LEGISLATIVE COUNCIL

Tuesday 5 June 2001

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

STATUTES AMENDMENT (GAMBLING REGULATION No. 1) BILL

His Excellency the Governor's Deputy, by message, intimated his assent to the bill.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

- Regulations under the following Acts—
  - Education Act 1972—Head Teacher
  - Gaming Machines Act 1992—Application Fees
  - Land Tax Act 1936—Liability Certificate
  - Lottery and Gaming Act 1936—Licences Fees
  - Petroleum Products Regulation Act 1995—Fees
  - Tobacco Products Regulation Act 1997—Licence Fees
  - Water Resources Act 1997—Fees

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

- Regulations under the following Acts—
  - Associations Incorporation Act 1985—Fees
  - Bills of Sale Act 1886—Fees
  - Business Names Act 1996—Application, Other Fees
  - Community Titles Act 1996—Application, Other Fees
  - Co-operatives Act 1997—Application, Other Fees
  - Cremation Act 2000—Permit Fee
  - Criminal Law (Sentencing) Act 1988—Fees
  - Dangerous Substances Act 1979—Licences, Other Fees
  - District Court Act 1991—Fees in Civil, Criminal, Criminal Injuries
  - Environment, Resources and Development Court Act 1993—
    - General Jurisdiction Fees
    - Schedule Fees
  - Explosives Act 1936—Application, Licence Fees
  - Fees Regulation Act 1927—Appointment Fees
  - Freedom of Information Act 1991—Agency Document Fees
  - Magistrates Court Act 1991—Civil, Criminal Division Fees
  - Occupational Health, Safety and Welfare Act 1986—Inspection Fees
  - Pastoral Land Management and Conservation Act 1989—Document, Other Fees
  - Petroleum Act 2000—Licences Fees
  - Rates and Land Tax Remission Act 1986—Criteria
  - Real Property Act 1886—
    - General Fees
    - Land Division Fees
  - Registration of Deeds Act 1935—Fees
  - Roads (Opening and Closing) Act 1991—Fees
  - Seeds Act 1979—Services Fees
  - Sexual Reassignment Act 1988—Recognition Fees
  - Sheriff's Act 1978—Fees
  - State Records Act 1997—Copies, Research Fees
  - Strata Titles Act 1988—Lodgement, Other Fees
  - Summary Offences Act 1953—Dangerous Articles Fees
  - Supreme Court Act 1935—
    - Probate Fees
    - Schedule Fees
  - Valuation of Land Act 1971—Fees, Allowances
  - Worker's Liens Act 1893—Fees
  - Youth Court Act 1993—Fees

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

- Regulation under the following Act—
  - Firearms Act 1977—Licences Fees

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

- Regulations under the following Acts—
  - Births, Deaths and Marriages Registration Act 1996—Fees
  - Building Work Contractors Act 1995—Fees
  - Conveyancers Act 1994—Fees
  - Land Agents Act 1994—Fees
  - Liquor Licensing Act 1997—Licence, Other Fees
  - Plumbers, Gas Fitters and Electricians Act 1995—Fees
  - Second-hand Vehicle Dealers Act 1995—Fees
  - Security and Investigation Agents Act 1995—Fees
  - Trade Measurement Administration Act 1993—Licence, Instrument Fees
  - Travel Agents Act 1986—Licence Fees

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

- Regulations under the following Acts—
  - Adoption Act 1988—Application Fees
  - Botanic Gardens and State Herbarium Act 1978—Admission, Services Charges
  - Controlled Substances Act 1984—
    - Pesticide Fees
    - Poisons Fees
  - Crown Lands Act 1929—Application, Document, Miscellaneous Fees
  - Development Act 1993—Fees
  - Environment Protection Act 1993—
    - Beverage Container Fees
    - Fee Unit Value
  - Harbors and Navigation Act 1993—Trade Plates, Fees
  - Housing Improvement Act 1940—Section 60 Application Fee
  - Local Government Act 1934—
    - Freedom of Information Fees
    - Prescribed Fees
  - Motor Vehicles Act 1959—Fees
  - National Parks and Wildlife Act 1972—
    - Hunting Fees
    - Permit Fees
  - Passenger Transport Act 1994—General Fees
  - Prevention of Cruelty to Animals Act 1985—Rodeo Permit Fee
  - Private Parking Areas Act 1986—Expiation Fees
  - Public and Environmental Health Act—Waste Control Fees
  - Radiation Protection and Control Act 1982—Ionizing—Fees
  - Road Traffic Act 1961—
    - Expiation Fees
    - Inspection Fees
  - South Australian Health Commission Act 1976—
    - Private Hospital Licence Fees
    - Recognised Hospital Fees
- Corporation By-laws—
  - Unley—
    - No. 1—Local Government Land
    - No. 2—Moveable Signs
    - No. 3—Dogs
    - No. 4—Lodging Houses
    - No. 5—Permits and Penalties.

QUESTION TIME

SCHOOLS, LEAVING AGE

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Treasurer a question about the school leaving age.

Leave granted.

The Hon. CAROLYN PICKLES: On 2 July 1997 (as recorded in *Hansard*) the Treasurer, as the then Minister for Education, had this to say about the Labor Party's bill to increase the school leaving age to 16:

> I oppose the second reading of this bill. This will be one of the significant issues of difference between the government position on education and that of the alternative government or Labor Party.

He went on to say:

> We see it as being ill-conceived.

He also said:

> We do not believe in the knee-jerk response option that says that we will construct a prison wall around our secondary schools and increase the leaving age to 16 as a first step to increasing it to 17, and lock every young person into a school or a TAFE program until the age of 16 or 17.

He also stated:

> They [this age group] are resource-intensive students, if you want to use the jargon. They use up huge amounts of administration time of principals and deputies, huge amounts of counsellor time and huge amounts of special education time. Huge amounts of all the additional assistance that is provided by the department and by taxpayers for secondary schools are used up by a small percentage of students who do not want to be at school but who, for a variety of reasons, are staying on in the school environment and not being challenged by whatever programs might be offered at that school.

On 8 October 2000 the Premier reversed the former Minister for Education's position and backed Labor's policy to increase the school leaving age to 16 years after 2 250 15-year-olds dropped out of school in 1999. The minister told the House on 5 April 2001 that this decision would be implemented from the start of the 2002 school year.

This year education has received no additional funding to meet the $30 million impact for wage rises for staff agreed by the government and due to be paid next October. My question to the Treasurer is: has the government been forced to abandon its decision to increase the school leaving age to 16 years from the start of the 2002 school year because of the cut to funding in real terms for education in this year's budget, following heavy lobbying on the part of the Treasurer as the former Minister for Education—who so vehemently opposed this measure in 1997?

The Hon. R.I. LUCAS (Treasurer): The short answer to the question is no. There is nothing more 'ex' than an 'ex' in relation to ministers. I was going to say that maybe one day the Leader of the Opposition will appreciate that, but she won't because she is about to retire.

Let me assure the Leader of the Opposition there is nothing more 'ex' than an 'ex', so I no longer have responsibility for education matters. That is appropriately in the hands of the current Minister for Education and his views and the government's views are the views of all of us—as is the way of things. Regarding the question as to whether the particular policy position is not being proceeded with because of intense lobbying from me as Treasurer, the answer is no.

By way of explanation, the honourable member has incorrectly reported aspects of the education budget. The education budget next year is actually some $105 million more than last year's budget. Through the last 12 months the government has actually increased spending on education over what it budgeted for by some $100 million or so. The government has decided to maintain that increased level of spending in education for next year, even bearing in mind that the budget speech highlights that next year it is estimated we will have 3 100 fewer—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Mr Crothers, I am sure, would support the basic skills test, over which the government has fought the unions and the Labor Party for years—and it is still the policy of the Labor Party to get rid of the basic skills test. Anyway, we will not enter into that debate. It is estimated there will be 3 100 fewer students next year compared with last year. The government is maintaining this increase of $100 million or so over last year's budget in next year's budget. Contrary to claims being made by some media commentators, included in the budget speech was the reference to the fact that total spending on education per student would therefore increase next year when compared to previous years, particularly if there is such a significant decline in total student numbers.

In relation to the particular policy issue with respect to the age of compulsory schooling, I will have to refer that to the person whose view actually counts in relation to these things, that is, the Minister for Education. I will refer the honourable member's question to the minister and bring back a reply.

PORTS CORP

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

Leave granted.

The Hon. P. HOLLOWAY: The state's forward estimates at Table 5.10 include total contributions over the next four years of $48.1 million from Ports Corp. This income is assumed to contribute to surpluses of $2 million, $2 million, $1 million and $3 million respectively over the four-year outlook. At the same time, on page 2.9 of the Budget Statement, it is stated:

> The government has allocated $100 million over seven years to fund the salinity program. . . Each year it is intended that the expenditure will be offset by reductions in payments for past superannuation liabilities. This means there will be no net impact on annual budgets.
>
> The reductions in payments for past superannuation liabilities will in turn be funded by payments of proceeds from the sale of Ports Corporation to FundsSA. This will ensure that there is no adverse impact on the government's commitment to fund past service superannuation payments by 2034. The payment of the proceeds of Ports Corporation sale to FundsSA is not reflected in current budget figures as the sale has yet to occur.

My question to the Treasurer is: given that the sale proceeds of Ports Corp are committed to funding the salinity program through offsets to past superannuation liability payments, how does the Treasurer intend to replace the income distributions from Ports Corp which are included in future revenue estimates and, in particular, how can he guarantee the integrity of estimated future budget surpluses which Ports Corp distributions contribute to and, at the same time, the integrity of the government's commitment to meet past superannuation commitments by 2034, when Ports Corp cannot be both sold and retained at the same time?

The Hon. R.I. LUCAS (Treasurer): I refer the honourable member's dilemma to some of the answers I provided to him in relation to how the budget accounted for the sale of the electricity businesses prior to the actual receipt of the dividends. He has asked similar questions there. In the forward estimates we do not include, obviously, estimates of the sale of the businesses and, therefore, I think, if the honourable member recalls, he was asking a series of questions as to why we were predicting future revenue streams from the electricity businesses, even though we were going to sell. The answer to that question is the same,

broadly, as the answer to the Ports Corp question, that is, the government, through offsets in various provisions and contingency lines within the budget, has appropriate offsets for those revenue streams that are being quoted by the Deputy Leader of the Opposition.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Well, I am not sure about that. All that we are assuming is that, I think, it is exactly $100 million that the government has factored in over seven years for the salinity program. Anything that is over and above that will obviously be of some additional benefit to the government. But we have made conservative provision within the accounts, not only in the line to which the honourable member has referred but in other accounts in much the same way we did with the electricity businesses. We do not intend to foreshadow the projected income that we might get from the sale and lease of Ports Corp until we actually know what we have received from a successful sale or lease process.

NATIONAL WAGE CASE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question on the national safety net review wages decision.

Leave granted.

The Hon. T.G. ROBERTS: The recent national decision awarded $13 to the lowest- paid workers in the work force on awards, and indications were that the national decision would be paid and flow on immediately from the May date. I understand that, in South Australia, Business SA intends to oppose the normal operative date of the national decision, which would put in doubt the immediacy of that payment to the lowest-paid workers in South Australia. If media reports are correct, I understand that the argument put forward by Business SA is that the local economy just will not stand the impact of the introduction of $13 a week to these lowly-paid workers. That is the basis of Business SA's denial of immediate wage justice to workers in this state. A campaign has been building to try to isolate South Australia from other decisions impacting on the eastern states, and in particular by implementing the operation of a two-tiered system in South Australia where wages and conditions are lower than the rest of the country. My questions are:

1. Will the government support the immediate flow-on of the $13 decision?

2. Why has Business SA decided to oppose the immediate flow-on of the national decision?

3. Why is Business SA so despondent about the future of this state's economy?

4. What figures is it using to make its judgment?

5. Will the government give an undertaking to backdate the decision to May regardless of the applicant's delaying tactics as a result of this decision?

The Hon. R.D. LAWSON (Minister for Workplace Relations): When the Australian Industrial Relations Commission announced in its test case that an increase of up to $17 a week for some low-paid workers would be paid to workers under federal awards, the South Australian government announced that, although it was not entirely consistent with the submission which the South Australian government had supported in the Australian Industrial Relations Commission, that decision would be supported. In other words, the South Australian government supported the flow-on to relevant South Australian workers.

As the honourable member will know, it is necessary for the South Australian Industrial Relations Commission to award the flow on so that it flows into South Australian awards. I am aware of reports that Business SA has recently decided that the timing of that flow on will be the subject of submissions that it proposes to make to the South Australian Industrial Relations Commission. That, of course, is a matter for Business SA. The grounds for that decision are something that Business SA has developed, and what evidence it calls in support of that submission will be a matter for Business SA.

It will be a matter for the Industrial Relations Commission to determine whether or not the argument and evidence advanced by Business SA is appropriate. The commission will make the decision in relation to timing. The government's position, as I say, is quite clear: it favours the flow-on, but it is a matter for the commission to determine when that flow-on occurs. We urge that the commission brings down an early decision on this matter. I am confident, based on past experience, that the South Australian commission will announce its flow-on decision expeditiously.

The honourable member asked whether the government will support the immediate implementation of the flow on. That is a matter, again, for the commission. The government's position is that we support the flow on but, as I indicated, it is for the commission, after hearing all the evidence, to make the appropriate ruling. The honourable member asked why Business SA has adopted the approach that it has. That is a matter the honourable member ought to address to Business SA; I am not privy to its decision-making processes.

He asks, thirdly, why Business SA is so despondent about economic prospects in South Australia. That statement is entirely contrary to the facts. The statements from Business SA do not indicate any degree of despondency: in fact, Business SA and its members have been extremely bullish about the prospects for the South Australian economy in the immediate future. To suggest, as the honourable member does, that there is despondency in the business community in South Australia is entirely false and I reject it.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: The Hon. Terry Cameron says, 'Didn't you hear Peter Vaughan on radio the other day?' I certainly did hear Peter Vaughan the other day. Mr Vaughan, his organisation and the South Australian business community are, as I have indicated, very bullish about the prospects for South Australia in the immediate future.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: The economic prospects for South Australian business in the immediate future. If there are any other matters that I have not addressed in the honourable member's question, I will bring back a reply.

HIH INSURANCE

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about HIH.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: HIH has three letters like AWU. The *Sydney Morning Herald* of 26 and 27 May on page 1 ran a major story about the crash of HIH. The provisional liquidator, Mr Tony McGrath, of accountants KPMG, in a report to the federal government noted that the deficiencies

on his preliminary calculation could be anywhere between $2.7 billion at best and $4 billion at worst. That was in stark contrast to the insurer's accounts signed off by the directors last June, which showed net assets of $940 million. The *Sydney Morning Herald* and other print and electronic media around Australia billed the HIH collapse as Australia's biggest corporate failure.

I was interested in this because my memory stretches back to 1991 and at that time the State Bank of South Australia was brought into the spotlight and eventual losses from the State Bank totalled $3.15 billion. Taking the consumer price index from February 1991 through to May 2001, prices have risen on average in Australia by at least 25 per cent or, on my calculations, 26 per cent, which would suggest the $3.15 billion of State Bank losses—suffered only in this state, whereas HIH is spread around Australia, particularly in the eastern states—adjusted for CPI comes to $4 billion, which may well be greater than the eventual losses of HIH, which are estimated at this stage to be between $2.7 billion and $4 billion.

I do not think HIH should be claiming that record just yet because it still sits firmly on the Labor Party's head. My question to the Treasurer is: Has the Treasurer noted this oft repeated claim that the HIH collapse would be the worst corporate failure in Australia's history, and does he agree with the media claim made in recent days?

