

## LEGISLATIVE COUNCIL

Tuesday 25 September 2001

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

### ASSENT TO BILLS

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

- Adelaide Cemeteries Authority, Appropriation,
- Classification (Publications, Films and Computer Games) (Miscellaneous) Amendment,
- Cooperative Schemes (Administrative Actions),
- Criminal Law (Legal Representation),
- Criminal Law (Sentencing) (Sentencing Procedures) Amendment,
- Explosives (Miscellaneous) Amendment,
- First Home Owner Grant (New Homes) Amendment,
- Food,
- Hindmarsh Soccer Stadium (Auditor-General's Report),
- Land Agents (Registration) Amendment,
- Law Reform (Contributory Negligence and Apportionment of Liability),
- Protection of Marine Waters (Prevention of Pollution from Ships) (Miscellaneous) Amendment,
- Retail and Commercial Leases (Miscellaneous) Amendment,
- South Australian Cooperative and Community Housing (Associated Land Owners) Amendment,
- Southern State Superannuation (Invalidity/Death Insurance) Amendment,
- Statutes Amendment (Indexation of Superannuation Pensions),
- Statutes Amendment (Taxation Measures),
- Supply,
- Water Resources (Reservation of Water) Amendment.

### UNITED STATES TERRORIST ATTACK

**The Hon. R.I. LUCAS (Treasurer):** By leave, I move:

That the Legislative Council expresses its deepest horror and regret at the terrorist attacks that claimed thousands of lives in the United States of America on 11 September; expresses its sympathy to the families of the victims; extends condolences to the families of the Australians and South Australians who died or who are still missing; offers its support to the people of the United States in their recovery from this tragedy; abhors these vicious attacks as a violation of the freedom and rights of all people around the globe; recognises and applauds the bravery and selflessness of those people involved in the rescue operations; and calls on all Australians and South Australians to show strong resolve in resisting terrorism threats while maintaining our longstanding attitude of tolerance and acceptance of all peoples and religions within our borders.

In speaking to this motion, I speak on behalf of most of my colleagues. One or two of them may make a contribution, but those who do not wish to have asked me to indicate that I speak formally on their behalf in support of this motion. I am sure that we would all prefer not to be addressing this issue by way of a condolence motion in this chamber and another place. It is the government's intention that we treat this condolence motion in a similar fashion to other condolence motions where all members are permitted to speak freely if they wish.

We can all remember certain stages or dates in history when we vividly recall what we were doing and where we were at the time a world event occurred. For example, some of us can readily recall where we were when Kennedy was assassinated or when man first set foot on the moon, and I suspect that over the coming years many of us will vividly recall how and where we were when we first learnt of the terrible tragedy that is the subject of this condolence motion.

In my case, I was sitting at home late in the evening with some cabinet files watching that must be watched Tuesday night football show, *Talking Footy*. Just before 11 o'clock there was a newsflash or an interruption in the middle of that football show. I do not know whether it was just my television or everyone's, but that interruption came and then faded, and the program went back to the football show host, and then the newsflash came again. This happened about two or three times before the news signal actually prevailed over the football show participants. From that moment onwards, the telecast on that station—and, I think, on most other commercial stations—ran continuously for many hours with vision from most of the international networks including CNN.

As my wife and I and those of our children who were at home watched the events unfold, it was surreal. It was difficult to contemplate or believe that it was happening. I am not an aficionado of big budget Hollywood disaster movies but, having seen the occasional one, one almost had a sense of not believing what one was seeing on the television screen. It was almost that unreal in terms of watching live events from the other side of the world unfold before you. With the benefit of being able to switch between the Fox news coverage and the CNN coverage on pay TV, we were able to see the best of two different coverages.

What will remain forever ingrained in my memory over and above the early events—as I said, the almost disbelief of what we were seeing on the television screen—was a Fox news reporter, who was at ground level just outside the Trade Centre and who had somehow got there quickly—I am not sure how that eventuated. Without the benefit of being able to talk to the people in the studio, he was talking to the camera, and everything that he was saying or doing by way of interviews was going direct to the camera.

As he sought to interview people who were coming out of the building, people who were seeking to assist or who could throw any light on the events, one of the visions that will remain ingrained in my memory for all time was the ghost-like figures who walked or raced past him. They were the figures who came out of the building covered in ash, and whatever else it was, and they had a grey or ghostly appearance because from head to foot they were covered in grey dust. Because that journalist was down on the pavement, those figures moved silently past him as he put his voice and his story to camera. In the two weeks since the tragedy occurred, we have seen the horror of the events unfold with more and more vision and we have seen the terrible aftermath as people work to try to find survivors, evidence and information that can assist in the investigation of this terrible tragedy.

We have all read and heard, directly or through friends and acquaintances, various stories. Many of those stories have been tragic. There have been other stories of people who, but for the grace of God, would have been involved, and many of us have read and heard those stories. Many of us have had contact with people who were in New York or Washington at the time. I know from the business community in South Australia the linkages with people who were in New

York at the time. I know of people like Phil Scanlon, for example, who, as some might remember, worked in this place almost 20 years ago for the then Leader of the Opposition, David Tonkin. He has gone on to a successful business career and was in Washington at the time.

**The Hon. L.H. Davis:** With Alan McGregor.

**The Hon. R.I. LUCAS:** He was with Alan McGregor and others. We have seen the tragic circumstances of South Australian Mr Andrew Knox, and the Leader of the Opposition might speak a little of Mr Knox and his background. I was speaking with a business person who sits on one of the government boards and who does business with one of the world's biggest reinsurers, which has business around the world but also in South Australia, and that company has indicated that, of 1 200 employees in that building, it can account for only 200. It has lost 1 000 of its employees.

On the other hand, one of the big merchant banking companies, Morgan Stanley, which was involved in our electricity privatisation and as a result we came to know a number of its senior people very well, in relative terms was luckier than that insurance company in terms of the number of people lost. It has some 3 000 to 3 500 employees and, at this stage, the latest estimate provided to me is that perhaps only 10 have died or are missing. Just a week ago I saw an interview with the chief executive of one company with 700 employees. The interview was laced with him breaking down and crying on behalf of the families of those 700 employees, saying that he had lost virtually all of them. He and just a handful of others survived the tragedy.

It has been only two weeks, but for months, if not years, we will continue to hear of the tragic circumstances of some of those who lost their lives in this tragedy. As I said—and I come back to what I said at the outset—I am sure that all of us will remember where we were when we first heard of the tragic circumstances of 11 September. On behalf of government members, I formally extend our condolences to the families of all the Australians, and South Australians in particular, who died, or, who, in more difficult circumstances, are still missing. I know that, in some cases, albeit the chances are slight, families have the hope that perhaps for some reason their family member might not have been in the building on that particular occasion, and not knowing can perhaps be even more difficult than having the finality of knowing. I think it has been in the order of only 250 to 300 who have been formally identified as having died, and some 6 000 to 6 500 are still identified as missing.

We also join with all people around the world in applauding the bravery, tenacity and selflessness of the people who have been involved in the rescue operations, especially those who lost their lives—a number of them in the early minutes in tragic circumstances—trying to assist fellow New Yorkers in particular in the events that were unfolding before them. Again, only two nights ago, I watched the late night broadcasts and saw fire officers and others in tears as they did an interview with a reporter near the World Trade Centre, saying that they were not going to leave until they had done everything that they could, personally and as members of a larger group of people, to try to find any survivors who might be there.

Obviously we offer our support to the people of the United States. The circumstances we are seeing flow through from the tragedy of which I spoke to the individual families to much broader policy impacts: the impact on the investment community, the businesses involved, insurance and the travel, tourism and hospitality industries, and the implications will

be felt for years. Obviously we are not talking just about what everyone's mind is concentrating on at the moment, that is, the global efforts to try to resist and stamp out terrorism threats from around the world, but the implications on the business community and our policy variables in a number of areas will be felt for many years to come.

In concluding, certainly on behalf of government members, I place on the record our thanks and congratulations to the Prime Minister. It has been an extraordinarily difficult time. It is a time when cool heads need to prevail. It is not a time for a knee-jerk response. It is a time for strength of leadership. It is a time for governments and leaders to work together collaboratively. People will be seeking some response, as indeed all the opinion polls in Australia and elsewhere are showing: they want to see strong resolve from leaders in working together to stamp out terrorism to the degree that it can be stamped out, and there is certainly a global coalition of leaders and countries working with the United States at the moment pledging their support for considered action along the lines that have been publicly outlined.

At the same time (and this is the last part of the motion), I have been pleased to see the President and other leaders of the United States, the Prime Minister of Australia, senior ministers and Premiers in various states (whether Labor or Liberal) expressing the need for tolerance in terms of the treatment of people as a result of the fear or the anger generated by 11 September. Certainly, a small number of events, such as the burning of a mosque, and the unacceptable treatment of some individuals is something that Australian governments, Labor or Liberal, do not want to see, in terms of our broad support for our multicultural policies in South Australia and in Australia.

We do have a policy, which is broadly accepted, of tolerance and acceptance of people's religious views, and that can be accommodated within Australia whilst, at the same time, showing the strength of leadership that this country and its government need to show as part of a global coalition to genuinely endeavour to do something to stamp out terrorism and the terrorist threat around the world, which we have seen only too starkly not only inflict tragedy on the potentially 6 500 people lost and missing in New York and Washington but, as I said, the flow-on tragedy for many other aspects of world affairs as a result of those events. I conclude, as I am sure will be the case with all members, by supporting the condolence motion, and I indicate the government members' support for it.

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** It is with a great deal of sadness that I second the motion, on behalf of the opposition. Like the leader, I would prefer not to be needing to have this debate today or at any other time. The motion is in many parts, and each part the opposition sincerely supports. Clearly, the events of 11 September are enshrined in our memories, as are many events in our lifetime. I was born during the Second World War. Obviously, I cannot remember much of it, but I can remember the end of the war.

I can remember saying goodbye to a cousin who went to fight in the Korean War, and I can remember moving to Australia and saying goodbye to another cousin who fought in the Vietnam War. It seems that we will now be in some kind of war: one hopes that it will not be a long one, but it will be a war against terrorism, which is all-pervading and horrific. On 11 September I had come home after enjoying

myself at the theatre, and I had gone to bed when the phone rang. It was my friend with whom I had been to the theatre, who said, 'Quickly: turn on the television. Something terrible has happened in New York,' and I spent the rest of the night, as I am sure did many other members, watching the television and not believing what I was seeing.

Some days later, I remember seeing a Microsoft program that has been circulated widely, showing a very similar vision that is actually on computer, and one wonders at the wisdom of allowing such things to come before the public. Many people died on this horrific occasion and, sadly, I fear many more will do so. The saddest thing of all is that we do not really know and probably never will know exactly how many people have died; we will have an estimation. For many families it will be a terrible thing that they will never be able to bury their loved ones.

I would like to suggest to the American people that they replace those two towers with some marvellous memorial to the people who died on that day, and to commemorate the bravery of the people who went in selflessly to assist those in need—just like the emergency services people in this country who, in time of bushfires, lose their lives doing what they are there to do.

I was shocked—as was the leader—by the vision of those people coming out of that building covered with ash. Some people were not able to talk but some were saying, 'This is the second time this has happened to me in this same building.' Of course, words cannot describe how I felt when I saw that terrible vision of the people just falling from the building. It will take a long time for people to recover from this. There has been much in the media about the effect of this incident on children. I know that some of my grandchildren are worried about what it means. Some of them are quite young, although one is older and she is fearful about what this incident means to her security, because it was very real to everybody. That is one of the things about television—it is in your home, and you see events as they happen.

On behalf of the Labor Party I also wish to express my sympathy both to the American people whose family members were killed in this terrible incident and to, especially, all Australians and South Australians involved. I also express my sympathy for Andrew Knox, a young man who was known to us all in the Labor Party. He was a fine, wonderful young man who had probably a brilliant future ahead of him. His family has clearly accepted that he has not survived. I understand his family are in another place today, listening to a condolence motion on this matter. All my sympathy and that of my colleagues goes to his family in what is a terrible time for them. But we will remember Andrew.

Terrorism is a violation of freedom and human rights for all people. It is a terrible thing that there is such evil in the world today, and that such a thing can take place against innocent human beings. However, some of these terrorists consider that they are at war—although no-one is quite sure with whom it is that they are at war; it seems to be various people, especially the United States of America. How do you fight this evil? It is not a simple thing to do, because it is all pervasive. As we watch day by day the escalation of the number of troops and the very careful manoeuvring that is going on, we must ensure that every step is covered so that the matter does not escalate into something that cannot be controlled. We should be thankful that some steady heads around the world will keep this on an even keel, and one can only hope that it remains that way.

It is often said that you cannot fight fire with fire. However, the American people in particular would want to have some kind of vengeance. I quote the Bible as follows:

'Vengeance is mine!' said the Lord.

Maybe that is the way it should be. However, that is not the way of the world today. We have to extract some price for the commission of these acts of violence, otherwise they will continue.

I, too, urge the community to be tolerant and understanding of people of different faiths (or, as in my case, none). Australian society has shown great tolerance for people from different countries, and of different colours and creeds. That is being tested at this time. I urge the media in particular to take a responsible and careful role in everything they print and say, and not to encourage any kind of religious persecution. In South Australia some terrible things have already occurred against a race of people, merely because they are there and are identifiable, particularly the women. This has no place in a decent society. I am sure that every member in this place would abhor that kind of behaviour, and I urge everyone to be tolerant. When the President of the United States appeared on television throughout the world backed by leaders of the Islamic faith, it was a very sensible and proper step to take. I think that we have to remember that one act of terrorism by one person does not condemn everyone else who is of the same faith.

I think that young people have a great deal of fear about their future. It is a fear that I grew up with: a fear that there would be another war, and a war that might be unacceptable. In my young life, and as I grew up, nuclear war was a very real possibility. It is something that young people wish will never happen; and God only knows that I wish that it never happens, too.

My sympathy goes to every nation and every person who has ever suffered violation as a result of terrorism and brutal acts. Especially today, my sympathy goes to the American people and people of all nations who were in that building, and to people of all political persuasions, creeds and colour. All I can do is hope that, whatever it is we are going into, it does not take a long time and that there are no more deaths. It is probably an unrealistic wish, but I can only hope that there will be a quick resolution of what seems to be an escalating problem. I do not criticise any nation for wanting to try to solve this problem. I can only hope that the nations of the world—as they seem to be doing—get behind the United States of America in its fight against terrorism throughout the world, and that those countries that harbour terrorists are brought to account.

All I can say on behalf of the Australian Labor Party is that we will remember those people who died, particularly those dear to us such as Andrew Knox and his family, and that we will never forget that, in that shocking attack on 11 September, almost 7 000 people died in one single act of terror. It could happen here—that is the horror. It could happen anywhere. We were suddenly all made very vulnerable.

**The Hon. M.J. ELLIOTT:** On behalf of the Australian Democrats, I wholeheartedly support this motion. Unlike the previous two speakers, I had had an early night—which is a rare occasion. I woke up at about 5.30 a.m. The radio came on and, although I was not concentrating, it was immediately obvious that this was not the usual drivel that is on morning radio, but, in fact, something else was happening. As I

listened harder, I could tell that something quite tragic was unfolding. I went straight to the TV, because in these modern days if anything happens anywhere it will be on TV.

At 5.30 a.m., I turned on the TV to see replay after replay of the planes burying themselves into the twin towers, people falling and buildings collapsing and so on. It was simply beyond comprehension. The rest of the family got up to watch and were shocked. The first words of my youngest daughter were, 'Does this mean that there will be a war, dad?' I guess I had not thought that far; I was still watching. That certainly made me even more concerned than I was already, particularly as I have a son who is only a month away from turning 18 years and I remember when I turned 18 years and the conflict that we were involved in at that time.

Indeed, it was a shocking thing, and I am not sure whether we were doubly shocked because it happened in a place such as New York in the United States. Although New York is a much bigger city than Adelaide, it is regarded as being safe from these sorts of things. We are used to seeing on the television the Palestinians and Israelis in the Middle East doing quite horrific things to each other, and we see it on the evening news on a regular basis. We have seen what has happened in the old Yugoslavia. I do not think that we have been shocked by that, yet we have been shocked by two large modern buildings in a safe western city coming down. However, I am not in any way talking down the tragedy of that, because it is monumental.

New York is an international city. One can see from the list of missing people that there were not just US citizens in those buildings: there were citizens from most countries of the world. I think the current estimate is that there were about 100 Australians, including at least one South Australian who was known to people in this place and known to good friends of mine as well. I suppose that, because it is an international city, the attack has had ramifications reaching to most corners of the earth—not just because we saw it but because, by two degrees, almost everybody knows somebody who was affected. That fact has struck us greatly. I think we are very right to be shocked and angry, and the point that I was making is that perhaps we have not been made shocked and angry enough about other tragedies that preceded this one and which have, perhaps, in some ways played a role in this particular tragedy taking place.

How avoidable was it? It seems to me that, unfortunately, this world inevitably is not safe. Some places are less safe than others, but I think the point has been made quite clearly that nowhere in the world are we going to be safe from such tragedy. The clamp-down by the American authorities, in only the past day or so, on crop dusters indicates one more threat. Then, of course, the ability to poison water supplies and a range of other things really means that cities right around the world, including Australia, are at equal risk from these sorts of tragedies. Just as we seek to learn from each bad experience that we have in life, we hope that, collectively, we have learnt from this terrible tragedy so that we may seek to do what we can to reduce—we can never get rid of it—the likelihood and frequency of like events.

I am, indeed, very thankful that, so far, there has not been precipitate action. We certainly do not want to get caught, at a world level, in the escalating violence such as that which we have seen in the Middle East, in Northern Ireland or in the old Yugoslavia. Such wars go on for century after century and if we ever make the mistake of getting involved in a war that is based on race or religion, then, indeed, the tragedy that we have seen would be as nothing to the tragedy that would

unfold beyond it. That is something that we have to be very careful about. It is incumbent upon all politicians to speak out very strongly to ensure that race and religion are not allowed to become issues in our society. History tells us that race and religion have too often been used by those in power, or those seeking power, to reinforce their position regardless of the consequences.

So, the Democrats express our grave concern about what happened. We express our sympathy to the families of those affected. We hope that the reaction to this tragedy is careful and measured and that, indeed, we do not ultimately multiply the tragedy by acting wrongly.

**The Hon. T. CROTHERS:** I am pleased as a true democrat to get to my feet to speak on this subject which, of course, has exercised all of our minds over the past two weeks. I am pleased again that what was sought to be applied by some did not succeed and that democracy has prevailed in respect of this matter, because what we are dealing with here is the very essence of democracy itself. I think it is an act of misunderstanding of some magnitude that people would endeavour to gag this debate, particularly when, as I said, what we are talking about is democracy itself.

The Hon. Mr Elliott gave a measured and very competent speech. There would not be too many members here who would have a comprehensive understanding of the relationship between Christianity and Islam. We all know the history of Islam: it came out of the desert in about the 6th century AD led by Muhammad, who was himself an ethnic Arab, and then spread almost like a bushfire right around, across and through the world. There is no nation on this earth that would not have a fair proportion of Muslims or people of the Islamic faith living in it.

This tragic act of superterrorism—the grimmest act of terrorism that has ever been perpetrated in the history of this world—which occurred when those planes were deliberately crashed into the twin towers in New York is something which, no matter what one says by way of excuse, one cannot forget or forgive—nor should one. I am as one with the United States in respect of the measures that it intends to pursue. I do not think it will be easy for those in the United States to bring this subject matter under control—and they themselves will admit that—but I think it will be even harder because, as another member of another place and I well know, it is difficult to hit an enemy whom you cannot see and who knows the terrain on which you are fighting. The Russians lost 18 000 men in Afghanistan. Britain, at the height of its imperial power in the 19th century, made two attempts to restrain the Afghan nation and failed both times.

So, it will not be easy. Nothing has changed in respect of Afghanistan, but it is not only out of Afghanistan that these terrorists operate. The United Nations, which is a toothless tiger—and I will come to that in a minute—has failed to act again. It has only recently acted in respect of the boat people and the refugees whom we are getting—many of whom are not political refugees, I might add, but economic refugees. There are now 23 million refugees throughout the world. The United Nations should have acted a long time ago in respect of that matter and in respect of terrorism—not only terrorism and its happening but terrorism and its cause.

