (b) it is grown from propagating material obtained from such a plant.

Clause 3 is the second area in which I have varied this bill from the original so as to enable the minister to declare an

area rather than the whole state as a GM-free zone and to also empower a local government council to have the same power. Clause 3 provides:

Prohibited areas
(1) The minister may, by notice in the *Gazette*—
(a) declare a specified part of the state to be a prohibited area; or
(b) vary or revoke an earlier declaration under this subsection.
(2) A council may, by notice in the *Gazette*—
(a) declare the whole or a specified part of its area to be a prohibited area; or
(b) vary or revoke an earlier declaration under this subsection.

Those are the variations made to the original bill. Members may recall—although I do not necessarily expect them to—that I have continued to have serious concern about open-air trial pots, because they are as dangerous in destroying the international reputation of parts of South Australia as being a GM-free zone as the broader acre planting of genetically modified crops.

The international market is extraordinarily sensitive: even a rumour will put at risk markets of grain and livestock that have purportedly fed on genetically modified fodder. Already there are examples of that sensitivity having impacted on Australian and South Australian markets. One case in particular was a beef order from Japan for the South-East and the other, for New South Wales, was, I am led to believe, for rice—or it may have been canola on the basis that canola is a genetically modified crop that has been planted quite widely in New South Wales.

However, in South Australia, where this legislation applies, we have been given the opportunity to follow this legislative track by the federal Gene Technology Act 2000. In the interpretation and operation of the act, part 2—Provisions to facilitate a nationally consistent scheme, Division 4, section 19, page 17 provides:

Ministerial council may issue policy principles
1. The ministerial council may issue policy principles in relation to the following:
(a) ethical issues relating to dealing with GMOs;
(aa) recognising areas, if any, designated under state law for the purpose of preserving the identity of one or both of the following:
(i) GM crops;
(ii) non-GM crops;
for marketing purposes

This provision specifically foresees a situation where a state will take this opportunity to declare itself totally free, and I believe that Tasmania is considering that option, and I would urge that South Australia also considers it. However, if they are to stop short of that the state can determine that certain zones are declared GM free. Personally, I am aware—and I am sure others are, too—that already there are groups that are agitating for GM-free status in virtually very broad acre area of South Australia, including the West Coast through the Mid North, the Hills and down to the South-East where people are principally concerned about the impact on markets. However, I emphasise that it is not just the markets that are causing concern, because there are people who have justifiable grounds for concern that the technology itself has not yet been firmly proved up in the wide range of areas where we must be apprehensive. Even if it is a long shot, if something goes wrong the consequences can be quite devastating. I will refer to some of that later.

So as to indicate to the Council how involved the commonwealth has been in dealing with gene technology in legislation, I have a copy of the gene technology regulations 2000, which carries a date of January 2001. It is a very good reference to see what has been worked through already as to the potential of licensing and information on how to handle GMOs. I will not go through that because there is little point to us at this stage, but any legislation that we pass in this state will integrate with the commonwealth legislation.

It is a matter of some urgency because, although a draft paper was presented to the South Australian Farmers Federation at its annual conference last year, it quickly became plain that the farming community—embracing both the cereal farming and livestock sections, not to mention the horticulture, viticulture and floriculture areas of primary production—is divided. Some people feel quite strongly that we will miss the bus if we do not jump into gene technology as soon as we can. Equally strong views are held by people who are far from happy about that and who believe that it is extraordinarily dangerous to jump into the technology, who believe that there is very little evidence to prove that there will be a financial advantage to the producers who use genetically modified material, and who have serious concerns about the market, with a lot of justification.

Interestingly enough, no-one is denying that the current world market, particularly in Europe and Japan, and increasingly in the USA and Australia, is becoming hypersensitive to genetically modified product to the extent that premiums will be paid for product that can be guaranteed to be GM free; and there will be penalties, if not cancellations of orders, for product that does not have that guarantee. Not surprisingly, that sensitivity has spread to the tuna aquaculture industry, which is a multimillion dollar export earner for South Australia. These tuna are currently fed largely on frozen imported pilchards but, increasingly, they are fed with pellets from land-based cereal and other ingredients. Because it is such a delicacy and such a highly priced gourmet food product, it will be extraordinarily vulnerable even to suspicions that genetically modified ingredient has been added to the manufactured food being fed to these tuna.

At the annual general meeting of the South Australian Farmers Federation 2000, a paper about this issue, which virtually sat on the fence, was presented. It was ambivalent about whether GM crops were good or bad and suggested that people should have the opportunity to do whatever they want. As a member of SAFF, I was successful in moving that the draft not be received and that it be referred back to the committee for reconsideration. A GM task force within the South Australian Farmers Federation has been working on a revised paper over the past year, and last week it presented an alternative position paper on the same matter.

Sadly, I still cannot accept this paper because I believe that it contains contradictions and it does not identify clearly a procedure that we should be following in South Australia to make sure that we do not shoot ourselves in the foot by allowing a stampede into GM products.

I point out to the chamber, because I think it is reflective of where this debate is going, the consumer demands. The main point of the position paper is gene technology and it can be broken down into four areas: first, legislation and regulation; secondly, research and development; thirdly, education; and, fourthly, consumer demand. The paper refers to the main points and then there is a series of dot points. The second to last dot point states:

SAFF believes that within the legislative and regulatory framework it is each individual producer's decision as to whether they choose to use gene technology.

The point is the freedom to choose: an individual can choose. The last dot point states:

> Importantly, all producers have the right to farm without being affected positively or negatively by another producer's choice in regard to the use of gene technology.

I am not sure how it would be affected positively. However, the fact is that this dot point says that people should be protected from being negatively affected by another producer's choice in regard to the use of technology.

However, the facts are—and no-one denies these facts—that, if your next-door neighbour is planting a genetically modified crop, there is very strong evidence that there is the chance of cross-pollination and a hybridisation of crops on the property, which is not deliberately planting genetically modified crops. That is point one. Secondly, if the area or the farmer who is not using the GM crop wants to be part of an area that is GM free, by having a next-door neighbour who is planting GM crops, then automatically that producer is negatively affected by the choice of his or her neighbour to use gene technology. So, in my view, the issue is not resolved by the SAFF paper and, although I did try to have it presented again for further consideration on a range of grounds, one of them being the precautionary principle—and I will come to the science as I can understand it at this stage a little later—I do not believe the science is in any form definitive.

The least I can say is that there was quite a strong body of opinion which supported me, but the majority did carry this as a position paper, so it is now a position paper for the Farmers Federation. However, the chair of the committee—Richard Waye from Port Vincent—who looked at it, kept emphasising that it is a starting point for the debate, so I believe that the discussion will still go on in the Farmers Federation. One point that is important to pick up from the position paper is that in several places it is claimed that the decisions will be influenced by market demands.In fact, it also assumes that that decision will be primarily influenced by market demands and it makes a further reference to the dominance of the market as being the determinant on whether genetically modified crops will be widely used.

The trouble with that is that, although I agree with the position, for the time being the market is definitely a predominant factor and must be heeded: it is no good growing product if we cannot sell it. Therefore, the SAFF position does fully recognise that. Although it may well be a predominant factor, maybe even the predominant factor, other factors must also be taken into consideration. They are the scientific and ethical issues and those matters which cannot be ignored.

Turning but briefly to the scientific aspect, I think somewhat unfortunately Biotechnology Australia—which was set up by the government for an educative role—as with other people who are quite close to the technology, becomes very enthusiastic to the point of becoming promoters rather than debaters of the pros and cons of the issue and, at times, it is very hard to pick the authority who is speaking to the group or writing the article that one is reading to determine their total detachment from having a personal bias in this issue.

I have said publicly—and I do not resile from it—that I believe the federal minister, Senator Minchin, and the state minister, Rob Kerin, have some enthusiasm for the genetically modified GM technology to be introduced into South Australia with minimum restraint and fuss; and I have spoken to people who are members of SAFF who hold the same view. Certainly, the ones to whom I have spoken in SAFF are very conscious that not 100 per cent of the membership holds that view, and I commend them for being understanding, tolerant and wanting to explore it so that, as far as one can, we will be able to get some sort of unanimity in South Australia about it.

I briefly refer to two scientific works, partly to illustrate some of the concerns that are circulating. Because canola is the one furthest down the track and the one on which Aventis and Monsanto have been attempting to have field trials so that it can be introduced into South Australia, it is of interest to read material that was published in the *Plant Protection Quarterly*, Volume 15(2) 2000, under the heading 'Managing herbicide resistance in weeds from use of herbicide tolerant crops'. The scientists involved are Christopher Preston and Mary A. Rieger, CRC for Weed Management Systems and Department of Applied and Molecular Ecology, Waite Campus, University of Adelaide.

If members look at this paper, they will realise that this is an objective and genuine scientific research paper with some interesting conclusions drawn at the end of it. The last sentence states:

> The future challenge is to determine strategies that will introduce herbicide-tolerant crop varieties in an effective way while minimising the development of herbicide resistant weed populations.

That is not an hysterical exclamation from some political, emotional or ideological fanatic: it is actually a sentence summarising the work in this case of two scientists working at Waite Research . They are finding evidence of the actual cross-pollination and the potential for crops resistant to the weedicides to be spread into the weed population.

The same scientists along with Stephen B. Powles have published a paper in the *Australian Journal of Agricultural Research* 1999, 50, entitled 'Risks of gene flow from transgenic herbicide-resistant canola (Brassica napus) to weedy relatives in southern Australian cropping systems'. Once again, I recommend that members who want to follow this more closely get a copy, run their eye through it, realise that this is a scientific work of some integrity and depth, and read the last sentence of the summary, which states:

> These populations of weedy B. napus may facilitate crossing with compatible weed species or become invasive themselves. Two of the species pinpointed as having crossing potential with B. napus are not yet widespread weeds of the southern Australian cropping zone, but may become so if they develop the herbicide-resistance trait. R. raphanistrum is already a major weed in southern Australian cropping systems with some populations resistant to ALS herbicides. Information is urgently needed to determine whether gene flow under Australian field conditions can produce successful hybrids between B. napus and R. raphanistrum.

That is a very low key indication of the risks that are identified and quite frequently recognised by people who are doing scientific research in this area.

Another scientist who prepared a paper on the matter is Philip A. Davies. He is working in South Australia and he has a paper entitled 'Plant breeding and molecular farming'. In that, he identifies a wider range of concerns that he has with the current state of genetic modification. It is probably appropriate for me just to outline areas of his concern, rather than making extensive quotes from his paper. He notes that herbicide and insect resistance are the two most significant traits introduced into GM crops to date. He then makes some observations about the effectiveness of crop biotechnology and genetic engineering in agriculture and makes the following points.

He states that there have been no examples of outstanding success of transgenic crops compared to conventionally bred crops and that pests have evolved that attack the GM crops

modified to produce the BT toxin. In other words, he is identifying that, although certain successes may appear in the first flush, the ability of insects to work their way around it, as has been the case since the dawn of time, quite quickly becomes apparent, so that it is a moving feast.

He notes that resistance to herbicides can and has spread from GM crops to weed populations; that there is uncertain impact on the soil; and that the predictions of yield improvement by those promoting GM crops have not been met. He notes that genes escape to other plants and species and there is no guarantee that an artificial gene could not be transferred to other species, viruses, bacteria, fungi, animals or humans. It is difficult to evaluate the effect of introducing a new gene into a single species, not to mention that that gene is readily transferred to other plants.

On the effect on non-target organisms, he notes that the effect of GM crops on the food chain is unknown and that European corn borer or Egyptian leaf worm raised on BT maize has a significantly higher mortality rate. As to the impact on biodiversity, he notes that, because of the potential for gene escape, the protection of the natural environment's biodiversity may be made more difficult. As to the impact on human health, most new transgenes produce a protein that has no long-term history of consumption in the human diet.