The Hon. R.I. LUCAS (Treasurer): We are indebted to the Hon. Mr Davis in terms of his long memory in relation to these issues. It does no-one any good to downplay the significance of the corporate collapse inflicted on just the economy of South Australia by the previous Labor government. As the Hon. Mr Davis has demonstrated, in today's dollars it would appear on the calculations he has done that that corporate collapse in South Australia of not only the State Bank, along with a number of other problems at the time—

The Hon. L.H. Davis: $800 million from SGIC.

The Hon. R.I. LUCAS: SGIC—

The Hon. L.H. Davis: $100 million from timber losses.

The Hon. R.I. LUCAS: And SATCO—so in just talking about the State Bank, in today's dollars, we should not be downplaying the significance of the corporate collapse inflicted on our community and economy by the previous Labor government. Certainly most of the financial and economic commentators nationally, before they raced to print highlighting the fact that HIH is already the biggest corporate collapse in Australia's history, would do well to listen to the wise counsel of the Hon. Mr Davis, and the significance and size of the corporate collapse of the State Bank on the South Australian community.

The point the Hon. Mr Davis makes is that the HIH collapse is something which is endeavouring to be absorbed right across Australia, albeit that it is concentrated more so in some states than in others, but nevertheless is being felt across the nation, whereas the full brunt of the State Bank Labor Party corporate collapse here in South Australia was felt almost absolutely by the South Australian community. The only other point I would make, and previous questions have been asked in relation to the HIH collapse, is that we have noted that a number of South Australians have felt the brunt of the HIH collapse, but not to the extent of some of the other states. That does not seek to downplay the significance of the impact of the collapse on those South Australians who have been impacted.

The South Australian government's position has been one of starting very strongly from the view that we do not believe that South Australian taxpayers should be baling out the collapse of a private corporate citizen like HIH. For the benefit of members, there is a very interesting review in either the *Financial Review* or *The Age* today comparing the current two corporate collapses of One.Tel and HIH, and the difference of those who might have lost money in HIH perhaps being covered in some way by governments, whereas those who have lost money in the One.Tel collapse not being similarly covered and raising questions of why.

The Hon. Diana Laidlaw: People may have made a decision not to invest in either.

The Hon. R.I. LUCAS: That is true. Sadly, some may have made a decision to invest in both, and some did and have lost on both fronts. That is the South Australian government's initial position. We have said, however, that, if it looks like being a national response where all other governments have agreed in terms of assistance, the South Australian government will then reconsider its position.

In the single area of builders' warranty insurance, there appears to be a possibility that most other governments will agree, based on recent officer discussions in Canberra, I think, late last week, on some action. The South Australian government has taken no decision yet but, consistent with what we have said previously, should there be national agreement bar the South Australian government's position, we would reconsider our position in relation to what assistance, if any, the South Australian taxpayers might offer as part of some national package.

Those officer level discussions are continuing, and I am not in a position to obviously give a final view as to whether there is yet or is likely to be in the near future a national agreement amongst all governments about possible assistance in the particular area of builders' warranty insurance.

KALBEEBA LANDFILL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning a question regarding the Kalbeeba landfill proposal.

Leave granted.

The Hon. SANDRA KANCK: Pacific Waste Management currently has a planning application before the Development Assessment Commission regarding the development of a landfill site at Kalbeeba in the area of the Barossa council. There is spirited community opposition to the Kalbeeba proposal in the district. The Friends of Kalbeeba has been formed to coordinate the local campaign to prevent the dump proposal going ahead. The Friends have provided my office with evidence of a potential conflict of interest in the planning process for the Kalbeeba landfill. I am informed that at a private meeting between the elected members of the Barossa council and representatives of Pacific Waste Management on 28 February this year, Mr Doug Wallace addressed the meeting as a consultant for Pacific Waste Management.

Mr Wallace also happens to be the Presiding Member of the Development Assessment Commission (DAC). Further, the Friends claim that Pacific Waste Management withdrew its original application in December last year, immediately prior to a determination by the Development Assessment Commission, on the basis that it was aware that DAC was going to refuse it. When this information was put to a DAC

officer, he responded, 'How did they get hold of that information? That was highly confidential.' My questions to the minister are:

1. Do Mr Doug Wallace's dual roles of consultant for Pacific Waste Management and as Presiding Member of the Development Assessment Commission represent a conflict of interest? If not, why not? If so, what action does the minister intend to take?

2. Did the Development Assessment Commission intend to refuse Pacific Waste Management's initial application in December?

3. Should applicants be able to gain access to DAC decisions prior to formal notification and, if not, why not?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Representatives of the residents raised this matter with me on a much earlier occasion, and I can assure the honourable member, as I did the residents, that there is no conflict of interest in the role undertaken by Mr Wallace both as Presiding Member of DAC and in his role as a consultant. As all members should know, there are conflict of interest protocols in relation to such assessment bodies in the government sector generally, in terms of statutory authorities, committees, etc.

I have been advised that Mr Wallace declared his interest and did not sit at any time in the chair or as a member or even in the room when these matters were considered or mooted to be on the agenda. My advice is that Pacific Waste Management withdrew its application. I will ask DAC about advice that is provided to the public. I would be very surprised if such information, let alone the recommendation from officers of DAC, was provided to any party. DAC is an independent body. I do not seek information nor am I ever informed about the recommendations that may be made by DAC on any application.

DAC would be very cautious and would know from long experience that planning is a litigious process and, if there is any suggestion at any time that any party was being favoured because of actions by DAC officers or members, I suspect that they would be hauled before the courts in a flash. Therefore, whilst I will seek further information for the honourable member, at this time I would highly question the nature and source of the advice that the honourable member has outlined today.

The Hon. SANDRA KANCK: As a supplementary question, will the minister advise the Council whether Mr Wallace had access to the minutes or the deliberations of DAC?

The Hon. DIANA LAIDLAW: After decisions have been made? Does the honourable member mean after a decision has been made?

The Hon. Sandra Kanck: At any time in relation to this issue.

The Hon. DIANA LAIDLAW: I cannot tell you in relation to this issue: I will need to obtain specific advice. But after a decision is made it is a public decision, whether it be for the chair, for me or for the residents. I would not have thought that an issue arises from the honourable member's question, but I will inquire.

RAIL SERVICES, OVERLAND

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Overland passenger rail service.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may recall that I have previously asked questions in this place about the daytime Overland service between Adelaide and Melbourne. I note the success of the service to date, which has encouraged reinvestment and prompted the government to negotiate a joint funding package with the Victorian government. My question is: will the minister outline the terms of this joint funding package?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am pleased to be able to advise that, as part of the package of budget announcements issued on Thursday 31 May, funds have been found for the continuation of the Overland service. These funds are for the ongoing operation and business development of the Overland. I understand that the Victorian government has agreed to the same terms and the same funding which, from South Australia's perspective, will be $750 000 a year for each of the next three years.

Members may recall that a trial project for the last calendar year—in fact, the earlier part of this financial year—saw $1.5 million of state funds go into this service. At the same time as that additional money was found, the way in which Great Southern Rail operated and financed this service was changed quite dramatically with, for the first time, a daytime service (including a return night-time service) being introduced from Adelaide to Melbourne.

This service has proven to be exceedingly successful, and I am happy to provide the honourable member with figures on the increased patronage. However, one of the issues is that the largest increase in patronage has been in the number of concession travellers. So, whilst GSR has reached its patronage projections for the continuation of the service, it has not realised its financial projections in terms of ticket price.

This three-year agreement will enable the continuation of the Overland service from Adelaide to Melbourne. We see it being linked into certainly the Ghan and offering a great rail experience across south-eastern South Australia and to the north. In my view, it is also important because, under this arrangement, we have secured 40 jobs for the South Australian based work force. I think it is important in terms of the current debate in respect of discounting of airfares generally to acknowledge that people in regional areas receive no such benefits in terms of cheaper airfares.

In line with the new daytime service and the restructuring of the operations of the GSR Overland service, ticket prices have been cut and, in terms of the continuation of this service under the new three-year agreement, people living in Murray Bridge, Bordertown and surrounding areas as well as Victorian country towns will have access to a cheaper fare structure by train to accommodate their movements between the two cities.

Of course, this service will also provide a bonus for tourism. Now we will see that, with a secure three-year base for the continuing operation of this service, GSR has undertaken to engage in a much stronger marketing campaign for the service generally, particularly to attract full fare paying passengers.

TAXIS, SECURITY CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions regarding security cameras and taxis.

Leave granted.

The Hon. T.G. CAMERON: My office has recently been contacted by a taxi driver concerned over the length of time it is taking for security camera systems to be installed in Adelaide taxis. The taxi driver usually works the late night shift on weekends to earn extra money. This taxi driver told me he has been robbed on three occasions and threatened on many other occasions by passengers during the past three years. As a result of these personal experiences and because many other drivers have had similar experiences, he believes something must be done before a more serious event occurs, such as the death of a driver (as occurred here in 1996 and, more recently, in New South Wales, Victoria and Tasmania).

The government introduced a levy of 1 per cent to be added to every fare in order to provide taxi owners with funds to help pay for security equipment for their cars. Despite having been provided with a revenue source, not all owners have installed them and, as a result, some Adelaide taxi drivers continue to be at risk. Similar security camera systems installed in taxis in other cities around the world have shown a dramatic impact on reducing thefts and attacks on drivers—perhaps that was the reason why we introduced it here.

Attacks on drivers here in Adelaide have increased by more than 10 per cent in the last four years. On Radio 891 the other day, the President of the Taxi Drivers Association stated that many taxis still do not have these cameras installed and that taxi drivers are at risk. My questions to the minister are:

1. How many taxis currently have security cameras fitted and operating; when will the rest be installed; why is it taking so long for the program to be completed; and what steps can the minister take to ensure the cameras are fitted as expeditiously as possible?

2. How much has been raised by the 1 per cent levy since its establishment and what has the money been spent on?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The taxi companies and taxi drivers, generally, will tell you the 1 per cent levy has been fully absorbed in terms of the purchase of the global positioning network. In the meantime, the honourable member may recall that the government, through the Passenger Transport Board, established a structure for taxi drivers and operators to vote to have representatives to consider a variety of taxi safety measures. One of the unanimous conclusions was the installation of video surveillance cameras, and I announced some two years ago, I recall, that from 1 July this year it would be compulsory for the installation of these cameras.

I met with representatives of the taxi industry just a few weeks ago to receive an update on what was happening in this area. One of the issues that centralised taxi cab companies are considering, and rightfully so, is not just the installation of these cameras but how they are going to gather and assess the information on a basis that can be used for prosecution purposes. I have been encouraging the companies to consider doing this together so that one system is purchased for the monitoring of the information gathered on video cameras so that we do not have a whole lot of little systems, purchased at considerable expense, and all incompatible, which is highly likely in the taxi industry because working together in this industry is not the culture that we have seen over the years.

I can report from my meeting with representatives of taxi companies that there was a very positive response and goodwill towards purchasing the one monitoring system, with two locations, one north and one south of the city, to provide easy access to all taxi companies and drivers, so that they can report in with their tapes. This video surveillance equipment—of which there are three or four recommended companies that are able to provide the appropriate equipment—operates regularly, but it must be activated by the driver when he or she has some fear that certain passengers will not pay, are behaving badly, or that the driver is, essentially, in danger. So, the downloading of the information is very important.

Despite the 1 per cent taxi safety fee that has been applied over some years, the taxi companies also want a contribution from the government and from the Passenger Transport Research and Development Fund for the purchase of this downloading resource. I have asked for more information before I entertain such an idea. I certainly want an indication that, across the industry, the companies will work together on this issue. I inquired this morning whether the information that I sought had been received; I understand that it is on its way. In the meantime, I think there will have to be a short extension of the time for the compulsory installation of these video cameras.

There is no point having video cameras installed until the downloading equipment has been purchased through tender, and with the agreement of the taxi companies; and they say it is on the condition that the government spends this amount. This must be the first step. But, I can assure the honourable member, this matter is active on the industry agenda and on mine, and I should be able to report back very shortly on the outcome of the discussions, once I have received a little more information from the industry.

The Hon. T.G. CAMERON: I have a supplementary question. When the minister receives additional information, will she look at the questions that I have asked today and provide me with the information that she receives?

The Hon. DIANA LAIDLAW: Yes, I undertake to do so.

BUSES, COUNTRY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about country buses.

Leave granted.

The Hon. CAROLINE SCHAEFER: It has long been one of my bugbears that, in spite of their isolation, country people pay more and receive no concessions for public transport, whereas those who live in the city have less distance to travel and do, indeed, receive concessions if they are students or pensioners, and all public transport in the city is subsidised, as I understand it. Some 12 months ago, the government introduced concessions for students on country bus routes but, still, the unemployed receive no concessions and they therefore find it much more difficult to seek work in other regions or in the city. Will the minister outline whether any such concessions are being considered or whether there is any other method of making such access more available to them?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The issue of concessions for country buses was part of the Liberal public passenger transport strategy in 1997. As the honourable member said, the government has already moved to introduce concessions for full-time students. Initially, the budget was $500 000 for that initiative and, because of the popularity of the move, the budget for the forthcoming year for full-time concession travel on country buses is $800 000 a year. For the next financial year the government has provided $500 000 to

extend the concession arrangements for country bus travel to people who are unemployed, both from city to country and from country to city, and across the regions generally.

It is a very important social equity move for the reasons outlined by the honourable member: such concessions for people who are unemployed have been long available for people using public transport in the greater Adelaide metropolitan area but not across the state, and that will change from 1 July this year. I know that the initiative has been well received in country areas and communities generally where unemployment is, unfortunately, higher in some areas than it is in the metropolitan area.

JULIA FARR SERVICES

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Disability Services a question about Julia Farr Services.

Leave granted.

The Hon. CARMEL ZOLLO: For the past 15 years, Julia Farr Services has provided statewide in-patient and outpatient rehabilitation for people with acquired brain injuries. In the late 1990s Julia Farr Services planned to erect an $8 million purpose-built rehabilitation unit with non-government funding. It is claimed that the complex was to be built at no cost to the taxpayer. The opposition has been advised that, in March 1999, Julia Farr Services was informed in writing that it would continue to be the provider for in-patient rehabilitation regardless of the findings of a forthcoming rehabilitation review, and that in principle support for the capital development was given by the government.

The land upon which the current in-patient rehabilitation unit stands was consequently sold by Julia Farr to Concordia College and $100 000 was spent on consultants to develop the plans for the new purpose-built unit. However, approval for this building was withdrawn in early January 2000 by the government and Julia Farr Services was informed that the in-patient rehabilitation component of its service would be transferred to the Royal Adelaide Hospital's Hampstead Centre at Northfield. After negotiations with the Australian Nurses Federation and the Public Service Association, the government agreed to postpone its decision regarding the relocation of acquired brain injury rehabilitation services until the recommendations of a statewide rehabilitation review were made known.

This review was conducted by Phillipa Milne and Associates in the latter half of 2000. It was anticipated that a final report, including recommendations, would be produced by February 2001. The report has not yet been made available and is apparently now due to be released in late June 2001. It has been claimed that clients would continue to be accommodated and treated at Julia Farr Services' Fullarton site until the recommendations of the rehabilitation review are made known. My questions are:

1. Can the minister explain why a permanent move of acquired brain injury rehabilitation services to the Royal Adelaide Hospital is occurring prior to the release of the recommendations of the publicly funded statewide rehabilitation review?

2. Has the government rejected the plans to erect a non-government funded purpose-built rehabilitation unit at Julia Farr Services and instead approved the refurbishment of wards at Hampstead Centre at a cost of approximately $1.7 million to the taxpayer and, if so, why?