I have served in a couple of Islamic countries, and if one looks at the sort of treatment that was meted out by a lot of Muslims to a lot of Muslims by the French and their British colonial masters in days gone by, one can see that they were treated as second-class citizens. The only areas where some

form of estoppel has been placed on this behaviour have been the Arab rich nations where it has been determined that not only would the royal family share in the oil riches of those particular areas but the people too. That has not happened often, but it has happened in a few nations. Britain, Germany, France and the United States have been too busy making billions of dollars from selling arms to these people which will never ever be used. As Eisenhower said, 'You want to watch the arms makers'. I find it appalling when there are so many millions—some 23 million, I think—in refugee camps around the world who are not being fed properly.

In my humble view, the United Nations has become a toothless tiger and I think something has to be done out of this to revamp that organisation so that it acts as it was supposed to when it was first set up as the League of Nations, its predecessor, that is, in the interests of all people fairly and without fear of having moneys taken away from it as the United States endeavours to do, although I am told that, over the last two weeks, it has now paid up hundreds of millions of dollars in back dues to the United Nations.

Be that as it may, those are some of the facts. I say to members here that, for every cause, including crashing planes into the twin towers, there is an effect. If we as citizens of the world do not address the impact of what brought about the capacity for these extremists to exist under subterfuge, under cover of their own people, the majority of whom are not of that nature, what will happen will be an even bigger series of fatwas and jihads. I have listened to some of the spokespeople, and I blame the media for this, because they seek out people who they know will make statements that will be even more inflammatory.

I heard Steve Liebmann a week ago when he interviewed two Muslims, one of whom was a representative of the Palestine Liberation Organisation. The other fellow was a young sheik who was in charge of the Muslim youth in New South Wales. They were just appalling in trying to protect the image of the big majority of Muslims who are just as horrified and opposed to terrorism as Christians, agnostics like myself, Buddhists or whoever. They are just as horrified as we are by the extent of this action.

Those of us who listen to these matters have come to abjure the fatwa that was placed on Salman Rushdie in his capacity as a novelist when he wrote about Iran. A mosque burnt down in Brisbane, and I do not support that, but the mufti who was in charge of the mosque was reported as saying that it was enough to start a jihad. That is not the sort of temperate language that will win friends and establish what Muslims stand for.

Those members who know the Koran will know that it is much more opposed to violence than even the Hebrew-Western European Bible, and Islam is a peaceful religion. What we must not do is make a seedbed of such deficiency but, rather than our being able to deal with these matters, as we are trying belatedly to do now, we should be aiming to stamp out not only terrorism but also the seedbed, the root cause, that is, the ill-treatment of Muslims, the treatment of them as second-class citizens within the nations of the Islamic world by people like us from the western world, who are amongst the richest nations on the Earth.

We forget that this is not the first time it has happened. Those of us with an interest in history will recall what the crusaders did in the name of our Judaeo-Christian religion and we recall what Saladin did with some of the crusader knights that he got his hands on. We recall that the ancient orders of the Knights Templar, the Red Cross and the Knights

of Jerusalem all came out of that outpouring of Christian and Muslim violence against each other in the 11th and 12th centuries of this era.

We should not forget that this thing between Christians and Muslims has been ongoing since that time. Indeed, it was probably going on when Muhammad came out of the desert, found he was opposed and fought back with a ruthless savagery, which, unfortunately, has become a hallmark of extremists whether they are the extremists of Hitler's day, Stalin's time, China, or the British Empire. Anywhere that extremism reigns commonsense is thrown out the window. As I previously said, for every effect there is a cause. We have to deal with that as well as stamping out terrorism. Failure on our part to do that will simply put out a few terrorism brush fires and then they will spring up again. I think that the Hon. Mr Elliott touched on that matter, and I was pleased to hear him do so because I was having similar thoughts.

For people now to react in an angry pursuit of vengeance against their fellow citizens who happen to be Muslim is appalling, and the people who do that are no better than the extremists—and the extremists are not only Muslims. Let us not forget the Red Brigades of Germany and the Japanese terrorist groups. They are everywhere. Let us not forget in my own country the men of violence in the provisional wing of the IRA—not those in the official wing of the IRA because they were a decent mob of men—and in the Protestant paramilitary units. We must not forget that for every action there is a reaction and that for every cause there is an effect.

As I said, I blame the press in relation to the young Muslim sheik who was in charge of the Muslim Youth in Sydney and the Palestine Liberation bloke who did an awful lot of damage to their cause—and I make no bones about the fact that I am one who supports the Palestinians. Britain gave that land away under the Balfour declaration when in fact it was Palestinian territory. The United Nations must act. There is no point in the United Nations just a reactionary body. It should have acted against the Baader-Meinhof gang, the Japanese Red Brigade, and any terrorists, whether it be the Basque Separatists, the Provisional IRA, the Ulster Volunteer Force, or whatever. Anyone who commits acts of terror should be brought under the umbrella of the United Nations, because that is the only way in which you can deal with these bodies in a world fashion.

That is why America is cobbling together as fast as it can a world coalition. It is something that no country is safe from, as the Hon. Carolyn Pickles said. They talk about grounding the crop dusters because they can be used to poison the reservoirs or spread nerve gas. Let me tell you—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. T. CROTHERS:** No, I did not say you did. You have to listen a bit more carefully, Carolyn, so that you can understand what I am saying—even though I have no top teeth! Anyway, you have to listen and not just shoot off hipperty-skipperity. The position is very clear to me: the United Nations has been a toothless tiger and it must now be reformed. That is one of the lessons we must learn from the horrific event that took place two weeks ago in New York. When you talk about poison, let me tell you what the British Army was doing in Malaya. It was using poisonous green crystals—

**The Hon. T.G. Cameron:** Cyanide.

**The Hon. T. CROTHERS:** Yes. They were using crystals of cyanide. They would track down terrorists and then camp for the night by the river. At first light, they would

throw a leaf into the river to time its flow and, when the terrorists got up to make a little rice for their breakfast to fill up their bellies, a hundred yards up the track a British army soldier would be putting crystals of cyanide into the water. So, when these people consumed the river water, they died some awful death.

We can look at the sarin gas in Japan. It is not the first time that those matters have been divulged as being capable of being done. The United Nations again has failed. I totally agree with what the Americans are doing in respect of terrorism, but it may be even more difficult than they believe it to be. I think that they will find that many of their coalition partners will be partners in name only and will not lend much assistance in dealing with terrorism such as this.

Above all, we will not succeed by being greater terrorists, by burning mosques and murdering, as has happened, innocent Muslims who are only following the beliefs and tenets of their own religion, which is, as I said earlier, one of the most peaceful religions on earth if it is being followed correctly. I am pleased that the government brought up this matter and allowed us all to express an opinion.

I trust that my opinions have not been boring and that I have not taken too long in respect of the lengthy debate that will no doubt ensue, but I mean every word I say. And I am not saying things that I have not seen or maybe even done myself. That has to change. If we are to deal successfully with what caused the events of 10 or 12 days ago, we have to start from the bottom and work our way up to the top. I commend the motion to the Council.

**The Hon. R.D. LAWSON:** I wish to support this motion and to associate myself with the sentiments already expressed by the leader of the government. It has already been noted that the horrible events of 11 September were witnessed by many of us. The fact that this tragedy unfolded before our eyes has given it an immediacy not previously experienced. Seeing the terrible destruction of human life and seeing the anguish of family members searching for loved ones, hoping against hope for some miracle and then facing the awful realisation that miracles were few and far between, I think, brought to all of us in Australia a far closer appreciation of our American cousins and those others who died and who suffered so terribly in this tragedy.

Having been witness to these events, we are under a greater obligation than might otherwise be the case to pursue policies and actions that will ensure that the prospect of these events recurring is minimised. I join in commending the rescue efforts of so many people and also join in the condemnation of the perfidy of the few who caused this tragedy. I support the motion.

**The Hon. IAN GILFILLAN:** I support the motion, which was eloquently supported by my leader, the Hon. Mike Elliott. I want to add my personal observations on the issue and make plain that I share, as much as one can vicariously, the anguish and pain of the families of those killed in that tragedy. I also want to reflect on the family of Andrew Knox. Andrew Knox was well known in the Young Democrats; he attended meetings and was well liked. I quote from the *Advertiser* article of the 20th of this month, when Andrew's twin brother stated:

The family wanted justice but would not support any form of retaliation that resulted in the deaths of more innocent people. 'I don't believe in an eye for an eye,' Stuart said. 'I don't want what's happened to Andrew to happen to other families in this world. To

every one who is mourning, I feel your pain. Stay strong, embrace life, and appreciate how short it can be.'

I was profoundly moved by that. I felt that it was a signal to all of us who did not suffer as direct a loss as Stuart did of his beloved twin brother. However, I am glad to hear that other speakers in this place have reflected that spirit. It is a road sign of which parliaments and governments of freedom loving democracies must not lose sight. It is a very sad reflection that a small proportion of the Australian community has been making scapegoats of the Muslim community, and Islam in particular.

It is important for all of us to realise—and we may not have done so before—that Islam is Australia's second biggest religion. The Muslim population is estimated to be approximately 500 000, mostly in Sydney and Melbourne. There are 100 mosques across Australia, and about 20 Muslim primary schools. The state and commonwealth public services have introduced flexible working hours on Fridays to accommodate Muslim workers attending mosques. In South Australia, 15 000 South Australians are believed to practise the Islamic faith, and there is one primary school and there are seven mosques.

When the Muslim school was closed in South Australia for fear of attacks upon it and insults being thrown at the children, in my role as Divisional President of the Democrats I was moved—and I am sure this reflects the feeling of not only Democrats but also other compassionate and comparing people in South Australia—to communicate as best I could with the Islamic organisations in South Australia, some of whom had turned off their telephones and answering machines because they had been getting a flood of abusive calls, much to the shame of the perpetrators in our community. In part, we must share that blame. I sent documentation where I could saying the following:

On behalf of the Australian Democrats in South Australia I wish to assure you of our unwavering support.

We welcome and respect your integral part in the community we share. We totally reject any inference that you as people should in any way carry adverse impacts from the terrorist activities overseas.

There was then an invitation to get in touch with me if they wished to do so.

I was also pleased to see—and this gave me satisfaction—that some young people in Adelaide organised a rally on Friday evening to put the case for a peaceful or rational approach. I was given notice of that by the Australian Peace Committee which sent me an email. It was not principally involved in organising it, but it sent out the information. I put out a media release, again in my role as the Divisional President of the Australian Democrats. I said this (and I want to read this because it is germane to the debate):

It is essential that Australians show that the ANZUS commitment is not open ended. We must resist the urging and the temptation to 'blast the hell out of the bastards'. Such a response is cruel and inhuman, as well as counterproductive.

Thousands of Australians, while pouring out sympathy to American and Australian victim's families and resolute to frustrate terrorism, deplore the kneejerk reaction of attack on communities as indicated by President Bush's call to 'war'.

We do not support Australian Defence Forces being drawn automatically into such action and urge emphasis on preventive and security measures.

Immediate attention and priority must be given to identify and minimise the social, ideological and economic circumstances which spawn the conditions which promote and harbour terrorism.

I urged people to attend the rally. Although it did not get any media recognition, close to 2 000 people turned out in Victoria Square, and they then marched through the city

streets aided by the police. By way of response to the media release, I had a letter from a citizen which emphasised support for that attitude, the final paragraph of which states:

While I am desperately sorry for the American people, I also agree that Australia should not be dragged into gung-ho approaches by their government.

The condolence motion will lack depth and will not reach its potential if we do not couple it to our responsibility to how we act as a consequence of that horrific action. I feel with some appreciation that many of those who have previously contributed to the debate have identified the very areas where we must focus our attention. I hope and pray that the condolence motion not only transmits compassion and sympathy to the victims of those who are already dead but sends a message that we must put in place systems that will not allow this suffering to expand, wherever it is, on any people anywhere in the world.

**The Hon. NICK XENOPHON:** I join with other honourable members in giving my wholehearted melancholy support to this motion. I express my revulsion at what has occurred and extend my condolences to the families who have lost loved ones as a result of this senseless act of terrorism and violence. The other day, I read a piece by Richard Ford, a Pulitzer Prize winning author, which was published all around the world and which sums up the enormity of this horrible event. He said as follows:

To steal life so, as their lives were stolen—rashly, violently, impersonally, pointlessly, improperly—perplexes not only their last precious moments, but also threatens to overwhelm us all . . .

I think, because these events threaten to overwhelm us, it is particularly important—as other honourable members have stated, including the leader of the government and the Leader of the Opposition—that we have a measured response. We must not seek to have scapegoats in the community. I think it is important that we support the Islamic community in South Australia. They, too, have expressed revulsion at what has occurred. I believe that, if we are called upon by the Islamic community to show solidarity with them and to support them as a community and to point out that they must not, under any circumstances, be scapegoats for the terrible events that have occurred, it is incumbent on us all to join with that community. The Koran specifically declares:

If anyone murders an (innocent) person, it will be as if he has murdered the whole of humanity. And if anyone saves a person it will be as if he has saved the whole of humanity.

I think we need to bear that in mind in the context of what has occurred.

Edward Said, the famous Palestinian activist, intellectual and Professor of Comparative Literature at Columbia University in New York, has warned us to step back from the brink. He has warned that we must not turn this into a contest between the West and Islam, because that is a dangerous concept that could lead us into prolonged war. Professor Said has said that it is important that the West resist the urge to demonise Islam and for Islam to resist demonising the West. He has spoken of the importance of rooting out the causes of terror and of isolating and deterring the terrorists and putting them out of business. I think that sentiment, which comes from a leading Palestinian activist and educator who has been horrified by what has occurred, is something that we all share.

What has occurred has all been succinctly and powerfully summed up by the Israeli writer, Amos Oz, who, only a few days ago, said:

. . . this is a battle between fanatics for whom the end . . . sanctifies the means, and the rest of us who ascribe 'sanctity to life itself'.

I support the motion.

**The Hon. CARMEL ZOLLO:** I join my colleagues in supporting this motion. I agree with the previous speakers who mentioned the surreal images that unfolded before our eyes on 11 September. Those images were so horrific as to be almost unbelievable. Many of us who were not paying close attention or who switched on the TV later in the evening thought, at first, that we must have switched to a movie with some special effects. Before we could even begin to comprehend that a commercial airliner had been deliberately used as a missile there were a second and a third—and reports of a fourth airliner that had missed its target, followed by the collapse of the towers. As everyone has said, the world has been changed for ever. People of my generation sometimes reflect on the death of innocence with the controversy following the assassination of President Kennedy. I guess our children and their children will look back on the events of the past fortnight with similar foreboding and uncertainty. There have been many other aircraft hijacked and many buildings have been bombed, but not on such a massive scale or with such horrific loss of life, and nor have such acts been perpetrated on buildings that are symbols of the political and economic system of the free world.

Terrorism has become the new war of the third millennium, taking not only a human toll but also an economic toll. Will the airline and tourism industries return to previous levels of activity? How can we make them more secure without costs rising to unaffordable levels and security measures becoming very time-consuming in the process? Even working in or visiting a high rise building will lead to apprehension for some people.

While this act appears to have been committed or planned by religious extremists or by people of particular cultural and ethnic background, none of us would be such hypocrites as to suggest that this is the first time that evil has been committed in the name of a god or of a political group. Terrorism has very little to do with any religious philosophy practised by people around the world. Rather, it is more about power, manipulation, struggle and the have and have-nots in our world. But, this is not to say that individuals or groups do not at times twist or use particular religious interpretations or symbols to support their cause. Nothing will ever justify such planned and blatant acts of horror which led to the slaughter of thousands of people and the devastation caused to New York and Washington. I am mindful, as a person of diverse cultural background, that we must not in any shape or form pass judgment on our Muslim community for the despicable acts of a few frenzied fundamentalist minorities who manipulate religious belief to the extent that some believe that acts of evil guarantee them a place in paradise.

One can only begin to understand the great sorrow and loss suffered by the American people and by many other citizens around the world who were there at that particular time, but it is also a loss for humanity as a whole in spiritual, political and economic terms. This is a time for the strong leadership that we are seeing in the United States and in other democracies, including Australia. It is a time for justice under our democratic rule of law. It is a time for unity to root out this evil around the world.

As a state, we may not be significant in the scheme of international movers and shakers, but we have been part of

an experiment in the history of migration that sees us as an inclusive and understanding community. In South Australia, we have a community that is based on respect for others. We have shown that it is possible to be understanding and accepting of other cultures while, at the same time, wholeheartedly retaining our freedom and our democracy, celebrating many cultures, languages and religions within the laws of this nation.

I add my condolences to the many families, including Australian families, who have suffered the tragic loss of loved ones in this evil act—loved ones whom they cannot as yet bring home or may never be able to bring home because of the immense catastrophe that befell them.

**The Hon. A.J. REDFORD:** I support the motion and express my sympathy to the Australian families and friends of those who died in this horrendous, misguided and futile attack on New York and Washington and the crash in Pennsylvania. Indeed, I express my sympathy to and empathy with the American people at their grief arising from these cowardly attacks. The American people are very similar to the Australian people, sharing a love of freedom, democracy and the pursuit of happiness and economic prosperity. All this is done with an adherence, by and large, to the principle of tolerance.

I agree that we will remember where we were when we first heard of it. Indeed, I was travelling home along Anzac Highway listening to Bob Francis, and it was he who delivered the news to me. Like the leader, I recall the unreality of watching it, knowing that the shock would set in and wondering who I knew who might be involved. Indeed, I thought of an American friend who normally is in New York at that time of the year to watch the US Open and, on the following day, I was relieved to discover that, for the first time in 20 years, instead of going to New York she had gone to Mexico for her holiday.

It was with enormous pride that I watched John Howard, our Prime Minister, who was only a short distance away, deal with the issue. I recall watching the second flight, live and direct, fly into the second building, followed by the announcement of the Pentagon attack, and wondering whether it would go further and wondering whether our Prime Minister was safe. I endorse wholeheartedly his actions in invoking the ANZUS treaty, and I endorse wholeheartedly the sentiments of the invocation of the NATO treaty that an attack on one is an attack on all.

I express my admiration for the firefighters and for the volunteers in the City of New York. They, in true New York tradition, were resilient—a fine and dramatic example of volunteering in this our year of volunteering. I endorse the leadership of President George Bush. He, as a Texan, has always been underestimated, particularly since the commencement of his campaign to become President of the United States. He has shown great restraint, expressing his nation's grief and, indeed, his speech last Thursday could not be described as anything other than magnificent.

I do not believe that anyone could interpret the actions of President George W. Bush as being anything but restrained, moderate and careful. It is disappointing that some of the talkback in Australia, in reaction to his speech, was critical. George Bush recognises quite clearly that appeasement and wishful thinking will only serve to encourage those people who choose to engage in terrorism. The lessons of the Second World War have been learnt. Indeed, I recall when I was in the United States last month watching an interview on

television in which the Secretary of State under President Carter described George Bush's cabinet as the best cabinet since Roosevelt and possibly the equal of Roosevelt's cabinet. In that respect, I have a great deal of confidence in the reaction of the world, led by the United States, to this tragedy.

Of greater significance, and touched on by all speakers previously, is the call for tolerance. There have been calls for tolerance right across the world—from President Bush, Prime Minister Howard, Prime Minister Blair and, indeed, Mr Arafat. Notwithstanding that, there is a risk that if we act precipitously we will begin a war between Islam and the rest, which is the very object of those misguided extremists and zealots. As the Hon. Carmel Zollo touched on, extremism and zealots are not the sole province of Islam: there are many cases in Christianity of similar extremists and zealots causing and inflicting enormous damage on our social fabric.

In closing, I pray for tolerance, for judgment and for the guidance of our leaders, both world and national. First, I pray for a better understanding on our part of those of other faiths, particularly Islam; and, secondly, to the adherents of other faiths, particularly Islam, I ask them to understand us and our respective faiths. We are all human, with all the fallibilities and inspirational qualities that humans potentially share. Most of all, we should all pray for truth—truth from world and other leaders, whether they be western leaders, religious leaders or leaders such as those in the Taliban—because the ultimate weapon against the enemy in this war, terrorism, is truth and tolerance.

**The Hon. T.G. CAMERON:** I rise to join all other honourable members of the Council in supporting the condolence motion before it. As all other speakers have done, I offer my deepest condolences to all of the families and friends of the victims. Because of the very nature of the event, it must have been a heart-rending and awful experience. I also pay tribute to the bravery of the firemen, the policemen, the port authorities, and in fact all of the volunteers who gave their time so unselfishly and continue to work 24 hours a day cleaning up the World Trade Centre site.