In relation to the socio-economic impact, the terminator gene—that is, the gene that will prevent further reproduction of the crop itself—will produce unfortunate results if these crops are part of aid packages. They will be sent out as aid packages, but the producers will not be able to harvest seed and replant. Modified canola crops aimed at producing oil that can substitute for palm or coconut oil places added pressure on the traditional producers trying to sell these products.

Farmers in any given region who do not wish to grow GM crops are dependent on other farmers in the region. Previously, the intellectual property associated with plant breeding has been diverse. However, genetic engineering brings a more concentrated ownership of this knowledge. There is also the question of the divide between who is taking the risks in GM foods and who is gaining the benefits.

In relation to risk assessment, he notes that until now the assessment of GM crops has been based on a formula that they are safe until proven harmful. A precautionary principle (which is now widely recognised), means that you do not take the risk unless you can clearly establish that there is no risk or no appreciable risk, no unknown risks in the equation. A precautionary principle approach would be more appropriate. This means that the proponents of GM crops rather than the public should bear the burden of proof.

That is adding a little, at least, to the argument to support the position of this bill which is, in a sense, hasten slowly. There is no persuasive argument that South Australia will be behind—certainly not substantially behind, and I do not believe behind at all—if it delays the introduction of the so-called GM crops until five years down the track. If the game plan changes more quickly than I am anticipating, there is no reason why amending legislation could not be brought into this place in the meantime.

However, the big risk that we take is that if we allow the widespread introduction of GM crops, either in the field trials or broad acre planting, as is at risk of happening almost now, we will have damaged the reputation of South Australia as a GM-free area for ever. I urge members to support the second reading of the bill.

I identify again that the bill will enable the state as a whole, or an area or zone of the state, to be declared GM-free by the state government or a local council. We have seen Grant council in the South-East and councils on Eyre Peninsula that wish to have their areas or part of their areas declared GM free, and that would be enabled through this legislation. With that, I urge members to support this bill.

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

## DAIRY INDUSTRY

**The Hon. IAN GILFILLAN:** I move:

I. That, in the opinion of this Council, a joint committee be appointed to inquire into and report on the impact of dairy regulation on the industry in South Australia and, in so doing, consider—

(a) Was deregulation managed in a fair and equitable manner?

(b) What has been the impact of deregulation on the industry in South Australia?

(c) What is the future prognosis for the deregulated industry?

(d) Other relevant matters.

II. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.

III. That this Council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

IV. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

The deregulation of the dairy industry is a fait accompli: it is an accepted fact and we cannot wind back that particular clock, but there are things that can be explored in the work of this select committee. One of them is that we are getting calls from the current dairy industry, the latest being from Queensland (which I heard on the ABC News this morning) for an urgent review of the impact of deregulation on the Queensland industry, and other matters associated with it.

Although it does not necessarily apply to this debate for setting up a joint select committee, I would like to inform the Council that my colleague Senator Woodley has in fact pushed for a modified form of re-regulation of the dairy industry, and that has been distributed widely within the industry itself. I quote from a paper that Senator Woodley has distributed as follows:

RE-REGULATION. The Democrats believe the dairy industry should be re-regulated. We make no conditions about what form re-regulation should take but clearly the farm gate price for market (liquid) milk is where we would start. Any re-regulation should be agreed by all states and the commonwealth as it is clear that any regulation must be national and uniform.

The agricultural ministers for the states and the commonwealth must convene a meeting as soon as possible and negotiations with the industry must include grass-roots farmers represented by the Australian Milk Producers Association. The recent ABARE report is clear that eventually the price for market milk will be the same as the price paid for manufactured milk, so there is no doubt that tying the price of market milk to the price received for manufactured milk will continue to drive down the price to farmers.

This is because the bulk of manufactured milk is sold into a corrupt world market. It is neither fair nor necessary for milk sold for domestic consumption to be priced below the cost of production because of the price obtained for the export of manufactured milk.

I have in front of me the document from the Parliament of the Commonwealth of Australia entitled 'Deregulation of the Australian Dairy Industry', Report by Senate Rural and Regional Affairs and Transport References Committee, October 1999. Chapter Two of the report entitled 'The Australian Dairy Industry' talks about deregulation. I think

it is important to read into *Hansard* the paragraph which heads the chapter, as follows:

> Deregulation of the Australian dairy industry will mean it will be the only major dairy industry in the world without government support for dairy farmers. This is including New Zealand, which will continue to have significant government legislative support through the New Zealand Dairy Board single desk export support and privileged access to world markets such as butter access to the European Union which is not available to other countries.

The document, at some length, outlines the anticipated effects of deregulation, but we ought to consider just how significant the dairy industry is. In this report there are some dot points—in the form of an 'industry snapshot'—applying to the diary industry which I will read into *Hansard*, as follows:

- Has export earnings of $2 billion in 1998-99
- Supplies 12 per cent of world diary trade (third largest dairy trader after the EU and NZ
- Is Australia's third largest rural industry in value at the farmgate (behind beef and wheat)
- Is the largest rural industry valued at the wholesale level ($7 billion)
- Has efficient milk production costs by world standards
- Exports over 50 per cent of total milk production
- Produces 10 billion litres of milk—a 55 per cent increase since 1986, and 6 per cent average annual increase during the 1990s
- Has 13 500 dairy farmers—a 30 per cent reduction since 1985 (19 342)—with approximately 98 per cent of dairy farms in family ownership
- Average farm size (now 180 hectares) and average herd size (now 149 cows) have doubled since the 1980s
- Has seen dairy companies invest $1.5 billion to expand manufacturing capabilities in the five years to 1998
- Is an important regional employer (60 000 direct jobs at farm and manufacturing level)
- Has 75 per cent of Australia's milk production processed by dairy farmer owned cooperatives
- Has 45 per cent of all milk intake and 50 per cent of all milk used for manufacturing controlled by the two major diary cooperatives (Bonlac Foods and Murray Goulburn, both Victorian based)

One must say that that is a pretty vibrant industry by any standard and it begs the question, 'Why did we need to deregulate?' I have a personal view about that.

**The Hon. T.G. Roberts:** What is it?

**The Hon. IAN GILFILLAN:** I think deregulation has virtually destroyed the economic viability of small dairy farmers. It is very hard to find figures to substantiate the gains—the actual advantage—to the consumer. Consumers are paying more for milk now than was the case before deregulation, whereas the producer is getting dramatically less. It is unclear how well the price was known before deregulation. If it was between 35¢ and 39¢, there is one rather alarming report that it is now down to 18.5¢ a litre in certain markets, which really is the highway to bankruptcy.

That is bad enough, but it is clear that there are quite a lot of personal tragedies, suicides and serious health deterioration from the stress of this. Even if we cannot reverse it, I think we owe it to the industry to offer an open forum so that we can get the detail and data and see whether adjustments could and should be made to at least attempt to ameliorate the devastation that deregulation has brought.

*The Hon. T.G. Roberts interjecting:*

**The Hon. IAN GILFILLAN:** The interjection is that water is more expensive than milk if you buy it in a bottle which, at least to a certain extent, does point to the farce of the current situation. In South Australia we did have a discrepancy between certain groups of dairy farmers—those in the South-East, and I do not want to go into that in detail because it has been raised before—who have in their opinion received discriminatory treatment in the compensation, and I believe that that should and would be addressed by the select committee so that their grievances can be heard.

I do not believe it is my role to argue any particular line in moving to set up a select committee because it should—and I believe it would—approach its responsibilities with an open mind. It is very hard to read the *Border Watch* particularly and other rural papers without learning of the impact of the devastation that deregulation has caused. Headlines I have in front of me read 'Dairy row deepens' and 'Frustration mounts over restructure.' It is in this article that the price was cited as 18.5 cents per litre. Another headline is 'Dairy Farmer Numbers Declining Rapidly.'

It is a traditional, strong and cherished industry in Australia. It has been efficiently conducting its business over decades. I think that we in South Australia owe it to the industry to offer a forum through the select committee so that, along with the consumer, the industry can present its case, both the manufacturing and the dairy farming, and to evolve through that process, as we have done so successfully in the past in this parliament, to recommendations which will be to the advantage of all the parties involved. I urge support for the motion.

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

## DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 1157.)

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I wish to make a short contribution to this important bill introduced by the Hon. Sandra Kanck. This subject is important, and I commend the honourable member for advancing this issue before the parliament; for her exceedingly well researched speech, with worldwide assessment of the state of play in terms of legislation, comment and legal matters around the world; and for her compassion and her reasoned approach to this matter.

I have spoken on voluntary euthanasia (or, as the honourable member has nominated in terms of this bill, dignity in dying) on two previous occasions in this place. The first occasion was in reference to a select committee, including a bill moved by the Hon. Anne Levy, and I addressed that matter on 28 May 1997. I further spoke, on 25 February 1998, to a motion moved by the Hon. Carolyn Pickles, which sought to reinstate the select committee to address the bill that had earlier been introduced by the Hon. Anne Levy. The Legislative Council, in terms of this motion from the Hon. Carolyn Pickles, amended it to send it to the Social Development Committee, and it died its own death—

**The Hon. Carolyn Pickles:** It died a miserable death.

**The Hon. DIANA LAIDLAW:** Yes, it died its own death there—and with no dignity. But it was democracy, I suppose, so there are trade-offs. I will not reflect on how members voted on that committee, as I believe very passionately that this should be a conscience vote for honourable members and that they are as entitled on that committee, as they are in this place, to say and vote—

*The Hon. T. Crothers interjecting:*

**The Hon. DIANA LAIDLAW:** Everything possibly should be. At least in the Liberal Party one does not have to leave one's party to express one's conscience or move from the party line on any occasion.

I think that the bill introduced by the Hon. Sandra Kanck improves the measures that have been introduced in this place in the past in terms of this issue, and it benefits from observations, practices and legal reforms around the world. I think that there are plenty of measures in the bill which would see that there is very limited application of voluntary euthanasia. I believe that there are measures here that would see it applied only by those people who simply had no choices left, other than to endure an excruciatingly painful death. As I have said before—and as I will always repeat as a liberal—you may not make a choice to come into this world, but surely one choice in life must be how to leave this world.

**The Hon. T. Crothers:** To die or not to die; that is the question!

**The Hon. DIANA LAIDLAW:** We will all die, but how we die should be one matter that surely is in our hands, unless we are taken against our will—as a result of murder, a car accident or the like. But surely we should have a say. We provide that say through the palliative care bill that we advanced through this chamber and the parliament some years ago. But, as the AMA has highlighted (and the Hon. Sandra Kanck emphasised this) and as the former Minister for Health (Hon. Michael Armitage) highlighted in the other place some years ago, palliative care legislation does not suit all circumstances.

This point also has been proven in the cases in Oregon, which the Hon. Sandra Kanck mentioned and of which I am aware. That is not a circumstance where one sees a flood of people seeking to take their own life, or doctors taking the life of a person. Where this has been introduced and provided for (not necessarily in the form that is in the bill before us) it is respected, and the cases are at an absolute minimum. That reflects what the Hon. Sandra Kanck is doing: she is seeking to deal with those very few cases that will not be addressed by palliative care. Those cases, as I said, are acknowledged out there today by the AMA and others in the medical profession, yet we in this parliament do not provide for that small number of people to have a choice over how they would depart this world.

I have mentioned this once before but I want to do so again, because, to me, it is a very serious matter. We all know of doctors and cases where family members will say, 'We could ease pain', in various circumstances, and the person concerned can have morphine, or something like that, which may bring on pneumonia and the person may die. I think we know of those circumstances. But why should a doctor and a family member make those choices for us because we are not able, in a legal sense in this place, to make those choices for ourselves in dying?