3. Can the minister guarantee that there will be no reduction of service to people requiring rehabilitation following an acquired brain injury as a result of moving the service to the Royal Adelaide Hospital?

4. Will the Hampstead facility provide the same standard of facility as would have been provided by Julia Farr's proposed purpose-built unit?

The Hon. R.D. LAWSON (Minister for Disability Services): I am somewhat surprised to hear the honourable member ask this question in this form at this time, having regard to the fact that similar questions have been asked and I believe answered satisfactorily and comprehensively in the past. I refer the honourable member to earlier answers that I have given on this subject, but a couple of points are worth remembering, namely: Julia Farr Services is established at the Fullarton campus, where it has a large number of buildings, some of which are no longer in use, and one of which is a five storey building occupying a substantial area of the campus and which has not been used at all for 17 years. The board of Julia Farr Services decided to sell part of its campus to the adjoining school and that sale would have required the rehabilitation service that has been conducted on part of the land to be sold to be moved.

The board proposed that in the last remaining vacant space of land on the Fullarton site it would build yet another building with funds provided by the estate of M.S. McLeod, who had given a substantial legacy to Julia Farr Services (or, as it was called at the time of his bequest, the Home for Incurables) for its operations. At the same time the government was undertaking a comprehensive review of rehabilitation services across the whole of the hospital sector and that included rehabilitation from all sorts of injuries including acquired brain injury. The review was not set to be concluded until later this year and the rehabilitation services at Julia Farr required an earlier decision on their future and on how they would fit into state-wide services.

The consultant who had been engaged by the Department of Human Services to undertake that review was asked specifically as an early part of the review to address the issue of Julia Farr Services, whether those acquired brain injury rehabilitation services should continue at Julia Farr on that particular site and under the auspices of Julia Farr or whether it would be more appropriate for the acquired brain injury rehabilitation to take place at Hampstead, where the Royal Adelaide Hospital already had a very sophisticated and appropriately equipped spinal injury rehabilitation service.

The consultant examined the issue and undertook consultations I am advised with the Australian Nursing Federation, the board, staff and all involved at Julia Farr Services and concluded that it would be appropriate in the whole of state perspective to move the rehabilitation services to Hampstead.

Accordingly, and before the completion of the entire rehabilitation review, it has been decided with the concurrence of not only the consultant but also the board, the department and the relevant unions and staff to move the service to the Hampstead site. I assure the honourable member and the community that the quality of care to be delivered at Hampstead will be in no way adversely affected.

The Julia Farr staff are moving from the Fullarton campus to Hampstead, and appropriate assurances have been given that none of the staff will have terms or conditions adversely affected in consequence of that move. The community services—that is, services which are presently delivered by Julia Farr Services off the Fullarton campus, and particularly at Payneham—will continue, but once again under the

auspices of the Royal Adelaide Hospital. As I have already said, there will be no reduction in services.

I believe that the explanation I have given illustrates why there was a permanent move to Hampstead before the completion of the total review. It was made necessary because Julia Farr Services had vacated part of its campus, and a decision was necessary. I assure the honourable member and others who are interested in the affairs of Julia Farr Services that we continue to fund that service at very significant levels, and the allocation in money terms to Julia Farr Services per resident has been increased over the years.

SCHOOL BUSES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about safety on school buses.

Leave granted.

The Hon. IAN GILFILLAN: It is some months since we had the tragic accident in the Barossa resulting in the death of the bus driver and serious injuries to children. However, the issue is critical and I refer the chamber to an article published on 10 February this year when the President of the Law Society, Martin Keith, in an article headed 'Safety First in Upgrade for School Buses' said the following:

> In the US, most school buses have high visibility flashing red lights at the rear and flashing headlights at the front, and when making a stop are required to stop where they are plainly visible for 100 metres in low speed areas and 175 metres in higher speed areas. They have mechanical devices to prevent children crossing within two metres of the front bumper.

Further on he says,

> In many states, traffic travelling in either direction on a non-divided road must stop when a school bus has its hazard lights on.

On 9 May this year, another article appeared in the *Advertiser*, laudably emphasising this issue of bus safety. Headed '"Slow Down" say Regional School Bus Drivers', it states in the first paragraph:

> School bus drivers in regional areas have voiced their anger at motorists who fail to slow down when passing stationary buses.

Some simple proposals have been put forward, and I would like to know whether the minister has taken them on board. There is quite a complicated debate on whether it is safer to have seatbelts or padded protection for children in buses—and I do not intend to address that issue. But there are some suggestions as far as the road rules themselves are concerned.

The first is an amendment to the road rules to provide that, in designated conditions, traffic must stop or at least reduce speed dramatically when passing a stationary school bus with its hazard lights flashing. I personally would push for a stop. The second is an amendment requiring substantially upgraded front and rear hazard lighting for school buses. The third is an amendment requiring substantially upgraded school bus signage, with maximum sized signs in school bus yellow for contracted buses which are used to transport children. Will the minister indicate whether it is her intention to implement those three recommendations, and has there been any nationwide discussion on the issue, possibly at the meeting of the Australian Transport Group on 25 May? I am not sure whether she attended that meeting but, if she did, was this matter discussed?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The matter of school bus safety was a subject of discussion at the Australian Transport Council in Darwin on 25 May, and ministers agreed unanimously to the release of a discussion paper on the subject. I can provide the honourable member with a copy of that paper if he wishes. In the meantime, I highlight that in South Australia school bus issues are essentially the province of the Minister for Education and Children's Services. He has been discussing with me the issues of the addition of flashing lights to buses when they are slowing down and stationary, and alerting drivers to slow down themselves to 25 km/h, which is the speed limit by law today, when passing a bus.

The Hon. Ian Gilfillan interjecting:

The Hon. DIANA LAIDLAW: I accept that at that speed they could still kill a child. As the honourable member would know, it has been pretty rough in this place just trying to get 25km/h at any time when children are present outside schools and at school crossings. I agree with the honourable member that motorists can be pretty selfish in their behaviour, thinking that they alone on the roads can do what they wish when they wish. Yet there are vulnerable children, often in groups, and if children see something on the other side of the road they will not always wisely stop, look right, look left, look right again and cross only when there is nothing on the roadway.

I agree that 25km/h may well be far too high, but it is the speed limit now. I would like to see even that speed limit obeyed. As an immediate measure, the Minister for Education and Children's Services and his department, Transport SA and I have approved a trial of advisory signs on buses. I understand that a regulation change may be required for the installation of the flashing lights, and some quite urgent discussions are being undertaken by the Department for Education, Training and Employment to consider the costing and other requirements for these flashing lights, not only on buses owned by the education sector, in government ownership, but also in the private sector. In the meantime, as I said, I have approved the trial of advisory signs, and I can obtain some further advice for the honourable member on that.

MEMBER FOR HART

The Hon. NICK XENOPHON: I seek leave to make a personal explanation in relation to comments made by the member for Hart.

Leave granted.

The Hon. NICK XENOPHON: Last week, on 30 May, the member for Hart (Mr Kevin Foley), in the course of the debate on the Statutes Amendment (Gambling Regulation No. 1) Bill, made comments in the context of the proposed sections 42C and 53B of the bill that related to the requirement that wins of over $500 from gaming machines be paid by cheque. It was publicly stated that that was the Labor Party position, and that measure was passed in the House of Assembly. There was a proposal by the government, consistent with its position, to remove those particular clauses.

In the context of the House of Assembly debate, the member for Hammond (Mr Lewis) accused the Labor Party and said that, when the call was made by the Hon. Nick Xenophon to support the proposition in the other place, there were no other voices, and that when he called 'divide' nobody, including the Labor members in the other place, voted with him; that he was alone. The member for Hart

responded in part to that and to other statements made by Mr Lewis by saying:

> I do not want to go over old ground except to say that the member for Hammond is wrong, wrong, wrong. With all due respect, it is not for the member for Hammond to be debating in this place the rules of the Labor Party caucus.

He went on to say that the Hon. Paul Holloway restated the Labor Party's position, and that he would support the Lewis/Xenophon amendment:

> He said in the Council that, if it went to a vote, the Labor Caucus would vote with it. It is here in black and white.

The member for Hart went on to say that he would not cop these games, presumably in relation to me and the member for Hammond. I have had an opportunity to view *Hansard*. The initial *Hansard* proof simply says that the government's amendment was carried but, in fact, that was not my recollection. After I checked with *Hansard* and they checked the tapes, the *Hansard* was corrected to say that the question was put by the Chairman that the amendment be agreed to, it was declared carried, that I called 'divide' and the Chairman said, 'There is only one voice.' I think that it ought to be put on the record that the member for Hart was misleading and is disingenuous in what he said in the chamber—

Members interjecting:

The Hon. NICK XENOPHON: The *Hansard* record is very clear in relation to that.

The Hon. T.G. Cameron: Run a candidate against him.

The Hon. NICK XENOPHON: Good idea! Some would say that the Labor Party invoked the right to silence in relation to that important clause, so the member for Hart is ill advised to be talking about playing games in this context.

DENTAL PRACTICE BILL

In committee.

Bill recommitted.

Clause 3.

The Hon. DIANA LAIDLAW: I seek recommittal of clause 3 and specifically of the amendment moved by the Hon. Paul Holloway to page 7, after line 6. The amendment was successful in inserting a definition and various provisions in relation to a putative spouse. At the time, I spoke against it. The Labor Party moved it, it was supported by the Australian Democrats and the Hon. Mr Crothers, as I recall, and a number of members have told me since that they would have liked an opportunity to contribute to that debate.

The Hon. Sandra Kanck: What number?

The Hon. DIANA LAIDLAW: Two members have told me that they would have liked an opportunity to contribute, although I had thought that the debate may have been exhausted and I did not call 'divide'. Recommitting this clause provides the opportunity to other members who were not present at the time this amendment was before us to contribute now to the debate.

The Hon. P. HOLLOWAY: I wish to indicate that we support the proposition as passed by the Council last week. We believe that in this day and age, some 30 years since the first changes relating to same sex relationships were made in this state, it is really high time that they should naturally flow through into legal recognition of such relationships. It is surprising and a little disappointing that, in this day and age, a provision such as this is in danger of being defeated. Apart from that, I think the arguments that we went through last week adequately cover the subject.

The Hon. T.G. CAMERON: I rise to indicate that I will not support the amendment standing in the name of the Hon. Paul Holloway. It is not that I disagree with the intent of the amendment; it is more with the process that is being used to insert this provision into the Dental Practice Bill. I would much rather see a holistic approach used in relation to this matter. I am uncomfortable with subclause (1a) paragraph (b) which provides:

> has during the period of six years immediately preceding that date so cohabited with the practitioner for periods aggregating not less than five years.

I am also concerned that, on some occasions, it would appear that we are looking at five years and that, on other occasions, we are looking at three years. I am not interested in a piecemeal approach to this subject, bill by bill, amendment by amendment.

The Hon. Diana Laidlaw: Or backdoor by backdoor.

The Hon. T.G. CAMERON: Or backdoor by backdoor, as the minister interjects. If people wish to push this view forward, let us put it on the table in this chamber and have a proper debate about it rather than slip it through the backdoor or the side door in terms of the Dental Practice Bill. I oppose the amendment.

The Hon. NICK XENOPHON: I support the government's position in relation to this matter, but I want to make a few things very clear. First, I do not support the proposition that there ought to be discrimination against same-sex couples. The amendment moved by the Labor Party—

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: I will respond to the Hon. Carolyn Pickles' concerns, but I support the proposition that there ought not to be any discrimination between same-sex couples. The intention of the Labor Party in this regard with respect to the Dental Practice Bill is laudable, but I take the point that was raised by the Labor Party—and the government, for that matter—during debate on another piece of legislation with respect to smoking in gaming rooms. I heard the criticism that there ought to be a broader, all encompassing approach to smoking in public places.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: No, it is not a question of payback. I acknowledge that there ought to be—

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: No, it is not a question of payback at all. I want to make this absolutely clear. I make a commitment publicly in this chamber that if the government—or, for that matter, the opposition—introduces legislation that is all encompassing in terms of same-sex—

An honourable member interjecting:

The Hon. NICK XENOPHON: No, I am putting on the record that I will support same-sex couples not being discriminated against in the sorts of circumstances with which this amendment seeks to deal. However, rather than deal with it in a piecemeal fashion, I think it ought to be dealt with in a broader sense.

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: Well, it ought to be a broad reform, one which relates to the issue of passive smoking. I will reintroduce this issue in terms of a health bill relating to the Tobacco Controls Act which will deal with all the criticisms by all parties, which I have taken on board.

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: No. I think that is a good point, but I want to make a commitment that I will support any bill that alters the definition of 'putative spouse' to

ensure that there is no discrimination against same-sex couples—and I will do so with alacrity. I put that on the record. If the opposition, the Democrats or, indeed, any member introduces a bill along those lines, I will support it, because I think this is an important principle that needs to be dealt with. I understand the government's position that dealing with this matter on a piecemeal basis, bill by bill, is fraught with difficulties and that it could cause anomalies if it is dealt with in just the Dental Practice Bill and not in any other bill that deals with legal practitioners or medical practitioners generally. I understand that there is a bill in the other place relating to superannuation benefits for same-sex couples. I support that bill also. I hope that it passes the lower house and is dealt with in this place, because I will support that legislation.

The Hon. CAROLYN PICKLES: I am disappointed that the two members who have just spoken will not support the Hon. Paul Holloway's amendment, because I think he is right in saying that this issue is long past its time to be dealt with. The government has shown no inclination in the past to support equality of opportunity for same-sex couples. We have an Equal Opportunity (Miscellaneous) Amendment Bill before us and maybe the test will be on that one.

My understanding is that there are numerous acts of parliament (somewhere in the region of at least 50) that are discriminatory in nature. To some extent I agree that it would be good to have an omnibus bill that will deal with all of this, because there are some inconsistencies. However, when we have a bill before us we seek to make it as perfect as we can. We are imperfect individuals, but we try to make each bill as perfect as we can, and I believe that this bill presents an opportunity to move this issue forward.

I welcome the comments of the Hon. Mr Xenophon and the Hon. Mr Cameron that they do not wish to discriminate against same-sex couples, because I would be disappointed to think that anyone other than the Liberal government takes that view about discrimination. I must say that I am surprised that the government cannot deal with this issue in a holistic way. The opposition has a bill before the other place, but again it does not deal with the whole issue.

As bills come before us, I think we should try to amend them to take into account what is normal day-to-day practice. Quite frankly, there have been some instances of appalling discrimination against people who live in same-sex relationships, particularly following the advent of AIDS. I must say that I find it surprising that we cannot deal with each bill in a sensible way, one by one as they come before us. Having said that, I welcome the view of members that, should a bill come before them to deal with this matter in a holistic way, they will strongly support it.

The Hon. SANDRA KANCK: I will continue to support the amendment moved by the Hon. Paul Holloway. In the light of the number of acts that we have on the record now that are discriminatory to same-sex couples, we need to seize every opportunity, whenever they arise, to amend the legislation. I suspect that many members of the community, particularly gay, lesbian, bisexual or transgender people, as well as a lot of open-minded young people, will be very disappointed if this amendment fails. I have noted the comments of the Hon. Nick Xenophon and the Hon. Terry Cameron that they would support an omnibus bill—

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: I have not written it down, but I think you said 'support'.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: Obviously, I will have to check the *Hansard* and make sure of exactly what was said. I am not sure whether it was 'look at' or 'support'. If the honourable member wishes to clarify that now, I am happy to put that on the record in response to him.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: The honourable member declines to do so. However, I draw attention to the fact that currently we have before this parliament a bill to amend the Equal Opportunity Act. The government has failed to address this issue in relation to that act. I will move amendments to deal with same-sex couples when we deal with that bill. I therefore look forward to gaining the support of the Hon. Terry Cameron and the Hon. Nick Xenophon when we debate that bill in committee.