I join all other members in condemning this senseless, vile and cruel act of terrorism that has been perpetrated on not only America, the victims and their families but all of humanity. The Hon. Ian Gilfillan mentioned in his contribution that in excess of 500 000 Muslims live in Australia and that Islam is our second most important religion. I was pleased to hear in the honourable member's contribution his measured calls for calm, tolerance and understanding towards our Islamic brethren in Australia.

One thing which I would like to point out which has not been mentioned by other contributors to date is that Australia lives on the doorstep of the largest Muslim nation on earth. Indonesia has a population of 220 million people; Islam is its main religion, and 90 per cent of Indonesians are Muslim, many of them extremely devout. So, Australia occupies a unique position in terms of its geography as it is positioned in a somewhat lonely part of the world next to Indonesia, which is the fourth largest country on earth but which by far and away has the largest Muslim population.

I was particularly pleased to hear President Megawati, during her recent visit to America, condemn terrorism and extend the hand of friendship and cooperation to America. It was a particularly important act by the President, and its importance for Australia should not go unnoted. I also note that Amien Rais, the leader of the largest Muslim party in



Indonesia, has also been quite outspoken in condemning terrorism and has offered to work in close cooperation with the Americans to find the perpetrators of this evil act and bring them to justice.

Those two statements by two of Indonesia's leaders are something from which we in Australia can take comfort. As the Hon. Ian Gilfillan pointed out, not only do we need to extend tolerance, understanding and the hand of friendship to our Muslim brethren here in Australia, but recent events have underscored the importance of Australia's (including our state parliaments) continuing to do everything that it can to work with its nearest neighbour and to continue to build on the friendships that it has already put in place—and for the South Australian parliament, they are quite extensive.

One comment that I want to make is that Christians, Muslims and Jews all worship the same God. It is in God's name that people have perpetrated some of the evil acts that have been committed against humanity over the centuries. It is now the 21st century. One would have hoped—almost expected—that acts such as those which were perpetrated against the American people at the Pentagon and in New York were behind us. Sadly, they are not. One can only hope that the perpetrators of these evil acts are brought to justice and that all religions and peoples on this earth can continue to work with each other for the betterment of humankind.

Motion carried by members standing in their places in silence.

*[Sitting suspended from 3.42 to 3.55 p.m.]*

### QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 13, 68, 76, 78, 81, 83, 84, 88, 89, 91 to 93, 102 and 103.

#### SUSTAINABLE ENERGY

13. **The Hon. T.G. CAMERON:**

1. Can the Minister for the Environment state whether:
  - (a) the Sustainable Energy Authority has been constituted; and
  - (b) does it now exist?
2. If so, when was it launched?
3. Has the management of the authority and its directorate been put in place?
4. Who are the members of the authority?
5. Has the Authority submitted a corporate plan and a report on the status of sustainable energy in South Australia?
6. If the authority is to be funded out of the consolidated account, why is there no reference to it in the budget of 1998-1999?

**The Hon. DIANA LAIDLAW:** The Minister for Minerals and Energy has provided the following information:

After careful assessment, the government will not be progressing the establishment of a Sustainable Energy Authority. Instead, on Monday 28 May 2001 the government announced the establishment of Energy SA, to replace the former Office of Energy Policy, and has allocated an additional \$1.29 million to pursue a range of sustainable energy initiatives.

Initiatives contained in the additional funding include:

- the solar hot water heater rebate scheme—\$700 000;
- a remote areas energy efficiency rebate program—\$200 000;
- targeted technical advisory services to the industrial and commercial sectors on demand-side energy efficiency technologies and practices—\$100 000;
- increased seed-funding for the development and commercialisation of sustainable energy technologies—\$130 000;
- increased promotion and educational services—\$30 000; and
- a Sustainable Energy Awards program—\$75 000.

The Budget for Energy SA for 2001-02 is \$10.872 million, an increase of \$3.29 million from 2000-01.

### JOCKEYS

68. **The Hon. R.K. SNEATH:**

1. Has there been any development to have the racing industry come under the umbrella of WorkCover with regard to jockeys?
2. If not, why not?
3. Does the minister intend to look at this in the near future?

**The Hon. R.D. LAWSON:** The Minister for Government Enterprises has advised that:

Most jockeys are considered to be self-employed rather than workers under the Workers Rehabilitation and Compensation Act 1986, as they are not engaged under a contract of service. These jockeys are therefore not currently covered for workers compensation.

However, there are exceptions to the above, being apprentice jockeys, who are covered as workers and those jockeys who are working directors of their own proprietary limited company, who are covered as workers of their company.

The WorkCover Corporation has reviewed this issue in recent years, at the request of the Minister for Racing and in consultation with the racing industry. As a result, the WorkCover Corporation recommended that the current situation remain unchanged. The industry was advised of this outcome in April 2000.

The Workers Rehabilitation and Compensation Act allows for the WorkCover Corporation to extend the scope of the scheme to cover self-employed persons, under terms and conditions considered appropriate by the corporation (section 103). Until now, WorkCover has not extended the scheme to any self-employed persons, as there are seen to be significant potential risks to the financial viability of the scheme in doing so. However, a review is currently being undertaken to consider such an extension to self-employed people. If this were to proceed, jockeys may be able to seek such coverage. The board of WorkCover Corporation will consider a proposal on this matter in the next few months.

### MOUNT GAMBIER HOSPITAL

76. **The Hon. SANDRA KANCK:** In relation to an inquiry currently being conducted at the Mount Gambier Hospital:

1. What is the South Australian Medical Board investigating at the Mount Gambier Hospital?
2. On what basis has the investigation been instigated?
3. How many complaints have been lodged against Mount Gambier doctors and salaried medical officers?
4. What is the nature of these complaints?
5. Were the complaints lodged against the hospital made by patients or doctors?
6. When will the findings of the investigation be made public?
7. If the investigation is not focussed on individual doctors rather than on the hospital system, why is the Medical Board carrying out the investigation?

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

1.-7. The Minister for Human Services has recently released the Medical Board's report and has supplied a copy directly to the honourable member.

### RISDON PARK HIGH SCHOOL

78. **The Hon. R.R. ROBERTS:** What were the disposal procedures for the Risdon Park High School and site from the time of closure until its ultimate sale?

**The Hon. R.I. LUCAS:** The Minister for Education and Children's Services has provided the following information:

The amalgamation of Risdon Park and Port Pirie High Schools to form John Pirie High School on the Port Pirie campus was approved in April 1994. Risdon Park High School closed at the end of 1994. The then Minister for Education and Children's Services declared the site to be surplus to the requirements of the Department of Education and Children's Services on 13 December 1994.

The property was referred to the Department of Environment and Natural Resources (DENR) for disposal on behalf of the then minister in accordance with normal procedures as required by the Department of the Premier and Cabinet Circular 114. Circularisation of the property to other government agencies did not attract any expressions of interest. The Corporation of the City of Port Pirie was approached to ascertain if it had any interest in acquiring the property. After consideration of the matter, the Council informed DENR that it was not interested.

In June 1995, the Premier gifted the land upon which the gymnasium was situated to the council, however the ownership of the land was not immediately transferred. The balance of the property was then listed with a local land agent and actively marketed. While some interest was initially shown, no firm offers were forthcoming. On 16 December 1999, a portion of the site (about 1.4 hectares of 8.2) was sold to Bortle Pty Ltd.

On 21 December 2000, the council passed a rescinding motion which effectively meant that it no longer wished to accept the land and gymnasium that had been gifted to it. Given that the transfer of the subject land into the ownership of the council had not occurred, this was entirely possible. Arrangements were made with the Crystal Brook community to salvage part of the structure of the gymnasium to develop their own facility in Crystal Brook.

The balance of the site, including the land rejected by the Council, was sold on 31 May 2000 to Cunningham Developers Pty Ltd.

#### MEDICAL BOARD OF SOUTH AUSTRALIA

##### 81. **The Hon. SANDRA KANCK:**

1. Is the Medical Board of South Australia subject to ministerial direction?

2. If not, why did Ms Roxanne Ramsey, executive director of Country and Disability Services in the Health Commission, direct the Medical Board of South Australia to abort a visit to the Mount Gambier Hospital planned for 22 March 2001?

3. Under what powers was Ms Ramsey able to provide such direction?

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

1. The Medical Board is constituted under the Medical Practitioners Act 1983. There is no provision in the act that makes the board subject to the control and direction of the minister.

2. Ms Ramsey, Executive Director, Country and Disability Services in the Department of Human Services, did not direct the Medical Board to abort a visit to Mount Gambier Hospital.

3. Not applicable.

#### MOTOR VEHICLES, STANDARDS

83. **The Hon. T.G. CAMERON:** With regard to a motor vehicle, is it illegal in South Australia to:

1. Drive a car with any coloured lights on either the front or rear of the vehicle, other than headlights (i.e. neon badges or coloured headlights);

2. Drive a vehicle that has lights working underneath the car;

3. Drive a vehicle with fog lights on;

4. Drive a vehicle with wheels any larger than two inches up from the standard wheel size of the car's model;

5. Have a car lower than 100 ml. from the road;

6. Have a car with a single windscreen wiper when it is meant to have two;

7. Have any gauges or implements on the bonnet or the dash of a car; and

8. have metal pedals (brake, accelerator etc.) on a car?

##### **The Hon. DIANA LAIDLAW:**

1. Rule 118 of the Australian Road Rules allows vehicles to be fitted with any light or reflector not mentioned in the vehicle standards. However, it must not be a light that flashes, or a light or reflector that shows a red light to the front or a white light to the rear of the vehicle. In addition, it cannot be shaped or located in a way that reduces the effectiveness of a light or reflector required by the vehicle standards.

This allows vehicle owners to duplicate existing lights to improve vehicle delineation, for example the fitting of additional tail-lights or brake lights.

2. Fitting a light in this position would not be illegal provided that the light does not flash or is fitted in such a way that reduces the effectiveness of lights or reflectors required by the vehicle standards.

3. A vehicle may be driven with its fog lights on. However, the lights must be adjusted to a low beam position and must be capable of being operated independently of any headlights.

4. There are no specific regulations in relation to wheel diameter for passenger cars manufactured prior to 1 January 1973.

The diameter of wheels fitted to cars manufactured on or after 1 January 1973 is controlled by regulation 26 of the Road Traffic (Miscellaneous) Regulations 1999. This regulation permits an increase of up to 50 mm in wheel rim diameter provided that the

overall diameter of the tyre is not increased by more than 15mm compared to the wheels and tyres fitted by the vehicle manufacturer.

5. Regulation 73 of the Road Traffic (Vehicle Standards) Rules 1999 specifies that a motor vehicle must have a minimum ground clearance of 100 mm at any point within one metre of an axle. A ground clearance of less than 100 mm would not be acceptable.

6. A two-wiper system fitted to a vehicle manufactured prior to the introduction of Australian Design Rule 16 in January 1973 could be replaced by a single wiper system. However, the replacement system must be capable of removing moisture from the part of windscreen immediately in front of the driver and the corresponding area to the left of the centre of the vehicle to afford the driver a clear view of the road ahead.

Replacement of the windscreen wiper system on a vehicle manufactured on or after 1 January 1973 would not be permitted unless it can be demonstrated that the vehicle continued to comply with the requirements of Australian Design Rule 16.

7. Rule 30 of the Road Traffic (Vehicle Standards) Rules 1999 does not allow an object to be fitted to a vehicle unless the object is designed, built and fitted in a way that minimises the likelihood of injuries to a person who is struck by the vehicle.

There are also requirements under the Australian Design Rules, for vehicles manufactured on or after 1 July 1988, which prohibits the fitting of objects which are not technically essential for safe operation of the vehicle and which are likely to increase the risk of bodily injury to any person.

8. There are no specific requirements in relation to the fitting of metal pedals. However, a police officer or Transport SA inspector could issue a defect notice under section 160 of the Road Traffic Act if, in their opinion, the vehicle could not, for any reason, be safely driven.

#### PRIMARY INDUSTRIES AND RESOURCES

##### 84. **The Hon. P. HOLLOWAY:**

1. Would the minister give details of the new means of handling inquires within PIRSA, given that the target for handling inquires for 2001-02, as detailed in Output Class 1 of the Primary Industries and Resources South Australia Portfolio Statement, is calculated at 187 500, up from the estimated result of 61 000 for 2000-01?

2. Is it the case that the actual number of inquires has not risen, but the means by which inquires are 'captured' has improved?

3. What would be the percentage of inquires received by the Office of Minerals and Energy Resources and Energy SA?

4.

(a) Does the department have its own targets for handling inquires; and

(b) If so, what are they?

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information:

1. The increase of 126 400 inquires (note target for 2000-01 as published was 61 100) is primarily due to a more comprehensive and rigorous approach to the aggregation of general inquiry numbers at the district office level for services within the Agriculture program areas of the Department of Primary Industries and Resources (PIRSA) Food and Fibre Group. The other significant factor contributing to this increase is forecast inquires at the new information centre at Roseworthy.

2. Yes, that is the major factor in the increased number of inquires, as stated in the footnote to the 2001-02 target in the portfolio statement. Since the introduction of outputs performance measurement, PIRSA has worked to continuously improve its processes of estimation of targets and recording of actual performance for outputs. Given the span of PIRSA's business and the large number of programs and projects that make up each of the 13 portfolio outputs, this has been a significant logistical challenge. PIRSA is currently implementing a project management system that should assist with this process in the future. However, improved data capture is not the sole factor here. As noted above the new information centre at Roseworthy is generating an actual increase in inquires.

The Minister for Minerals and Energy has provided the following information:

3. The percentage of the target number of inquires for 2000-01 for the Office of Minerals and Energy Resources and Energy SA is 5.2 per cent.

(a) PIRSA does have a target for the number of inquiries, which is published in the portfolio statement each year. The target

activity level for the coming budget year is based on the present level of actual inquiries received from the community and industry. This target represents PIRSA's capacity to handle inquiries.

- (b) The target activity level for the capacity to handle inquiries for 2001-02 is 187 500.

88. **The Hon. P. HOLLOWAY:**

1. Given that in the 1999-00 and 2000-01 Budgets it was reported under the 'Strategic Context' heading in relation to Primary Industries and Resources South Australia portfolio, 57 locations provided a wide range of services to the portfolio's major customers and stakeholders, and given that there is no mention of these locations in the 2001-02 Budget, why has the reference of the 57 locations been removed from this year's Budget?

2. (a) How many of these 57 locations are currently in operation; and

(b) What are their specific purposes?

3. If any have closed, why have they closed?

4. Can the Minister advise whether the mining warden, currently located at Andamooka, will be relocated to Coober Pedy?

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information:

1. The Department of Primary Industries and Resources (PIRSA) projects and services are provided through effective service delivery mechanisms that emanate from regional, metropolitan and CBD locations. The summary within the strategic context needed to succinctly amplify PIRSA's key roles for the state and there was no particular rationale for not making reference to the number of locations.

2. (a) There remains 57 locations currently in operation.

(b) Their specific purposes are to ensure that the diversity of services meets the needs and expectations of our customers and stakeholders that are positioned across the state.

3. There has been no closure of locations.

4. Contrary to local speculation, a decision has not been made to close the Mintabie office, which will continue to be serviced on a weekly basis.

The State Government contributes approximately \$584 000 in salaries and operating costs to service the opal mining industry per year. In return the state receives approximately \$250 000 in revenue from the industry. Clearly this anomaly cannot persist and improving the efficiency of regulation of the fields is one way to address this issue.

In consideration of the aforementioned, my department, Primary Industries and Resources (PIRSA) is currently reviewing its processes and procedures in relation to the services provided to the opal mining industry.

My Industry management is moving to centralise all of the administrative and regulatory functions under the Opal Mining Act, 1995 to the Coober Pedy office. This would result in all of the mining compliance officers and administration officers being relocated to the Coober Pedy office from the Marla, Mintabie and Andamooka offices. Mining compliance officers will commute between Coober Pedy and other opal field offices each week, or on an as needs basis.

Centralising staff in this way has enabled, the Opal Mining Registrar and all its functions to be transferred from Adelaide to Coober Pedy, which will result in quicker, more efficient service to the opal miners.

It is envisaged that these changes will result in consistent administration and regulation of the opal fields and a more cost-effective approach in servicing the opal mining industry.

Another proposal under consideration is the provision of an electronic lodgement service. However, this proposal requires extensive investigation and consultation to ascertain its viability. A departmental working party is investigating the various options, and will ensure full consultation is undertaken with all key stakeholders, prior to any substantial changes being made.

#### MINERALS AND ENERGY

89. **The Hon. P. HOLLOWAY:** How many of nine projects managed within PIRSA, according to the Output Class 4.5 (Natural Resource Based Infrastructure Project Services) of the Primary Industries and Resources South Australia Portfolio Statement, fall within the Minerals and Energy Portfolio?

**The Hon. K.T. GRIFFIN:** The Minister for Minerals and Energy has provided the following information:

One of the nine projects falls within the Minerals and Energy Portfolio. That project is the Brukunga Remediation project. The Office of Minerals and Energy Resources operates a treatment plant at Brukunga, to neutralise the effects on the waters of Dawesley Creek from acid seepage emanating from an old pyrites mine. The Office of Minerals and Energy Resources is also responsible for other works on the site to ameliorate the impact of the acid mine drainage on the local environment, including diversion of unaffected creek water past the site and moving and capping large volumes of rock waste.

#### MINERAL EXPLORATION

91. **The Hon. P. HOLLOWAY:**

1. With a target investment of \$100 million per year by 2007, what is the current annual investment in mineral exploitation in South Australia?

2. How was the target of \$100 million per year reached?

**The Hon. K.T. GRIFFIN:** The Minister for Minerals and Energy has provided the following information:

With reference to the first part of the question—'With a target investment of \$100 million per year by 2007, what is the current annual investment in mineral exploration in South Australia?'—Expenditure of \$4.9 million in SA for the March quarter was significantly (29 per cent) higher than the \$3.8 million recorded for the same quarter in 2000. This is quite promising as traditionally the March quarter in SA is a quiet time for mineral exploration because it coincides with the end of the field season and higher summer temperatures. However, there is still some way to go with expenditure by companies on mineral exploration in SA for calendar year 2000 at \$22 million, a decrease from the \$30 million in 1999.

However, resources royalty receipts for SA reached a record level in current dollar terms in 2000-01. Total royalty receipts were \$106.5 million, up 39 per cent on the receipts for 1999-2000 of \$76.7 million.

The previous highest royalty take on record was back in 1990-91 when royalty receipts totalled \$79.5 million (in 1991 dollars). Some two thirds of the total resources royalty for 1999-2000 comes from petroleum production but it is noteworthy that the minerals proportion of the total has increased in recent years to reach the 36 per cent level in 2000-01. It is expected that the minerals quantum and the proportion of the total royalty take will continue to increase in coming years when the full impacts of mine expansions and new mine developments are factored in. Petroleum royalty was up 34 per cent and mineral production royalty topped \$32 million. This was mainly due to the expansion at Olympic Dam.

The South Australian resource sector saw an unprecedented 40 per cent increase in production values in the 1999-2000 financial year and the increase takes the total value of South Australian resources production to from \$1.22 billion in 1998-99 to \$1.71 billion.

The resources sector will continue to play a key role in South Australia's economic growth with the Government committing \$2.2 billion to its regional exploration strategy for minerals and petroleum. The money will fund the fourth year of the \$23.2 million Targeted Exploration Initiative South Australia (TEiSA) program (1998-2002).

The second part of the question relates to the Mission statement of the Resources Task Force in their 'Mineral Resources Plan'.

Their Vision was;

A resurgent South Australian mineral industry growing to \$3 billion of mineral production and \$1 billion mineral processing per year by 2020, winning sustainable wealth for Australians.

To achieve this vision, the resources task force stated that the minerals exploration sector must be stimulated so that it invests \$100 million per year by the year 2007. This level of investment was determined from a number of economic studies and comparative research commissioned by the task force, based on the understanding that exploration for minerals is a time consuming, high-tech and high-risk activity. The rule of thumb 'strike rate' applied by mineral explorers puts the chance of conversion of a mineral exploration program to a profitable mine at less than one in a thousand.

The task force, and this government, believe that such a quantum leap (currently 5-fold) in exploration expenditure over the next 6 years is urgently required to generate the number of mineral

discoveries (in turn leading to resource development, royalties, infrastructure and jobs) to achieve such a challenging Vision.

### MINERAL RESOURCES PLAN

92. **The Hon. P. HOLLOWAY:** Why was the Mineral Resources Plan included as a 'major expenditure initiative' for the current financial year in the 2001-02 Budget, when no expenditure has been allocated to it until 2003-04?