I find it very difficult to accept that this parliament would not have the confidence to say that one can make those choices about how one wishes to leave this world and not leave it entirely up to a doctor or another family member to make those choices. I do not think that the parliament should accept that approach. I find it to be painfully at odds with my views as a liberal democrat who places enormous value on personal integrity and dignity of the individual. If I place that dignity on an individual in life, I certainly must extend that to the way in which a person leaves life and the way in which they die.

I do not think that I need add to what I have said. I feel very strongly about this measure. I think that there will be limited circumstances which apply. I think it is the ultimate gesture in circumstances that are not already provided for by the law for people not to have to endure an excruciatingly painful death. I do not know why we should expect and demand that people would have to leave life in such a manner.

I like the monitoring approach that the honourable member has introduced in this bill. I think that it is a smart measure to have indicated, and that it will lead to even more limited circumstances, but it will also give a greater integrity and openness to the process in such instances where dignity in dying has been requested and the doctor has facilitated the process and reports to the Coroner. That is a public process. In turn, the Coroner's report goes to the minister, who, in turn, refers it to the monitoring committee and, overall, members of the monitoring committee can make recommendations to the minister to indicate whether they are uncomfortable, whether they believe that there is a change in the way in which it should be practised, or whether there is reason to make further amendment to the law.

That approach brings integrity and it will also see the practice limited. It will be up front, which is what I want for my own life if I need it. I also want to be able to say to others who are dying in painful circumstances that they can be up front about it, that they can say they wish to go. They are up front and so is the process overall.

I do not think that I can add more other than to commend the honourable member for an extremely well-researched bill and second reading explanation, and I am pleased that I have had an opportunity again to support this measure. I hope that it will not take as long as the votes for women took in the late 1800s, when it took seven bills to get through a piece of sensible legislation. We are up to our third effort in this place and I hope that we can advance this very important measure in under seven bills; indeed, that it is on this occasion that we do so.

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

## LEGISLATIVE REVIEW COMMITTEE: EVIDENCE ACT

Adjourned debate on motion of Hon. Nick Xenophon:

That the Legislative Review Committee inquire into and report on the operation of section 69A of the Evidence Act 1929 and, in particular, the effect of the publication of names of accused persons on them and their families who are subsequently not convicted or not found guilty of any criminal or other offence.

(Continued from 14 March. Page 1041.)

**The Hon. K.T. GRIFFIN (Attorney-General):** I note the rather extensive contribution made by the Hon. Mr Xenophon in moving this motion, referring particularly to information provided by Mr Peter McKeon. I do not necessarily agree with the views expressed about suppression orders and suppression of names in criminal proceedings, although I have some sympathy with the sentiment that innocent parties should not suffer as a result of the naming of a particular offender. That might be a very difficult situation to address where it is in the public interest that those who are charged with serious offences should be named but, on the other hand, protecting the innocent is also an important principle.

We have endeavoured to do that by recent amendment to the Evidence Act, particularly in relation to a child, where sometimes children are identified in the press, yet they are not victims directly: they are innocent bystanders. They may be the child of an alleged offender or they may be the child of

a victim. In those circumstances we have sought to provide a mechanism for protecting them. Notwithstanding my cautious approach to the propositions that are set out in the letter quoted by the Hon. Mr Xenophon, I think this is a matter that can quite sensibly be referred to the Legislative Review Committee for its examination, and I will await its report with interest.

**The Hon. A.J. REDFORD:** From the point of view of the committee's perspective, let me say that I envisage no problems with our undertaking the inquiry requested by the Hon. Nick Xenophon in relation to section 69A of the Evidence Act. I approach the issue with a fairly open mind and I understand the sentiments expressed by those who have sought the establishment of this inquiry.

Section 69A has had quite a chequered history over the past decade. I recall the Hon. Chris Sumner being the subject of quite an intense media attack over an earlier form of section 69A. At some stage, I think the *Advertiser* ran a campaign in which it described Adelaide as 'suppression city'. It was quite an intense media campaign. I am sure that the *Advertiser* was not advancing its own interests; it had other things in mind.

I have been involved in cases where people who have been charged have received extensive publicity and, subsequently, have been acquitted. I must say that the allegations made in court about my clients achieved more prominence in the media than the news of the acquittal, which is generally put somewhere near the classified advertisements—

**An honourable member:** If you are lucky.

**The Hon. A.J. REDFORD:** If you are lucky, as the honourable member interjects. On the other hand, on rare occasions, benefits arise from publicity. I recall when I acted for a gentleman with an unblemished record. He was a fine upstanding member of the community when, at the age of about 42 years, he was prosecuted with the allegation that, with a hammer in his hand, he had wandered down Rundle Street East, smashing the glass bit in the parking meters as he walked past—which he vehemently denied. I think there were six witnesses sitting on the balcony or thereabouts of the Austral Hotel, including the then proprietor of that hotel. The proprietor swore black and blue that my client was the man who did it. Notwithstanding my client's denials, he was convicted of the offence beyond reasonable doubt.

For the first time, because of his status within the community, the matter received extensive publicity. Immediately following that publicity I received a call from two Italian gentlemen who ran a business on Rundle Street East, and they both indicated to me that, based on the description of events put to the court as reported in the *Advertiser*, the wrong man had been convicted.

They had seen the whole incident and had approached the police and told them that they had the wrong man, and they were very concerned that my client had been convicted. So we took the matter to the Supreme Court and I think it came before His Honour Justice Millhouse who, I understand, is somewhere in the South Sea Islands—

**The Hon. Nick Xenophon:** Kiribati.

**The Hon. A.J. REDFORD:** Kiribati—that brings back some memories. Justice Millhouse overturned the conviction on the basis of fresh evidence that could not, with reasonable diligence, have been available at the time of the trial. Although, if the police had been more open in coming forward with information, it would have been available. So we went back to court with these additional witnesses and, at the end of the day, my client was acquitted. The net effect was that the publicity was beneficial to my client in the longer term as it secured his ultimate acquittal. It also goes to show the notorious unreliability of witness identification of people they do not know. However, that is another issue.

That is one example of where the publicity was beneficial. However, on most occasions the publicity is enormously distressing to those charged with offences and, indeed, to their families and friends. I look forward to dealing with this issue with some degree of interest.

**The Hon. CARMEL ZOLLO:** On behalf of the opposition, I indicate that we support this motion of the Hon. Nick Xenophon. He has outlined the reason for this motion coming before the chamber and I see no reason to repeat his comments. He has also inserted in *Hansard* the correspondence from Mr Peter McKeon. I believe that Mr McKeon wrote to all members of parliament in November 1999. Regardless of whether one agrees with everything in his correspondence, one has to commend the dedication of Mr McKeon in his belief that the present legislation is unjust and the need to review this section of the Evidence Act.

I agree with the Hon. Nick Xenophon that this issue should be appropriately examined by the Legislative Review Committee. It is an important issue that touches on a whole range of matters of concern to the community. Essentially the issue is about whether the media and, hence, the community should be informed of the identity of people accused of crimes and the right of the public to know. The wider issue is the impact on family members of people who have been accused and, subsequently, who may not be convicted or found guilty.

Mr McKeon rightly points out in his correspondence that the family members are innocent and, in some cases, the impact can be devastating. I think we all accept that sometimes family members are treated badly. Then again, I note that the shadow attorney-general, in responding to Mr McKeon, also raised the principle of keeping our courts freely open to the press. It is too important to be abandoned because of the possibility that some people who are charged may not be guilty. So, obviously, it is a balance.

The Hon. Nick Xenophon also noted the provisions of section 69A(1) of the Evidence Act, which deals with suppression orders; and, also, a further important consideration is the extent to which the media can report cases. The Hon. Nick Xenophon is correct in saying that this issue will be of great interest to many members of the public and, no doubt, the committee will receive many submissions. The opposition believes that it is appropriate for the Legislative Review Committee to investigate this issue to see whether section 69A of the Evidence Act has been correctly applied and whether it is working well. We agree with the principle that one is presumed innocent until proven guilty. The right of the community to know and the consideration of injustices that could occur from time to time to innocent parties is a balance, and it is appropriate that such an important subject be reviewed.

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

## AUDITOR-GENERAL, SUPPLEMENTARY REPORT

Adjourned debate on motion of Hon. P. Holloway:

That the Supplementary Report of the Auditor-General, 1999-2000 on Electricity Business Disposal Process in South Australia: Engagement of Advisers: Some Audit Observations, be noted.

(Continued from 6 December. Page 821.)

**The Hon. P. HOLLOWAY:** The Auditor-General has provided us with a number of reports, but the motion that we are now debating relates to a particular supplementary report, which was tabled on 30 November last year. While speaking to this motion, I would also like to include several of the other reports that the Auditor-General has made in more recent times on the subject of electricity. Some of the reports the Auditor-General has given us are, of course, required under the terms of the Electricity Corporations (Restructuring and Disposal) Act, and some of those reports have come about from initiatives by the Auditor-General himself in relation to some of the aspects of the sale and lease process that have particularly disturbed him.

In relation to the report we are debating, it is interesting that in the foreword the Auditor-General made the following statement:

Although at the time of the preparation of this report the disposal of government owned electricity business is complete, I am aware that the disposal of other government-owned assets is currently being pursued.

Of course, it is rather interesting that on this very day I received a copy of some correspondence—as I am sure have other members—relating to a major new consortium that is bidding for the Ports Corp. We also know that the TAB sale process is in place. Although, as the Auditor-General points out in his report in relation to the electricity sale process, it was too late to have any influence on the conduct of that sale, it did and does have reference to the procedures that the government should be employing in relation to the sale of these other two very important assets, the TAB and the Ports Corporation.

The Auditor-General's reports really speak volumes about the inadequacies of the electricity privatisation process that the government has undertaken. They also issue serious warnings about some of the consequences we might face as a result. On 6 December last I spoke about the supplementary report concerning the engagement of advisers to the disposal process. I noted that the Auditor-General had come to the conclusion that the lack of consistency with the Department of Treasury and Finance guidelines on the engagement of consultant services was a matter that objectively could be said to give rise to public concern. The Auditor-General found that the Electricity Reform and Sales Unit failed to enforce the terms of the contract which were designed to reduce the fees payable to the lead advisers under certain circumstances, resulting in the fees paid being higher than they might otherwise have been. In short, the taxpayer was short-changed.

The Auditor-General found that, in relation to the lead advisers, the arrangements established by ERSU, the reform unit, did not reflect sound administrative practice and potentially placed the state in a prejudicial position—and the condemnation does not end there. In his report entitled 'Electricity Businesses Disposal Process in South Australia: Arrangements for the Disposal of ETSA Utilities Pty Ltd and ETSA Power Pty Ltd: Some Audit Observations' the Auditor-General states:

The ERSU's management arrangements for the disposal of ETSA Utilities and ETSA Power have significantly diluted the accountability obligations normally required of advisers in a transaction of this nature.

In relation to the conduct of the bidding process, the Auditor-General states:

With respect to the evaluation of indicative bids, I am of the opinion that the information requested was not sufficient, as it was possible for each bidder to present financial information in a different manner and with different underlying assumptions. This in turn meant that it would be difficult for evaluators to compare the prices offered by different bidders in order to determine which bid maximised the disposal proceeds.

The Auditor-General made a series of recommendations in this report ranging from obligations to accord potential bidders procedural fairness, to the simplification of probity rules, to the need to have regard to the development of the due diligence process. These are all matters which should not have arisen as a result of the disposal process and one certainly hopes that they will not arise in relation to the disposal of the Ports and the TAB.