The Hon. DIANA LAIDLAW: I outlined the government's reason for not supporting the Hon. Mr Holloway's amendment when I addressed this matter on 31 May and I do not intend to add to the Hon. Sandra Kanck's comments.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: They appear to be in the majority and that always seems good to me. I move:

That the words inserted by the Hon. Paul Holloway be struck out.

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

AYES (10)

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

NOES (9)

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

PAIR(S)

Redford, A. J.	Sneath, R. K.

Majority of 1 for the ayes.

Amendment thus carried; clause as further amended passed.

Bill read a third time and passed.

LAND AGENTS (REGISTRATION) AMENDMENT BILL

In committee.

Clause 1.

The Hon. IAN GILFILLAN: The implication of the Attorney-General's briefing on accreditation is that, although there is a recommendation that there be an accredited course and that the accreditation to act as a land agent will be just as onerous on a lawyer as it would on any other person applying to enter the profession, the anomaly is that, as I understand the briefing, there is currently no course in place which has been accredited by the Commissioner for Consumer and Business Affairs and, therefore, no lawyer is able to apply to get the accreditation.

I will read into *Hansard* the summary of Briefing Note; Subject: Land Agents Act 1994 NCP Review, Implementation of Supplementary Report Recommendation, as follows:

In summary:

- The Commissioner for Consumer Affairs does not establish or assist in the establishment of courses approved under registration and licensing Acts, but rather approves courses on application;
- There are two aspects to that assessment:
  Assessment of the course content; and
  Assessment of the course provider.
- No course has to date been submitted to the Commissioner for Consumer Affairs seeking to implement the recommendation of the Supplementary Report. It is therefore not possible to provide any detail other than to note that the Supplementary Report expressly identifies the skills which are required to be covered in each of the areas it nominated as lacking in a law degree.

So, it appears from the briefing note that the issue that we were concerned about is in train, and my understanding is that that puts at rest the concerns which the Real Estate Institute had about the whole matter and about which justifiably, I believe, it got quite worked up. I would like to indicate, first, appreciation to the Attorney for a comprehensive and informative briefing note, which I am sure would be available to any other members who wish to have a look at it and, secondly, our unqualified support for the bill through the committee stage.

The Hon. K.T. GRIFFIN: I appreciate the remarks made by the Hon. Mr Gilfillan. The issues which prompted him to put his amendment on file have now been satisfactorily resolved and, in that context, I am pleased that that is the case. I am also pleased that, if the amendment is not moved, the Commissioner for Consumer Affairs will retain the flexibility which is necessary to ensure that those who apply to become real estate agents are not disadvantaged where they might have come from interstate or they might have acquired most of the qualifications in South Australia but others, of an equivalent level of competency to those achieved in South Australia, interstate or overseas. So, I think the outcome is satisfactory to everybody. The bill itself did not address that particular issue: it dealt with other issues raised by the competition policy review and, in those circumstances, again, I think the change that has been proposed in the bill will be an advantage for not just the real estate industry but also the community.

The CHAIRMAN: Am I correct that the Hon. Mr Gilfillan will not proceed with his amendment and, therefore, I can put questions on all the clauses?

The Hon. IAN GILFILLAN: That is correct.

The CHAIRMAN: Thank you.

The Hon. IAN GILFILLAN: I think, however, it may be worthwhile including in *Hansard* a little extra from the briefing note, to reassure those who did have sympathy with our amendment because our amendment was, I believe, well-targeted, and the introduction of this briefing note discusses the background. It reads:

The Supplementary Report provided to the Government by the Review Panel contains a new recommendation regarding the entitlement of those admitted, or eligible for admission, to practise law in South Australia to gain registration as a land agent.

The recommendation is that such persons' legal qualifications should be accepted for registration purposes provided they can also demonstrate competency in:

1. Appraisal; and

2. Undertaking property sales by private treaty and conducting property sales by auction, limited to the discrete areas of:

- Listing process from first call to final signature:
- Marketable features of residential properties which may have an effect of the sale/lease price and/or marketability of the property:
- The common types of selling/leasing agencies used in the context of the South Australian market:
- understanding the costings and procedures for all methods of sale; and
- understanding that one method may be more suitable for a particular property than another method.

It is important to emphasise that, although I do not intend to put my amendment, the intention was to ensure that the Commissioner for Consumer Affairs could not play fast and loose with who he or she recognised as having the appropriate qualifications. My assumption is, from the briefing note and the general tenor of the way we are proceeding, and I believe that the Attorney has virtually verified this, that if an applicant comes from interstate that applicant would still be required by the Commissioner for Consumer Affairs to be competent in the areas that he listed in his briefing note. And I have had the affirmation of that from the Attorney, so we have that verified in *Hansard*.

The Hon. K.T. GRIFFIN: I did indicate by way of interjection that that is the case. The competencies that are required may be achieved through an accredited course of study or practical activity accredited in this state, or accredited in another state, or may be qualifications which the applicant can establish to the satisfaction of the commissioner are equivalent to those competencies. So, the field is pretty well covered.

The Hon. P. HOLLOWAY: I wish to make one comment for the record. Originally, the Hon. Ian Gilfillan gave notice that he would move an amendment to remove the commissioner's discretionary powers, and we were certainly inclined to support that in the context of events that happened last year. However, because that matter was resolved in a commonsense and satisfactory way, it is our view that the discretionary powers should remain but, of course, had that situation not been resolved so satisfactorily we certainly would have been inclined to support that proposal proceeding. But I think all of us are grateful that commonsense did prevail on this occasion.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill read a third time and passed.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1624.)

The Hon. P. HOLLOWAY: I support the bill. I also indicate my support for the motion that was moved by my colleague the Leader of the Opposition to refer this matter to a select committee. I wish to speak to the bill in the context of the shadow minister responsible for information technology matters. Most members in this parliament would agree that there is a problem with pornography on the internet and that something needs to be done about it. The problem is, of course, that we must deal with the matter in such a way that the overall outcome is helpful, not unhelpful.

As a member of the select committee that has been investigating internet gambling, I am well aware of the problems of dealing with content on the internet. It is very difficult. One always must make the choice: it is always a trade-off between taking a pure position on prohibition and taking a position that will work in practice because, as I am sure all members would be aware, the internet is an extremely difficult medium to regulate. Of course, it was devised with specifically that intention in mind; nevertheless, governments do have an obligation to protect their citizens.

At the same time, of course, we must consider that the internet is utilised by people in their own homes and policing

of what goes on in relation to the internet is very difficult. Often technological changes occur quite quickly within this field that may or may not help in relation to policing the internet. This bill seeks to make several amendments to the South Australian Classification (Publications, Films and Computer Games) Act 1995. This act forms part of the national legislative regime of classifications. The legislation is, indeed, complementary to the Commonwealth Classification Act 1995.

The most substantial change to this act is the insertion of Part 7A, which seeks to regulate online, that is, internet content. While the aim of the amendment is to complement the commonwealth Broadcasting Services Act 1992, it is important to consider the significant impact that these proposed changes could have on industry in this state. It is stated that the aim of this part is to deter or punish making available on the internet material which is offensive or which is unsuitable for children, that is, objectionable matter. However, it is the definition of what is objectionable matter that, I guess, is the concern of some people.

'Objectionable matter' is defined as (a) a film that is classified X or that would, if classified, be classified X; or (b) a film or computer game that is classified RC or that would, if classified, be classified RC; or (c) an advertisement for a film or computer game referred to in paragraphs (a) or (b); or (d) an advertisement that has been or would be refused approval under section 29 Part 4 of the commonwealth act. The main concern of organisations that have contacted me and, I am sure, all other members of parliament is that a person who posts unclassified online content can be prosecuted if the online content would be prohibited if it was classified.

It is not simply a case of that material being removed: the person can be liable for a $10 000 fine. The same is true for matter unsuitable for minors. A much more complicated area is that the 'content posted' would not fall into X or RC material but would be legally restricted to adults. The issue is not that this material should not be banned, although that may be an issue to some people (and these matters are conscience issues, certainly for members on this side of the parliament): the issue is that further consideration is needed to the definition of 'prohibited material' and enforcement procedures. The issue is not the only one to concern industry groups and academic organisations that have contacted me.

I now intend to read into *Hansard* a couple of letters from people who have contacted me about this matter. I received this letter from a lecturer in screen studies at the Flinders University of South Australia, and it states:

> I am writing to register with you my objection to the on-line services section of the classification. . . amendment bill 2000 and to urge you to make every effort in your power to repeal this legislation. As you are aware, there are several contentious points within the bill:
>
> 1. It makes information illegal on-line that is not illegal off-line.
> 2. The bill criminalises inability to foresee a non-unanimous decision of the Commonwealth Classification Board.
> 3. It applies criminal law to on-line content providers in a manner more severe than that applied to off-line film distributors/exhibitors and magazine publishers.
> 4. The bill denies internet users the right to obtain a classification prior to publication, as granted to off-line publishers and fails to require that material be classified before police commence prosecution of an internet user.
> 5. It criminalises making information available to adults about 'adult themes', including important social concerns such as 'suicide, crime, corruption, marital problems, emotional trauma, drug and alcohol dependency, death and serious illness, racism, religious issues', except in a 'discrete' manner, that is, with little or no detail and generally brief.

That is taken from the OFLC guidelines for the MA classification. The letter continues:

> The recent debacle with SA Police confiscating a book of Robert Maplethorpe's art photographs surely demonstrates the inability of most censorship legislation to be enforced. Such a task is nearly impossible for the ubiquitous internet and bearing the cost of such a program will cripple the internet and new media industries of South Australia or, alternatively, entangle the courts in horrific fact finding missions when host services are situated in one state, the consumer in another, and the ISP—

which I gather is the internet service provider—

> in yet another location. As a member of AIMIA (Australian Interactive Multimedia Industry Association) and a university lecturer in digital media, I have a stake in the health of South Australia's digital media industries. I urge you to consider the destructive potential this legislation can have for South Australia's profile in a global economy.

The concerns of that writer are echoed by some other email correspondence I have received from the director of a company based in Hong Kong. Part of the letter reads:

> Even by your consideration of this bill, you have placed South Australia last in the Australian list of possible locations for operations and accordingly have placed South Australian jobs at risk. You have also made it a high priority for us to monitor the unfettered flow of information between Australia and the rest of the world.

In an article from the May 2001 issue of the Australian Personal Computer Magazine regarding the passage of this bill, Mr Kimberley Heitman states:

> If passed (this legislation). . . will be the fiercest internet censorship law in the country as it will make it an offence to make material unsuitable for children available on line. . . Unlike the federal law, it targets individuals rather than ISPs and allows any police officer to bring a complaint to court. The federal laws order the removal of unsuitable material, but the SA bill also imposes a $10 000 fine . . . Many people feel that some sort of internet censorship is necessary, but this isn't the main issue in this case. What is worrying is that people wouldn't be able to know in advance what is banned.

These issues are obviously complex, and it is for that reason that the opposition believes that a select committee should investigate this. I should point out that I have quoted some of the concerns from those people who have written to us. Clearly some people have perhaps an unhealthy interest in this matter, and I think that was part of some of the approaches to us, but I have just concentrated on those whom I believe would have some credibility in terms of the concern the impact the legislation might have on the development of the information technology industries in this state.

What is really of concern to me, and I know that my colleague the Leader of the Opposition has touched on this, is that I keep hearing from people within the IT industry that they have not been consulted in relation to these matters. They are greatly concerned about the fact that this bill might provide enormous difficulties for them in terms of operating their business. They have no wish to breach the law. They have no wish in most cases to be a party to any of the sorts of activities that this bill would seek to outlaw, but they are concerned that they might unwittingly be involved in the web.

It is for those reasons that the opposition would like to see this bill referred to a select committee so that the people who are involved in the industry and who would therefore have to be at the front line in terms of dealing with this matter would have the opportunity to put their views to parliament so that, if they have any merit in them, we could take those views into consideration.

I will not say anything further on the matter. All of us would wish to see something done about the problems we have in terms of material on the internet, particularly that

which would be available to children. However, as they say, the road to hell is often paved with good intentions. That is why we would like to examine this matter a little more closely so we can ensure that the legislation does what all of us would like it to do, namely, effectively deal with the problem of people having access to unsuitable material while at the same time we would like to see that it would not unnecessarily damage the IT industry within this state. In conclusion, we support the bill and support the proposal to refer it to a select committee.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the second reading of the bill. In relation to the remarks made by the Hon. Paul Holloway, a number of the correspondents who have written to him have obviously written to every member, including to me. I have responded at length to each of those who has written or e-mailed the government to try to help them understand that this is not the sinister piece of legislation that some make it out to be and that this is not the fiercest piece of legislation in the commonwealth in relation to dealing with objectionable material on the internet. I acknowledge that there has been concern, but there has also been a significant amount of misunderstanding about the objectives of the legislation and about its effect when one takes into account the drafting of it.

In some instances, hysteria has developed, which is totally unnecessary and certainly not based on an objective assessment of the legislation. Others would want to accept no responsibility for what goes onto the internet. As the Hon. Paul Holloway and other members have said in the course of this debate, there are concerns about material that might be available on the internet. Child pornography in particular is one area where, in this state, if a person in South Australia has downloaded or uploaded child pornography or has possession of child pornography and it is discovered by law enforcement authorities, it will be prosecuted. It is not unusual for me to sign off my approval in relation to prosecutions on such once or twice a month. The act requires that the Attorney-General's approval for the prosecution has to be granted but, where there is child pornography in those circumstances to which I have referred and there is sufficient evidence upon which to base a prosecution with a reasonable prospect of success, then I do not hesitate to give my approval to the prosecution being initiated.

With respect to those in the IT industry who argue that in some way or another this will damage South Australia's reputation, I refute that assertion. It does not bear close examination. The other issue raised by the Hon. Paul Holloway is the issue of consultation. I find it quite disappointing that those who are particularly involved with the internet industry have not been keeping open their eyes and ears in relation to either the print media or government web sites to identify that this bill was introduced seven months ago, was widely circulated by me and was the subject of press comment at the time. In addition, this legislation is state legislation developed as model legislation at the same time as the commonwealth was developing its own legislation enacted a year or so ago. That, too, was the subject of quite extensive consultation.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: I will deal with that in a moment. Other states have legislation much more wide ranging in relation to this issue than has South Australia. South Australia preferred to go down the path of the model legislation so that it is consistent with the commonwealth legislation.

To turn to the contribution of the Leader of the Opposition, she asked a number of questions about the bill and I will deal with the proposal to refer the issue to a select committee in a moment. Her questions were principally directed to the effects of clause 12 dealing with internet content and I answer them in that context. She asked whether any other states have introduced similar legislation as is proposed in this bill. The provisions set out in clause 12 are model provisions agreed on by censorship ministers through the Standing Committee of Attorneys-General. South Australia is the first state to introduce legislation in the terms of the model provisions, although I hope that others will follow. However, three Australian jurisdictions have already legislated in different terms to address the issue of offensive internet content. These are Victoria, Western Australia and the Northern Territory. All three pieces of legislation make it an offence to transmit RC (refused classification) level content over the internet. They also limit the material that can be made available to minors.

The Western Australian and Northern Territory laws go further and also make it an offence to obtain possession of such content, advertise it or even request its transmission. The Victorian law creates separate offences in relation to minors of any age and to minors under 15 years. However, the Victorian law does not create an offence in relation to merely requesting the material. Penalties differ as between jurisdictions. Imprisonment is possible in Victoria and Western Australia but not in the Northern Territory. The purpose of the model provisions developed by the standing committee is to minimise divergences in the approach to internet content and bring about by cooperation a uniform regime throughout Australia in keeping with the national scheme.