**The Hon. K.T. GRIFFIN:** The Minister for Minerals and Energy has provided the following information:

As announced in the 2000-01 state budget, the government has committed an additional \$8 million across several agencies over the three years 2000 to 2003 specifically to progress key initiatives announced in the Resources Task Force Response. The allocation for the first year, 2000-01, of this major initiative, known as The Mineral Resources Plan, was \$3 million and has resulted in the implementation of many collaborative projects within PIRSA, the State Division of Aboriginal Affairs (DOSAA) and the Department of Industry and Trade. This program will continue, with \$2.5 million allocated to PIRSA (the program manager) in this financial year (2001-02) and a further \$2.5 million in 2002-03.

This funding initiative is recorded in the PIRSA Portfolio Statement as part of the recurrent budget, and the allocation that the Hon. P. Holloway is referring to is a forward estimate, assuming some form of this initiative will continue, commencing in year 2003-04.

### MINERALS AND ENERGY

93. **The Hon. P. HOLLOWAY:** How many licences, registrations and accreditations of the 15 800 allocated in 2000-01, as stated in the Primary Industries and Resources South Australia Portfolio Statement, were within the Office of Minerals and Energy Resources and the Office of Energy Policy?

**The Hon. K.T. GRIFFIN:** The Minister for Minerals and Energy has provided the following information:

Figures for the Office of Minerals and Energy Resources  
Number of Licences/Registrations (new)  
Tenements—(exploration licences, mineral claims, mining leases)  
· As at April 2001—154  
· Estimate for 12 months—205  
Precious Stones—(opal claims)  
· As at April 2001—1262  
· Estimate for 12 months—1682  
Petroleum Tenements  
· Estimate for 12 months—53  
Number of Licences/Registrations (renew)  
Tenements—(exploration licences, mineral claims, mining leases)  
· As at April 2001—276  
· Estimate for 12 months—393  
Precious Stones—(opal claims)  
· As at April 2001—712  
· Estimate for 12 months—949  
Petroleum Tenements  
· Estimate for 12 months—4  
Figures for the Office of Energy Policy  
Gas Licence Retail—1  
Accreditation SAIPAR—1

### SCHOOL CANTEENS

102. **The Hon. T.G. CAMERON:**

1. Who currently sets mark-up prices on items sold by school canteens?

2. (a) Are schools allowed to set their own mark-up prices on food sold at school canteens;  
(b) If so, by how much can items be marked up; and  
(c) If not, why not?

3. Is the current mark-up price for items sold at school canteens 33 per cent?

**The Hon. R.I. LUCAS:** The Minister for Education and Children's Services has provided the following information:

Education Regulation 103 provides for school councils to operate school canteens in government schools. The school council

determines whether the canteen will be operated by a committee of the school council or contracted out to an independent contractor. Prices are then determined either by the canteen committee or the contractor.

The Department of Education, Training and Employment does not provide direction or guidance on the amount of any mark up that is considered reasonable. However, school canteens would normally take account of the prevailing prices for items sold in the canteen.

### STREET LIGHTING

103. **The Hon. T.G. CAMERON:** Have any recent studies or reviews been conducted on South Australia's metropolitan street lighting to ensure it is as efficient and cost effective as possible?

**The Hon. R.I. LUCAS:** The South Australian Independent Industry Regulator (SAIIR) conducted an inquiry, pursuant to section 30 of the Independent Industry Regulator Act 1999, into the fairness and reasonableness of the street lighting tariffs being charged to local councils in South Australia by AGL SA. The terms of reference specifically required that the SAIIR take into account the efficiency and cost-effectiveness with which the street lighting services are provided.

The final report of the Public Street Lighting Inquiry was issued by the SAIIR in November 2000, with the report finding that the street lighting tariffs included in the Electricity Pricing Order are not unfair and unreasonable. The report is available for viewing on the SAIIR's website.

### MEMBERS, TRAVEL

**The PRESIDENT:** I lay on the table a schedule of members' travel expenditure 2000-01 under the Members Travel Entitlement Rules.

### REGISTER OF INTERESTS

**The PRESIDENT:** Pursuant to section 5(4) of the Members of Parliament (Register of Interests) Act 1983, I lay on the table the Registrar's Statement, June 2001, prepared from ordinary returns of members of the Legislative Council.

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

That the Registrar's Statement be printed.

Motion carried.

### STATUTORY AUTHORITIES REVIEW COMMITTEE

**The PRESIDENT:** I lay on the table the second report of the committee into the Commissioners of Charitable Funds, which was authorised to be printed and published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

I also lay on the table the report of the committee into Timeliness of 1999-2000 Annual Reporting by Statutory Bodies, which was authorised to be printed and published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

### SOCIAL DEVELOPMENT COMMITTEE

**The PRESIDENT:** I lay on the table the report of the committee on an inquiry into Biotechnology, Part 1, Health, which was authorised to be printed and published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

**PAPERS TABLED**

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

- Reports, 1999-2000—
  - Northern Adelaide and Barossa Catchment Water Management Board
  - South Eastern Water Conservation and Drainage Board
- Reports, 2000—
  - Adelaide University
  - Flinders University of South Australia
  - Onkaparinga Catchment Water Management Board
  - Patawalonga Catchment Water Management Board
  - Torrens Catchment Water Management Board
  - University of South Australia
- Reports, 2000-01—
  - Presiding Officer of the Disciplinary Appeals Tribunal
  - Presiding Officer of the Promotion and Grievance Appeals Tribunal
- Regulations under the following Acts—
  - Children's Services Act 1985—
    - Baby Sitting Agencies
    - Committee Membership
  - Electricity Act 1966—Contestable Customer
  - Pay-roll Tax Act 1971—2001 Replacement
  - Public Finance and Audit Act 1987—South Austral-Asia Pty. Ltd
  - Southern State Superannuation Act 1994—Nurses Agreement
  - Superannuation Act 1988—Nurses
  - Unauthorized Documents Act 1916—State Badge
- Flinders University of South Australia—
  - Amendments to Statutes 7.1 and 7.3
  - Amendments to Statutes 7.1 and 7.3
  - Amendments to Statutes 7.1 and 7.4
  - Amendments to Statutes 7.1, 7.3 and 2.1
  - Amendments to Statutes 7.1, 7.3 and 7.4
  - Financial Statement for the year ended 31 December 2000
- Government Boards and Committees Information as at 30 June 2001—
  - Volume 1
  - Volume 2
- University of South Australia—Financial Statements for the year ended 31 December 2000
- Casino Duty Agreement—Variation

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

- Advisory Board of Agriculture—Report, 2000-01
- Regulations under the following Acts—
  - Brands Act 1933—Fees
  - Daylight Saving Act 1971—Summer Time, 2001-02
  - Fisheries Act 1982—
    - Blue Crab Management
    - Marine Scalefish Management
    - Open Access—Rock Lobster
  - Livestock Act 1997—Swine Compensation
  - Native Title (South Australia) Act 1994—2001 Replacement
  - Primary Industry Funding Schemes Act 1998—Pig Industry
  - Real Property Act 1886—Registrar-General Fees
  - Strata Titles Act 1988—Fees
  - Subordinate Legislation Act 1978—Expiry Postponed
  - Workers Rehabilitation and Compensation Act 1986—Medical Fees
- Rules of Court—
  - District Court—District Court Act—Powers of Master
  - Environment, Resources and Development Court—
    - Environment, Resources and Development Act—Native Title 2001
  - Supreme Court—Supreme Court Act—Admission of Practitioners
- Rules under Act—
  - Legal Practitioners Education and Admission Council
  - Rules 1999—Academic Requirements

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

- Regulations under the following Acts—
  - Correctional Services Act 1982—Illegal Items
  - Summary Offences Act 1953—Searches

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

- Regulations under the following Acts—
  - Building Work Contractors Act 1995—
    - Minor Domestic Work
    - Retirement Villages
  - Liquor Licensing Act 1997—
    - Dry Areas—
      - Clare and Copper Coast
      - Port Pirie
    - High Schools Exemption
  - Prices Act 1948—Unsold Bread

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

- Aboriginal Lands Trust—Report, 1999-2000
- Reports, 2000-01—
  - Boundary Adjustment Facilitation Panel
  - Physiotherapists Board of South Australia
- Reports—
  - Review of the National Environment Protection Council Acts (Commonwealth, State and Territory)
  - The City of Unley—Unley (City) Development Plan—Residential Design Plan Amendment Report
- Regulations under the following Acts—
  - Coast Protection Act 1972—Identity Cards
  - Development Act 1993—Telecommunications, Bushfires
  - Harbors and Navigation Act 1993—Advisory Committee
  - Housing and Urban Development (Administrative Arrangements) Act 1995—Section 60 Statements
  - Housing Improvement Act 1940—Homestart Aged Care
  - National Parks and Wildlife Act 1972—
    - Wildlife
    - 2001 Replacement
  - Passenger Transport Act 1994—Taxi Security Cameras
  - Prevention of Cruelty to Animals Act 1985—Illegal Fights
  - Radiation Protection and Control Act 1982—Uranium Mining Fees
- Rules under Acts—
  - Racing Act—Bookmakers Licensing (Late Scratchings) Rules 2001
  - Local Government Act—Superannuation Scheme—Boards
  - Waiting Period
- Corporation By-laws—
  - Charles Sturt—
    - No. 7—Amendment of By-laws Reasons, Objectives and Implementation
  - Mitcham—
    - No. 3—Local Government Land
    - No. 4—Streets and Roads
  - Playford—
    - No. 4—Dogs
    - No. 5—Cats
  - Salisbury—
    - No. 1—Permits and Penalties
    - No. 2—Moveable Signs
    - No. 3—Roads
    - No. 4—Local Government Land
    - No. 5—Number of Dogs
    - No. 6—Dogs
  - Walkerville—
    - No. 1—Permits and Penalties
    - No. 2—Local Government Land
    - No. 3—Roads
    - No. 4—Moveable Signs
- District Council By-laws—
  - Light—
    - No. 1—Permits and Penalties
    - No. 2—Moveable Signs
    - No. 3—Streets and Roads

No. 4—Local Government Land  
 No. 5—Dogs  
 Mallala—  
 No. 1—Moveable Signs  
 No. 2—Council Land  
 No. 3—Animals  
 No. 4—Bird Scarers  
 No. 5—Spraying and Dusting of Land  
 Yorke Peninsula—Various  
 National Parks and Wildlife Act 1972—Kellidie Bay  
 Conservation Park—Alteration of Boundaries for  
 Purposes of Public Road—Proclamation.

### TOURISM INDUSTRY

**The Hon. R.I. LUCAS (Treasurer):** I table a copy of a ministerial statement from the Minister for Tourism on the subject of the tourism industry.

### QUESTION TIME

#### ANSETT CALL CENTRE

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** I seek leave to make a brief explanation before asking the Treasurer a question about the Ansett Call Centre.  
 Leave granted.

**The Hon. CAROLYN PICKLES:** In opening the Ansett Call Centre on 25 July this year, the Premier stated that it 'represents a joint investment of \$11.7 million by Ansett and the South Australian government'. How much taxpayer money has the government already committed to the Ansett Call Centre opened in July; and how much money will the government be able to claw back if the call centre ceases to operate?

**The Hon. R.I. LUCAS (Treasurer):** I am not sure what was said at the time of the opening of the call centre—I would have to check that—but I have certainly seen more recent statements from the Premier who has indicated that the government (and the taxpayers through the government) has no exposure in terms of the ownership of the call centre. I think it is owned by a company called Harmony Corporation (or something like that) and the responsibility and the risk of ownership of the building rests with that company.

The government does have an investment attraction package under which clearly, from whatever the date was when Ansett went into voluntary administration, no further payments consistent with that particular agreement would have been made, but some payment would have been made prior to the time of Ansett's going into voluntary administration. The extent of the exposure that the government and taxpayers would have would be in relation to the payments that have been made for the jobs that have been attracted into that centre prior to Ansett going into voluntary administration.

Clearly, again from what I understand the Premier has said in the last few hours, the government is actively engaged in some possible options in relation to continued use of that particular call centre. Obviously the government would then have to make a decision about what, if any, incentive package the government would be involved with if that particular call centre operation were to continue operations. There were certainly a number of staff—I do not have the exact number with me—employed there for a period. Sadly, as a result of the voluntary administration, for the moment, they have not been continued, albeit the voluntary administrator did re-employ a small number of call centre staff to assist in the task during the voluntary administration.

Whether or not that same number are still employed today I do not know; I would have to take advice on that. Certainly there has been some discussion and some public comment that some parties—and I think the morning newspaper might have carried an indication of one party—might be interested in taking over the operation of the call centre.

#### CAMBRIDGE, Mr J.

**The Hon. P. HOLLOWAY:** I seek leave to make a brief explanation before asking the Treasurer a question about the former Chief Executive Officer of the Department of Industry and Trade, Mr John Cambridge.

Leave granted.

**The Hon. P. HOLLOWAY:** The Treasurer stated in a media release dated 3 September 2001 that John Cambridge's contract was 'terminated by mutual agreement effective from 5 September'. The Treasurer stated that the government had agreed to a separation payment totalling \$250 000. According to the Public Sector Management Act, the only way cabinet could legally sign off on Mr Cambridge's quarter of a million dollar payout was if Mr Cambridge had his contract terminated; in other words, if he was sacked. The act gives six clear reasons for a chief executive officer's appointment being terminated and therefore becoming eligible for the full payout of entitlements as received by Mr Cambridge, including being guilty of misconduct and failing to carry out duties satisfactorily or to the performance standards specified in the contract.

Will the Treasurer now confirm that the former Chief Executive Officer of the Department of Industry and Trade, Mr John Cambridge, was sacked from his position; and will he outline the real reasons behind this high level executive termination?

**The Hon. R.I. LUCAS (Treasurer):** The member asks: 'Will I now reveal?' I have answered this question on a number of occasions; I am happy to say again in the chamber what I have said to a number of media representatives. If the import of the question from members of the media and now members of parliament is: was the position of the chief executive terminated or did he resign? The answer is: the position was terminated, and it is as simple as that. It is not a new revelation from me or indeed the Premier. I have been asked the question before and I have put it succinctly. If you are asking me: 'Did the chief executive resign or was it a termination?' There is a simple answer to that: it was a termination.

**The Hon. R.K. SNEATH:** A supplementary question; was it a termination of the position or a termination of the person?

**The Hon. R.I. LUCAS:** That is a whizz bang of a question: 'Was it a termination of the position or termination—'

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** There is a Department of Industry and Trade and all departments have chief executive officers. We have appointed (announced in the same press statement) a new Chief Executive Officer, Mr Jim Hallion, so the position of chief executive officer clearly continues. The incumbency of the former chief executive was terminated.

**The Hon. P. HOLLOWAY:** A supplementary question; was the decision to terminate Mr Cambridge's contract in any way related to the current Clayton inquiry into how docu-

ments went missing from the Cramond inquiry into the Motorola affair?

**The Hon. R.I. LUCAS:** No.

### ABORIGINAL EDUCATION DEVELOPMENT BRANCH

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about the Aboriginal Education Development Branch.

Leave granted.

**The Hon. T.G. ROBERTS:** I did have some difficulty in deciding whether to ask the Treasurer, representing the Minister for Education, or the Minister for Transport, and therein lies a problem with Aboriginal education and advancement. There is a whole plethora of commonwealth, state, and, in some cases, local government programs running that administratively are nightmares for departments and ministers at both the commonwealth and state levels. The Aboriginal Education Development Branch in this state has performed a number of certainly worthwhile functions in trying to come to terms with some of the problems that metropolitan, regional and remote Aboriginal people have in facing the community's opportunities, or, in their case, lack of them.

Where educational infrastructure is set up, either by the commonwealth or by the state, it is incumbent on us in a bipartisan way to protect and support those organisations operating in that field. One of the differences between the Aboriginal communities in the remote and regional areas is that they do not have the choice that other members of the community have. The deteriorating state and condition of the communities is a testament to a lot of failed policies over a long period of time by many governments, and that includes commonwealth and state. In fact, many of the funding programs that are running now (in education, health, housing etc.) are doomed to failure, and many programs need reassessment for redirection so that future moneys are not wasted but are targeted at and hit the areas that they need to hit.

I understand that there is a restructuring program, a reorganisation program, going on at the moment in relation to the education of indigenous people in remote and regional areas and in the metropolitan area but, unfortunately, the same process for consultation that has taken place over the past 30-odd years is now still taking place; that is, there is no consultation with those people on the ground in metropolitan, regional and remote areas to ask exactly what educational facilities are needed and what opportunities will present themselves to allow education to be a key for people to get out of the circumstances they find themselves in and advance their communities, and to stop the degradation that is occurring at the moment in those communities through drug and alcohol abuse and petrol sniffing.

It was a shock for me to see the circumstances in which our people in the north-west and some of the other remote communities actually have to live. From talking to community leaders up there, the opportunities that they believe will present themselves for children growing up in those communities are few, so they lose faith not only in their own culture but in our ability to deliver the services required to change their circumstances. In this case, the Aboriginal Education Development Branch appears to be being dismantled and changes to the DETE funding programs within the communi-

ties appear to be a program that is being advanced. I say 'appear to be' because it is difficult to grasp exactly what the policy is.

I am assured by community leaders that, if the infrastructure that is available at the moment is dismantled before any of the new programs are put in place, particularly at a DETE level rather than at a basic educational level in metropolitan, regional and remote communities, it is doomed to failure. My questions to the minister are:

1. What are the state government's intentions regarding the future of programs being conducted at the Aboriginal Education Development Branch, situated at 221 Wakefield Street?

2. Is the AEDB earmarked for closure?

3. What does the state government see as the role and function of the AEDB in regional and remote Aboriginal education?

4. What is the government's position on the role and function and the future of the AEDB director's position?

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

### ELECTRICITY, SUPPLY

**The Hon. L.H. DAVIS:** I seek leave to make an explanation before asking the Treasurer and leader of the government (Hon. Rob Lucas) a question about electricity supply.

Leave granted.

**The Hon. L.H. DAVIS:** This matter has been of some interest in this chamber for some months, indeed some years, and I was interested to read in the *Advertiser* of Thursday 20 September, just less than a week ago, a report that the Riverlink interconnector, which had been strongly supported by the Labor Party—indeed, the leader of the Labor Party in another place (Hon. Mike Rann) had made a strong commitment to make sure that it happened—

*Members interjecting:*

**The Hon. L.H. DAVIS:** I am sorry; I have left the Hon. Nick Xenophon and Mr Price, his mate, out of this. They have also been strong advocates. We should remember that Riverlink is the New South Wales government-owned Transgrid, which would immediately provide annual revenue to the New South Wales government via South Australian electricity bills. Indeed, quite independently of the lobbying that has been going on for the Riverlink interconnector, the National Electricity Market Management Company (NEMMCO) has rejected in a draft report the plan for the Riverlink interconnector. The *Advertiser* report of last week read:

A National Electricity Market Management Company committee has favoured a 400Mw upgrade of the Snowy Mountains to Victoria interconnector as the more economically viable project for providing electricity to the SA-Victoria region. NEMMCO spokesman Charlie MacCaulay said yesterday the \$44 million Snowy upgrade was 'far superior' to the 250Mw SNI Riverlink, costing \$110 million.

The article concluded:

While Riverlink still can be built, gaining regulated asset status would have assured the NSW company Transgrid a fixed annual revenue collected from SA electricity bills.

Members would be well aware that the Riverlink project was above ground, using cables above ground and going through some economically and environmentally sensitive land, as well as Aboriginal lands, and that the TransEnergie project, privately funded and unregulated, in contrast, was a cable—

which one would have imagined would almost appeal to the Australian Democrats.

**The PRESIDENT:** Order! It is not a debate, it is a preamble.

**The Hon. L.H. DAVIS:** My questions are as follows:

1. Will the minister advise the South Australian government's reaction to the announcement by NEMMCO that at this stage it was not supporting the Riverlink interconnector?

2. Will he advise the progress being made on the private and unregulated interconnector and what status that has at present?

3. Will the minister advise the Legislative Council what the position is in terms of increasing electricity supply in the coming months, particularly from Origin at Torrens Island and from AGL, which I understand has initiatives in place in nearby metropolitan Adelaide?

**The Hon. R.I. LUCAS (Treasurer):** Before addressing the three or four specific questions the honourable member raised, I will place on the public record some of the background to the SNI decision. I have been asked some questions from sections of the media and elsewhere as to the extent of the submissions, if any, that the South Australian government has been involved with, and as to what the government's position was on SNI.