Millions were spent on consultants who should have ensured that all processes were correct. It is an indictment of this government's total lack of care both for the disposal process and for the people of this state. While I am talking about future sales, I also add the Lotteries Commission. We should never forget that the Olsen government wished to put the Lotteries Commission on the sales block, in addition to the other government instrumentalities it has already sold. We have no doubt that, if the Olsen government were to be returned at the next election, Lotteries would be back on the agenda. It is only because it could not get support from the Independents that it did not proceed with the Lotteries sale. After all, I am sure we all remember that we received draft legislation from the government in relation to that sales process.

To continue with the Auditor-General's reports, two reports have been released this calendar year. The first reveals a number of serious defects in the ETSA leasing process. These mistakes continue to flow from a government which was too concerned with gaining the maximum price for the sale of our electricity assets and not concerned enough with guaranteeing the security of supply and the ongoing cost structure for industry and consumers in this state. The government must now bear the blame for the mess it has inflicted upon the public of South Australia.

I refer to the question that I asked the Treasurer today in relation to the history of this matter. Electricity reform has been discussed for many years. It first came to prominence in 1992 when the Hilmer report was commissioned. The Hilmer report, commissioned by the federal government, looked at ways in which greater competition could be introduced into the Australian economy and how the community of Australia might benefit from that. That report was received by governments in this state—in the dying days of the Bannon Arnold Government in about mid-1993. After the election in December 1993, the new Premier, Dean Brown, signed off on the Hilmer report in February 1994. That was put forward for discussion and finally the Premier (Dean Brown again) signed the competition principles agreement on behalf of this state in April 1995.

South Australia then became the lead adviser for the national electricity market. This state introduced the electricity legislation that all other states followed. We then moved on to passing the Electricity Act in this state in 1996, which set out all the rules for the operation of the national electricity market. As I pointed out in my question earlier today, it was

quite clear from the national competition policy agreement that each state was to be responsible for the agenda of dealing with its public monopolies. It is quite clear when one looks at the history of the national electricity market that certainly the now opposition (the then Labor government) supported it in principle, but that the particular design features of that market were produced under the Brown and Olsen governments. Of course, we should never forget that, when Dean Brown was the Premier, John Olsen was the Minister for Infrastructure in charge of the electricity assets for a large period.

The electricity market under which we now operate has been very much designed by the Liberal government that has been in power for the last 7½ years. How incredible, therefore, that the government has now changed its rhetoric and is putting out propaganda sheets suggesting that the national electricity market, in some way, was a creature of the Bannon Arnold governments. All the Bannon Arnold governments did was endorse the Hilmer report and recommend that we further study the national electricity market and look at how it might work. All the design features were developed under this government.

As I pointed out, under the competition policy agreement each state was responsible for its own design. The electricity industry in this state is quite different from that in other states. I am sure everyone is aware that New South Wales and Queensland have not privatised their electricity industry and that those states do not have the particular problems that we are facing at the moment. It is quite incredible that this government is now trying to recreate history and pretend that for the last 7½ years every decision it has made on electricity in some way has been as a result of decisions made by previous governments. That will not wash with the electorate in any way whatsoever.

**The PRESIDENT:** I inform the Hon. Paul Holloway that the motion he has moved is specifically about the engagement of advisers. However, when following speakers respond, they will be confined to talking about advisers only. The honourable member should consider keeping to his motion or expanding his motion to lead into some other area.

**The Hon. P. HOLLOWAY:** Yes, thank you Mr President. Certainly, the subject of electricity is a big one and the Auditor-General has made a number of comments on it. Of course, this report specifically refers to the appointment of advisers. We know that approximately $100 million of taxpayers' money was spent in relation to these advisers. As we can see, a number of criticisms are made in the Auditor-General's report about how lax the process was in relation to the appointment of those consultants.

I have ranged a bit wide in this report because the Auditor-General was quite clear in it that, because the government was considering other sales processes, he was naturally very keen that the lessons from the electricity sale should be learnt and that those mistakes should not be repeated in relation to the other sales. There are a number of other matters that I would like to note in relation to electricity in some of the latter reports, but I will do that on another occasion.

I conclude by saying that the supplementary report that the Auditor-General has brought down on this and other topics in relation to the sale process underlined one point, and that is that the government has made a mess of the electricity privatisation process. From day one, when this government went back on its word never to privatise electricity, to this day, the government has been ducking and weaving, attempting to dodge serious questions about the disposal process.

I recognise that the Auditor-General has made an important contribution. One can only hope that, in relation to the sale processes of the other assets that are now under way, the government has adopted these recommendations of the Auditor-General. As an opposition, when we finally get some details—which is a very hard thing to do from this secretive government—of how the government has gone about these sale processes, we will certainly be looking at them very closely, and woe betide this government if it has repeated some of the mistakes made in relation to the electricity process.

With those remarks I conclude my comments on this report of the Auditor-General. I will discuss some of his later reports on another occasion.

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

## LEGISLATIVE REVIEW COMMITTEE: ROCK LOBSTER POTS

Adjourned debate on motion of Hon. A. J. Redford:

That the report of the committee concerning the allocation of recreational rock lobster pots be noted.

(Continued from 28 March. Page 1161)

**The Hon. R.R. ROBERTS:** There was a long investigation into this matter, and the question of the allocation of rock lobster licences in South Australian waters has been a long and vexed argument for many years. There is no doubt that the professional rock lobster fishery has been very successful in protecting the industry and, in no small part, protecting the fish within the fishery, but for a long time there has been an argument about the proportion of the stock that is available to recreational fishermen.

There was some concern around 1987 about the amount of rock lobster that was being removed from the sea, both by professionals and by the recreational fishermen, and I think it was Minister Mayes who put a moratorium on the issuing of new recreational pots at that time. We then faced a situation for some years where no lobster pots were issued until late in the 1990s. A committee was set up to review the rock lobster fishery, and a number of attempts were made to try to get a fairer distribution and a fairer licensing system for those who wanted to engage in recreational rock lobster fishing.

That left us with a situation whereby many potters, as they are called, still had their licences, which have become known as grandfather licences, and they are grandfather potters. A couple of years ago we had some attempts to try to introduce a licensing system. The first attempt was when you applied for a licence, and there was a great deal of argument about how well that was advertised.

There was a great deal of concern that many professional rock lobster fishermen in the know, so to speak, were tipped off early and took advantage of the situation. In fact, you had professional rock lobster fishermen with five recreational lobster licences within the same family. That caused a great deal of concern and anger.

The next attempt by the government was the ring in: the first ones to ring in would be allocated a licence. That was an absolute disaster and, during our deliberations and consultations with rock lobster fishermen all over South Australia, that was very widely criticised. We were interested in the view of Mr Zacharin, the acting Director of Fisheries, and a

number of other people who gave evidence, saying that there would be very little impact on the fishery if we opened up the licensing system in a way similar to that which occurs in Western Australia and Tasmania.

I note that during his contribution my colleague the Hon. Angus Redford outlined what that actually entailed. It was the final—and unanimous—determination of the committee that we would recommend to the government that it introduce that system. From a personal point of view, I have always been one to try to protect the rights previously enjoyed for some time by the citizens of South Australia, which leads me to add this note of caution in my contribution.

It is my firm belief that those people who hold a grandfather potter's licence should not be disadvantaged by this new trial arrangement. I hope that the government accepts the recommendations of the committee, but if for one reason or another that fails, I put on record that it would be my firm view that, whatever other arrangements need to be made, people who hold grandfather licences should maintain them in advance of any other licensing system. Given that brief outline of a very complex consultation, I recommend to the Council that it passes the motion of the Hon. Angus Redford that the report of the Legislative Review Committee into rock lobsters be noted.

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

## SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES) BILL

Second reading.

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

*That this bill be now read a second time.*

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

Leave granted.

This Bill deals with the powers and immunities of the Inquiry to be conducted by Mr Dean Clayton QC into the matters surrounding the Cramond inquiry.

The Inquiry was established in response to a resolution passed by the House of Assembly on 1 March 2001. By virtue of the resolution, the House of Assembly called on the Premier to establish an inquiry to be headed by an independent senior counsel and assisted by an ex-public servant of high standing to inquire and report into the following matters associated with the inquiry of Mr J.M.A. Cramond into allegations concerning the now Premier in regard to Motorola:

- determine whether material evidence, written or oral, was not supplied to Mr Cramond and the reasons it was not supplied;
- determine whether any oral evidence given to the Cramond inquiry was misleading, inaccurate or dishonest in any material particulars; and
- determine whether any person or persons did or failed to do anything which caused relevant evidence not to be presented to the Cramond inquiry or caused inaccurate, misleading or dishonest evidence to be given to the Cramond inquiry.

The resolution also called upon the Premier to ensure that the inquiry has the powers to subpoena documents and witnesses and to take evidence under oath, and called on the Premier to report to the House on 13 March 2001 regarding the names of the persons to be appointed and the commencement date of the inquiry.

When the resolution was being considered on 1 March, the House made its position clear that this inquiry should not be a Royal Commission. Speedy finalisation of this issue is sought.

On 13 March 2001, the Premier announced that, in accordance with the resolution, Mr Dean Clayton QC had been appointed by the Crown Solicitor to undertake the Inquiry, with Mr Richard Stevens assisting. The proposed terms of reference for the Inquiry were as set out in the motion.

Therefore, the only issue still to be addressed in relation to the resolution is the call on the Premier to ensure that the Inquiry has the powers to subpoena documents and witnesses and to take evidence under oath.

While the Government has done all it can do to cooperate, it cannot give Mr Clayton QC the power to subpoena documents and witnesses and to take evidence on oath. It was the Government's view that the Inquiry should proceed and, if Mr Clayton informed the Government that he was having difficulty taking evidence or requiring production of documents, the Government would then address that issue at that time. However, the Opposition has attempted to undermine the Inquiry by creating a sideshow about its powers. In the light of the Opposition's behaviour, the Government has taken the view that the Parliament should be requested to enact this legislation to put the sideshow about the Inquiry's powers to rest. Therefore, this Bill provides a legislative framework for this to occur.

The Bill will give Mr Clayton QC the powers necessary to conduct the Inquiry without setting up, or introducing the full powers of, a Royal Commission.

Clause 3 designates a number of provisions under the *Ombudsman Act 1972* as relevant provisions and imports them into the Bill. The relevant provisions will apply to the Inquiry, as if the Inquiry were an investigation of the Ombudsman under the *Ombudsman Act 1972* and the person conducting the Inquiry is equated to the Ombudsman for those purposes. The relevant sections of the *Ombudsman Act 1972* are sections 18(2) and (3) and (6), section 23 and section 24.

Section 18 of the *Ombudsman Act 1972* deals with the procedure for an investigation, section 23 deals with the right of entry and inspection and section 24 sets out a number of offences dealing with obstruction.

Clause 4 of the Bill inserts a power to require the attendance of witnesses. An authorised person (being the person conducting the Inquiry, a person assisting in the conduct of the Inquiry, or the secretary to the Inquiry) may issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material (or both). Where a summons requires the production of evidentiary material, it can stipulate that the material be produced to an authorised person nominated in the summons. Clause 4(3) will allow the evidence of a person appearing before the Inquiry to be taken on oath or affirmation.

Clause 5 of the Bill deals with the obligations on a person to comply with a summons; to give evidence on oath or affirmation, and to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief. If a person refuses to comply with a summons, refuses to give evidence on oath or affirmation, or refuses to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, the Supreme Court may, on the application of an authorised person, compel attendance of the person before the Court to give evidence or produce evidentiary material.

Subclause (2) provides that a person who, without reasonable excuse, refuses or fails to comply with a summons, refuses or fails to give evidence on oath or affirmation, or refuses or fails to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, is guilty of offence.

Clause 6 sets out the privileges and immunities that apply to the Inquiry. The person appointed to conduct the Inquiry, a person appointed to assist in the conduct of the Inquiry, the secretary to the Inquiry, any person appearing before it, and any legal practitioner representing someone in connection with the Inquiry, have the same protection and immunities as in proceedings before the Supreme Court.