The Leader of the Opposition mentioned that it is alleged that the Office of Film and Literature Classification has not provided classification fees for internet content and asked whether this is correct. It is incorrect, except in the sense that it is the commonwealth and not the office which prescribes the fees. Under the national scheme internet content, which is covered by the scheme, will be either film or a computer game. Either of these can be classified by the national board on application. The classification process is as set out in the commonwealth act. Fees are prescribed in the commonwealth regulations.

The process is similar to that for the classification of offline contents such as conventional films and publications. The Leader of the Opposition mentioned some suggestions made to her as to alternative solutions to the problem of offensive internet content. One was to introduce a pre-vetting process, allowing organisations to obtain a ruling as to the classification of material before putting it on line. I point out that this process is in fact available to content providers who wish to use it. They may submit the material for classification.

Another was to encourage the use of technology-based solutions such as content filtering software that blocks inappropriate sites to minors at the user's end. The commonwealth regime to which clause 12 is complementary has been designed to encourage the use of filtering software. The codes of practice under the commonwealth act require internet service providers to take reasonable steps to provide users with information about procedures that parents can implement to control children's access to internet content, including the availability, use and appropriate application of

internet content filtering software, labelling systems and filtered internet carriage services.

Service providers can fulfil this obligation by directing users, by means of a link on their home page or otherwise, to resources made available for this purpose by the Internet Industry Association, the Australian Broadcasting Authority or others. Under Content Code 2, approved filters must be available to subscribers. In the case of prohibited content hosted outside Australia, the suppliers of the approved filters are notified of the site so that it can be covered by the filter.

However, filtering does not as yet provide a complete solution to the problem of offensive internet content. Content that does not contain the keywords or other identifiers that trigger the filter may get through but, nevertheless, be offensive. Conversely, the content that parents might wish their children to be able to access, such as educational sites about the dangers of drug abuse, might be blocked by a filter that selects for the names of or slang terms for those drugs. Also, software may be in circulation that can disable or circumvent some filters. Complementary approaches are therefore desirable.

It was also suggested that the film classification scheme, and the R classification in particular, should be reviewed as to their effectiveness for internet content. Censorship ministers have, in fact, agreed that a review of the guidelines for classification of film, videotape and computer games should take place this year. This is part of the regular ongoing review of all guidelines covered in the scheme. Publications guidelines were reviewed in 1999. The review will be publicly advertised, and I hope that many South Australians, including internet content providers and internet users, will take the opportunity to express their views.

As to industry education, one aspect of the cooperative scheme is the provision of a team of community liaison officers who make site visits to each jurisdiction with the aim of providing to industry information about the scheme and how to comply with it. Hitherto, officers have on their visits to South Australia made contact with cinema operators, video retailers, newspaper publishers and others to make them aware of their legal obligations, and I see no reason why this scheme could not also comprehend internet content providers. There may also be other avenues to which we can give consideration. The Leader of the Opposition also asked four specific questions to which I will respond.

1. As to the economic impact of this bill on South Australia's information technology industry, I do not believe the bill will have a significant economic impact. It is important to remember that the definitions of 'film' and 'computer game' specifically exclude recordings for business, scientific, educational or professional purposes unless they contain a visual image that would lead to a classification of MA15+ or higher.

I would suggest that most legitimate business web sites would only include visual images of an innocuous nature and, therefore, would be unlikely to be covered by the provisions. It should be pointed out that the commonwealth has recently passed amendments to its act so that the criterion in future will be whether the image would be classified M or higher. Nevertheless, I would be surprised if there is a problem in practice for businesses. At the same time, the commonwealth has added to the list of exempt films films such as news reports and documentary records of sporting, musical, religious, community and cultural events.

A person who is in doubt will be able to apply for a certificate that a particular film is exempt. If a business is genuinely concerned that a visual image that it wishes to use may be classifiable at a higher level than M, it may wish to have the material classified to remove doubt. If the image is of that classification, it may wish to consider using some other image. This is not unlike the off-line requirement that the covers of publications must be suitable for public display. The distributors of publications simply accommodate this in their business planning.

2. As to the actual practical benefits of clause 12, I presume that this question is asked in the context that most internet content does not originate in South Australia but overseas. Nothing can be done about offences occurring beyond the jurisdiction of this state. Some would argue that, therefore, it is not worth doing anything about the issue at all. However, an analogy can be made with global pollution problems, for example.

Only a small proportion of the world's atmospheric pollutants emanate from South Australia or, indeed, from Australia. Nevertheless, this is not a reason why we should not do what we can to reduce our own contribution to the problem. It is only if each jurisdiction is prepared to do its part that the global problem can be addressed. The practical benefit delivered by clause 12, then, is that persons in South Australia who upload offensive content onto the internet are liable to be punished, just as they would be if they disseminated this content by means of film or videotape off-line.

3. As to alternative methods and models of regulating internet content, it must be understood that the model proposed by clause 12 is designed to be complementary to the existing commonwealth regime under the Broadcasting Services Act 1992, which has been an operation for almost 18 months. The government has not tried to devise from scratch and independently a regime for South Australia alone but has cooperated in the development of a model that will mesh with and complete the existing commonwealth law.

There is no point in South Australia devising something that ignores the existence of the commonwealth law or could run the risk of inconsistency with it. What has been done is to extend the present scheme for the classification of other content to internet content by applying criminal penalties to content providers. Of course, there are other approaches. One could decide to do nothing, so that the responsibility for offensive content falls not on the person who makes it available but on others, such as the viewer and the internet service provider, who perform a mopping-up exercise.

However, it would seem anomalous to provide that the material should not be available on the internet and will be removed if found (as the commonwealth law does), without backing this up with sanctions against the person who makes it available (as this bill proposes). Alternatively, one could rely on users to apply filters, so that those who do not and who encounter offensive content would have no recourse. However, this would be out of keeping with the off-line position, where it is the person who puts the material into circulation, such as the seller or exhibitor, who is responsible and not the reader or viewer.

It would also, as mentioned, be dependent on the effectiveness of filters. Alternatively, again, one could require all online content to be preclassified, as are commercial films and videotapes. This would, however, be very onerous and potentially costly. In my view, the approach taken in the bill places the responsibility where it should be—not with the internet service provider or content host, nor with the viewer, who may have no wish to encounter the content—but with the

person who chooses to make the material available on the internet.

4. As to the volume of information that will no longer be available on the internet if this clause is passed, it is impossible to say. The bill seeks to render unavailable material that is classified or classifiable X or RC, and advertisements for such material (it would restrict to adults, but not make unavailable, content that is classified or classifiable R). There is no way of being certain how much material originating in South Australia is on the internet at any given time, and perhaps the amount fluctuates daily.

I would like to think that the great majority of material being made available on the internet by South Australians is neither X nor RC level material, nor advertisements for such material, but I am unaware of any method by which a reliable assessment of the exact volumes of such material originating in South Australia could be made.

For a moment or two I would like to address the issue of the select committee. With respect to the Leader of the Opposition and the Hon. Paul Holloway, to refer the whole bill to a select committee is, in my view, over-kill and it does not address what seems to be the central issue in relation to this bill, that is, internet content. I think there are a significant number of very beneficial initiatives in the rest of the bill. I think that clause 12, which relates to internet content, is also a beneficial initiative, but I recognise that there is some concern about that particular clause of the bill.

I do not think that clause 12 should go to a select committee, but I propose that the bill be split into two bills so that clause 12, which relates to internet content, would be the subject of a separate bill which can be referred to a select committee, and the rest of the bill (probably called the No. 1 bill) would be dealt with expeditiously so that it can go to the House of Assembly. In any representations made to me or, as far as I can recollect, in any contributions made in the Council, I have not heard any criticism of the other parts of the bill. So, I hope that those parts will receive expeditious consideration.

As I said, I would not have thought that any of the bill needs to go to a select committee, but I am prepared to accommodate the concerns that have been raised, and I will move to split off clause 12 and refer that to a select committee. I would like to think that we can deal with that expeditiously. This matter has been on the *Notice Paper* since 8 November last year, and everyone has had an opportunity to make representations to the government, the opposition and other members of parliament. In those circumstances I hope that, if there are to be written submissions, they can be made quickly and that, if submissions are to be made in person, we can deal with those quickly. I do not think that people need to do a lot of preparation in arriving at the point of making a submission, and I hope that we will then be able to dispose of the select committee very quickly. In order to enable the appropriate processes to be followed to split the bill, I now seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GRAFFITI CONTROL BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1637.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This is a fairly straightforward bill which seeks to prevent the act of graffiti vandalism through new legislative initiatives. As the Attorney said, a number of initiatives have been introduced in recent years designed to address and implement anti-graffiti strategies. These strategies have been implemented in partnership with state and local government and neighbourhood watch groups. KESAB has also been awarded funding in recent years and has worked with schools and the private sector.

A voluntary code of conduct, which has been in operation since 1996, seems to work with retailers in regulating the sale of spray paint cans. The Attorney reports that, whilst that code has been supported generally by the industry, some sections have failed to comply with it. Hence this bill seeks to introduce a compulsory scheme for the storage and sale of spray cans. In doing so, the bill prohibits the sale of spray paint cans to minors. If minors need items for other purposes, perhaps educational, the cans will have to be purchased by an adult. This bill also proposes that cans can be stored in a locked cabinet or a part of a retail outlet where they are inaccessible. It is hoped that this will prevent cans from being stolen.

The government argues that local government should continue to play a pivotal role in ensuring responsibility for compliance. Specifically, it proposes the appointment of authorised officers of council and conferring powers on them regarding the enforcement of the restrictions on the sale of spray cans. Given this, I find it disappointing to learn that the Local Government Association was made aware of the bill only on the day of its introduction into parliament.

I would like to record some comments made by the Local Government Association, with whom I met recently. Initially, the LGA wrote to the opposition detailing the fact that it was not consulted on this issue. I understand that the Attorney has consulted with various councils, but in correspondence to my office dated 30 May the LGA said:

> . . . the LGA was not consulted on the Attorney-General's Graffiti Control Bill prior to its introduction into Parliament and in fact were made aware of it the day it was introduced. We raised our concerns with the Attorney-General regarding his process for consultation occurring after the Bill's introduction and have since received a letter advising that he felt that this was the appropriate approach to adopt. This approach of course makes it difficult for the LGA to ascertain the views of 68 Councils on this matter and to formulate a position to take to the government and the Parliament.

The LGA also details another complication: a bill in the House of Assembly introduced by the Hon. Bob Such. I will not refer to that, because we are dealing with a government bill. On 31 May, the LGA wrote to the Attorney-General and forwarded copies of that correspondence to me, the Hon. Terry Cameron, the Hon. Ian Gilfillan, the Hon. Nick Xenophon and the Hon. Trevor Crothers. The member for Spence, the shadow attorney-general, and I subsequently met with the representatives of the LGA. The letter states:

> Dear Attorney-General,
>
> Following consultation with Councils on the above Bill the feedback we have received indicates that not all Councils support all the provisions in the Bill. It is recognised that the Bill enables a Council to determine whether it desires to appoint an authorised officer to exercise the powers provided for in Parts 3 and 4 and that no duty is conferred on a Council in relation to Part 4. However, Councils also recognise that the Bill will:
>
> · Have resource implications if they choose to exercise the powers provided for in Part 4, albeit costs can be charged for the removal of graffiti.
>
> · Possibly cause concerns within Councils and communities whereby an owner does not wish to have graffiti removed but neighbours seek its removal.

· Have resource implications if Councils choose to exercise the powers provided for in Part 4. Expiation and penalties will not offset these costs.

· Potentially result in community or media pressure to exercise the powers provided for in Parts 3 and 4 albeit that the Bill provides for a Council to determine whether it wishes to exercise these powers or not.

Local government is keen to discuss options with the Government to offset resourcing costs where they choose to exercise the powers provided for under the bill. For example the current grant programs are directed at new or innovative initiatives to prevent or remove graffiti. Local Government is keen to see future grant programs providing support for the carrying out of powers provided for under the bill.

In order to balance the concerns raised by Councils the LGA seeks amendments to the Bill along the lines proposed below.

Part 2, sale of spray paint

That Councils be given the option to choose to exercise either specific powers or all of the powers available to them in Part 2 of the Bill. For example a Council may be willing to have an authorised officer inspect premises to ensure spray paint cans are locked away and that a sign is displayed but may not wish to monitor and exercise the offences provided for in section 5. In this example the Police could undertake the powers available through section 5 in a local area, perhaps in consultation/partnership with local Councils.

Part 4, Council Powers in Relation to Graffiti

We understand that the intent of the Bill is to provide Councils with the power to remove graffiti where a property owner seeks for this not to occur or is unavailable to discuss and agree removal with Council. The Bill does not confer a 'duty' on a Council to do so.

The bill as it is currently drafted is somewhat confusing in that section 11(1) provides for removal without consent and subsections (3)(b) and (4)(d) provide for consent to occur.

We consider that the Bill as it currently stands places Councils in a position of being the 'umpire' in community disputes. The scenario could occur whereby an owner of a property considers the graffiti on his/her property, where it is visible from a public place, is appropriate whilst neighbours hold a different view. In addition to being the' umpire' in this scenario a Council may find that it is difficult to recover the costs of the removal of the graffiti to be difficult to achieve.

We seek an amendment that makes it absolutely clear that approval from a property owner is required prior to the removal of graffiti.

It is considered that if a Council and members of the community desired to enforce removal then the Local Government Act 1999 Order Making Powers may provide an appropriate mechanism for this to occur. We seek clarification on how these powers would operate in association with the removal powers in the graffiti legislation.

If the government and Parliament were to agree to the amendments suggested by the LGA we would undertake to revisit with Councils the extent to which these provisions have assisted their graffiti control programs. If Councils consider that stronger provisions (perhaps along the lines proposed by the Government) are sought then we would seek amendments at a future date.

The opposition believes they have made sensible suggestions and will be drafting amendments to accommodate their suggestions. Local government has taken some initiatives in the area of graffiti. I asked councils to send me some of the current programs which are running as a result of the grants provided by the Attorney-General and which are matched by council money in the year 2000.

The Adelaide City Council and City of Playford both maintain a database to automate their reporting, recording and actioning of incidences of graffiti. The database, which includes location and photographs of the graffiti, is aimed to provide information to the police department and other councils. Security surveillance equipment has been installed in councils such as Light Regional Council and Alexandrina council in conjunction with other methods such as rapid removal so as to identify vandals who are usually repeat offenders. Councils such as Roxby Downs, Barunga West and Peterborough have employed local artists and community members to paint murals on prominent graffiti sites. This has a community involvement and is proved to deter graffiti. Councils such as Campbelltown, Mount Barker, Mount Gambier, Murray Bridge, Norwood Payneham and St Peters have funded the purchase of trailers filled with graffiti removal equipment, such as steam cleaners and removal and safety equipment. Most councils also use a rapid response method to remove graffiti within 24 hours of its existence.

I believe it is important that we take the concerns of the Local Government Association into consideration since this bill is requiring councils to do a lot, if not all, of the work involved. I was also interested to read an article in the *Flinders Journal* (Volume 12 No. 8, 28 May), a publication from Flinders University. The article was entitled 'More to graffiti than meets the eye'. It is one of the findings of the Flinders University Criminal Justice Lecturer, Mr Mark Halsey. He interviewed 15 current and former graffiti writers about their activities. To save me putting this into *Hansard*, these publications are made available outside members' post boxes and I urge them to read the article.