The government's position since mid 1998 has been pretty clear. I guess, summarised broadly, it has been that we were cautious (and I use that word advisedly) about some of the extravagant claims of what the benefits of SNI had been, and we wanted someone to at least prove to us—and to perhaps independently verify or not—some of those claims. The government had indicated that, if it were to get the NEMMCO tick of approval, it would provide facilitation and assistance, and I will refer to that later. We have also provided offers of other facilitation assistance to SNI, should it proceed as well.

For the past two years in particular, extensive discussions have occurred, either between officers or between me and officers, management and/or board members of NEMMCO in relation to SNI. I have checked and in the past two to three months I have had four separate meetings with board members or senior management of NEMMCO. At the vast majority of those meetings the issue of SNI and the government's position was discussed as it went through that process. It is important to bear in mind that the process being conducted at present is a very technical one; a specific new test has been constructed, they take independent expert advice on it and a project either passes or does not pass that test. It is not a question of arguing the merits or otherwise but of a specific formula and whether it passes the test.

In addition to ongoing discussions at officer level, as I said in recent times I have been present at at least four meetings with board members and senior management at which this matter was discussed. I also place on the record my most recent letter that formally describes the government's position. I wrote it in April this year, and it is addressed to Stephen van der Mye, Managing Director of NEMMCO. I will not read all the letter but quote the relevant sections, as follows:

I would like to once again place on the record the South Australian Government's position in relation to the SNI Interconnector proposal.

The South Australian Government strongly supports further interconnection into South Australia and has indicated a strong preference for unregulated interconnectors for a number of reasons, which have previously been stated.

The fact that Murraylink is now expected to be completed by the end of 2001 and SNI is still awaiting approval to proceed further supports the soundness of the Government's policy position.

The South Australian Government is not opposing SNI and in fact has endeavoured to assist the proposal by:

- 'fast tracking' planning approval with SNI being declared a Major Development by the South Australian Minister for Transport & Urban planning on 27 January 2000;
- On my approval, the Regulator on 7 June 2000 issued a licence exemption enabling TransGrid to undertake various route and survey work to prepare its EIS for the proposed line.

However in any event, a decision as to whether it satisfies the regulatory test and is able to proceed as a regulated asset is appropriately left up to an independent body such as NEMMCO.

The State Government remains committed to promoting as much competition as possible within the South Australian power market.

Whilst some commentators continue to suggest that delays in the SNI interconnector proposal are the responsibility of the South Australian Government, I consider it important that the facts of the matter are brought to the attention of all.

I read that onto the public record not only because it is a formal letter to NEMMCO but also because it indicates that the government has continued to maintain its position at a series of meetings and discussions, whether they be at officer level or with me.

It is true to say that, now that the NEMMCO technical evaluation has concluded, SNI does not pass the regulatory test. It is important to bear in mind that in 1998 Riverlink, as it was then known, failed a certain test. TransGrid and the New South Wales Labor government said that that test was unfair and that we needed to change the test so that SNI could pass it. They did not actually say that, but that was, in essence, the import of what occurred. The test was then changed to be consistent with what the New South Wales Labor government wanted, and that is the test that has now been applied. However, SNI has now failed the second test. It failed the first test.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Are you arguing that Murraylink shouldn't have been allowed to go ahead?

**The Hon. P. Holloway:** Why don't you tell the whole story?

**The Hon. R.I. LUCAS:** I am telling the whole story. The whole story is that a test was applied. However, the New South Wales government said that that was an unfair test and that we should change it so that SNI could pass the test. That was changed, and under the second test—

**The Hon. L.H. Davis:** The New South Wales government thought it was a good test, didn't they? They didn't change it, and it still fell over.

**The Hon. R.I. LUCAS:** They supported the change, and they now find—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:**—that it fails the second test. The member should understand what was concluded in the past couple of weeks: NEMMCO has stated that the Snowy to Victoria project, which is for 400 megawatts extra power for Victoria and South Australia at an approximate cost of \$44 million, is a better project in terms of benefits to the national market than a project which costs \$110 million—that is more than double the cost of SNOVIC—and provides just over half the power, 250 megawatts.

**The Hon. L.H. Davis:** On the side, it is environmentally more friendly.

**The Hon. R.I. LUCAS:** It is an easier project. This is an existing powerline; they do not have to worry about any new environmental issues in relation to the project. That is the



decision NEMMCO has taken. As a result of that, the New South Wales Labor government has said, 'We might be able to significantly change the SNI project.' Whether it can convince NEMMCO that it can significantly change the SNI project is up to the New South Wales government. The current project fails the test. SNI has asked, 'Can you give us another go? Can we change the SNI project again and see whether or not a significantly changed SNI project can pass the test?' The South Australian government is relaxed about that as long as it does not further delay the critical Snowy to Victoria project. We have Murraylink up and going, as the Hon. Mr Davis has indicated. That will be operational by April next year. So, there is one additional interconnector, underground, coming into South Australia by April next year. On the basis of this analysis, we need the next project, which is the 400 megawatt upgrade of the SNOVIC project.

If the New South Wales government can significantly change SNI so that it eventually passes this test—or, indeed, any other test that might eventually be applied to it—the South Australian government's position remains such that we are prepared to provide the support and assistance to the New South Wales government that we have been promising for some two years. We are prepared to support more and more interconnection. We just want to see projects that will get up and going quickly, with the most benefit to South Australia. All along all we have said is, 'Don't believe everything the New South Wales Labor government and its sympathisers have said about the potential benefits of SNI.' You need rational consideration of these projects; just a knee-jerk acceptance of what the New South Wales government claims is not good enough if you want to show some leadership in relation to these issues.

I want to refer not to the report from NEMMCO but to a number of reports that have been brought down in the parliamentary break. I refer to the report on SNI brought down by the independent regulator in South Australia. I will quote it, in part (I am sure I will get time during another question time in this session to refer to it in greater detail). The conclusion of the independent regulator, Lew Owens, was:

The benefits of SNI for South Australia customers might be lower than some claims have suggested and that in some circumstances, 'SA customers might not benefit overall.'

That was the assessment of the independent regulator in South Australia.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** No, in relation to SNI, the project that—

*Members interjecting:*

**The Hon. R.I. LUCAS:** That's the reality. It's happening. You can't just hope that it will go away and wish that you did not have Murraylink. It is there, and that has been the problem with the Labor Party—

*An honourable member interjecting:*

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

**The Hon. R.I. LUCAS:** —and the other sympathisers, those who supported the New South Wales Labor government—your mates over there. You are prepared to support them, you and the other sympathisers in this Council. Whatever the New South Wales Labor government said, you came in here and attacked us on the benefits of this project. All we said was, 'Don't believe everything the New South Wales Labor government says to you.' We need a bit more than that if we are going to invest in or support a project. All we said was: do the independent assessments. Certainly,

some of the initial work our people carried out cast grave doubts on the claimed benefits, and we have been attacked for that. We just said, 'Let someone independent do these tests.' The independent regulator has made his assessment in South Australia, and now we have had NEMMCO—

**The Hon. L.H. Davis:** That is two out of two. That's almost a pass.

**The Hon. R.I. LUCAS:** To make it three out of three, with TransGrid, the New South Wales Labor government employed its own economic consultant and asked it—and this is the government's own consultant—whether TransGrid passed the NEMMCO test, and its own consultant told it that it did not pass the test. Three out of three!

**The Hon. L.H. Davis:** Did you hear that, Paul?

**The Hon. R.I. LUCAS:** He does not want to hear—

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

**The Hon. R.I. LUCAS:** All we have asked is that we be allowed to get some independent advice on this issue and not just accept what the New South Wales Labor government and its apologists in this chamber, and elsewhere, seek to claim. Finally, in relation to the additional power supply, the estimate is that Murraylink will be operational by April next year, and by the end of this year AGL's proposal for the new power station at Hallett will eventually provide 250 megawatts of additional power and an extra 180 megawatts of power during this summer period—I think 90 megawatts by the end of December and another 90 megawatts by the end of January.

As recently as this week, AGL reported that it is on track for that additional 180 megawatts of power for this summer. As well, as of last week, Origin Energy has indicated that it is on track in terms of having 95 megawatts of additional power at Torrens Island available for this coming summer. TXU has announced that it will be able to increase its peak capacity during the peak period of the coming summer—which is pretty good for us—by some 50 megawatts. I believe that it is spending somewhere between \$30 million and \$50 million on upgrading its peak output capacity during the coming summer. Finally, I am pleased to say that, at the meeting of NEM ministers last week, the Victorian and New South Wales ministers agreed with South Australia that, if SNOVIC—it has one more process to complete with NEMMCO either next month or in November—gets the final tick, all three states will do whatever they can to fast track SNOWVIC to be operational by the end of next year—just over 12 months away—so that it will be operational by the summer of 2002-03.

There are a number of other power projects, both in Victoria and South Australia, that are being actively worked on by both governments. We will continue to take action rather than whingeing and whining from the sidelines, as the opposition and others tend to do.

#### SCHOOL ASSET MANAGEMENT PLANS

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, a question about school asset management plans.

Leave granted.

**The Hon. M.J. ELLIOTT:** My question relates to delays in the issue of school asset management plans and the impact on school maintenance. On entering Partnerships 21, many schools assumed, and were led to understand, that outstanding maintenance would be fixed by the department and not left

to individual school governing councils to complete. I understand that there has not been a great deal of progress in that area. Of even greater concern is that South Australian public schools are facing necessary repairs and upgrades of up to \$40 million to bring them up to the occupational health and safety standards that are required of industry generally.

The urgency of the situation, and the lack of government action, has meant that some schools are planning to address maintenance problems from within their global budgets, even though that was not meant to be the case. However, this money cannot be spent without approval being given by way of school asset management plans. I was recently contacted by representatives of South Australian public schools who expressed their frustration that their school asset management plans are still to be approved. My questions are:

1. How does the minister intend to bring the South Australian public schools back into line with occupational health and safety standards so that school governing councils are not left to foot the bill, and at what rate will the backlog of general maintenance be addressed?

2. Can the minister explain how he expects each governing council to manage its school's physical facilities without the approval of the asset management plan?

3. Will the minister explain whether this is what he is referring to when he talks about more flexibility and choice for schools in Partnerships 21?

4. Will the minister advise what consequences school governing councils face if they take matters into their hands and carry out maintenance without waiting for departmental approval for asset management plans?

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

### BUSES, FOOTY EXPRESS

**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 Footy Express bus services. Leave granted.

**The Hon. J.S.L. DAWKINS:** Members might recall that I have previously asked two questions this year in relation to the Footy Express bus service. These questions followed the introduction of the new terminal adjacent to Football Park and the dedicated bus lane. I should add that I have continued to use this service as often as possible when attending Crows matches. During the minister's answer to my second question on this subject on 6 July this year, she incorporated a statistical table that outlined the use of the Footy Express bus service during the first 13 rounds of the 2001 AFL season. My question is: can the minister provide the Council with details of the use of the Footy Express bus service for AFL matches throughout the recently completed minor round?

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I was pleased to have some forewarning of this question earlier today and I can provide a very factual answer. Last year there were a number of Footy Express buses, but they operated before the terminal was established, and about 2.5 per cent of the total crowd were taken to and from the ground by that service. This year—2001—the crowd attendance at minor round games for the whole season was 6.96 per cent in terms of public transport patronage. So, with the new bus terminal and the bus priority lane, the number of people using Footy Express has trebled, and that is fantastic news.

I should highlight that it gets better still, because with the new grandstand opening on Sunday 22 July the number of Footy Express buses increased. We also found that the average number of people attending also increased, and the average was 7.23 per cent for all crowd games following the opening of the new grandstand. There are now 17 Footy Express buses operating over the metropolitan area, as well as from the Adelaide Hills, Murray Bridge and the Barossa.

**The Hon. T.G. Roberts:** Gawler?

**The Hon. DIANA LAIDLAW:** Yes, the Barossa and Gawler. I highlight, too, that, as a state government, we are investing further funds in this area. Designs and planning are now under way for stage 2 of the West Lakes priority bus lanes project, with construction of lanes proposed between Port Road and Clark Terrace—a \$1.8 million investment. There will also be further priority bus measures amounting to some \$500 000 for traffic lights to be installed along Port Road at the Park Terrace and Adam Street intersection, between Kilkenny Road and Rosetta Street, and Woodville Road and West Lakes Boulevard. With those measures, we anticipate a further increase in patronage at AFL games. However, I highlight that Transit Link services on weekday mornings and afternoons are also utilising this investment, which was principally made for AFL games but is being used on weekdays for public transport services. So, all across the year—

**The Hon. J.S.L. Dawkins:** It will benefit commuters.

**The Hon. DIANA LAIDLAW:** Yes, it will benefit the commuters, generally. So, it has been a sound investment with a great return in terms of increased patronage.

### ROAD TRAFFIC OFFENCES

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Transport questions regarding possible changes to due care driving offences.

Leave granted.

**The Hon. T.G. CAMERON:** On Wednesday 13 June 2001, Alex Hill caught a bus with three friends from outside Loreto College. The girls travelled to the Burnside shopping centre and got off the bus on Portrush Road just before the intersection with Cator Street. They walked to the crossing and waited for a green walk signal. After waiting for a few minutes, the green walk sign activated and the three girls proceeded to walk west across Portrush Road. As the girls crossed, a plumber's truck travelling in the right lane on Portrush Road crashed a red light and, travelling at not less than 60 km/h, struck the girls. Alex, who had turned 13 years of age only five days before the accident, was the most seriously injured. Alex fought very bravely but tragically lost her fight for life at 11.55 p.m. on Friday 15 June 2001.

The police conducted an investigation into the collision. The driver of the truck admitted to seeing a bus stopped in the left hand lane and other cars stopped around the bus. He also stated that he saw another two vehicles stopping behind the bus and vehicles stopped in the right turn lane. He further stated that, after seeing all other vehicles stop, he changed lanes from the left lane into the right lane and began to accelerate towards the intersection. He states that he then saw that the lights were red. At this point he was, on his own admission, about 30 metres from the intersection. He then goes on to state that he had a moment's indecision before he decided to accelerate. There were at least seven independent witnesses who confirmed that the vehicle did not brake prior to the collision.

I have been informed that, when the decision was made to charge the driver with due care (section 45 of the Road Traffic Act) and not causing death by dangerous driving (section 19 of the Criminal Law Consolidation Act), the fact that Alex died as a result of the accident was irrelevant and did not have a bearing on that decision. What was relevant was the manner of driving. In this case it was said that the driver had made a faulty decision that resulted in the collision. At present, there is nothing within the offence of driving without due care that takes into account that from time to time, as a result of driving without due care, lives are lost. However, the gap between the offences of driving without due care and causing death by dangerous driving is enormous. There is, clearly, a need for some sort of penalty system within the offence that allows the courts to issue a penalty that reflects the outcome of the driving offence—that is, when a death or serious injury results from that driving.

In the early 1990s, in New South Wales, an accident occurred in which a mother and her child were struck by a vehicle and killed. Following public outcry, a penalty section was introduced within the offence which takes into account that death or grievous bodily harm sometimes results from such driving. It also allows the courts to issue penalties that reflect the public's expectations. The section now provides three penalty brackets and has been operating in New South Wales for a number of years and has proved effective in filling the void between death caused by dangerous driving and driving without due care. There is considerable support within the community for this penalty system to be introduced in South Australia within the offence of due care. The public as a whole has an expectation that drivers, when driving on the road, exercise an appropriate amount of concentration and skill and that, when that is not the case and when a death or injury occurs as a result of this, the driver should be appropriately penalised.

My question to the minister is: considering that the act currently does not recognise such a loss as being worth more than a charge of driving without due care and disobeying a traffic light (the maximum penalty for which is \$1 000 and a six month loss of licence), will the government support incorporating the New South Wales or a similar penalty system within the South Australian offence of driving without due care, or will a private member's bill be required to get some action on this matter?

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I thank the honourable member for his question. What he is seeking has been raised with me by colleagues on my own side of parliament, that is, that the result of the driver's conduct and not just the conduct itself should be taken into account in the offence and reflected in the penalty.

The Attorney and I spoke about this issue as late as just yesterday, and we will be conferring further. There is a general appreciation that the circumstances that the honourable member outlined and the facts overall highlight that unprotected road users are particularly vulnerable under the present law. The question is how we deal with that in terms of the legal precedents set in New South Wales and the various offences that we have in the Road Traffic Act and the Criminal Law Consolidation Act. I undertake that the Attorney and I will pursue these concerns diligently.

I should not put words in the Attorney's mouth, but I am concerned that, if this is not addressed by parliaments promptly, we are saying to motorists—who are protected road users in their vehicles—'There can be inattention, you need

not brake before a traffic light, you need not drive slowly around a bus, you need not necessarily have sight of the whole road condition, and you may kill somebody, but that is excusable,' and I do not find it to be excusable. I think that, if we do not act now that it has been brought to our attention, not only by the honourable member here and my colleagues and the New South Wales practice, but also by the Director of Public Prosecutions, we will be sending a very bad message to protected road users (people in vehicles) and a very bad message to unprotected road users.

**The Hon. A.J. REDFORD:** During the course of the minister's considerations, will she consult with the Director of Public Prosecutions on what options might be available to parliament?

**The Hon. DIANA LAIDLAW:** The Attorney will do that, and so will I.

### CYBERCRIME

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Attorney-General a question on cybercrime.

Leave granted.

**The Hon. CARMEL ZOLLO:** On 7 September I had the opportunity to attend a seminar titled 'Cyber Crime: Hype or Horror?' The seminar was a joint presentation by the Institute of Justice Studies and the Department of Justice Studies of the Adelaide Institute of TAFE. The guest presenter was Ms Barbara Etter, the Director of the Australasian Centre for Policing Research in Adelaide and a Commander within the Northern Territory police. Ms Etter raised some very pertinent issues regarding cybercrime, or e-crime, which is usually defined as criminal activity conducted using computers or using such a tool to access the internet or other open or closed network systems in the commission of an offence.

There is increasing concern that this new medium is spawning criminal activity that needs to be addressed. The South Australia Police Commissioner was recently reported as saying that young people had used a computer program to generate credit card numbers. They were accepted as legitimate and were used to complete transactions. Computers are also making many legitimate forms of identification obsolete. It was suggested, for example, that documents required to meet the 100 point test to open such things as bank accounts could, realistically, be reproduced using desktop publishing.

I understand that the commonwealth government has introduced model legislation to parliament with a view to having similar laws adopted by state governments to extend the powers of law enforcement agencies nationwide. Several months ago, a meeting of commonwealth, state and territory Attorneys-General agreed to give priority to developing updated computer offences legislation. While the Australian Computer Society supports the proposed legislation in principle, concerns have been raised by the Australian Computer Society and other key industry groups over the overly broad wording of parts of that bill that may be over-restrictive on innocuous or legitimate computer related activities or may infringe civil liberties.

Ms Etter suggested that there was a need for strong government commitment to address issues both in terms of resourcing legislation and, in particular, for legislation to keep pace with rapid technological changes. My questions are:

1. What measures are being taken to minimise the impact of cybercrime on government agencies?

2. Have any cybercrime offences against the South Australian government been reported to the police?

3. Will the Attorney indicate whether he will provide industry and the wider community an opportunity for broad consultation before introducing complementary legislation for the proposed commonwealth model laws on cybercrime?

**The Hon. K.T. GRIFFIN (Attorney-General):** Several of those questions will need to be taken on notice, but in relation to the development of legislation I can say that the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General published a report—I think earlier this year—on computer crime. The commonwealth has enacted, or is enacting, legislation based on that model, and I think it has been, or is about to be, introduced into the New South Wales parliament. The government has already decided that it will introduce legislation to reflect the direction proposed by the recommendations of the Model Criminal Code Officers Committee report. Only yesterday, I consulted further with parliamentary counsel on the drafting of that legislation, and I hope that we will be able to get it into the parliament in the very near future.

With respect to the issue of consultation, it should be noted that the processes followed by the Model Criminal Code Officers Committee generally have been to publish a discussion paper, allow public comment on that after wide circulation, and then propose recommendations in a final report. So, the need for yet further consultation is not as great as if there had been no initial consultation. It will always be a matter of opinion in some instances as to where the line should be drawn. I know that when it comes to computing there are some sensitivities amongst people who are members of various societies or groups or who are involved in certain businesses dealing with the internet and computers.