The Government is keen to ensure that the spirit of the resolution is honoured and that there can be no question about the capacity of Mr Clayton QC to get to the truth. This Bill gives him all necessary powers to enable him to achieve that objective.

I commend the bill to the house.

Explanation of clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Interpretation*

This clause contains a number of definitions for the purposes of the Bill.

The Inquiry means the Second Software Centre Inquiry into matters surrounding the first Software Inquiry by Mr J.M.A.

Cramond established in response to a resolution passed by the House of Assembly on 1 March 2001.

An authorised person is the person appointed by the Crown Solicitor to conduct the Inquiry, or a person appointed to assist in the conduct of the Inquiry, or the secretary to the Inquiry.

Evidentiary material is defined to mean any document, object or substance of evidentiary value or possible evidentiary value to the Inquiry.

*Clause 3: Application of certain provisions of Ombudsman Act 1972 to Inquiry*

Sections 18(2), 18(3), 18(6), 23 and 24 of the *Ombudsman Act 1972* apply to and in relation to the Inquiry, as if—

- the Inquiry were the investigation of an administrative act by the Ombudsman under the *Ombudsman Act*; and
- the person appointed to conduct the Inquiry were the Ombudsman.

Section 18 of the *Ombudsman Act* sets out the procedures of the Ombudsman in relation to an investigation by the Ombudsman of an administrative act. Section 23 of that Act gives the Ombudsman the power to enter an inspect relevant premises or places and anything in those premises or places. Section 24 of that Act creates offences relating to the obstruction of the Ombudsman acting under the aegis of that Act.

*Clause 4: Power to require attendance of witnesses, etc.*

An authorised person may—

- issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material (or both); and
- administer an oath or affirmation to a person appearing before the Inquiry.

A summons to produce evidentiary material may, instead of providing for production of evidentiary material before the Inquiry, provide for production of the evidentiary material to an authorised person nominated in the summons.

*Clause 5: Obligation to give evidence*

If a person refuses or fails—

- to comply with a summons issued under clause 4; or
- to make an oath or affirmation when required to do so by an authorised person; or
- to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

the Supreme Court may, on application by an authorised person, compel the attendance of the person before the Court to give evidence or to produce evidentiary material for the purposes of the Inquiry.

A person who, without reasonable excuse, refuses or fails—

- to comply with a summons issued under clause 4; or
- to make an oath or affirmation when required to do so by an authorised person; or
- to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

is guilty of an offence and liable to a penalty not exceeding $10 000.

*Clause 6: Privileges and immunities*

An authorised person has, in connection with the conduct of the Inquiry, and in respect of any report prepared as part of, or at the conclusion of, the Inquiry, the same protection and immunities as a Judge of the Supreme Court.

A person who appears before the Inquiry, or who provides evidentiary material to the Inquiry or an authorised person, has the same protection, privileges and immunities as a witness in proceedings before the Supreme Court.

A legal practitioner who represents a person in connection with the Inquiry has the same protection and immunities as counsel involved in proceedings before the Supreme Court.

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

## STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1223.)

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** The opposition supports the second reading of the bill. It seeks to achieve a number of legislative changes, most of which are not controversial although some of them are quite complicated and technical in nature. The legislative amendments to the Road Traffic Act 1961, the Motor Vehicles Act 1959, the Rail Safety Act 1996 and the Harbours and Navigation Act 1993 are recommendations of the Legal Policing and Scientific Committee on Drink Driving Reform, which is a committee of the Law Society of South Australia.

I have quite a lot to do with the Law Society and I am aware of its very democratic and comprehensive committee structure. I thank the minister for giving me the briefing precis of that committee on this issue. My question to the minister is: when was the report first prepared by the Law Society, and when was it first presented to government?

As the minister has reported in her second reading explanation, the recommendations upon which we are now acting represent unanimous decisions of the committee. There are about eight or so recommendations which, in my view, improve the current law for both those who have to enforce the law and those at the receiving end of it—although they may have a different view on that. For example, the bill seeks to ensure that people who may be physically incapable of providing a breath test are made aware of their rights to a blood test. As the minister has highlighted, this has meant that these same people who are unaware of their right to a blood test can then potentially be charged with failing to provide a breath sample.

One can imagine the anxiety of someone who has been in a road crash. It would be very hard for a person in that case to think lucidly. I agree that the onus should be on the police to advise and fully explain the ramifications of the legislation. My question to the minister on this is: what do the police do when they are faced with someone who does not speak English? This situation obviously has been encountered by the police on numerous occasions.

I also support the taking of two breath samples instead of one, where the lower result is deemed to be the designated sample. I agree that this would be a fairer measure, and I am certain that the general public would agree, too. The other two legislative changes, in particular the nominal defendant and the written-off vehicles proposal, are also sensible provisions which I support. I have distributed the bill to the RAA, the Transport Workers Union and the Police Association and have also had discussions with Professor Jack McLean from the Road Accident Research Unit, all of whom, as I understand it, either by not contacting my office or by contacting my office, have supported the provisions of the bill.

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

*[Sitting suspended from 5.58 to 7.45 p.m.]*

## DENTAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1113.)

**The Hon. J.S.L. DAWKINS:** This bill is the culmination of a process of review and consultation, including a review carried out in accordance with the competition principles agreement, using the foundation of the existing Dentists Act 1984, which it will replace. The bill is a major rewrite which

recognises and registers dental practitioners in South Australia, two categories of whom have not been registered in the past.

I want briefly to summarise the main features of the bill as it relates to the different facets of that industry. In relation to dentists and dental hygienists, the situation of existing registered dental practitioners is preserved with minor enhancements and, as a result, there will be few changes to dentists and dental hygienists. However, the provisions preventing qualified dentists who have specialised in a particular field from practising general dentistry have been removed. There will be a register on which all dentists will be registered, enabling them to practise all forms of general dentistry. In addition, registration as a specialist will enable them to practise in their particular specialist area, or areas, in the case of those who have qualified in more than one specialist field.

Provision is made for dental students to be registered. The primary reason for requiring student registration is that students have access to patients during their courses, and it is imperative to ensure that infection control measures and standards are observed. Dental treatment by its nature is invasive, with practitioners working with human tissue and blood. Registration will bring students within the scope of the board and the act and therefore within the testing and notification requirements in relation to prescribed communicable infections.

Dental therapists have been the major providers of dental care for school children in South Australia for 30 years through the school dental service, otherwise known as SADS. Currently, they are restricted by the Dentists Act to work exclusively with SADS under the control of a dentist and only on children. They are not registered under the act. The bill removes the restriction to employment in the public sector and permits them to work in the private sector, but the restriction to work only on children will remain, as this is the area for which they are trained. The bill provides an extended role for appropriately trained clinical dental technicians to be able to make and fit partial dentures directly to the public. Provision is included for the registration of dental technicians for the first time.

This legislation is underpinned with a theme of the protection of the health and safety of the public. Special reference is made in the long title of the bill to its being an act to protect the health and safety of the public. In exercising its functions, the board is required to do so with the object of protecting the health and safety of the public. The theme of protection of the public is carried through generally in the bill and specifically in several provisions such as medical fitness to practise provisions. I commend the bill to the Council.

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

## POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1226.)

**The Hon. R.I. LUCAS (Treasurer):** I thank members for their contributions to the second reading of the police superannuation bill and their indications of support.

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

## SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1251.)

**The Hon. P. HOLLOWAY:** The opposition supports this bill. Pat Conlon, my colleague in another place, introduced a bill in very similar terms to this prior to the government's introducing this bill yesterday. The background of this bill is as follows. Some time ago, following allegations that were raised by the opposition and others in relation to the letting of the contract to Motorola for the government radio network, a committee was set up under Mr Cramond. The inquiry that Mr Cramond conducted reported to the government some time ago. After that report was released, the opposition heard a number of allegations that documents or information had not been forwarded to that inquiry; in other words, that the inquiry had not considered the full range of information available to it. There were persistent rumours over at least a year or two following the report by Mr Cramond.

We all know what happened then. A batch of so-called missing documents was discovered, apparently, in the Department of Industry and Trade when Mr John Cambridge, Chief Executive Officer of that department, appeared before the Economic and Finance Committee in relation to various matters and was asked questions. He was a bit upset by the line of questioning and apparently he looked for, or his department was able to discover, some documents that had not been presented to the Cramond inquiry.

What I have omitted to say is that, because a number of issues were not satisfactorily resolved by the Cramond inquiry, under pressure from parliament, the Premier agreed to refer those unresolved issues to the Prudential Management Group of government, and that group was highly critical of the Department of Industry and Trade, which is now headed by the Treasurer. At the time the Motorola contract was being negotiated—we are talking about the period 1994 to 1996—the agency of the minister operated as the Economic Development Authority.

The prudential management group had been highly critical of the minister's officers and so, apparently in an attempt to restore his reputation, the chief executive officer of the department found some documents that he forwarded to a number of people: the ombudsman, I understand; the Premier's office (although, apparently they were not received by the Premier himself but by Ms Vicki Thompson, who is the chief of staff of the Premier's office); and the Minister for Industry and Trade, who also occupies the position of Treasurer. The Treasurer, of course, did not do anything with them. He said afterwards, 'Since they were sent to the Premier's office, why should I deal with them? If they have been to the Premier's office, they are not my responsibility.' When the papers got to the Premier's office, Ms Vicki Thompson, apparently, played pass the parcel with them and said straightaway, 'I do not want to look at them. I will send them back to the department from whence they came.' That might have been the end of the matter, but a copy of these documents came into the hands of the opposition and the matter was raised in parliament.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, they were sent to the Ombudsman, so we heard, but certainly the ministers of the government did not see any particular need to deal with them, and one could perhaps understand why that might be the case.

When these matters were raised in the parliament when it resumed after a long 3½ month break over summer, the documents were tabled and, naturally, the House of Assembly was concerned that the documents apparently contradicted the report of Mr Cramond. That, of course, is denied, but I will read—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. P. HOLLOWAY:** I will tell the minister what they said. I am quite happy to. These are not my words but those of the deputy head of the Treasurer's department, Mr Jim Hallion. This is what he said—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** No; this is what the deputy chief executive of your department wrote. The Treasurer will not go public and clear the name of his department, which is what it asked for. What the covering note to the so-called missing documents asked for is summed up in the last line, as follows:

I believe that the record in terms of both the department and its CEO needs to be corrected on these matters.

Specifically, I refer to the following comment:

To my knowledge this is the first time this department has seen the report and I am not aware of any interaction with this department in the preparation of the report by the prudential management group. There are a number of matters raised in the PMG report to which this department takes issue. I understand that the PMG report was effectively based upon the Cramond Report, so the matters raised also have implications for that report.

That is not me speaking, it is not Pat Conlon and it is not a member of the opposition; this is the deputy chief executive of the Department of Industry and Trade. He goes on:

The PMG report states '. . . the outright failure by EDA to provide copies of relevant and material contracts to OIT, and to provide meaningful briefings to OIT, played a significant role in the chain of errors, misunderstandings, wrongful assumptions, misinformation and the eventual material and misleading statements to parliament, all which events are clearly identified in the Cramond Report.' The implication in the PMG report and also from the Cramond Report is that the EDA never provided a copy of the Motorola contract to OIT or at least not before the preferential treatment was accorded to Motorola (which I understand occurred 'per the medium of the contact of 22 November 1996' vide P2 of the PMG report).

I do not believe that this implication is correct. I attach for your consideration copies of relevant correspondence between this department and the Department of Information Industries (DII) formerly known as OIT, which confirms that not only was the Motorola contract provided to DII prior to November 1996 but that DII had taken responsibility for the contract.