I think there are many jurisdictions in Australia and overseas that believe that graffiti is not something one can legislate out of sight. It is a difficult issue and it is certainly something that the opposition has dealt with in the past. The Hon. Mike Rann introduced an anti-graffiti bill—I am not sure when it was; some years ago—which I believe was supported also by local government. It is something that exercises the minds of many people. It is certainly worse in some areas than others. Some of my colleagues do not believe that it ever exists in the eastern suburbs where I live, but I assure them that it does. I have been interested to watch the renovations to the former Queen Victoria Maternity Hospital, which has now been turned into units. It has a very fine potential graffiti wall which has been painted white and which has been painted out a couple of times already—even while it is being renovated, graffiti still happens. I think that will continue, even when we bring in stronger legislation.

It seems to me that it is a symptom of some of the malaise in our society. I recall many years ago visiting Sweden—and I am not sure what the approach to graffiti is these days; maybe it has got out of hand—but in those days the Swedish government's approach to graffiti was, 'Well, if this is the worse thing that happens in our society, we should not worry too much about it.' And to some extent that is probably true. There are far worse things in which people can participate.

Having said that, I believe the public finds it tiresome; it damages property; in a lot of areas it reduces the amenity; and it is something that constituents find very vexing. This is a different approach. I believe that, because local government is required under this bill to take some further actions, we should listen to its views and for that reason we will be putting on file, as soon as they are drafted, amendments along the lines suggested by the local government body. It may be that the Attorney-General has an alternative approach (which he may like to discuss with us), but certainly we feel it has made sensible suggestions. We support the bill. We think it has some problems. Personally, I do not believe it will solve graffiti but, nevertheless, it is a response to queries of the electorate. I ask the Attorney-General whether he has received correspondence from the Australian Paint Manufacturers Federation—

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: Yes. They dispute the fact that graffiti artists are most often under 18 years of age. I think that has been stated on numerous occasions. I guess there is the assumption that you have to catch them, and I

think most of them are not caught. I am aware that a large number of people who take part in graffiti are over the age of 18 years and therefore will not be picked up by this legislation.

I think there would be potential for a black market in spray paint. I am sure that some enterprising over 18-year-olds will be able to buy a large supply of spray paint and probably have creative ways of making a vast profit and selling it to their underage counterparts. However, it is something that I believe we have to deal with. I do not believe that this is the answer. My personal view is that I would like to see us more stringently attack the causes of this kind of behaviour rather than using this kind of approach. However, we do support the bill because we think it does go some way in trying to curb the problems, but it is not the whole answer.

The Hon. IAN GILFILLAN: The Democrats are probably a little sterner than the opposition. We do not believe that this bill as currently drafted will do anything to control graffiti but may very well exacerbate the problem in the area that becomes more of a challenge for those who are inclined to practise it. It is important for this chamber to take good note of the article that has been referred to already in the *Flinders Journal*, Volume 12, No. 8, 28 May 2001 by Mr Mark Halsey.

There are three measures in the bill: first, dealing with the sale of spray cans; secondly, a transferral of the graffiti offence from the act to this new bill; and, thirdly, giving councils the power to remove graffiti from private property. The opening paragraph of Mr Halsey's article, titled, 'More to Graffiti than Meets the Eye', states:

> Graffiti is considered unsightly by most people but it may be providing an alternative to adolescents who might otherwise engage in more serious forms of illegal activity.

I realise that that is conjecture on the part of Mr Mark Halsey. However, he chooses to open his article with that observation and, as he has been doing extensive research in it, I believe that we must take that observation seriously. He is a criminal justice lecturer at Flinders University. Further on in the article he identifies three levels to graffiti, as follows:

> Three basic types of illegal writing are identified: tagging—the stylised signatures which appear typically on bus shelters, stobie poles and road signs; throw-ups—the bubble-style lettering two or three metres long which is executed very rapidly, sometimes on a temporary stationary bus or train; and pieces (short for masterpieces)—the large elaborate coloured lettering and graphics which take several hours to complete.

Mr Halsey has said that it is time for a more informed debate on the solutions to graffiti. Measures included in this bill demonstrate to us the government's lack of commitment to a meaningful debate on the issue, and I bracket it with the bill introduced in the other place by a private member which I regard as reflecting a sort of populist knee-jerk reaction to a so-called public perception of the horror of graffiti. However, on closer scrutiny, it is very hard to find any particular groups involved who support the bill.

The bill seeks to restrict the sale of spray cans in two ways. First, it enforces the current voluntary guidelines for the sale of spray cans, which will mean that by law spray cans will need to be locked out of the reach of customers. This will create an added imposition upon the retailer and, in particular, the small retailer, and would also result in a drop in the sale of spray cans, further hurting Australian manufacturers. My colleague, the Hon. Sandra Kanck, received a letter from Holt Lloyd Australasia Pty Ltd, which is a member of the Honeywell Group. I was not sure whether the Leader of the Opposition was referring to this particular letter, which is dated 11 May this year and signed by Mr Chris Goldrick, Managing Director. The letter makes an observation about the lack of appropriateness in keeping aerosol cans locked away and puts its own argument, as follows:

> Graffiti vandals are cunning and determined to carry on their damaging ways. Even if you assume they could no longer access spray paint because of the proposed legislation (highly unlikely) they will simply revert to alternatives—wide-nib texters, brushing paint, air pressure pump systems, etc.

I am not quoting this letter with any particular brief to support the business enterprise of Holts. I believe that it is an ethical, law-abiding company that has a legal product, and it is reasonable for it to be concerned about any restriction on its marketing. If the loss of stock was so dramatic, it is reasonable to expect the retailers themselves to take whatever steps they believe to be necessary to minimise the shop theft of spray paints. The detail of what is alleged as the number of thefts and the age of the thieves involved would provide interesting statistics to include in this debate. And, unless we have that data, to have a knee-jerk reaction to the assertion that having these cans in an open sale situation increases the amount of graffiti offences is reacting to a guess, and a fairly wild guess which I do not believe justifies legislation of this draconian intent.

The second restriction that the government seeks to apply to spray cans is to prohibit their sale to minors: that is, if a person is under the age of 18 years, it will be illegal for them to purchase a can of spray paint. We find it difficult to believe that the government is serious about this. Sarah Macdonald, the Executive Officer of the Youth Affairs Council of South Australia, in responding to the bill in the other place, which also has similar provisions targeted at minors, said:

> The Youth Affairs Council believes this to be based on the unfounded assumption that it is more likely to be a minor who would commit such a crime.

The Democrats find it amazing that young people in our community would be targeted in such a way, and so we cannot support such a provision.

The other new provisions in the bill relate to the power of local government to remove graffiti from private property. The bill will allow local government to remove graffiti from private property without the permission of the property owner. In doing this, the council must make every effort to obtain permission from the property owner. However, in the event that a response is not received, the council would have the authority to enter the premises and remove the graffiti.

The Local Government Association has expressed concern over this particular part of the bill. The LGA has written to the Attorney-General seeking amendments to the bill, stating that it 'seeks an amendment that makes it absolutely clear that approval from a property owner is required prior to the removal of graffiti.' It continues, as has been referred to by the Leader of the Opposition previously, by saying that it does not want to become involved in what might be quite reasonable disputes as to whether the material should be removed or not.

That amendment may well be one which the government brings on and, if it does not, it would be our intention to introduce such an amendment. It is interesting and topical, I think, that the *City Messenger* newspaper, which is dated tomorrow (I must say that there is a certain amount of prophetic vision in the Murdoch media), includes an article

which is entitled 'Legal graffiti zones considered' and which states:

> Some city walls may be turned over to graffiti artists to allow them to exhibit their art.

I suggest that it is a worthwhile article for members to read. I am sure that they will not avoid it because it is headed with a very attractive photograph in colour showing some of the more highly regarded graffiti art. It is an irritating and annoying issue, there is no doubt, but, I must say, in relative terms, if this was the worst offence that people were perpetrating in our community we would have very little to complain about. If, as Mr Halsey implies, it may be the softer option (which is my view and his, too) for adolescents who might otherwise be engaged in more serious forms of illegal activity, I think that we need to consider very seriously how rigorously and what resources we put into some campaign to try to stamp out graffiti entirely.

Some of the most perceptive and enlightening comments about society have been marked up as graffiti anonymously on city walls through the centuries. It is the time-honoured way of people communicating and expressing, in some way, their feelings and their own wish to be acknowledged. Although I believe that it is reasonable for us to indicate that it is not a measure that we condone (we are not encouraging the wilful graffiti abuse of public property), I think it must be put in context, and therefore we will support the second reading on the basis that there may be some interesting discussion in committee, but there is very little, if anything, in the bill before us that we would support.

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

REAL PROPERTY (FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1645.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports this bill. The Attorney wrote to the opposition on 24 May indicating that he would like to deal with this bill expeditiously and we are happy to comply. My understanding is that it is, as I think has been pointed out by my colleague in another place the member for Spence, retrospective legislation going back to 1 January 1975. This is an unusual measure for the Attorney, who is normally very opposed to retrospective legislation. I understand that the bill refers to a system for charging registration fees, which was introduced in January 1975.

The Real Property Act allows for prescription of fees and charges but does not expressly provide for the prescription of fees on an ad valorem basis. This bill is designed to ensure that the system that has been operating with the method of fee determination utilised since 1975 is reflected in the provisions of the act. The legislation is very sensible if somewhat a little overdue. The opposition supports the bill.

The PRESIDENT: The Hon. Ian Gilfillan.

The Hon. IAN GILFILLAN: Yes, Mr President: the Hon. Mr Gilfillan again.

The PRESIDENT: That is all right; I just do not have any notice of it here.

The Hon. IAN GILFILLAN: I apologise. The Democrats support this bill.

The Hon. K.T. Griffin: Did you say, 'What a joke'?

The Hon. IAN GILFILLAN: No; I apologise most humbly. I do not want to be misquoted in *Hansard*. There is no joke when we hear ex cathedra statements from the chair. In speaking to this bill, however, I note that the Attorney-General has requested that we deal with it by 7 June, which happens to be my birthday.

Members interjecting:

The Hon. IAN GILFILLAN: We might celebrate it by passing the bill. It is of some concern that this is one of five bills that we have recently been asked to deal with in such a way and, given the size of some of them, the Attorney will understand that there has been some delay in dealing with this bill. However, I note that we are responding within the proposed deadline and I hope that the Attorney will be just as accommodating when we deal with various Democrats bills before the Council.

They were, almost, words put in my mouth but I believe that the sentiments are very soundly based. The bill seeks to amend the Real Property (Fees) Act 1886. The amendment deals with the charging of fees for the registration of transfers of land. This currently occurs on an ad valorem basis and has done so for over 25 years. However, parliamentary counsel has raised concern that the act's regulation making power does not support the charging of fees on an ad valorem basis. The bill seeks to ensure that this method of fee determination is reflected in the act.

I also note that the proposed legislation is retrospective, having the commencement date of 1 January 1975. This ensures that no questions are raised regarding the practices of the past 25 years. It is somewhat extraordinary that we are working over, retrospectively, decisions that have been made in the past 25 or 26 years, but it is clearly a matter of commonsense. It would be catastrophic, if we had to take any other course, if there was a serious challenge to the validity of those decisions made over those years. I clearly indicate Democrats support for the bill.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the bill. It is, I confess, somewhat unusual in the sense that it has a retrospectivity clause going back to 1 January 1975. In relation to that, as was indicated in the House of Assembly, this has not been raised by any citizen in any litigation, or otherwise: it was raised by parliamentary counsel in relation to the regulations necessary to amend the ad valorem part of any registration fees for registering, in particular, transfers of real estate. No-one has, as far as I am aware, questioned the validity of the regulations in excess of 25 years now.

One might have some legitimate criticism of such a long period of retrospectivity being applied if, in fact, the issue had been the subject of either a complaint from a citizen or a challenge by way of litigation, but that has not occurred. Whilst we would normally be cautious about retrospectivity of any kind, in this instance it is not acting to the identifiable detriment of any citizen but merely puts beyond doubt a question raised by parliamentary counsel.

The point which Parliamentary Counsel makes is an arguable point that has not been raised before. The government took the view that the issue ought to be put beyond doubt and ought to avoid any possible challenge at any time in future. It is necessary out of an excess of caution to enact the bill and I appreciate the preparedness of members to deal with it promptly through both houses.

Bill read a second time.

In committee.

Clause 1.

The Hon. T. CROTHERS: I rise somewhat belatedly to put a point of view by Independent Labour, which is supportive of the three major parties. I am pleased to see that they did support such a lengthy period of retrospectivity. My reasons for supporting it are similar to those which were made pronouncement on, but there is another reason which this parliament will consider, because of the length of the retrospectivity, going back 26 years, for the judiciary—the other arm of governance, if you like.

If someone did appeal something prior to 1 January 1975, at least parliament has given what it believes is its proper positioning and, to that end, even if the appeal was based on something that happened before January 1975, the judiciary would have a ledge of opinion promulgated by this parliament on which to hang its hat. It is a very prudent piece of legislation and certainly is a way, in my humble view, of covering all bases, not just those that emanate from 1 January 1975 but even back beyond that. I support the bill.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

JOINT COMMITTEE ON TRANSPORT SAFETY

Adjourned debate on motion of Hon. Diana Laidlaw:

I. That it be an instruction to the Joint Committee on Transport Safety to extend its terms of reference to require it to consider and report upon the National Road Safety Strategy 2001-2010.

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

(Continued from 16 May. Page 1485.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the motion moved by the Minister for Transport. As a member of this committee, of which the minister was previously chair, I strongly support the committee looking at the whole issue to do with the national road safety strategy. I understand from a quick conversation with the minister that the Hon. Sandra Kanck wishes to move an amendment that the national road safety action plan be incorporated. I would have thought, looking at the National Road Safety Strategy 2001-2010, that it would go without saying that it will be incorporated. However, it makes it clear to the chair of our committee and to the House of Assembly that we should look at both of them. I am very happy to support that also.

I was sorry that I was not able to attend a workshop on Monday that looked at the whole road safety strategy. However, from reading through the strategy, it seeks to highlight the issue that we have managed to improve the road deaths figure, that the whole issue of road trauma is monstrously expensive for the community and that there have been some improvements in social responsibility. However, having said that I note that the minister in her contribution said that the challenge in South Australia will be greater than it might be in other states because we have a higher proportion of deaths in South Australia per 100 000 people than the national average. The minister quoted the figures in South Australia of 10.1 deaths per 100 000 people in 1999 compared with the 9.3 national average in that year. So, to achieve a national target of 5.6 deaths per 100 000 population we must reduce South Australia's toll from to 151 in 1991 to 86 in 2010. That is a reduction of 65 fatalities a year by the year 2010.

With the national road safety strategy, certainly the big target is to reduce the number of road fatalities per 100 000 population by 40 per cent, from 9.3 in 1999 to no more than 5.6 in 2010. I note that Sweden has a vision zero project. Professor Klaus Tingval from Sweden was located at Monash University and attended a conference that the minister and I attended a couple of years ago, at which he spoke about the vision zero project of the Swedish government, which was looking at the better design of roads, changing driver attitudes and continuing with seatbelt legislation. I think they have a zero blood alcohol reading for driving in Sweden. Considering that for a large part of the year there is poor visibility on Swedish roads due to the weather conditions, clearly it is a more ambitious program. Maybe in Australia we are looking at the fact that Australians are not as keen to be law-abiding citizens as are the Swedes.

The Hon. Diana Laidlaw: Maybe they value life more highly.

The Hon. CAROLYN PICKLES: That may be the case, but I have found that the Swedish people have a sensible approach to dealing with problems they have in their society and this is clearly one of them. However, this is a fairly ambitious program and not one that we should shy away from or shirk. It is our responsibility as a community to try to change attitudes.