We have experienced that in relation to objectionable material on the internet and the classification legislation. We have a select committee at the moment which is dealing with issues particularly related to that sort of objectionable material being available on the internet, and that has created controversy. Unfortunately, it is an issue of perception rather than an issue of substance, but that is the nature of the issue. In the light of the Model Criminal Code Officers Committee report on computer crime, I think it is likely that there will be some differences of view as to where the line should be drawn. However, ultimately, it is my strong view that the state and the parliament have to have legislation which addresses a very real concern because the internet and computing cannot be above the law.

Only in the past day or so we have seen President George W. Bush relating that the United States will be placing an even greater emphasis upon dealing with access to funds by terrorist organisations, much of which occurs through the use of electronic technology and the way in which money can be shifted with some degree of ease around the globe. So, this issue is in the forefront of everyone's mind, but it cannot be grappled with easily. I think the Model Criminal Code Officers Committee has generally moved in the right direction. We may make some modifications to that, but we want to ensure consistency of approach across Australia, and I hope that in the near future a bill will come into the parliament that we can get our teeth into.

## VOLUNTEER INSURANCE

In reply to **Hon. IAN GILFILLAN** (6 July).

**The Hon. K.T. GRIFFIN:** The minister responsible for volunteers has been advised as follows:

In March, 2001, the State Government released a discussion paper on volunteer protection Legislation for public consultation.

It discusses ways to protect volunteers against civil liability arising out of their activities as volunteers.

Over 20 public forums were held throughout South Australia to explain the paper's content and to provide the community with an opportunity to give feedback regarding the proposal.

Over 60 submissions in response to the discussion paper were received, with insurance and associated cost implications raised. The government is currently working through the issues raised in the consultation process.

No comment can be made regarding Volunteering Australia's risk management standards as it is understood that these are still not available for public distribution.

## POLICE RADARS

In reply to **Hon. T.G. CAMERON** (4 July).

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has provided the following information prepared by the Commissioner of Police:

Queensland purchased a number of Silver Eagle, K band, moving mode radars for use in their state. When comparing the new devices with the older KR10 moving mode radars concerns were raised regarding the durability and performance of the newer devices. Queensland police made a decision to remove the Silver Eagle mode radar devices from operational service pending the outcome of their negotiations with the supplier. It is important to note that Queensland have never stated that the devices would produce a faulty reading with regard to a target as long as they were operated by a trained person and the training process was followed when using the device.

The South Australia Police have been in contact with the Victoria Police regarding the use of this equipment. Victoria has only one Silver Eagle device fitted to a police motor cycle. Whilst satisfied there was not a problem with the device if used in accordance with the instructions, Victoria Police chose to obtain an independent assessment of the device.

Victoria Police independent assessment was undertaken by RFI consulting to establish whether the signal emitted by mobile phones would cause interference to the Silver Eagle. Interference that could affect the radar is heard as static buzzing and is not consistent with the pure, clear Doppler return obtained from a valid target vehicle. Some interference was produced by way of spurious readings resulting from the testing process. These readings do not impact on the use of the device provided the operator follows the instructions provided for its use. A prosecution will not be undertaken unless the operator identifies a target and receives a pure, clear Doppler return from the target vehicle proportional to the speed of the vehicle, during the tracking history prior to the speed being locked on.

SAPOL and Victoria Police are satisfied the Silver Eagle device will not provide a spurious reading that will impact on an accurate speed being recorded for any prosecution undertaken. Members using the device are required to be in a position to satisfy a Court that they followed the correct procedure for testing and operating the device with any prosecution they pursue.

## PORTS CORP

In reply to **Hon. A.J. REDFORD** (3 July).

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

1. A combined budget for all consultants was established. No separate budget was allocated for the services of the probity auditor. In relation to the sale of electricity assets all questions need to be answered by the Treasurer.

2. Invoices for \$144 122.85 have been received for the period to 30 June 2001.

3. A selective Request for Tender (RFT) was released to eight firms on 25 May 2000, in relation to the provision of probity audit services for the SA Ports Corporation divestment. The selection of the successful tenderer was based on a comprehensive evaluation of the five tender responses received. Each submission was assessed against defined criteria (including experience, knowledge, independence and fee structure and amount) by assigning a score and applying the appropriate weighting to determine a final rating. Two

respondents were identified as strong contenders and following interviews with representatives of each firm the final selection was made. While submissions from both firms were assessed as being cost-competitive the successful tenderers submission was deemed to offer the best value for money based on all the established criteria.

4. I have no knowledge of any inappropriate assistance, in relation to bids, by any members of parliament.

### COUNTRY FIRE SERVICE

In reply to **Hon. IAN GILFILLAN** (31 May).

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has provided the following information:

1. On the question of the additional \$3.5 million capital to offset external effects on the CFS budget, I am able to confirm that this amount has been confirmed to the CFS Board by my colleague (the Minister for Police, Correctional Services and Emergency Services) and the CFS Board has identified additional facilities and vehicles which will be provided by these additional funds. This budget will not be soaked up by previous commitments.

2. The CFS Board has prioritised their effort, and has approved the following items:

Kingston, Land Only (SES & SAAS)  
5 x Light Appliances  
Callington Station  
Eden Hills Station  
Hallett Station  
Aldgate Station  
Salisbury Station  
Coober Pedy Station  
Beachport Station  
1 x Air Support Vehicle with Crane  
5 x Command Vehicles

3. The CFS Board has negotiated a fire station program for 2001-02:

Hindmarsh Valley Station  
Port Wakefield Station (with SAAS)  
Cummins Station  
Montacute Station  
Port Victoria Station  
Auburn Station  
Port Lincoln Station (with SAMFS)  
Callington Station  
Eden Hills Station  
Hallett Station  
Aldgate Station  
Salisbury Station  
Coober Pedy Station (upgrade)

4. On the new appliances I am able to advise that the program for 2001-02 is:

10 heavy appliances  
5 light rural appliances  
5 command vehicles

In reply to **Hon. IAN GILFILLAN** (15 March).

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has provided the following information:

1. Were the funds for relocation expenses of the State Operation Centre for ESAU, SES and CFS at 60 Waymouth Street taken entirely from the CFS budget, which was the implication given to me?

Initially all costs were allocated to a single project line for relocation expenses not directly attributable to agencies, however additional work and equipment for the three services was required which subsequently was allocated to the CFS for reasons of administrative convenience. This was then reconciled and correcting entries made on a cost allocation basis.

The cost allocation process has been spread across agencies on a user pays basis. This followed consultation with key personnel in DAIS, CFS, SES and ESAU.

It needs to be recognised that a previous CFS Board made the request for CFS to move to Waymouth Street as they recognised the financial and efficiency benefits for CFS by relocating.

2. What was the cost of the relocation?

The cost of the, relocation including building work, fit-out, communications centre costs and other specialist equipment was \$2 876 679. This was funded from a lease incentive of \$1 713 750

managed by DAIS Real Estate Management (Stage 1), \$324 829 paid by the Attorney-General's Department (Stage 1), \$386 899 by the CFS (Stage 2), \$177 472 by SES (Stage 2) and \$273 747 by ESAU (Stage 2).

3. Was this payment from CFS funds to ESAU authorised by the CFS.

Stage 1 costs were essentially funded from a lease incentive. Stage 2 costs were paid from the capital works program for 1999-2000 and 2000-01, the final costs of which have been reviewed and apportioned in consultation with DAIS, CFS, SES and ESAU. Initially all Stage 2 costs were accumulated as one unique project cost in CFS, and as 'Minor Works' in ESAU. A full review of costs and the allocation methodology was undertaken in March and April 2001 to ensure that costs were proportioned fairly to each of the agencies on a user pays basis. The results of this were discussed and agreed at CFS Board meetings in March and April 2001.

4. Can we have the number of CFS groups there are in South Australia and, of that number, how many have signed off by completing and returning the paperwork on delivery of their new pager systems?

The CFS has 61 groups registered in the state, and 432 brigades.

The DAIS-GRN process required training and acceptance testing of pagers to ensure proper performance and people skills, thus improving the potential for success. This process was determined by DAIS-GRN.

The CFS has only transitioned to GRN after it has become available in an area of the State, and when appropriate for its business. The GRN Business Region 1 has been completed (radio and pagers). There are approximately 80 individual Brigades in this area that have signed off and transitioned to GRN paging.

5. Why in November last year were units notified that consultants will be employed to, amongst other things, provide advice on implementing the 2000-01 budget for Capital Works for the CFS?

A consultant was engaged to provide recommendations for improved cost control and reporting, to improve and properly define capital works policies and procedures, and to provide advice on an improved structure and accountability for the capital works program.

6. Does the minister realise that requiring each and every item of expenditure at individual unit level, from small building or vehicle repairs to a mop and bucket, to be approved by regional officers is severely damaging morale of the volunteers of the service?

The CFS has delegated expenditure authority for groups and brigades, within their budgets.

A very small number of groups have expenditure very close to their total budgets. These areas of concern have secondary sign off checks imposed as well as regular support from their line managers and business officers (financial) to ensure that all expenditure meets operational priorities.

Groups and brigades operating well within budget do not have additional procedures imposed and operate their budgets independently within current accountability/audit requirements.

Budgets and cash flows are reviewed throughout the year and holistically on an annual basis.

### GREEN PHONE

In reply to **Hon. A.J. REDFORD** (30 November 2000).

**The Hon. K.T. GRIFFIN:** The Deputy Premier, Minister for Primary Industries and Resources, and Minister for Regional Development has provided the following information:

The project is primarily funded by the Commonwealth Government's Networking the Nation (NTN) program. The Commonwealth Government has committed approximately \$2.31 million to the initiative through NTN. The South Australian and Victorian Government's have each committed funding to the project. The Victorian government committed \$100 000 on 17 June 2000 and the South Australian government \$110 000 (including \$10 000 for GST) on 15 May 2001.

My understanding is that ownership of Green Phone Incorporated rests in equal portions with the South East Local Government Association (SELGA) and the Greater Green Triangle Region Association (GGTRA) on behalf of 20 local government bodies within the Green Triangle Region. Each Association is a Unit Holder in a Unit Trust of which Green Phone Incorporated acts as Trustee. All successful NTN applicants sign a Deed of Agreement with the Commonwealth that encompasses all required elements of the project, objectives, activities, milestones, performance criteria, and

financial reports. Green Phone is managed by a management committee comprising representatives nominated by SELGA and GGTRA.

It would be assumed that this management committee would make available reports to the constituent councils, council members and ultimately the public. However, the actual reporting requirements would probably be contained in the constitution and best answered by the Unit Holders themselves.

In order to establish Green Phone Inc as a trust the Minister for Local Government's approval was sought and given in accordance with the Local Government Act.

The Minister for Regional Development is not aware that there is a relationship between Green Phone and Net Tel Communications. Net Tel Communications is not currently the registered proprietor of any businesses; while Green Phone is an incorporated association, incorporated under the Associations Incorporation Act 1985. Incorporated associations are non profit bodies comprised of members, in this case those members nominated by SELGA and GGTRA. The Minister for Regional Development understands that the Director of Net Tel Communications is also the General Manager of Green Phone Inc.

It is understood that SELGA borrowed \$175 000 from the Local Government Financing Authority to purchase the Internet Service Provider 'SE Online'. It appears that SE Online was struggling to remain viable and was purchased to be integrated into the overall telecommunication plan.

The selection criteria for NTN funding require that the project approach is competitively neutral. These criteria are:

- How would you ensure that contractors are chosen in an appropriately open and competitive manner?
- Show that infrastructure and/or services provided through your project would not unfairly compete with any commercial providers, offering comparable infrastructure and/or services (in terms of price and quality) in, or to, any part of the targeted region.
- Will your project facilitate any future development of competitive services in the targeted region, in response to improved market conditions? If so, how?

These selection criteria and information on assessment are available from the Department of Communications Information Technology and the Arts in Canberra.

#### TAB, ONLINE BETTING

In reply to **Hon. NICK XENOPHON** (11 October 2000).

**The Hon. K.T. GRIFFIN:** The Minister for Government Enterprises has advised that:

1. The TAB did not undertake any consultation with gambling rehabilitation service providers prior to establishing its internet betting facility. However, it should be noted that as part of the government's review of the Gambling Inquiry Report by the Social Development Committee, the government outlined its commitment in relation to a number of the committee's recommendations. In particular, indicating that mechanisms will be put in place to require gambling venues to display information regarding rehabilitation and counselling services.

2. The TAB is currently in the process of implementing initiatives to address recommendations 2.1 and 6.2 from the Social Development Committee's Gambling Inquiry report:

- Recommendation 2.1 requires all gambling venues to display in prominent positions appropriate and relevant information on how to contact gambling rehabilitation and counselling services.
- Recommendation 6.2 requires that all staff employed in the gambling industry be informed about gambling services available to people who might have a gambling problem.

Information is currently being displayed in all TAB sales and pubTAB outlets and on TAB's internet wagering site. Messages provided encourage customers to bet wisely and within their means. TAB is cognisant of the issues of problem gambling and takes this into account when formulating its strategic and marketing activities. Furthermore, it is mindful of the relevant advertising industry standards when developing its campaigns.

In addition, the Authorised Betting Operations Act 2000 (ABOA), passed by parliament in December 2000, was prepared having close regard to the government's response to the Social Development Committee's recommendations. In particular, it has a focus on problem gambling and includes a range of provisions that expand the major betting operation licensee's responsible gambling obligations.

The ABOA includes a requirement that the licensee adopt a responsible gambling code of practice, as approved by the GSA, dealing with, amongst other things, the provision of training to staff relating to responsible gambling and the services available to address such problems.

The government has recently introduced the Statutes Amendment (Gambling Regulation) Bill which provides for:

- the Responsible Gambling Code of Practice to include additional matters designed to reduce the incidence of problem gambling determined by the Independent Gambling Authority; and
  - either House of Parliament to disallow a code or an alteration to a code, in a similar manner as if it were a regulation.
3. Should any customer using an established internet account wish to implement self exclusion, this can be easily accommodated by notifying the TAB.

Although the internet facility cannot provide a service for players to place limits on the size of their bets, the system has been developed in such a way that customers must make conscious decisions throughout various stages of placing their bet.

4. Both the TAB and I are aware of the issues of problem gambling and are familiar with the generally available data on the issue, including the Productivity Commission's Report. The issue of problem gambling is a major issue which is being addressed at both State and Federal levels.

As outlined above the ABOA was prepared having close regard to the government's response to the Social Development Committee's recommendations. In particular, it has a focus on problem gambling and includes a range of provisions that expand the major betting operation licensee's responsible gambling obligations. Furthermore the government has recently introduced the Statutes Amendment (Gambling Regulation) Bill which provides for the Responsible Gambling Code of Practice to include additional matters designed to reduce the incidence of problem gambling determined by the Independent Gambling Authority

On 28 June 2001 the Interactive Gambling Bill 2001 was passed through Federal Parliament. Substantial amendments made to the bill have different implications for different segments of the Australian and global gambling markets. The bill refers to other regulations that can be made which could have some impact on operations. However, no regulations have been made to date. SA TAB's operations are essentially excluded from the provision of the Bill except that it will not be able to accept a bet on an event once that event has commenced.

I certainly would not endorse employees of firms or members of the public service betting whilst on duty. Obviously, employees would also need to take into account their employers policy regarding internet use.

#### TAB, PROBLEM GAMBLERS

In reply to **Hon. NICK XENOPHON** (3 May 2000).

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

1. The TAB is currently in the process of implementing initiatives to address recommendations 2.1 and 6.2 from the Social Development Committee's Gambling Inquiry report.

In particular:

- Recommendation 2.1 requires all gambling venues to display in prominent positions appropriate and relevant information on how to contact gambling rehabilitation and counselling services.
- Recommendation 6.2 requires that all staff employed in the gambling industry be informed about gambling services available to people who might have a gambling problem.

Information is currently being displayed in all TAB sales and pubTAB outlets and on TAB's internet wagering site. Messages provided encourage customers to bet wisely and within their means. TAB is cognisant of the issues of problem gambling and takes this into account when formulating its strategic and marketing activities. Furthermore, it is mindful of the relevant advertising industry standards when developing its campaigns.

In addition, the Authorised Betting Operations Act 2000 (ABOA), passed by Parliament in December 2000, was prepared having close regard to the Government's response to the Social Development Committee's recommendations. In particular, it has a focus on problem gambling and includes a range of provisions that expand the major betting operation licensee's responsible gambling obligations.

The ABOA includes a requirement that the licensee adopt a Responsible Gambling Code of Practice, as approved by the GSA, dealing with, amongst other things, the provision of training to staff relating to responsible gambling and the services available to address such problems.

The government has recently introduced the Statutes Amendment (Gambling Regulation) Bill which provides for:

- the Responsible Gambling Code of Practice to include additional matters designed to reduce the incidence of problem gambling determined by the Independent Gambling Authority; and
- either House of Parliament to disallow a Code or an alteration to a Code, in a similar manner as if it were a regulation.

2. As outlined above, the TAB is in the process of implementing initiatives to address recommendations 2.1 and 6.2 from the Social Development Committee's Gambling Inquiry Report. Namely, that information is currently being displayed in all TAB outlets as well as TAB's internet wagering site. Furthermore, messages are provided on the internet site which encourage customers to bet wisely and within their means. These messages are consistent with the messages displayed in TAB's Sales Outlets.

In addition, the ABOA requires that the Licensee's Responsible Gambling Code of Practice also address the display of signs and the provision of information at offices, branches and agencies, relating to responsible gambling and the availability of services to address problems associated with gambling.

3. Currently, the TAB at the request of a TAB account customer, make their account unavailable for betting.

In addition, the ABOA includes provisions which enable the licensee to bar excessive gamblers.

If the licensee is satisfied that the welfare of a person, or the welfare of a person's dependents, is seriously at risk as a result of excessive gambling, the licensee may, by written order:

- bar the person from entering or remaining in a specified office or branch staffed and managed by the licensee;
- bar the person from making bets at a specified agency of the licensee; and/or
- bar the person from making bets by telephone or other electronic means not requiring attendance at an office, branch or agency of the licensee.

4. TAB staff are not qualified in counselling in such a sensitive area. However, as advised above, the ABOA requires the licensee to have an approved Responsible Gambling Code of Practice which sets out training to staff relating to responsible gambling. Furthermore, as outlined above, TAB is currently in the process of implementing initiatives to address recommendation 2.1 from the Social Development Committee's Gambling Inquiry Report. In particular, an information card currently being displayed in outlets, provides contact numbers for the provision of counselling services in South Australia.

#### WATER SUPPLY, HOUGHTON AND INGLEWOOD

In reply to **Hon. SANDRA KANCK** (3 June 1999).

**The Hon. K.T. GRIFFIN:** The Minister for Government Enterprises has advised the following communities in the Adelaide Hills Council area are benefiting from the program:

- Houghton, Paracombe and Inglewood are now being supplied with filtered water by \$2.1 million pipeline extension from the existing Anstey Hill water treatment plant, that commenced operation in March 2001;
- Gumeracha, Birdwood, Cudlee Creek and Kersbrook will be supplied by a \$5.6 million pipeline extension from the existing Summit Storage water treatment plant near Balhannah, which was established in 1997. The project is expected to be progressively commissioned at each of the above-mentioned Hills' townships from August to October 2001 ;
- The Mt Pleasant, Springton and Eden Valley communities are now being provided with filtered water from a new \$7.5 million water treatment plant that has been built at Mt Pleasant. The plant, which was officially opened by the Minister for Government Enterprises on 8 August 2001, incorporates an innovative treatment process called MIEX (magnetic ion exchange resin). MIEX reduces colour and the majority of dissolved organic carbon in water, which significantly reduces the levels of chlorine needed to achieve disinfection.

#### KENDELL AIRLINES

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

Leave granted.

**The Hon. CAROLINE SCHAEFER:** Most members of this chamber would know that until the past three years I flew on regional airlines at least twice a week and would not have been able to service my electorate and be in this parliament had those airlines not been operating. I was therefore devastated when Ansett and, in particular, Kendell Airlines were put out of the air only a week or so ago. In particular, the most remote regions of this state have no other way of accessing the city quickly and conveniently. Those communities are Roxby Downs, Ceduna and Coober Pedy. Our tourist trade is also badly affected by the demise of Kendell Airlines, particularly with a long weekend coming up and the annual Oysterfest at Ceduna. This will have long reaching repercussions for some of those regional towns.

I therefore commend the Premier and the minister for taking the decision to underwrite Airlines of South Australia and O'Connell Airlines so that at least those people were basically serviced. However, this could only be a stop gap measure. Again, I commend the Premier for trying to instigate some method whereby Kendell would fly again. I understand that a statement has been made this afternoon. I ask the minister to give us the details of when Kendell, in particular, will fly again.