Later on in this note, Mr Hallion made the following comment:

In view of this I find it surprising that Cramond states on page 35 of his report 'no copy or even a summary of the effect of the contract of 23 June 1994 was ever provided to OIT'.

On page 37 of the Cramond report, he further states:

Mr Dundon—

who was the CEO of the OIT at the time—

was not supplied with a copy of the contract of 23 June 1994, nor was he ever informed that any effect of the letter of 14 April 1994 had been overtaken by the contract. On the basis of the above evidence these statements are not correct.

So, there it is: the Deputy Chief Executive Officer of the Department of Industry and Trade is saying that these documents—the so-called missing documents—contradict several findings of the Cramond report. How ever much the Minister for Transport might care to say that it is the opposition throwing this out, this was in the note of the Deputy Chief Executive Officer of the Department of Trade.

*An honourable member interjecting:*

**The Hon. P. HOLLOWAY:** Well, let us put it all on the record. To return to the substance, I think that the quote clearly shows that the missing documents are certainly relevant to the inquiry conducted by Mr Cramond several years ago.

**The Hon. K.T. Griffin:** You said that did not affect the outcome.

**The Hon. P. HOLLOWAY:** Let us just see what Mr Cramond said and get it on the record. Yes, it is true that Mr Cramond was sent a copy of these documents and that he made various comments about it and that they would not have changed his view. However, he did put this very important caveat at the end of his letter, which I put on the record. He said:

I understand that an inquiry will be made as to why neither MISBARD—

that is the department responsible at the time—

nor DII brought this correspondence to my notice in 1998. In the event that that inquiry found that there has been a deliberate concealment of material, the credibility of people whose evidence I have accepted would need to be reconsidered. I do not at present, however, see what benefit would accrue to Mr Olsen from being a party to suppression of material.

The important thing is that he said:

In the event of that that inquiry—

and we are talking here about the Clayton inquiry to which this bill directly refers in relation to the powers and immunities—

found that there has been a deliberate concealment of material, the credibility of people whose evidence I have accepted would need to be reconsidered.

*An honourable member interjecting:*

**The Hon. P. HOLLOWAY:** Well, he says at this stage: 'I do not at present, however. . . ' He was making—

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** If you like, I will.

**An honourable member:** Table it.

**The Hon. R.I. LUCAS:** It has already been tabled, as I understand. Actually it has not: this government has not tabled it. I seek leave to table a copy of the letter that Mr Cramond sent to the Crown Solicitor.

Leave granted.

**The Hon. P. HOLLOWAY:** For the purposes of this bill, it is important that the majority of the House of Assembly was so concerned that this new evidence had turned up that it decided that a new inquiry should be conducted in relation to these matters. It has to be remembered that we are talking about the integrity of the Premier. The Cramond inquiry did indeed find that the Premier of South Australia had misled the House of Assembly—that was its finding. The question, of course, that the Cramond inquiry went into was: what was the Premier's state of mind when the House was misled? That in itself is a rather interesting discussion, which I will not go into now because it is not directly relevant to this bill but it is a matter of historical record.

The House of Assembly was so concerned when this new information came forward that by majority it suspended standing orders. Of course, the government at the time opposed the suspension of standing orders to bring on the motion to set up this new inquiry. When it realised that it did not have the numbers because I believe that suspension was supported by all the Independents in the House of Assembly, the government accepted that the inquiry be established.

The terms of reference of that inquiry are set out in *Hansard*. I do not think that there is any need for me to go through them here but, essentially, Mr Clayton and Mr Richard Stevens have been asked to investigate the issues that were considered originally by Mr Cramond. Of course, one of the terms of reference to which I would like to refer in the motion moved by my colleague in another place, Pat Conlon, concluded as follows:

> The House calls upon the Premier to ensure that the inquiry has the powers to subpoena documents and witnesses and to take evidence under oath and calls on the Premier to report to the House on 13 March 2001 regarding the names of the persons to be appointed and the commencement date of the inquiry.

Importantly, the House did not require that a royal commission, or something of that order, be established, because of the expense. However, it was certainly required by the House of Assembly that the government should make sure that the inquiry had sufficient powers to ensure that documents could be required and that witnesses would give evidence under oath if so required by the inquiry. Of course, we found shortly after Mr Clayton and Mr Stevens were appointed that that may not have been the case. It was reported in the *Advertiser* on 22 March, under the headline 'Motorola inquiry left powerless', that the inquiry would not be able to force witnesses to give evidence or to subpoena documents.

What was interesting about that, or something that I found interesting, was that the government spokeswoman in this case, Vicki Thompson, the Premier's Chief of Staff, was reported in this article as saying '. . . a royal commission would cost millions of dollars and take more than a year to complete.' Ms Thompson further said:

> We have complied with the motion as put by the opposition and supported by the government.

I found it rather curious that Vicki Thompson, the Premier's Chief of Staff, should be taking the lead role in trying to oppose, at the time, any increase in powers for this particular commission as she was the person—

*The Hon. R.R. Roberts interjecting:*

**The Hon. P. HOLLOWAY:** Certainly, allegations have been made in the other place in relation to the role that Vicki Thompson has played in this. She is certainly an interested player in the investigation. She was the person who, after all, received missing documents from the Department of Industry and Trade: they were forwarded on to her, so she has a role in that regard. Allegations have also been made in another place, and I refer to page 1 001 of the House of Assembly *Hansard* of Thursday 1 March, which—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, a number of people were mentioned; it will be interesting to see what happens.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** A number of people have made these allegations that, at a particular meeting, Vicki Thompson made certain claims. I suspect that this would all come out at the inquiry. Certainly, I thought it was rather odd, as it had been previously suggested that Vicki Thompson had some involvement in this. Certainly she was the person who received the documents from the Department of Industry and Trade.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** No, she received these missing documents.

**The Hon. R.I. Lucas:** But when are you talking about?

**The Hon. P. HOLLOWAY:** She received them late last year.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** The fact is that her name was certainly mentioned. Certainly the question of Vicki Thompson's role in relation to the receipt of those documents and other matters has been raised. I just found it curious. I will leave it at that, but I find it rather curious—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** The Treasurer says, 'Sack the politician.' This is great from the Treasurer because, when the matters were first raised, where did these documents go? When the opposition first asked the question, where were these missing documents? What happened to them? Why were they not dealt with earlier, and what did the Premier do? Apparently, by all accounts, he has carpeted his Chief of Staff, Vicki Thompson, for not bringing them to his attention.

The Premier said at the time these matters were raised in parliament that he was angry that these documents had not been brought to his attention, yet they were handed to the Chief of Staff. The Treasurer said, 'The reason why I did not do anything with them was that they had been sent to the Premier's Chief of Staff' and he assumed—that is the Treasurer—that they would have been shown to the Premier. I found it extraordinary in those circumstances that the comment 'We do not need powers to call witnesses or require witnesses to attend and to produce documents' was left to Vicki Thompson, and I leave it at that.

As a result of that, as I said, my colleague in another place Pat Conlon gave notice of a bill, but fortunately the government has decided to do the right thing. I am sure it was helped in reaching that decision by the fact that the Independents in another place, who have taken a key interest in the whole Motorola affair from day one—and I am referring to Rory McEwen and Kaylene Maywald—obviously have been able to persuade the government that it should bring in this bill to give powers to Mr Clayton and his assistant, Mr Stevens, so that they can require attendance of witnesses. I think we all agree that we should not over do it in terms of royal commission powers. As I understand it, essentially what the bill does is give Mr Clayton powers similar to those under the Ombudsman's act so that he can properly carry out his inquiries.

With that background, the opposition is pleased that the government has introduced this bill. We certainly support the speedy passage of the bill. The sooner this whole matter can be resolved once and for all, the better it will be for this state. It has gone on for far too long. The matter refers to events that first happened in 1994.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Of course, the Treasurer keeps saying, 'Yes, these matters are so long ago,' but nonetheless, if this matter had been speedily and properly dealt with in the first instance, then it would not have reached this stage. It is not the opposition's fault that suddenly these documents apparently have surfaced out of nowhere. We certainly support the bill. We hope that Mr Clayton can get on with his inquiry and we have a speedy resolution, and this matter can be resolved once and for all.

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

## ELECTRICITY, PORTFOLIO

Adjourned debate on motion of Hon. S.M. Kanck:

That this Council recommends that the Premier should relieve the Treasurer, the Hon. Robert Lucas, of all responsibility for the South Australian electricity industry and create a special minister for electricity supply to oversee and facilitate the security and reliability of the industry in this state.

(Continued from 28 March. Page 1154.)

**The Hon. R.I. LUCAS (Treasurer):** I am very pleased to demonstrate how gracious this government is that, acting on behalf of the Hon. Sandra Kanck, we are happy to bring on the motion, which is a sort of condemnation, relieving the Treasurer of his job in relation to electricity, but we welcome the opportunity—

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.I. LUCAS:** —exactly—to act in a collegiate fashion, as I said, on behalf of my good friend and colleague the Deputy Leader of the Australian Democrats, the Hon. Sandra Kanck. Last week I spoke briefly to this motion, but I will briefly recount where I have been and then head on from there. The point I made last week related to the critical features of the Australian Democrats motion, in particular the press statement released by the Australian Democrats which went out under the non-inflammatory heading of 'Get rid of Lucas'. I could not find the other press release, but I am pretty sure it was Sandra Kanck who, in most intemperate fashion, had a headline a year or two ago, 'Lucas caught with pants down' or something—

**The Hon. R.R. Roberts:** Not a pretty sight.

**The Hon. R.I. LUCAS:** I did not think it was a pretty sight. I thought it was most unfortunate phraseology to be used by the Deputy Leader of the Australian Democrats. I think I suggested at the time that it was sexist in its language and if I was thin-skinned I would have been deeply offended.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** Perhaps she was being impertinent, I am not sure. Under that non-inflammatory heading of, 'Get rid of Lucas', the Deputy Leader of the Australian Democrats made a number of outrageous claims, many of which were factually wrong. I would like to use stronger language in this place, but I will not. I can only assume that the deputy leader deliberately chose to try to beat up media interest—successfully, I might say—in her press release of Monday 26 March.

She made some extravagant claims such as the fact that 'last year the average pool price for electricity soared by more than 200 per cent' . . . damns the Treasurer and his government's policy'. As I demonstrated last week—and I will not repeat all the detail—that claim is absolutely wrong and, as I understand it, the deputy leader in somewhat shame-faced fashion came back into the House and apologised for the gross error she had made in her press statement.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** She obviously did not do 1 000 hours of research: or she might have done the 1 000 hours but still come up with the wrong answer. As a result of the fundamental premise of her press statement and her motion last week, the honourable member has now had to apologise to the House for getting it wrong—a most important error for which she has not publicly, I might say, issued any public press statement.

**The Hon. T.G. Roberts:** That's only one reason for getting rid of Lucas.

**The Hon. R.I. LUCAS:** I suppose that might be true. The Hon. Terry Roberts might be able to think of another one. We have not won enough press versus parliament cricket games under my leadership so that may be another reason for getting rid of Lucas; and the people of South Australia may well have that opportunity to change the leadership of the parliamentary cricket team in 12 months' time.

We have made further points in question time this week and, without going over all the detail again, I have highlighted the problems in South Australia. The government concedes that the problems—and significant problems—that we face in South Australia in relation to pricing for gross period customers are problems being faced by businesses in New South Wales and Victoria as well. Very briefly, we have highlighted already that BHP in Newcastle has indicated it is facing a 50 per cent increase for electricity as it comes off contract. We are still looking for names of companies; they are a bit reluctant to put names to claims at the moment.

Business associations in Victoria are reporting that, as their two and three year contracts have come up for renewal this year, businesses in Victoria are facing 50 to 100 per cent price increases for their contracts. As I said in question time yesterday, the government concedes that South Australia is coming off a higher base—as we always have—in relation to electricity pricing in South Australia, in part because we use substantially gas rather than cheap coal but also because of the particular issues that relate to our tight supply-demand balance in South Australia and the national market.