Being on this committee, I must say that it is sometimes vexing that, when people come in and give you quite clear evidence of some of the very bad behaviour of drivers on our roads, it is not always taken as seriously as it should be. I find interesting some of these stark tables that are contained in this document about the level of problems we have in South Australia. For example, the monetary cost of crashes was estimated to be of the order of $15 billion per annum in 1996, and that presumably takes into consideration such issues as loss of long-term care, travel delays, quality of life, insurance, administration, legal, workplace distribution, unavailability of vehicles, medical, other, vehicle repairs and lost labour.

It is a huge amount of money, and it is not just a question of people who are killed in crashes but also the long-term cost of looking after people who are seriously injured and the long-term disability suffered by a person. It still has an impact if you are involved in a reasonably minor road accident, as I was when I was young and foolish. In fact, I still have a bit of a gammy leg from that accident and it certainly had some effect when I tried to continue dancing into my middle years.

The Hon. L.H. Davis: Did you get your foot caught in the steering wheel?

The Hon. CAROLYN PICKLES: No, it was not caught in the steering wheel. It was before the days of seatbelt wearing, and I simply shunted forward and hit the dashboard. It was as simple as that. It did not cause me too much trouble at the time, but it certainly caused me a lot of trouble later.

The Hon. L.H. Davis interjecting:

The Hon. CAROLYN PICKLES: I think that the Hon. Mr Davis must have led a far more sinful life than I ever did! However, this is a serious issue and I think that we should look at it seriously. One of the visions is safe road use for the whole community, and that includes all road users, whether walking, cycling, older or younger people—the whole gamut of road use. Trying to improve road user behaviour will be the biggest difficulty, but we have done it with seatbelts and we have done it with drink driving legislation.

I remember debating the whole range of drink driver issues in a Labor Party conference many years ago, and when the select committee was set up some people said that this was going to change life on earth as we knew it—and it did. It probably saved a lot of lives, so it has been quite significant. If we look at some of the statistics from 1970 until 1999, the fatality rate dropped from 30.4 to 9.3 deaths per 100 000 population, and it is now at its lowest level since record-keeping commenced in 1925. This has been achieved despite a huge increase in vehicle use from 1970 to 1999.

The fatality rate per 10 000 registered vehicles dropped from 8 to 1.5. So, it is possible, and it does seem that if you mount vigorous campaigns the public is willing to go along with them. Again, this is the kind of legislation that all sides of the political spectrum must have the will to make work. That is why I think that it is a very sensible measure to move this to the select committee, which I think has been working well to a point, and I think that we will look with interest at—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: I cast no aspersions, but it is not always as easy as it used to be under the former chairperson. This is a long-term project. It is certainly not as ambitious as the Swedish project, but it has been supported by all states and territories. I understood the minister to say that the original aim was a 50 per cent reduction but that the Victorian government was not quite so willing to go to 50 per cent. Perhaps we can do that here in South Australia, because we have a bigger challenge, as the minister has already indicated. If the Hon Sandra Kanck wishes to move an amendment to include the action plan, although I do not think it is strictly necessary, perhaps we need to dot the i's and cross the t's, and I will be happy to support that amendment.

The Hon. SANDRA KANCK: This is an appropriate reference for the Joint Committee on Transport Safety to consider, although it is an extremely wide one and I suspect that the committee may need to break it up into bite sized chunks so that we can deal with it as a series of reports. Obviously, the committee will make that decision. There are eight strategic objectives in this strategy, as follows:

1. To improve road user behaviour.
2. To improve the safety of roads.
3. To improve vehicle compatibility and occupant protection.
4. To use new technology to reduce human error.
5. To improve equity among road users.
6. To improve trauma, medical and retrieval services.
7. To improve road safety programs as policy through research of safety outcomes.
8. To encourage alternatives to motor vehicle use.

It is a very laudable aim to reduce road deaths from 9.3 per 100 000 population at the present time to 5.6 per 100 000 by 2010, but 5.6 has been achieved now by some countries such as Sweden, and we are hoping that we will reach the same level in nine years. It is worth noting (because there has been some publicity of this Swedish scheme in recent weeks or months) that, if we adopted the Swedish model right now, we would probably be forced to travel at a maximum speed limit of about 70 km/h on our country roads. We have to ask ourselves whether we are prepared to trade off fewer road deaths against the ease of movement that we have and, in fact, demand in what is a very large country.

There is a really fundamental question here, which is: what is the price we are prepared to pay? Would we be prepared to travel at 70 km/h on some of our country roads? I know from the comments of the member for Stuart, with the private member's bill that he introduced about country road speeds, that he would simply not tolerate that.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: The Hon Carolyn Pickles' interjection must be acknowledged: that this is a licence to fly. There are good reasons for finding ways of implementing these objectives. At the beginning of this week there was a fatal car crash near Mount Compass, and on 5AN I heard someone with some expertise in the field say that one-third of people who are killed in road crashes are not wearing seatbelts. Indeed, amongst country users there is only 70 per cent compliance with the wearing of seatbelts. I think that we are looking very much at attitudinal issues.

The minister may remember that when the committee was formed 18 months ago our first reference was about driver training and testing, and we had a panel of licensed driving instructors. Over and over again the thing that came back to us, when they attempted to answer some of the questions that we were posing, was that there needed to be a change in attitude. When we asked them how we could achieve that change in attitude, they did not have a solution.

It would be a challenge for this committee to come up with a solution to attitudinal change, because the sorts of things that we are aiming for under this strategy I see very much as being largely attitudinal. There are particular issues of concern about our road fatalities at the moment. Nationally, the fatality rate amongst Aboriginal people is three times that of the rest of the population. That must be a matter of concern for all people. The strategy is aimed not just at drivers: we need to look at, for instance, pedestrians, 45 per cent of whom were intoxicated at the time of their death. Overseas born pedestrians are also over-represented in the sample. These are some of the issues on which the committee might want to focus. I move:

In paragraph I, after the words 'National Road Safety Strategy 2001-10' insert 'and the National Road Safety Action Plan 2001 and 2002'.

Whilst the wording of the minister's motion and much of her speech in support of it refers to the National Road Safety Strategy, a small portion of her speech refers to the action plans. I note that, whilst the strategy has been endorsed by all transport ministers and is therefore, as I see it, virtually carved in stone, the flexibility and the implementation rest with the accompanying document: the National Road Safety Action Plan 2001 and 2002. I note also that we are one-quarter of the way through that time period.

I have mentioned the eight strategic objectives, and I cite the last one as an example—'encourage alternatives to motor vehicle use'—because that is particularly dear to my heart. This appears in the road safety action plan which contains what they call 'action areas'. Action area 8.1 is: to utilise land use planning to reduce the amount of transport necessary for people and goods. Action area 8.2 is: to reduce motor vehicle use through the promotion of public transport, walking and cycling.

Each of those action areas then moves down a level to what they call 'possible measures'. This is the area where each state can play around with this and come up with the things that are most desired by that particular state. Again, if we look at action area 8.2—reduce motor vehicle use through the promotion of public transport, walking and cycling—the possible suggested measures are: implement AUSTROADS Australia Cycling (the national strategy); develop education programs for older drivers promoting the availability of

alternative transport options; improve travel speed of buses and taxis by providing bus corridors, bus lanes, high occupancy vehicle lanes and priority signal systems; allocate appropriate road space and lanes for freight vehicles, buses, bicycles, light rail and other high occupancy vehicles; and review parking policies to ensure travel demand management principles are taken into account especially in terms of limiting the growth of all day parking.

So, each of the strategic objectives contains a number of action areas, and each of those action areas contains a suggestion of possible measures. I think that it is the possible measures in which the committee will most likely be interested. If the National Road Safety Action Plan is incorporated in the motion, it means that the committee's efforts will be a little more focused than they would have been if we had just responded simply to the strategy.

I mention in passing that this committee was established about 18 months ago. I think it has prepared four or five reports to this point, and it is, at present, in the process of preparing another report and beginning another reference. I suggest that this is quite a heavy workload, and on the basis of this reference alone that we are currently considering it looks as though this committee, in the longer term, ought to be established as a standing committee. With the inclusion of my amendment, I support the motion.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seconded the amendment moved by the Hon. Sandra Kanck. I note that in her contribution the Hon. Carolyn Pickles also supports the amendment, which clarifies what I had already assumed was embraced by my motion. However, as the motion must go to the House of Assembly and that house may well not understand what we assume here, I will explain in full the motion and the amendment. I thank the Hon. Sandra Kanck and the Hon. Carolyn Pickles for their support and also for their overall work on the Transport Safety Committee.

The Hon. Sandra Kanck: We will never forgive you for dropping off it.

The Hon. DIANA LAIDLAW: I regret being forced to the conclusion that I could not do planning and everything else in life plus be involved on the Transport Safety Committee. This is one of the critical questions that society has to face: how much will it tolerate in terms of death on our roads; how we are going to trade off civil libertarianism and free practice in terms of driving how one wishes when they wish; and how you can trade-off parents who think that they are able because they have been driving for years but forget that there are mixed modes on the road (more heavy vehicles, more pedestrians and cyclists and more vehicles generally) and have little regard for the inexperience of younger drivers or the fact that we have more older people in our community and more tourists.

I refer to the selfishness of many drivers who consider their own skill levels but forget that there are others on the road whom they must also take into account in terms of duty of care. I find this to be one of the very interesting issues that we face as members of parliament: how much do we tolerate in terms of death each year, something which we know essentially is preventable. I take great heart, even as a smoker, in the success of the Anti-Cancer League—sometimes I call them vigilantes—in terms of anti-smoking, because there has been a huge change in community attitude.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Again, in terms of the environment, there has been an enormous change in attitude over the past 10 to 20 years. I would like to think that, in terms of the attitudinal change to which the Hon. Sandra Kanck referred, collectively, this parliament and the community might be prepared to take on the issue of death and injury on our roads.

It is very interesting. I do not want to belittle the interest that this parliament and the community took when there was a bus incident in Tanunda where the bus driver was killed but, fortunately, no children were killed. Every day on our roads there are people killed and, because every occasion does not involve a bus and kids, we adopt a different attitude to death when a child is involved than when a youth is involved.

I think we have to address those things. I mention the Whyalla Airlines crash. There is the shock and the horror whenever an aeroplane comes down with two people on board. However, some 30 to 40 people die on Australian roads each week, and that is not even considering those who are injured for life. Five people are killed on our roads each day, and we blink; we turn the page in the *Advertiser* or we do not note the radio reports—until it touches us, and then your life is changed, whether it is death or injury. I think this issue of injury and death by different modes of transport—generally injury and death on our roads—and by age—whether it is school children, youth or older—is a really fascinating issue. I only make those explanations today to say that I do regret that I am not on this committee, because they are central questions for us as a community.

I repeat: even with the lower death toll that we are experiencing in South Australia today, albeit higher than around Australia per 100 000 population, more people are dying on our roads in South Australia each year than the whole of the number of South Australians who died in the Vietnam war. We recognise those who died and served in the war each year, but we do not recognise our dead from road accidents. I am pleased that the Hon. Sandra Kanck and the Hon. Carolyn Pickles have been prepared to serve on the transport safety committee, and I am pleased that on behalf of their respective parties they have supported this motion.

Amendment carried; motion as amended carried.

MEMBER FOR HART

The Hon. NICK XENOPHON: I seek leave to make a personal explanation in relation to—

The Hon. Sandra Kanck: Oh, not again!

The PRESIDENT: Order! On what topic?

The Hon. NICK XENOPHON: In relation to the member for Hart.

Leave granted.

The Hon. NICK XENOPHON: I wish to put additional information in relation to the personal explanation that I made earlier today. Whilst I maintain the substance of my explanation, there is one aspect of the explanation that should be clarified. I accept that the member for Hart was relying on the uncorrected version of the *Hansard* in relation to the vote on the clause in question. As such I accept that his comments were made on that basis, in good faith and that there was no intention to mislead in that respect.

WORKERS REHABILITATION AND COMPENSATION (DIRECTIONS OFFICERS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 3 May. Page 1425.)

The Hon. T.G. ROBERTS: I rise to indicate that the Opposition will be opposing this measure to amend the Workers Rehabilitation and Compensation Act and to set up a process for the constitution of the South Australian Workers Compensation Tribunal by creating a position of a directions officer. The opposition finds this measure unnecessary for a number of reasons. There have been a number of changes to the act over many years to try to improve the processing of claims through WorkCover. Although many changes have been made by conciliation when both sides of the Council have recognised that changes had to be made to streamline the process or at least prevent a log-jamming of cases in the process of bringing about some form of compensation or rehabilitation, or a combination of both, for injured workers, the recommendations that have come before the Occupational Health and Safety Rehabilitation Committee that I sit on have not once mentioned the introduction of a directions officer.

I sit on that committee and it is probably, without being too dramatic, the worst committee, as far as outcomes are concerned, on which I have ever sat since I have been in parliament. The committee is chaired by the minister in another house who is very busy—I know and understand that. The minister has a very heavy workload, which includes government enterprises, among other things, and that has kept him very busy over a number of years in relation to privatisation. In relation to outcomes, as far as the committee is concerned, we have not done much at all in relation to assisting the process of reform to change the Occupational Health, Safety and Welfare Act.

I think part of our working brief should have been to look at this and make recommendations to the government and to core witnesses in a tripartite way (because the Democrats are represented on the committee as well) and to make changes to the act so that we have a broad consensus as we move forward. Unfortunately, the committee has not been able to play that role. I would have thought that the Workers Rehabilitation and Compensation (Directions Officers) Amendment Bill would be taken to that committee for some discussion and perhaps a working conciliatory approach come out of it.

The President of the Workers' Compensation Tribunal has recommended that the position of a directions officer be created. It is envisaged that only one directions officer will need to be appointed. It is our view that that is an unnecessary change in the structure of the system, as a directions officer is not the style of change that is required to remove the backlog of cases which have been building up. It is envisaged that the directions officer's work will be carried out by one officer. At the moment it is being carried out by the conciliation and arbitration process which looks at claims.

A trial period was introduced about 12 months ago to try to use, in a defacto way, a directions officer to shorten the time frames for case trials. No introductory period was negotiated; and there was no consultation about how this trial process was to begin and how it was going to be carried out. If the government was serious about the introduction of a directions officer, as an opposition we would assume that there would be consultation about the role and functions of a directions officer and, if it was going to be done for a trial period, the people with whom the directions officer would be working would have been consulted in the process leading up to the introduction of someone operating within that capacity and having to work with other people. You would consider that those sorts of consultations would have been worked through with the department.

The bill is also contrary to case flow management developments in other courts where the judicial officer hearing the case does the directions. The directions officer in this case would have all the powers of a conciliation and arbitration officer, thereby thwarting the legislative intention that legal qualifications not be a prerequisite at that level—which is the case in the legislation at the moment. The bill provides that, before appointment, a directions officer must be a person who has a legal background.

The problem that has been reported to me in relation to the backlog of cases that has been created in some ways is reflected by the way in which cases are managed from the time that the cases are reported. The gathering of evidence becomes difficult where advocates, acting on behalf of injured workers, are not prepared to bring forward all the information they have in relation to an injured worker's case on the basis that it might prejudice their case if the case has to go to trial.

There is a certain amount of mistrust in relation to handling these cases on both sides. For a conciliatory process to work properly, there has to be confidence on both sides that an outcome to be agreed upon is what both sides are working towards. I do not think the introduction of a directions officer will overcome the problem that the corporation has in relation to the slowing down of case management. The preliminary work is done in an arbitrary way in relation to pre-trial case management.