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I am exceedingly pleased that the Premier has been able to announce today that the government has brokered a deal which will see the federal government provide a \$3.5 million loan to the South Australian operation of Kendell over the next three month period. The airline will therefore be operating under the umbrella of the administrator. I am pleased not only for regional areas of South Australia and tourism generally but also because the honourable member will not be at me every day to see what more can be done about this issue in terms of providing further services to meet demand.

*An honourable member interjecting:*

**The Hon. DIANA LAIDLAW:** Even on Sunday nights. It's true: she never gives up. It's good that she doesn't. Flights will resume this Thursday on all routes which Kendell has serviced in the past. It is terrific that the routes will be up and running so quickly again, but it is also stunning that this deal has been brokered before the long weekend, because the oyster festival is an important event and people have wanted to go fishing at Port Lincoln and could not. While there continued to be flights to Port Lincoln on Airlines of South Australia, not enough seats were available and people have been turned away. Port Lincoln tourism relies on people coming for long weekends—and for longer periods because of distance and cost—and this October long weekend is an important time for them. The flights will be resumed.

I highlight that not only will Kendell Airlines continue to fly for this three-month period while another longer term solution with a new operator is secured but it is very important that we maintain a competitive industry in South Australia, particularly to rural areas. It is costly enough today to fly to Adelaide but particularly from Adelaide to country centres. If we do not have competition, one can expect those costs to skyrocket, as we have seen. The President himself had the experience of going to Brisbane recently after Ansett

folded and I think that the new ticket he bought was four times the price because, without competition, anything can be asked and it is in terms of price at the present time.

This is great for securing jobs and it is great for rural communities. In the meantime, I indicate to the honourable member and members generally that the government will continue to work with the administrator to get the best solution for regional South Australian airlines and airports, for jobs in the aviation industry and tourism generally, and for aquaculture.

### SCHOOLS, SUNSHADES

In reply to **Hon. CARMEL ZOLLO** (17 May 2001) and answered by letter on 10 August 2001.

**The Hon. DIANA LAIDLAW:** Further to my answer on 3 July 2001, the Minister for Education and Children's Services has provided the following information.

The July 2000 incident, of which the honourable member refers to, occurred at the North Ingle Primary School. As the honourable member has indicated a number of children were injured when they climbed onto a shade structure at the school and fell approximately two metres when one of the structure connector fittings failed.

The Department of Education, Training and Employment commissioned an engineer's report into the incident. The report indicated that the failing of the connector was in fact a feature of the structure designed to relieve the load from the structure posts once a certain load was exceeded. The Minister for Education and Children's Services has been informed that all Government schools have been instructed to ensure that an engineer's report is commissioned when erecting any freestanding shelter to ensure it is installed on sites in accordance with the Building Code.

### BREAK EVEN GAMBLERS REHABILITATION NETWORK

In reply to **Hon. NICK XENOPHON** (14 March 2001) and answered by letter on 10 August 2001.

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

1. Significant progress has been made in relation to most of the recommendations of the Evaluation of the Gamblers' Rehabilitation Fund. Thirty-eight specific recommendations were made in the report.

- A policy of harm minimisation has Ministerial approval and has been adopted by all Break Even services.
- A Statewide community education media campaign is currently being implemented. Cost effective television commercials were run in November 2000 and February 2001.
- Twenty local community education initiatives have been funded for \$140 000 and implemented across the State over the last two years. People on low incomes have been assisted with these local initiatives.
- A three year research agenda and plan has Ministerial approval and is progressively being implemented. A recurrent budget of \$50 000 per annum is allocated to coordinate the program and \$340 000 of project funds are approved. A prevalence study involving the surveying of 6 000 people has been completed, with a final report due to be released shortly.
- The configuration of service delivery has just been reviewed and the Minister is in the process of considering recommendations which will enhance the operation of services in the western metropolitan region as well as services for people from culturally and linguistically diverse backgrounds.
- An additional \$500 000 and \$300 000 per annum was allocated in the last two State budgets. These amounts represent a contribution from the other gambling codes and have been recurrently allocated for additional services in 2001-02 and beyond.
- With the support of the Department of Human Services, agencies are developing more effective approaches to delivering services to people with gambling problems living in rural, remote and isolated areas. This includes some excellent initiatives undertaken by Nunukuwarrin Yunti for the benefit of Aboriginal people over the last 12 months.
- Annual service reviews have been introduced with the agreement of funded agencies. Output and outcomes measures are being

progressively developed in conjunction with agencies to reflect and match the level of funding provided.

- A new data collection system was successfully implemented in 2000 and is now producing reports. The Department of Human Services has established a working party with agencies to gain agreement on reporting protocols and address agency confidentiality issues.
- The membership of the Gamblers' Rehabilitation Fund Committee was expanded in July last year to include the Law Society, the AMA, the South Australian Council of Social Service and the Heads of Churches Task Force on Gambling. The Committee now has the broader role of providing advice in relation to gambling policy and funding of services.

A range of early intervention strategies referred to in Recommendation 1(e) of the Evaluation Report have been trialled and implemented under the 20 local community education grants funded last year. Some agencies have maintained these local early intervention initiatives as part of their ongoing program. Further development is occurring in this area with additional project funding of \$40 000 and the appointment of a full time Departmental Project Officer to implement a number of service coordination and improvement projects.

Recommendation 15 of the GRF Evaluation is to be addressed on a national level by the Commonwealth Government as Internet and pay television gambling clearly crosses State boundaries and cannot be effectively researched and addressed on a State level only.

In relation to Recommendation 21, the Minister has recently approved three year funding with all services except for the Wesley Uniting Mission, the Salvation Army and Flinders Medical Centre, which have been extended for six months to finalise auspice arrangements.

Of the 38 recommendations made by Elliott Stanford and Associates, the government considered three were not appropriate to act upon, 16 have been implemented and 18 are in the process of being implemented. One has been referred to the Commonwealth for action to be taken at a national level.

2. The answer to this question has been covered in other responses to the honourable member.

3. The answer to this question has been covered in other responses to the honourable member.

In reply to **Hon. NICK XENOPHON** (16 May 2001) and answered by letter on 10 August 2001.

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

1. It is clear that a delay of up to five weeks to wait to receive a problem gambling service for a client in crisis is not acceptable. The Minister for Human Services has been advised that the waiting list for services varies from service to service and varies at different times of the year. Clients can be referred to the 24 hour gambling helpline for immediate initial assistance. In June 2001, additional recurrent funding of \$457 000 per annum was approved to be allocated to the Gamblers Rehabilitation Fund (GRF) services for direct service delivery and applied from 1 July 2001. This will enable agencies to increase professional staff by more than 30 per cent in metropolitan and rural areas to provide counselling rehabilitation services and address waiting lists.

Additional one-off funding of \$50 000 was allocated to Break Even services in November 2000 to assist agencies to respond immediately to a potential increase in client demand generated by the community education media campaign. This has enabled metropolitan agencies to provide an additional 270 hours of support and counselling and rural services to provide an additional 140 hours.

2. In 2000-01, one-off funding of \$423 000 was allocated to support GRF agencies to provide direct services for problem gamblers and those affected by problem gambling, and also to fund the Gamblers Helpline.

3. At the end of 1999-2000 the cash balance held in the GRF was \$1 259 000. The actual cash balance held in the GRF at 30 June 2001 was \$747 404. Of this amount, \$356 790 is already subject to contractual commitments leaving a balance of \$390 614 for allocation in 2001-02.

The reduction in the cash balance during 2000-01 reflects increased allocations for service delivery, spending on a major community education program and continuation of funding of the Gamblers Helpline. The cash balance is expected to further reduce during 2001-02.



As time is required to plan and implement new initiatives involving, for example, research and community education, the Fund will always hold cash balances that have not yet been distributed.

4. The GRF Committee has been informed of the waiting lists and has made appropriate funding recommendations which have been approved.

5. The GRF Committee makes recommendations in regard to GRF funding and to gambling policy. The Minister for Human Services considers recommendations from the GRF Committee and makes the final funding decisions.

6. The concerns of Rev Neil Forgie have been heard and appropriate funding responses as previously stated have been made with a one-off allocation in November 2000, and a significantly increased recurrent allocation applied from 1 July 2001. The additional \$300 000 approved by the State Government in May 2001 as part of the 2001-02 budget has already been allocated to the Break Even agencies.

#### GAMBLING PROBLEMS

In reply to **Hon. NICK XENOPHON** (17 May 2001) and answered by letter on 10 August 2001.

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

1. The SERCIS survey was forwarded to the Gamblers Rehabilitation Fund Committee for its consideration, to provide feedback, comments or recommendations. The feedback has now been incorporated and the report is being printed. It will be publicly released shortly.

2. See answer to 1. above.

#### BREAK EVEN GAMBLERS REHABILITATION NETWORK

In reply to **Hon. NICK XENOPHON** (30 May 2001) and answered by letter on 10 August 2001.

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

1. The Department of Human Services has been closely monitoring the level of demand on Break Even problem gambling services, and the Minister for Human Services is aware of the recent occurrence of waiting lists following the successful community education media campaign promoting the Gambling Helpline number.

2. The Gambling Helpline is available 24 hours a day, seven days a week, and offers an immediate crisis response to individuals at risk.

An immediate response to this issue has been provided by an increase in funding to the service sector by \$457 000 per annum to address client demand and reduce waiting lists.

Additional one-off funding of \$50 000 was also allocated to Break Even services in November 2000 to assist agencies to respond immediately to a potential increase in client demand generated by the community education media campaign. This has enabled metropolitan agencies to provide an additional 270 hours of support and counselling and rural services to provide an additional 140 hours.

3. All questions relating to Break Even problem gambling services have now been answered.

#### TRUCKS, B-DOUBLE TANKERS

In reply to **Hon. T.G. ROBERTS** (17 May 2001) and answered by letter on 15 August 2001.

**The Hon. DIANA LAIDLAW:** Further to my answer on 3 July 2001, the Minister for Police, Correctional Services and Emergency Services has been advised by the South Australian Country Fire Service and South Australian Metropolitan Fire Service of the following information.

The SA Country Fire Service has a total of thirty two specialist Hazmat Brigades strategically located to ensure appropriate response within all major transport corridors (e.g. Burra CFS—Barrier Highway). These Brigades are supported by Burnside CFS which undertakes a specialist Statewide Hazmat response when necessary.

Each Hazmat Brigade has the ability to request back up at an incident from the next nearest specialist resource. In the case of Burra, this may be Jamestown CFS or perhaps Peterborough MFS dependent on the location of the incident, as well as the resources located at Burnside.

In conjunction with the Hazmat specialty, sixty Brigades are designated Road Crash Rescue resources, twenty of which are dual Hazmat/Road Crash Rescue.

Each of these specialty Brigades are recognised in the standards of Fire and Emergency Cover in which equipment and training levels are prescribed.

Group and Regional plans are in place to ensure prompt and appropriate response to Hazmat and Road Crash incidents Statewide.

In addition, the South Australian Metropolitan Fire Service (SAMFS) provides appropriate equipment to both metropolitan and country operational staff based on a risk assessment of the gazetted areas and environs in which crews may be called upon to operate.

In relation to incidents such as the tanker roll over and fire at Loxton, it should be noted that all SAMFS staff, both retained and full time, receive a range of training that encompasses the following skills

- The operational use of compressed air breathing apparatus (CABA).
- Pumper operations.
- The use of firefighting foams.
- Practical live fire training exercises involving static and running fuel fires.
- HAZMAT training, which equips firefighters to deal with the release of hazardous materials and includes managing with the environmental impact.
- The AIMS incident management system which provides supervisors with a recognised method of exercising command and control over all type of incidents.

#### LIBRARIES, COUNTRY

In reply to **Hon. R.R. ROBERTS** (7 June 2001) and answered by letter on 15 August 2001.

**The Hon. DIANA LAIDLAW:** The Memorandum of Agreement for the funding of public libraries addresses access and equity issues on a Statewide basis. The Agreement assures that all libraries, including the Riverton School Community Library, deliver free public access to the Internet.

The Agreement also confirms that procurement and cataloguing services will be provided to all public libraries through PLAIN Central Services. The service provided through PLAIN Central Services delivers a significant cost benefit to all libraries and, in addition, supports the Statewide inter-library loan service through which students living in towns, such as Riverton, have access to any of the books (including those recorded on tapes) and videos in the Statewide system.

So while small communities, such as Riverton, have smaller collections than the larger metropolitan libraries, the inter-library loan service, the access to central collections, the Internet and the provision of specialist electronic information resources, address access issues in rural and regional areas.

#### PATIENTS ASSISTED TRAVEL

In reply to **Hon. R.R. ROBERTS** (5 July 2001) and answered by letter on 10 August 2001.

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

Until this year there had not been a full review of the Patient Assistance Transport Scheme since the State Government took over administration of the scheme from the Commonwealth in January 1987.

In 1998 there was a limited review of the scheme with the terms of reference restricted to the distance criterion. A working party was established and as a result of their recommendations additional funds were provided to reduce the eligibility distance from 200 kilometres to 100 kilometres. The extension of the scheme in this way has significantly assisted a number of patients who were previously precluded from accommodation assistance.

In keeping with the Government's commitment to improve and build human service systems to achieve better health outcomes for people living in remote and rural communities, there are a number of programs currently in place to enhance training requirements and the recruitment of additional specialised services. It is recognised, however, that there will always be some specialist services that cannot be provided at a local level, and that an access scheme such as the Patient Assistance Transport Scheme is important in assisting rural South Australians with travel costs.

It was in response to concerns raised by country patients and their families, that a full review of the scheme was called and the preliminary meeting held in February 2001. A Reference Group representing a number of stakeholders, including consumers, has overseen the review process and a report will be available shortly outlining their findings.

### MOTOR VEHICLES, DRIVER FITNESS

In reply to **Hon. CAROLYN PICKLES** (7 June 2001) and answered by letter on 10 August 2001.

**The Hon. DIANA LAIDLAW:** As I previously advised, the Registrar of Motor Vehicles wrote to all South Australian medical practitioners in December 1999 in accordance with the recommendations of the Joint Committee on Transport Safety and the Coroner.

The Registrar has advised that since 1999 there has been an increase of some 15 per cent in the number of older people recommended by their medical practitioner to undertake a practical driving assessment. Where an assessment is recommended, it is carried out by a Road Safety Officer, Transport SA.

### EXPIATION NOTICES

In reply to **Hon. CAROLYN PICKLES** (5 July 2001) and answered by letter on 13 September 2001.

**The Hon. DIANA LAIDLAW:**

1. The Passenger Transport Board's (PTB) procedures enable the PTB to differentiate between passengers who make an honest and reasonable mistake and passengers who set out to deliberately defraud the system. In the case of passengers who travel on a concession ticket without carrying a valid concession card or student identification card, or passengers who do not have change to purchase a ticket from an on-board ticket vending machine, an expiation notice is issued and the offender is provided with a verification form. A single-trip ticket must be purchased or a valid concession card produced, and the offender must forward the expiation notice and verification form to the PTB for consideration as to whether further action will be taken in relation to the expiation notice. The process allows offenders the opportunity to prove that they have a concession card or student identification card but, at the time of the offence, they did not have it in their possession due to an honest and reasonable mistake.

In cases where a verification form has been received from a first offender and evidence provided indicates that the offence was a result of an honest and reasonable mistake or a lack of opportunity for the defendant to comply with the regulations, the offender is given a warning and no further action is taken in regard to the enforcement of the notice.

2. The total number of fines issued for fare evasion between 28 October 2000 and 5 July 2001 is 11 405 of which 5 464 were subsequently withdrawn by the PTB following appeal. Due to reporting limitations within the expiations database, information can not be provided in relation to the number of first offence notices issued, withdrawn or prosecuted. The PTB is currently investigating the possibility of upgrading and enhancing its database to improve its functionality.

### MIDWIVES, INDEMNITY INSURANCE

In reply to **Hon. SANDRA KANCK** (24 July 2001) and answered by letter on 13 September 2001.

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

1. Independent midwives provide a service to private patients and are not considered to be any different in that sense to obstetricians who provide services to private patients. Independent midwives are able to access commercial professional indemnity cover. While it is acknowledged that the cost may be significant, the responsibility of the government is to insure its own employees who provide services to public patients, not in relation to independent midwives.

2. The government does not provide a subsidy to general practitioners for professional indemnity related to services to private patients. The government, in 1996, introduced a Fee For Service professional indemnity scheme for rural resident medical practitioners, which had as one of the options payment of a subsidy to medical practitioners who chose to arrange their own indemnity insurance cover. This option is no longer available.

The government, as part of the Fee For Service professional indemnity scheme for rural resident medical practitioners, insures medical practitioners who are resident in rural areas for services they

provide to public patients in public hospitals. The scheme also provides a brokerage service with a medical defence organisation for insurance cover related to services to private patients, for those medical practitioners who wish to avail themselves of this service. Unfortunately, medical defence organisations are not prepared to provide professional indemnity insurance to midwives.

3. The Australian Health Ministers' Advisory Council has established a Jurisdictional Working Party, supported by a Medical Indemnity Consultative Committee, which has as one of its Terms of Reference "Sustainable solutions for addressing long term care costs in health care litigation". The report of the Jurisdictional Working Party will provide the basis for dealing with this issue at a National level. At the Australian Health Ministers' Conference held in Adelaide on 1 August 2001, it was agreed to refer the medical indemnity issues raised by independent midwives to the Jurisdictional Working Party.

4. As mentioned above, independent midwives are able to purchase commercial professional indemnity cover. Although the government will continue to support community midwifery models, the cost of indemnity insurance for services to private patients must be borne by the provider of the service.

### WESTERN MINING CORPORATION

In reply to **Hon. SANDRA KANCK** (6 July 2001) and answered by letter on 15 August 2001.

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

1. The Ionising Radiation Regulations 2000 and the Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores (1987), make provision for medical examinations to be conducted on 'designated employees' in the uranium mining industry. A designated employee is one whose annual effective dose equivalent might exceed 5 millisieverts (5 mSv). For comparison, the average dose limit recommended for radiation workers is 20 mSv. Not all employees in this industry are designated or are required to have such examinations, however, examinations are commonly extended to employees who do not work in occupations where doses meet the definition of designated employees.

Regulation 36 of the Ionising Radiation Regulations 2000 requires that an employer of a designated employee must make such arrangements as are necessary for the employee to undergo a medical examination;

- (a) within six months prior to the commencement of employment or, within four weeks after the commencement,
- (b) at intervals during the period of employment of not more than two years,
- (c) on the date of cessation of employment or within four weeks of that date. If an employee had undergone an examination in the six months preceding the cessation of employment, then another examination is not required. This is commonly known as the 'exit' or 'termination' medical examination.

In addition, if the employer of a designated employee makes an arrangement for such a medical examination, the employer must inform the employee of the arrangements and the employee must comply with them. The Regulations also specify a questionnaire to be used for the medical examination.

There is no requirement for annual examinations nor is there a requirement for six monthly radiation dose summaries to be provided to employees. Where these are undertaken in this instance, they are at the initiative of Western Mining Corporation.

2. Regulation 36 of the Ionising Radiation Regulations 2000 requires that as the employer, Western Mining Corporation Olympic Dam is responsible for making arrangements for medical examinations for its designated employees. In the case of contractors, the 'Radiation Protection Code' makes the operator (Western Mining Corporation) responsible for ensuring that the contractor complies with the requirements in respect of its employees.

3. The issue of routine and exit medical examinations has been discussed with officers of Western Mining Corporation, particularly the circumstances which arise when workers are employed by contractors. It was found in the past that such employees can quickly leave the worksite on completion of a contract, and this may occur before arrangements can be made for an exit examination.

To avoid this situation, new procedures have been put in place by Western Mining Corporation to ensure contractors are notified of the arrangements for exit medicals and to notify their workers of the responsibility to comply with those arrangements. Where former employees have not had an exit medical examination and those

employees can be located, letters have been sent with an offer to arrange such an examination.

Under the circumstances it is not considered necessary or appropriate to take any further action.

4. Employee records at Olympic Dam indicate there have been a total of approximately 4223 workers classified as 'designated employees' since the Olympic Dam Project began operations in the early 1980s.

5. It is not possible to accurately determine at short notice the number of exit medicals currently held by the Department of Human Services but it is estimated to be approximately three thousand. The number of employees currently designated at Olympic Dam is approximately 1081. There are also a number of formerly designated employees still employed at Olympic Dam.