As I said, we are hopeful that in the next week or so we will be able to release figures from the National Electricity Code Administrator (NECA) in relation to pricing in all markets—Queensland, New South Wales, Victoria and South Australia—comparing the average prices this last summer with the previous summer. When those figures are released officially, it will—I was going to say convince a number of people; I guess that is putting too strong a point on it—effectively refute, because I suspect it will not convince a number of people who do not want to be convinced, the claims that South Australia and South Australia alone is the one facing significant price increases. Indeed, those figures will show, as I understand it, that price increases in Victoria in the pool in the summer are significantly higher summer to summer than the comparative prices in the South Australian market.

Also in the figures for March, the first full month that we have had in the market since Pelican Point (with just under 500 megawatts of capacity) has been operating, the average pool prices in South Australia compared to those of all the other states again will effectively refute some of the suggestions and claims that are being made that Pelican Point will not have a significant influence on pricing in our market here in South Australia. They were the claims being made by the Labor Party and the Hon. Mr Xenophon in relation to the government's fast tracking of the Pelican Point Power Station in South Australia.

The Hon Sandra Kanck, in support of her motion, made a number of other claims, both in a press statement and in her speech in support. She claimed that the government's failure to ensure that the supply of electricity kept pace with the growth in demand lies at the heart of these extraordinary figures. I want to place on the record the figures relating to what this government has done compared to what the last government did in terms of increasing in-state generation in South Australia.

In just over two years in South Australia this Liberal government (since late 1998) has increased in-state generation by over 30 percent. The Osborne cogeneration plant with 170 to 180 megawatts came on stream in late 1998; the

almost 500 megawatts at Pelican Point came on stream in total by the early part of this year; and late last year 80 megawatts of capacity at Ladbroke Grove came on stream. In just over two years this government has increased in-state generation by over 30 percent.

What did the Labor government do in relation to in-state generation in the 11 years between 1982 and 1993? The best we can find is that it increased a small amount of peaking capacity at Mintaro, and there might have been some increase to capacity, although no new power station, at Port Augusta Power Station. In all those 11 years the Labor Party did virtually nothing to increase in-state generation in South Australia, yet Labor spokespersons and the Deputy Leader of the Australian Democrats have the hide to say that the government's failure to ensure that the supply of electricity kept pace with the growth in demand lies at the heart of these extraordinary figures. The past three years of activity in this marketplace demonstrate what this government has done. As I said, there has been an over 30 percent increase in capacity.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** The Labor government had 11 years and did virtually nothing.

*The Hon. Diana Laidlaw interjecting:*

**The PRESIDENT:** Order, the minister!

**The Hon. R.I. LUCAS:** I welcome those well-informed comments of my colleague the Minister for Transport. Let me add again to Mr Holloway's discomfort in relation to the inactivity of the Labor government between 1982 and 1993. Our research has found that in 1984 the then Labor government—

*Members interjecting:*

**The PRESIDENT:** Order! Members are out of order when they are interjecting.

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** In 1984, the then Labor government established a committee to look at future electricity generating options for South Australia. That committee recommended a new base load coal-fired station to be built by 1993. The Labor government did nothing. In 1984, it recommended that a new coal-fired power station be built by 1993, but it did absolutely nothing.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** You did nothing for the whole 11 years. We are talking about interstate generation in South Australia. You produced a report which tells you to build a new power station in 1993, and what does this lot do? They just ignore it and throw the report away.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Exactly! They said, 'We don't have to worry about those sorts of things. We have an expert committee which recommends that we build a new coal-fired power station, which will mean more jobs for the workers.' But this Labor government said to the workers, 'Go to hell. We are not going to follow up the expert committee. We'll ignore the recommendations of the expert committee for a new coal-fired power station by 1993 in South Australia.' Then we have the Hons Mr Holloway and Mr Rann, and Foley—and the Hon. Sandra Kanck now—trying to criticise this government which has increased interstate generation by 30 per cent in 2½ years, when after 11 years—

*Members interjecting:*

**The Hon. R.I. LUCAS:** Part of our problem is your inactivity for 11 years. As we highlighted in question time today, who showed the leadership role in taking us into the national electricity market? Mr Rann, Mr Foley, Mr Bannon and Prime Minister Keating led the way.

*Members interjecting:*

**The Hon. R.I. LUCAS:** We did come along; we acknowledge that.

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Trevor Crothers! You have all had a good go now.

**The Hon. R.I. LUCAS:** I acknowledge the interjection from the Hon. Ron Roberts who at least admits that they took the leadership role, which is something the Hon. Mr Holloway will not even concede. The Hon. Ron Roberts will at least concede that Bannon, Rann, Foley and Arnold led the way. The Hon. Ron Roberts said, 'But you followed.' It is true and we acknowledge that. Yes, Liberal governments, state and federal, did support it. We did come along after the federal and state Labor governments. At least the Hon. Ron Roberts will concede that Bannon, Rann, Foley and Arnold led the way on the national electricity market. That is something the Hon. Mr Holloway is still not prepared to concede. I thank the Hon. Ron Roberts for at least conceding that issue, and I also acknowledge—

*Members interjecting:*

**The PRESIDENT:** Order! Repetitious interjections are out of order.

**The Hon. R.I. LUCAS:** Hear, hear! I also acknowledge—

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** I actually have the call. I will now demonstrate what the government is continuing to do in relation to electricity supply in South Australia. This, in part, crosses over some of the claims made by the Auditor-General in his recent electricity report, where he made the extraordinary claim that—and I think this is the way he phrased it—the government envisaged a wind-down in the operations of the commercial generators in South Australia. He then produced a graph depicting how over a number of years in South Australia 2 000 megawatts would be wound down to 300 or 400 megawatts. At the time we highlighted that we believed that that logic defied commercial reality and again, without quoting, a number of the operators of the power stations also made those points.

More importantly, as we were hinting at the time, we are now in a position to be able to report that, in addition to this extraordinary increase of over 30 per cent in interstate generation undertaken by this Liberal government over the last two years, we now see the prospect announced by the industry of another five peaking power plants in South Australia either before next summer or before the following summer.

Australian National Power, the new operators of Pelican Point, have announced three new peaking power plants: one at Mintaro in the Mid North; one at Snuggery in the South-East; and, likely, although not yet finalised, a peaking station in association with the Pelican Point power station in the metropolitan area. Origin Energy has announced the establishment of a peaking power plant in South Australia in the order of 40 to 50 megawatts. They have also announced another power plant in Victoria. I will highlight in a moment the importance of Victoria being seen together with South Australia in this national market.

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.I. LUCAS:** They've been into something for a while. The third company, AGL, has announced that it, too, is looking to build additional peaking power capacity in both states. They have announced a 150 megawatt peaking power

plant in Victoria and they have also indicated—although I do not think they have yet publicly indicated the size of the plant—that they are looking at further significant peaking power capacity here in South Australia as well.

So, we have Australian National Power with three separate plants, AGL with at least one plant and Origin Energy with one, which is five separate peaking power options in South Australia either before next summer or the following summer. In addition, there is AGL and Origin in Victoria. So we have seven power plants in South Australia and Victoria even before next summer or the following summer—again, an indication of a government with its hands well and truly involved in terms of trying to encourage—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** At least we are doing something about gas. You spent almost 20 years doing nothing.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Here we go! What did you do in 11 years?

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** What did you do in 20 years, between 1970 and 1993?

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Well, that is the short-sighted nature of the Labor government—'Because there wasn't a problem, we do not have to worry about it. We will leave it to a Liberal government, when it comes along, to sort out the problems—sort out the debt, sort out the gas. There is no problem there.'

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order, the Hon. Paul Holloway! Order! We have heard that interjection 40 times.

**The Hon. P. Holloway:** And it still is relevant.

**The Hon. R.I. LUCAS:** The Labor government was in power from 1982 to 1993 and did nothing.

**The Hon. Diana Laidlaw:** Except create debt.

**The Hon. R.I. LUCAS:** Except create debt.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** We had adequate gas supplies. Where were you in the early 1990s when there were pressure problems with gas at Torrens Island? Where were you?

**The Hon. Diana Laidlaw:** You had lost your seat!

**The Hon. R.I. LUCAS:** You had lost your seat, had you, or were you off in the South-East, or something?

**The Hon. P. Holloway:** We didn't need extra—

**The Hon. R.I. LUCAS:** We didn't need extra gas! There was no planning, no long-term vision for the state's industrial development and, sadly, that is the problem. There are colleagues sitting in this chamber—these are your colleagues—who acknowledge the problems of the monopoly gas supply in South Australia that we have had for 20 to 30 years, and they are at least prepared to acknowledge what you are not prepared to acknowledge: that at least this government has been prepared to tackle the monopoly position of the gas market in South Australia—something that you were not prepared to do.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** It had nothing to do—

*Members interjecting:*

**The PRESIDENT:** Order! The honourable member is out of order and out of his seat.

**The Hon. R.I. LUCAS:** Whenever I ask the honourable member, 'What did you do from 1982 to 1993?' and the Hon. Mr Holloway says 'Nothing', clearly—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** But gas is not just about electricity: that is the problem you have. You cannot see beyond electricity. Gas is an important component of the state's industrial development. Go down to the South-East. Get the Hon. Terry Roberts to take you to the South-East—

**The Hon. P. Holloway:** I've seen it.

**The Hon. R.I. LUCAS:** No, get the Hon. Terry Roberts to take you to the South-East and talk to some of the industrial developers there who need gas, who are panting to get extra gas, who are talking to the proponents of the gas pipeline and saying, 'At last, someone is talking about getting extra gas through the South-East.' Go down with Terry Roberts. Get past the Somerset Hotel and a drink in the front bar and talk to some of the industries—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** You obviously do not understand. That has nothing to do with electricity. That is about industrial development in this state; that is about jobs in the South-East.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** But you do not care about that—jobs for workers in the South-East. At least we are prepared to worry about jobs for workers in the South-East. Terry Roberts will worry about jobs for workers; Bob Sneath will worry about jobs for workers in the South-East; Trevor Crothers will worry about jobs for workers in the South-East.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** But you say, 'There is no problem. We had a gas pipeline coming from the mid north. Do not worry about the South-East and jobs.' That is your approach to jobs in the South-East—or the Adelaide Hills that they are talking about, or the southern suburbs. This government is trying to resolve those sorts of issues.

*Members interjecting:*

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** Order! There is far too much interjection. The Treasurer has the call.

**The Hon. R.I. LUCAS:** I cannot hear myself think over all these interjections. The Deputy Leader of the Australian Democrats went on to say in her press statement that the government was adopting a position of a naive faith in the market—that is, we had washed our hands, in essence, of the electricity system and that the government was trying to bury its head in the sand and not take any notice of what needed to be done. Quite to the contrary: in relation not only to the power plants that we have talked about, where the government has, sensibly, fast-tracked (with the assistance of my colleague the minister for planning and, indeed, other ministers in the government), where possible, electricity power stations, we have provided assistance with fast-tracking for interconnectors. The MurrayLink interconnector has been provided, with significant assistance from government, and, indeed, even TransGrid has been promised assistance in relation to Riverlink (or SNI), should it ever get approval from NEMMCO to proceed.

So, quite the contrary: the government certainly has never said, and would never say, that this is now all up to the market. The government accepts that there is a significant ongoing responsibility for government in terms of working with private sector participants in our electricity market, and other regulatory authorities and agencies, for the objectives that we all share, which is what I am sure was in the mind of Prime Minister Keating and Premier Bannon when they first

began the national market—and that was competitive power prices in South Australia.