The opposition does have problems with this bill. The United Trades and Labor Council, the Law Society and the Labor Lawyers are very sceptical about the change. There has been a degree of disquiet about its introduction. As I have said, if the government did want to introduce some change that it thought was going to benefit the progressing of cases through the system, then at the very least the bodies representing those people in the area could have been consulted. Business SA has been consulted by the shadow minister in another place but, unfortunately, there has been no reply. We will be supporting the second reading of the bill, but we will be opposing the third reading.

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

PROTECTION OF MARINE WATERS (PREVENTION OF POLLUTION FROM SHIPS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 3 May. Page 1429.)

The Hon. SANDRA KANCK: The Australian Democrats support the second reading of this bill. We hold the natural environment in trust for future generations. The Protection of Marine Waters (Prevention of Pollution from Ships) Act is part of our legislative armoury designed to fulfil our obligations to protect the environment, and this bill strengthens the operation of the act. The amendment to section 8, 'punishing negligent acts resulting in the discharge of oil or

oily mixtures into state waters', tightens and improves the legislation. Negligence is no excuse for spewing oil into the marine environment and the law will, obviously, soon reflect that reality.

Further, the amendment to section 25 (a), altering the definition of 'prescribed incident' so that incidents such as grounding or fire which may lead to the pollution of state waters must now be reported, is welcome. The shipping industry needs a heightened sense of its responsibilities. This amendment should encourage that outcome.

I am particularly pleased that the bill ends the anomaly whereby oil spilt from an apparatus attracts a lesser fine than oil spilt from a ship. I issued a media release back in September 1999 calling for spillage from an apparatus to be subject to the same fines as spillage from a ship. In fact, as we are getting close to an election, I was considering introducing a private member's bill along those lines but the minister has pre-empted me. The amendment to section 26 under this bill now achieves precisely that aim, so our marine environment will be safer as a result.

The requirement that the minister develop a marine spill action plan is another positive development. I believe that the plan should be tabled in parliament, however, to encourage proper scrutiny of it; and I also believe that each review of the plan should be tabled in parliament for the same reason. I would encourage the minister to consider making changes to the bill from that point of view, and I may consider an amendment myself. On this World Environment Day, I am very pleased to be supporting the second reading of this bill.

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

SOUTH AUSTRALIAN COOPERATIVE AND COMMUNITY HOUSING (ASSOCIATED LAND OWNERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 May. Page 1532.)

The Hon. T.G. ROBERTS: The opposition will be supporting the initiatives that the minister has put forward in this bill. I will pick up on some of the comments that have been made by the shadow minister in another place, who has considerable experience in the area of public housing; she has also had a lot of experience in community housing.

I have had different experiences in public housing. I was born in what was considered to be a Trust home; its status was probably lower than a Trust home in that it was a mill home, if you like. It was owned by Cellulose but constructed by people who, at that stage, were probably involved in the formation of the Trust—in the late 1940s and early 1950s. The area that I come from in the South-East, Millicent, has a very high number of Housing Trust homes and, like many areas of the state that expanded rapidly during the 1950s due to our high rates of immigration at that time and the rapid development that took place in settling many of our new migrants, the structure that developed to assist in putting together a public housing strategy drew its resources and its formation from those early years. The housing stock that blossomed in the late 1940s and early 1950s and through the 1960s and 1970s was based on a model which evolved in this state and which was second to none. In fact, South Australia led the way nationally in relation to the number, standards and quality of public housing stocks in Australia.

Unfortunately, the future of public housing is now very hazy. Public housing stock is diminishing. In recent years the number of commencements in South Australia has decreased because the commonwealth contribution has diminished. The philosophical position of federal governments, that is, Labor and Liberal, over the past decade has changed. Open support for a continuance of the pre-existing public housing stock to take the pressure off people on lower incomes and the unemployed moving into lower priced private accommodation is no longer an option. The public policy of government now is to supply housing rental subsidies so that people have a choice of either moving into, in many cases, non-existent private rental options or very few private rental options at the lower end of the economic spectrum, as opposed to living in, with some security, lower rental accommodation provided publicly.

A number of community groups have been disadvantaged by that situation: those people who have the stigma of mental illness and those who have the stigma, in some cases, of large families. Single mothers with large families find it very difficult to find accommodation. Aboriginal people find it difficult to find housing in particular areas, but I think that the Aboriginal housing department in South Australia does a very good job. I think that people with mental illness living in lower priced rental accommodation are reasonably well catered for in South Australia. I will not say well catered for but there are some options.

Certainly, one cannot say the same for the public housing system in other states. The options for people in other states are certainly much lower than we have here. We can be self-congratulatory on both sides of the chamber in that, over the past 50, 60 years, there has been a common support for public housing in this state that has catered very well for our residents in boom times and in, what I would regard now, gloom times. The bill before us provides a direction that deals with community housing and cooperatives. I hope that the cooperative development will replace the withdrawal of the commonwealth and state governments from public housing that previously served us very well.

I would hope that community-based cooperative housing can, perhaps, play a similar sort of role as that played by public housing in the previous 60 years. Although the number of houses that become available through cooperatives are much fewer than one would expect to be built under a properly structured and funded system, nevertheless, cooperative housing will play a role in providing some support and cover for those people participating in cooperative schemes in the future. It is possible that the cooperative housing movement could develop to a point where the number of houses built and owned by cooperatives competes with the number of houses that were built over this period by the Housing Trust, but we have a long way to go to reach that point.

Some figures have been given to me that indicate that we would certainly have to lift our game to reach the standards of some overseas countries, in particular Canada, which has a very high percentage of community-owned housing. According to commonwealth figures, the community housing sector provides some 28 000 dwellings funded through the Commonwealth-State Housing Agreement and around 14 000 dwellings not funded through the agreement. However, over 20 000 housing units are recorded as being provided for indigenous community groups. These housing products include around 4 000 units of crisis accommodation.

These 66 000 community housing dwellings represent around 20 per cent of all social housing provision in Australia; however, this represents only 1 per cent of total housing stock. That is a small percentage by international comparison. For example, community housing in the UK represents 5 per cent of stock and Canada has over 200 000 housing dwellings. We are certainly behind in international comparisons. Whilst the attitude of governments at a commonwealth level to provide subsidised funding for rental accommodation for those people who would be in the market for Housing Trust homes prevails and while there is not a big move by the commonwealth back into public housing stock, community housing will certainly have to play a much more important role than it has based on the very solid foundations on which it has been built.

The Minister for Transport, I suspect, may have been the personal assistant to the Hon. Murray Hill who, in the early days of the Tonkin government, carried on the good work that was started in the 1970s into the 1980s. He was a great supporter of community housing. It is probably a little known fact that—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Women's shelters were some of the first in South Australia, that is true.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: I thought that we had moved into committee for a while, but the contribution was very important. I am sure that the minister can make that either in the—

The Hon. Diana Laidlaw: As a summing up.

The Hon. T.G. ROBERTS: In her summing up, because it has been very hard for *Hansard* to hear over the interjections—permanent interjections—behind me.

The Hon. T. Crothers interjecting:

The Hon. T.G. ROBERTS: At least I do get to my feet and make contributions. The encouragement that is now coming not from behind me but from church and community-based groups has to be picked up by local and state governments, if the commonwealth is no longer able to fill the role of providing emergency housing, particularly. I am not sure whether I caught all of the honourable member's interjection, but I suspect that if atheists do want to set up a housing cooperative there is nothing in the bill that will prevent them from doing so. In fact, the bill goes some way to ensuring that, when the deeds or the constitutions of the cooperatives are drawn up, it should be harder for the constituent groups to be discriminatory against anyone. If the honourable member wants to retire to an atheist community housing program and he declares that he is an agnostic, I am sure that the board will not be able to discriminate against him as an agnostic if he has to put his credentials on the line in relation to making an application at an atheist community housing and associated land owners' program.

Some of the other points I would like to raise in relation to the second reading that are of interest are that the Community Housing Federation of Australia, with respect to federal and state housing policy, states that the framework needs to address the following:

- a clearly defined role for all levels of government in long-term planning for housing;
- incorporation of the notion of choice and empowerment;
- community housing's contribution to social capital, social cohesion and strengthening communities, which needs to be identified;
- the role of community housing in achieving positive individual outcomes as well as broader community outcomes;
- sustainability and viability of community housing as an affordable housing option; and
- housing organisations as lead agencies for local development and integrated public investment.

Those dot points contain the principles in which the honourable member should be very interested if in the future he were to put together a policy framework in respect of principles for community housing. If those points were incorporated into those principles, it would be a good base for presenting arguments to local and state governments for the inclusion of a public housing policy based on a broadening of the community housing concept.

South Australia has enough identifiable good projects in the metropolitan area in particular where the standard of housing stock, the numbers, the geographical placement and the variation of stock within a particular area or region have been able to benefit the social cohesion of communities by the introduction of that stock. In the early stages of community housing programs it was seen by people on both sides of the Council (and the Hon. Diana Laidlaw will probably recognise some on her side, and I could certainly name some on my side) as some sort of socialistic experiment where community housing meant that the people who were either on the community housing programs or on the boards were some sort of reds who had got out from underneath the bed and were clearly visible.

The Hon. Diana Laidlaw: Do you attribute that view to me?

The Hon. T.G. ROBERTS: No, I said that you could recognise players on both sides of the divide. We have got to a more mature position now—and probably a later position—than we would like. The bill before us needs support, and the concept of community based housing needs to be expanded and supported, but we need to keep an eye on our public stock in relation to the standard and number of public houses in the Housing Trust area. At some stage we may have to address the revitalisation of some of the programs that the Housing Trust or community housing programs run, because there are certainly a lot of homeless people still in our community who need access to low cost homes of a standard and placed in the community in such a way that they can be proud members of society as well as the rest of us.

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

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1625.)

The Hon. CARMEL ZOLLO: I join with my opposition colleagues in supporting the legislation. Coming so close, as this legislation does, to the budget, it is difficult to keep the two separate and not let the budget influence the discussion on the Supply Bill. However, there certainly are many other issues and decisions made by the government and the manner in which it delivers its services which affect the quality of people's lives. Some of those issues may well be those that we as state politicians do not have direct jurisdiction over, but they certainly affect the lives of our constituents. The sizeable monetary collapse of two companies in the past month or so, HIH and One.Tel, has left very many South Australians out of pocket, angry and disillusioned. Daily divulged before our eyes we see corporate greed and often corruption at its worst.

It almost leaves me feeling sorry for Alan Bond for being virtually the only one to have spent a bit of time in jail as a result of his greed.

As politicians we are perpetual targets from both the public and the media, particularly about our remuneration. Early on we learn to take it on the chin and see it almost as a condition of service in our democracy, but I wonder why people or the media do not feel the same rage about the corporate greed we see around us. Multi-million dollar corporate packages, which make politicians' salaries look like pocket money, are common these days. Why anybody should be paid that level of remuneration is beyond me. People have often said that politicians' salaries involve taxpayers' money whereas in private enterprise anything goes: somehow it is nobody's money. But we are all part of the wider community and end up paying for such self-indulgence in the form of high prices for food and services or through tax concessions provided to companies. The trust of many South Australians and Australians has been badly abused when people at the helm of public companies mislead people into believing that their money is safe and play games with their life savings.

Another matter that has been met with outrage is the promotion fee to be paid to Tim Fischer, who at the moment is a serving federal MP. I admit that Mr Fischer is one of those people who many admire for his hard work and honesty, but he has badly misjudged the feelings of the South Australian electorate in accepting the payment of $2 000 a day to work as the state's special envoy for the Alice Springs to Darwin railway once he leaves the federal parliament.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: If you do not interject I will finish earlier. Whilst I understand that the $2 000 a day will be paid to him only when he is working on the project, it is on top of a $3 000 monthly retainer for the length of the project construction. Many believe that the $3 000 a month retainer is more than enough for someone who has had a good innings in public life. Some believe that, given his comment that he is not in it for the money, perhaps he should be paid only his expenses.

If there is ever any one single complaint that comes up again and again in conversation it is that of the GST. The federal government obviously agrees, given some of the Labor Party led roll-backs it has implemented and the assistance it has now announced to the aged in particular. It is a regressive tax and hence affects those on fixed incomes more than others. I noted a recent glossy pamphlet dropped by the Democrats in the electorate in which I live advertising all sorts of so-called positive influences they have had in politics, but it is deadly silent in relation to its delivering the GST to the Australian community. No leadership change will get around that fact. The recent federal budget confirmed yet again what an irrelevant force they are as a minor party when their vote is not needed.

The other major issue facing all South Australians is the electricity crisis. As we approach the 1 July date for electricity contestability for businesses, the full impact of privatisation in South Australia, along with a lack of securing adequate interconnection or generation, is becoming very obvious. With businesses facing between 30 per cent and 90 per cent increases in power bills, 'crisis' is the word that best explains the situation. In an effort to avoid the massive price increases facing industry, the Independent Industry Regulator has released a plan to give the South Australian government the power to cap the price of electricity in South Australia. The opposition has certainly welcomed the plan, which would create a cap on the wholesale price of power until the state has adequate electricity interconnection or generation to deliver cheaper power.

It is also prepared to use $20 million of taxpayers' money to help build an electricity interconnector from New South Wales. This move does mean a renewed involvement in the power industry and an admission that Labor would intervene in the market to make it more competitive. It has certainly cost South Australia dearly to be part of the national market without first having its own adequate supply and being part of a market that does not have sensible transmission pricing.

Householders are yet to feel the full impact of the deregulated market, but after 31 December 2002, when contracts expire with the negotiated CPI cap, AGL has already signalled that it is considering lifting power by up to 6 per cent. The Treasurer responded to a recent question without notice that several other retailers are expected but, given the lack of competition in the business market, I would not be holding my breath for a cast of thousands of retailers offering competitive prices to householders.

The low dollar value, combined with low interest rates, has meant that certain sections of rural South Australia (the wine and grain industries in particular, especially with record grain and grape harvests) have received a significant boost in their fortunes. With wine being South Australia's largest export, the opposition is confident that South Australia's wine industry will maintain its national leadership in production, export and quality, and will continue to grow. As stated in our wine industry directions statement, Labor is backing a new and more ambitious target of $5 billion in sales by 2010 and believes that it is achievable because of the export potential, with South Australia being the key to achieving such success.

Whilst we have seen the regional job boosts in the areas of wine, agriculture and grains, which is great news, very many small businesses are suffering because of lack of consultation when cutting government jobs in country areas without considering the impact that these decisions have on small rural communities. For several years now, Labor leader Mike Rann has indicated that a future Labor government would instigate regional impact statements, which would have the effect of forcing city-based bureaucrats, as well as ministers, to think twice about how the decisions they make in the city will affect rural communities.

As a member with a keen interest in the Yorke Peninsula area of country South Australia, I am pleased to see the upgrade of the Port Wakefield-Kulpara and Wallaroo-Port Wakefield routes. Yorke Peninsula is a well-travelled area of our state, especially during long weekends and school holidays, and I welcome the upgrade of that section of the road, which I am certain, when completed, will also assist in the safety of travellers.

In relation to the delivery of service to the public, there would not be a better contrast between the two major parties than in relation to power utilities. Labor believes in taking a leadership role in the delivery of power to this state, including driving the process of securing sufficient power interconnections, with the aim of achieving competitive power prices for South Australian businesses and households. It is not interested in sitting back and watching South Australia take part in a market that is not to the benefit of this state. I recognise the necessity of having a well functioning and resourced public service and add my support for this legislation.

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

GAMING MACHINES (CAP ON GAMING MACHINES) AMENDMENT BILL

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

That Order of the Day No. 4 be discharged.

Motion carried.

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

That the bill be withdrawn.

Motion carried.

ADJOURNMENT

At 6.29 p.m. the Council adjourned until Wednesday 6 June at 2.15 p.m.