*The Hon. T. Crothers interjecting:*

**The Hon. R.I. LUCAS:** Exactly—competitive power prices. We also shared that objective. The Hon. Trevor Crothers makes a very good point: we must undertake more research about some of the statements that were made, and I thank the Hon. Mr Crothers—

*The Hon. T. Crothers interjecting:*

**The ACTING PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** As always, I am indebted to the Hon. Mr Crothers for his lucid interjections. He has given me food for thought, and we will certainly pursue some of the claims that were made by Prime Minister Keating, Premier Bannon and Premier Arnold—and probably even Mike Rann and Kevin Foley at the time—about a competitive electricity market and cheaper power prices in South Australia.

We do not disagree with that; we too share that objective of a competitive market, and one of the issues is that I am sure we are all concerned that in New South Wales, Victoria and South Australia we are not seeing those signs of competitive power prices. Certainly in South Australia a key part of the solution has to be additional in-state generation, as we are encouraging, and further interconnection. One of the further essential pieces of infrastructure that we will need for this national market to operate effectively is significant further interconnection between the Snowy and Victoria. I understand that significant discussions are going on between the New South Wales and Victorian governments at the moment. We are certainly very supportive, because there is—

**The Hon. T. Crothers:** And Senator Robert Hill.

**The Hon. R.I. LUCAS:** I am not sure how much influence he will have there but, if he can, we will take up the issue. Whoever can assist in encouraging private sector participants or those who have influence in relation to that interconnection, we need to see a greater level of interconnection between New South Wales and Victoria. The NEMMCO statement of opportunities is showing that when you look at all our interconnectors—the existing one and the two proposed ones, TransGrid and MurrayLink—the problem we have is that at coincident peak—that is, during the very hottest February days in Melbourne and Adelaide—instead of getting 500 megawatts of power across the big Victorian interconnector, NEMMCO is predicting that, maybe by next year, we will be getting well less than 100 megawatts of power at that peak period, and possibly as low as zero, because of the lack of extra generation in Victoria during that time.

So, we need further interconnection from New South Wales to Victoria because, whilst Melbourne and Adelaide have coincident peaks, New South Wales' peak is a winter peak at the moment, although their summer is increasing, and during the February peak they have a capacity available. During the February peak, the Basslink interconnector from Tasmania to Victoria would also be important, because they do not have that same peak during the hot period in January and February that Melbourne and Adelaide have. So, the capacity to be able to link Tasmania and New South Wales to a greater extent into Victoria and South Australia are significant additional infrastructure builds that this national market needs if we are to have a competitive market.

As everyone knows, Basslink is having its problems with local protesters and politicians opposing that. We hope that those problems will be overcome in a sensible way so that that link can be connected. The one that we think might be able to be done more quickly is the Snowy to Victoria link, and we are strongly supportive of that further interconnection. That will help us not only with the Victorian interconnector but also with the MurrayLink and, if the Riverlink interconnector or SANI is ever built, with those capacities coming into the state at the coincident peak between Melbourne and Adelaide.

Without repeating many of the other things in that area that we are doing, we certainly want to nail well and truly this notion that this government has adopted the position that it is a hands-off approach and that it is all up to the market. This government has never accepted and will never accept that.

**The Hon. T. Crothers:** You will recall when we talked in private we talked about monopoly.

**The Hon. R.I. LUCAS:** The Hon. Mr Crothers reminds me of some discussions we had a little while ago now, and I have not forgotten that or many other things the Hon. Mr Crothers said at the time.

**The Hon. T. Crothers:** One of the things was that we had to watch out for monopolies.

**The Hon. R.I. LUCAS:** Exactly. Another claim made by the Deputy Leader of the Australian Democrats in her press statement was that the new special minister for energy should monitor generator activity for abuse of market power. The government is already active in this area: NECA and the ACCC have been monitoring their code changes. We are working with the regulatory authorities in relation to that area, and the task force may well want to make some recommendations in relation to this area. Another suggestion is to coordinate demand management initiatives to reduce the consumption of electricity during peak periods. Again, the government is already acting in that area. I have met with AGL on a number of occasions. Government officers, the independent regulator and others have been meeting with AGL and other retailers about demand management initiatives, and we are working to educate customers in relation to demand management.

AGL conducted a major campaign during the recent summer. I must say that we had very significant concerns with the initial direction of that campaign, but we believe that, after an initial hiccup, the campaign's move down the path of 'If you are not in the room, switch it off' or 'If you are not at home, don't leave the airconditioner on' was a much more sensible demand management campaign, and the government and the Independent Regulator were happy to be associated with that new focus for the campaign.

The new special minister for energy was to be asked to investigate the viability of Business SA proposals to use embedded generators. That is already being done. In fact, it was being done prior to Business SA making the suggestions. The government has had some consultants looking at this area. We have had discussions with AGL, which is working on a proposal in relation to the use of embedded generators. The Hon. Ron Roberts asked a question or discussed this issue with me. There are questions of synchronisation of the embedded generators into the national grid, which does have an up-front cost, and a number of those issues have been worked through, not only with hospitals but also with business customers.

The deputy leader said that the new minister should act to ensure adequate supplies of electricity. Again, I have already highlighted that we have significantly undertaken that task and will continue to undertake the task. One issue that the deputy leader asked the special minister for energy to undertake, which I have to confess is not an issue that we are

pursuing (although my colleague the Hon. Caroline Schaefer will probably admonish me for not doing so), is the question of turning back our clocks half an hour. I have to concede that that is one issue that we have not been actively contemplating. That is one issue that the new special minister for energy could investigate because we are working in other areas at the moment.

The deputy leader suggested that the new minister for energy must establish a sustainable energy agency. I think that she said that no agency exists, and that is correct, and she also said that the production of green energy in South Australia is negligible and the government's failure to act in this area is disgraceful.

**The Hon. Diana Laidlaw:** That is her view.

**The Hon. R.I. LUCAS:** That is the deputy leader's view. It is true that the government had intended to move down the path of a sustainable energy agency, but the deputy leader does not indicate the full nature of the discussion I had with her, and that was that the government had wanted the licence fees from the electricity industry to fund all the new bodies and agencies—the Independent Regulator, the office of the Technical Regulator and the planning council, together with the sustainable energy agency. When we looked at the level of fees, we found we could just fund the first three bodies but there was not $3 million or $4 million left to fund the sustainable energy agency. Therefore, that remains an initiative that will have to wait for the money that is available to fund it in its original incarnation, or it may be revisited by the government in a different form, which may be more cost effective but nevertheless from a policy sense just as effective.

It is certainly not correct to say that there is no activity in relation to alternative energy. The Hon. Terry Roberts would be aware of the significant activity in which my Department of Industry and Trade has been engaged over the past 18 months in terms of new wind energy proposals in South Australia.

**The Hon. R.R. Roberts:** They haven't set a date, though.

**The Hon. R.I. LUCAS:** It is not a question for the department to set the date because, ultimately, these will depend on commercial operators and others being able to reach agreement in terms of the construction of their plant and linking into the national grid. I cannot put them all on the record but I think that my agency is working with at least 20 or 30 different proponents of alternative energy generation in South Australia at the moment—most wind, some biomass in the South-East, and the Hon. Terry Roberts would be aware of one particular proposal and a number of others. Wind energy is being looked at very seriously. I met recently with proponents of one wind farm and they are very bullish that they will be operating and connected to the grid by March next year as the first proponents.

Now, again that is a decision that, ultimately, they will take. We are assisting them in a number of areas, with planning and other facilitation assistance. The government is very active in relation to wind energy in particular. I would have to say that, from a commercial viewpoint, whilst the deputy leader of the Australian Democrats is clearly much more enthusiastic about solar energy—because that is the criticism that she makes—

*The Hon. T. Crothers interjecting:*

**The Hon. R.I. LUCAS:** Well, so far as I understand it, South Australia is best suited for wind energy in a number of areas. The commercial viability of wind energy is as close as any of the alternative energy sources in terms of getting something to the marketplace. These people in South Australia have had, and continue to have, a very significant degree of interest from Australian electricity retailers who have this 2 per cent requirement by the federal government in terms of alternative energy, and they are desperate to sign contracts with wind farm generators, wherever they happen to be, because it does not have to be in their state. The New South Wales retailers can sign contracts with a wind farm in the South-East or on the West Coast of South Australia and, as long as they can generate somewhere into the grid, then that counts towards the 2 per cent that they are required to have.

There is a significant degree of interest from national electricity companies in South Australian wind farm proposals and, whilst I would have to say I have been a touch cynical—and I confess to that—in my past about wind farm opportunities, from the advice I am getting from the department I believe we are getting pretty close to wind farm proposals in South Australia being up and operating. The proponents are predicting that this will be early next year.

There were many other things, but I will respond to one last thing. Members of this chamber from 18 months to two years ago will recall the claims being made by the Democrats and the Labor Party that the government-owned electricity businesses in South Australia have a $300 million a year EBIT (earnings before interest and taxation). The deputy leader went back to 1995-96 for that figure and said that, because the interest savings were now less than $300 million, we were in the red. If one is to rely on any sensible economic debate in this chamber on that sort of logic from the deputy leader of the Australian Democrats then we are in a very sad way.

There is nobody in South Australia who can guarantee the EBIT figure, which does not all come through the budget, anyway, and never did. It was a smaller percentage of the earnings figure which came through to budget, because the companies kept some of those earnings for capital investment and for other purposes. Only a percentage of the earnings came through to budget. But, of course, the Rann, Foley and Sandra Kanck argument is that all of those earnings could be ripped out of the companies and taken—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Well, the Hon. Paul Holloway says, again, they should come—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Even under the Labor government they weren't, from 1982 to 1993.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** They were not. Indeed, under the Liberal government they were not, either. So, it is an absolute fallacy. It is not true to say that $300 million a year was being taken out of the companies and being put into the non-commercial sector budget. It is equally untrue to be suggesting that in a market where you are a monopoly owned by the taxpayer, and where you can guarantee whatever income you want by ratcheting up the prices, you can guarantee under the national market for ever and a day that you are going to get $300 million a year. It is Alice in Wonderland fantasy to be assuming that—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Even with prices going up, someone has to be losing some money. AGL, the incumbent retailer in South Australia, took over ETSA Power and, in just four hours in one afternoon last February, lost between $15 million and $20 million. In four hours in one afternoon,

it lost $15 million to $20 million as an electricity retailer here in South Australia.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Well, generators make some of the money, but some of the money went back across the interconnector to others. There is, of course, always a leakage in a national market and, if one follows the Labor policy of even more interconnection, in certain circumstances more and more of it would go across the border.

You cannot have it both ways and, sadly, the Australian Democrats and the Australian Labor Party have been caught out in terms of the logic that they have endeavoured to use. On one occasion they will use one argument and, the following week, they will use another argument. They will be mutually inconsistent and they certainly conflict very significantly with each other. Of course, the Labor Party and the Democrats work on the principle that no-one remembers what they said last week. They just remember the criticism of this week. Sadly, with some parts of the media, that is probably a correct interpretation.

In conclusion, there were many other inaccuracies in the contributions made by the Deputy Leader of the Australian Democrats both in her contribution to the debate on this motion and in her press release issued last Monday week. I do not intend to rebut all of them. I will just pick the more significant and the more gross errors that they have made.

It will not surprise members that I do not intend to support the motion that the Deputy Leader of the Australian Democrats has moved, even though I had much grace in moving on her behalf to bring the motion on for debate tonight in her absence.

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

## COMMUNITY TITLES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1. New clause, page 3, after line 3—Insert new clause as follows:

Commencement

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

## LEGAL ASSISTANCE (RESTRAINED PROPERTY) AMENDMENT BILL

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

## ADJOURNMENT

At 9.07 p.m. the Council adjourned until Thursday 5 April at 11 a.m.