6. As indicated above, the Olympic Dam Corporation currently has procedures in place to ensure all employees are informed of arrangements to have exit medical examinations. Where former employees have not had an exit medical examination and those employees can be located, letters have been sent with an offer to arrange such an examination.

#### MOUNT GAMBIER, GENERAL PRACTITIONERS

In reply to **Hon. SANDRA KANCK** (30 May 2001) and answered by letter on 10 August 2001.

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

The Minister for Human Services has noted the matters raised by the Honourable Member. He has written to the Honourable Member indicating that he would be happy to have each specific instance investigated by the Medical Board and to enable that to occur, has requested the Honourable Member to provide him with the names of the people involved in each of the instances cited, dates and doctors and clinics involved. The information will then be passed on to the Medical Board.

#### SCHOOL BUSES

In reply to **Hon. IAN GILFILLAN** (5 June 2001) and answered by letter on 13 September 2001.

**The Hon. DIANA LAIDLAW:** The matter of upgraded lighting for school buses was dealt with by the Premier on 25 June 2001, when he announced a package of measures to increase school bus safety. This package includes the provision of a flashing amber light on the rear roof of all Government owned and Government contracted school buses in South Australia. The beacons will operate while students are boarding or alighting, and as buses are stopping. These lights will be operational by early 2002.

Transport SA is working closely with officers of the Department of Education, Training and Employment to facilitate the introduction of these lights. Approval for the installation and use of these lights will be given by way of an exemption from the requirements of the Road Traffic Act 1961 and regulations. It will therefore be unnecessary to amend the legislation. However, I will not hesitate to seek legislative change to implement the new safety measures, should this be considered necessary or desirable in the future.

Improved signage has also been the subject of extensive discussions between the Department of Education, Training and Employment and Transport SA, and has led to the development of a new sign to be displayed on the rear of school buses to supplement the present 'school bus' sign.

The new sign has a bright yellow background with the 'walking children' symbol and the words 25 KM/H WHEN STOPPED FOR CHILDREN in black lettering. This sign will serve to remind drivers that they must slow down to no more than 25 km/h when passing a school bus that has stopped to set down or pick up students. These signs will also be in use by early 2002.

#### VOLUNTEER INSURANCE

In reply to **Hon. IAN GILFILLAN** (24 July 2001) and answered by letter on 13 September 2001.

**The Hon. DIANA LAIDLAW:** The minister responsible for Volunteers has provided the following information:

In March 2001, the State Government released a Discussion Paper on Volunteer Protection Legislation for public consultation.

The paper canvasses ways to protect volunteers against civil liability arising out of their activities as volunteers.

It is anticipated that legislation will be introduced in Parliament in the Spring 2001 session.

#### FLAGSTAFF HILL GOLF CLUB

In reply to **Hon. T.G. ROBERTS** (25 July 2001) and answered by letter on 6 September 2001.

**The Hon. DIANA LAIDLAW:** With respect to whether land is contaminated, care is required when the relevant authority, either Council or the Development Assessment Commission, is assessing a development application. Where the relevant authority has a reason to suspect that the land may be contaminated, the applicant will be requested to demonstrate to the relevant authority that the site is suitable for the use proposed. If contamination is considered to be an issue, the application would be referred to the Environment Protection Authority for comment. Any future application over the land at the Flagstaff Hill Golf Course would follow the procedures established in the Development Act 1993 and detailed in the Land Contamination Practice Circular produced by Planning SA in conjunction with the Environment Protection Agency.

#### BEACHPORT BOAT RAMP

In reply to **Hon. M.J. ELLIOTT** (6 July 2001) and answered by letter on 15 August 2001.

**The Hon. DIANA LAIDLAW:**

*Will the Minister say whether or not she has received assurances from the Council and that, in the absence of such assurances, she will not give funding to facilitate the construction of the works?*

As indicated at the time the Honourable Member asked this question, I have received from the Wattle Range Council assurances regarding sand management, the on-going care, control and management of the facility, and for the safety of swimmers. Those assurances were agreed by me as being appropriate, and the hold on the funds which I had previously applied, has been lifted.

*Is my understanding correct that whilst the advice upon which the planning approval was granted was that the construction of the ramp would be okay, more recently some of the experts within Government have been expressing concern in relation to its construction?*

It is my understanding that, at the time the Coast Protection Board provided its advice to the Development Assessment Commission, it believed the ramp would be located on a limestone reef. Having discovered that error, staff of the Board have expressed the view that the sand replenishment which is already required in the area will need to be undertaken more regularly.

*By way of supplementary question, will the Minister tell us whether those terms and conditions are public and, if not, is she prepared to make them so?*

The assurances I sought, and received, from the Wattle Range Council were—

1. That the Council accept full responsibility for future sand management implications and give an assurance that the Council will not seek financial support from the State Government for any sand management activities.
2. That the care, control and management of the facility be the responsibility of the Wattle Range Council.
3. That risks to swimmers immediately adjacent to the proposed facility be managed.

As indicated in my response to the Honourable Member, the area for which the Council has accepted full sand management responsibility has been delineated on a map. In summary, the area includes from the beach outward to the seaward side of the breakwater, bounded on the northern side by a line from the northern end of the breakwater to the groyne immediately north of the existing boat ramp, and on the southern side by a line from the southern end of the breakwater perpendicular to the adjacent shore.

I also note that this arrangement is based on the Council maintaining its normal sand management operations in the areas adjacent to the area designated as the Council's sole responsibility.

#### NATIVE BIRDS

In reply to **Hon. M.J. ELLIOTT** (31 May 2001) and answered by letter on 10 August 2001.

**The Hon. DIANA LAIDLAW:** The Minister for Environment and Heritage has provided the following information:

In this particular case, the individual who wrote to the honourable member applied for and obtained six rescue permits over the past year; the organisation that person represents applied for and obtained 32 rescue permits. Although the department believe that paperwork is not excessive, the general permit application form is being

reviewed to reduce paperwork whilst meeting statutory requirements of the National Parks and Wildlife Act 1972.

Volunteers who care for our fauna provide a valuable and vital contribution to both the animals and to the community groups who utilise the service they provide. However, the Government is equally mindful that the standards in which the animals are held must be adequate and that there is sufficient accountability to meet the conservation objectives of the National Parks and Wildlife Act 1972.

Although two fauna rescue groups had previously been given "blanket" permits, this resulted in animals being held with no auditable documentation to show why or where they had been sourced; in some cases they were being held in poor conditions. The Minister for Environment and Heritage recently met with Sharon Blair, President of the Bird Care & Conservation Society SA, to discuss this matter.

#### GAMMON RANGES NATIONAL PARK

In reply to **Hon. M.J. ELLIOTT** (16 May 2001) and answered by letter on 10 August 2001.

**The Hon. DIANA LAIDLAW:** The Minister for Environment and Heritage has provided the following information:

1. This matter is *sub judice*. No further comment can therefore be made.
2. Again this question goes to matters *sub judice* in so far as it concerns the proclamation covering the Gammon Ranges.
3. A mineral Exploration Licence currently exists over a small portion of the north-western section of the park, and there are other prospective areas within other sections of the park. The transfer of mining leases within the specific location of Weetootla Gorge is a separate issue from the reclamation of the whole park to exclude mining rights. No decision on this matter has been taken.
4. As new national parks are proclaimed this matter is dealt with on a case by case basis.
5. As previously advised, proclamations vary. Prior to the constitution of a new park, consideration is given to whether joint proclamation is appropriate. This includes an analysis of the conservation values and environmental sensitivities of the proposed new park. There are also steps in the approval process under the Mining Act 1971 and park proclamation conditions to protect environmentally sensitive areas either through excluding them from licence areas, or by ensuring appropriate conditions on licences and work approvals.

#### HOLDFAST SHORES

In reply to **Hon. M.J. ELLIOTT** (29 March 2001) and answered by letter on 10 August 2001.

**The Hon. DIANA LAIDLAW:**

1. The anticipated cost this financial year for sand removal and movement, and seaweed removal at Holdfast Shores and Adelaide Shores is \$2.2m, which includes a one-off cost of \$600 000 for sand transfer directly from Glenelg to West Beach, as directed by the Minister for Environment and Heritage.
2. The anticipated budgeted figure for the 2001-02 financial year is \$1.726m, compared with the approximation of \$1.5m which I provided in response to the honourable member's earlier question. As I indicated at the time, there are many variables in this sand and seagrass operation—and \$1.5m was Transport SA's best estimate utilising the information it had available at the time. Consultants Brown and Root Pty Ltd have now independently reviewed all aspects of Transport SA's sand and seagrass management, and have estimated on-going costs of \$1.7m per annum.

#### SIGNIFICANT TREES

In reply to **Hon. M.J. ELLIOTT** (14 March 2001) and answered by letter on 13 September 2001.

**The Hon. DIANA LAIDLAW:**

1.&2. The Significant Tree provisions of the Development Act provide two basic categories of significant trees—

1. all trees with a greater than 2.5 metre trunk circumference in Metropolitan Adelaide; and
2. any tree or group of trees identified in Development Plans.

The second category (ie those listed in Development Plans) enables the protection of other important trees in the urban environment – for example rare and endangered species, remnant native vegetation, and so on – that are not caught by the automatic 2.5 measure. The Development Act 1993 lists the criteria by which any proposed tree, or group of trees, must be justified as significant for

inclusion in the Development Plan. Preparation of a Council Significant Tree PAR is at the discretion of individual Councils.

The framework for listing significant trees in Development Plans is clearly provided in the Significant Trees Planning Bulletin, which was provided to all Councils as part of the Significant Tree Control package (released on 20 April 2000). The framework allows any tree, or group of trees, to be identified where meeting one or more of the criteria specified in the Development Act 1993. A small number of the Councils wishing to prepare a Significant Tree PAR (including Mitcham) submitted Statements of Intent which indicated investigations clearly outside the framework established by the legislation. This delayed the processing of these Statements of Intent. I have since agreed to revised Statements of Intent as they now accord with the intent of the legislation.

Having considered requests from Councils to extend the interim controls, and in light of the limited progress most Councils have made in preparing their Significant Tree PARs, I agreed to extend the interim controls for 12 months, until 1 July 2002. This was gazetted on 21 June 2001.

3. The original proposal was to construct a slow vehicle turnout, which is a short passing lane, adjacent to the Belair Park Golf Course on the Upper Sturt Road. This would have resulted in the removal of 14 significant trees. It is also planned to widen a very sharp bend, 300 metres further along Upper Sturt Road, which involves the removal of six significant trees. Both are high crash concentration areas.

Transport SA investigated an alternative proposal of constructing a shorter paved turnout area or "courtesy bay" at the eastern end of the proposed slow vehicle turnout site, which did not involve the removal of any significant trees at that location. Although the "courtesy bay" is not as effective as a slow vehicle turnout, it will nevertheless provide a safe area for courteous motorists to pull over to allow following vehicles to pass.

Transport SA constructed the "courtesy bay" in May 2001 as an alternative to the proposed slow vehicle turnout, which resulted in the preservation of the 14 trees.

The widening of the sharp bend is anticipated to commence in early 2002, with the associated loss of six significant trees. While the removal of significant trees is regrettable, it must be balanced with the risk of road trauma. It is worth noting that Transport SA intends to replace each tree removed with 10 local species.

#### MOTOR VEHICLE INSPECTIONS

In reply to **Hon. T.G. CAMERON** (4 October 2000) and answered by letter on 13 September 2001.

**The Hon. DIANA LAIDLAW:**

Vehicle Inspections Context

Transport SA provide two broad classes of vehicle inspection—Identity Checks (the subject of the question)

A service provided to the Registrar of Motor Vehicles and SAPOL which confirms accurate vehicle identifiers are recorded, and seeks to prevent a number of events

- registration of vehicles moving from interstate which do not meet South Australian vehicle safety standards;
- fraudulent registration of stolen vehicles imported from interstate; and
- use of Vehicle Identity Number, engine numbers and compliance plates from crashed vehicles to give a false identity to a local stolen car.

Roadworthiness Inspections

This enforcement function is carried out under powers in the Road Traffic Act 1961 and has several aspects

- mandatory annual bus inspection;
- random on-road roadworthiness assessment of commercial vehicles;
- annual structural and mechanical assessment of Restricted Access Vehicles (B-Doubles and Road Trains etc) against the minimum requirements for the load rating of the vehicle;
- targeted roadworthiness operations on certain vehicles or classes of vehicles as part of a special operation;
- defect clearance of commercial vehicle defects which have been detected in a random on-road safety assessment by Transport SA Vehicle Inspectors, Road Transport Inspectors or SAPOL staff;
- defect clearance of a light vehicle defect; and
- structural and mechanical inspection of special purpose vehicles against the minimum requirements for the load rating of the vehicle.

Currently, appointments for identity checks are not made for reasons which are outlined below. Mandatory roadworthiness inspections, structural and mechanical assessment and defect clearance inspections must be booked through the Regency Park booking office. There is currently a two week, or less, waiting period.

#### On-site Inspection Fees

On-site vehicle identity checks have been conducted at car dealers' premises since 1998 to reduce the waiting time at Regency Park for vehicle identity inspection customers. These on-site inspections are conducted on days and at times when staffing is available and activity levels at Regency Park are expected to be low.

To qualify for this on-site inspection service it is a requirement that the dealer has more than eight vehicles for inspection.

A new fee has been calculated to recover the extra costs associated with an inspector making a visit to a dealership location.

The cost borne by dealers is—

- \$120 plus GST (\$132) per site visit; plus
- \$18.50 per vehicle inspected.

#### Staffing Level for Regency Park Based Identity Inspections

Six inspectors conduct identity inspections in the Adelaide metropolitan area. The inspections are conducted Monday to Friday at Regency Park and at Sturt Road, Bedford Park each Wednesday.

From July 2000 to June 2001 there were 34 181 vehicle identity inspections conducted in the metropolitan area at a rate of 100-160 per day.

The current staffing level for vehicle identity checks is adequate at most times on most days, but when large numbers of cars arrive at the same time, waiting times can be lengthy. Despite analysis of data on vehicle inspections, there is no reliable pattern which would allow a more efficient rostering of staff. Implementation of a detailed appointment booking system to regulate the arrival times of customers is not considered feasible because vehicle type, make, model, engine cleanliness and roadworthiness condition create great variations in the time taken to inspect vehicles.

Based on the observation of queue length, it is apparent that customer waiting times have reduced since the introduction of on-site visits to car dealers.

At my request, Transport SA is currently examining further options for improving customer service – and in the meantime, will address backlogs through the use of overtime for the inspectors.

### HOUSING TRUST, RENT

In reply to **Hon. T.G. CAMERON** (3 July 2001) and answered by letter on 15 August 2001.

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

1. Where tenants of the Trust have guardianship or long term care and control of their grandchildren, the Trust considers the grandchildren to be sons and daughters of the tenant for rent assessment purposes. In doing so, the Trust assesses any family payments (principally Family Tax Benefit A or B) at either 15 per cent or 13 per cent respectively (depending on the payment type and household structure).

Tenants caring for their grandchildren are treated in exactly the same way as tenants with children. Whilst the valuable contribution of grandparents is acknowledged, there does not seem to be any justification to provide even lower rents when they receive exactly the same level of payments as would natural parents caring for their children.

2. The cost (in terms of foregone revenue) to the Trust of not including family assistance payments in determining reduced rents in all cases would be approximately \$6.55 million in a full year.

The Trust is not able to estimate the cost of only excluding family assistance payments for tenants caring for grandchildren, as the Trust records them all as 'children'. However, if family assistance payments were excluded for this group of tenants, it would mean they would pay rents of \$6.25 per week less with one child, and \$12.50 per week less with two children (based on a couple receiving the age pension, and children under the age of 13 years). In annual terms this would amount to \$335 or \$750 per annum in lost revenue per household with one or two dependant children respectively. However, given that their caring role is recognised by Centrelink and they are granted the same levels of family assistance payments as natural parents, the Trust does not consider it would be fair to assess their rents differently by excluding family assistance payments.

### FLAGSTAFF HILL GOLF CLUB

In reply to **Hon. M.J. ELLIOTT** (25 July 2001) and answered by letter on 6 September 2001.

**The Hon. DIANA LAIDLAW:** The whole Flagstaff Hill Golf Course was proclaimed as open space in the Government Gazette dated 29 June 1978, at the request of Hooker-Rex Estates, the registered proprietor of the land. This move prevented the division of land into allotments for any purpose not in keeping with its character of open space, and also meant that the land would not be rated and taxed as if it could be subdivided. Its rating therefore reflected its open space designation.

In order for the Flagstaff Hill Golf Course to sell land to be subdivided for residential purposes, the open space proclamation over the land would need to be revoked or varied. As you may be aware:

- section 61 of the Planning and Development Act 1966 provided a mechanism for the Governor to revoke or vary a proclamation over land that had been proclaimed as open space under that Act;
- the Development Act 1993 continues previous proclamations made under the Planning and Development Act 1966 and the Planning Act 1982—but does not enable new proclamations to be created; and
- the transitional provisions of the Development Act 1993 provides that Section 61 of the now repealed Planning and Development Act and Section 62 of the now repealed Planning Act, continue to apply in respect of existing proclamations.

I am advised that the process to revoke or vary the open space proclamation over the Flagstaff Hill Golf Course would require a submission to be made to me, as Minister for Transport and Urban Planning. In turn, I would be required to consider the request—and if it is to be advanced, make a recommendation to Cabinet. If Cabinet agreed to the request, a recommendation would be put to Executive Council to revoke or vary the open space proclamation.

I have not received any formal submission to revoke or vary the open space proclamation over the Flagstaff Hill Golf Course. I therefore have not considered the merits of such a proposal.

I answered that question by letter on 6 September and I advised in that reply that I had not received any formal submission to revoke or vary the open space proclamation over the Flagstaff Hill Golf Course. Therefore, I had not considered the merits of such a proposal. I can provide an update on that matter. I received such a formal submission mid last week.

### MOOMBA ACCIDENT

In reply to **Hon. A.J. REDFORD** (6 July).

**The Hon. R.D. LAWSON:** The Minister for Government Enterprises has advised that:

All employers must provide a safe work environment and safe systems of work and ensure that so far as is reasonably practicable, all employees are, while at work, safe from injury and risks to health. This duty of care is clearly specified in section 19 of the Occupational Health Safety and Welfare Act, 1986 (the Act). The requirement to comply with the act and the regulations made under it applies equally to all employers, regardless of their registration status with WorkCover Corporation.

In addition to the requirement to act in accordance with the act and regulations, exempt employers are required to comply with the Code for the Conduct of Exempt Employers and meet the Exempt Employer Performance Standards. These standards set out management systems requirements for occupational health and safety and injury management. The performance standards recognise the organisation's duty of care to all persons in the workplace including labour hire, contractors and subcontractors, volunteers and other visitors. The WorkCover Corporation carries out reviews of exempt employer compliance with the standards on a programmed basis, and shortcomings in performance are addressed forthrightly.

The existence of exempt employer status in no way lessens the duty of care of employers to their employees or obviates their obligations to act in accordance with the Act and Regulations. Indeed, with the performance standards and WorkCover's program of performance reviews, exempt employers are subject to a greater level of scrutiny and corrective controls than others.

### ELECTRICITY, SUPPLY

In reply to **Hon. M.J. ELLIOTT** (10 April).

**The Hon. R.D. LAWSON:** In addition to the answer given on 10 April 2001, the following information is provided:

1. The contestable sites under the contract (which, contrary to the assumption in the question, number 370) consume approximately 3 000 megawatt hours.

2. The 2000-01 cost for these sites was approximately \$36 million.

3. The peak demand of the contestable sites is approximately 105 megawatts which would occur during a weekday of a school term at the height of summer.

4. The Department of Education, Training and Employment and individual schools were included in the whole-of-government tender process. All schools which become part of the contestable electricity market from 1 July 2001 will be fully compensated for increased costs in 2001-02. In addition, energy efficiency strategies are being developed across government which are expected to reduce electricity costs in schools by 5 per cent in 2002-03 followed by a further 5 per cent reduction in 2003-04.

In reply to **Hon. P. HOLLOWAY** (29 March).

**The Hon. R.D. LAWSON:** In addition to the answer given on 29 March 2001, the following information is provided:

1. On 12 April 2001, Contract Services (DAIS) provided an industry briefing and released the tender documents. Tenders closed on 11 May 2001. Four electricity retailers registered interest. Following discussions and negotiations a selection process was entered into.

2. The approach to the market was on a whole-of-government basis (to maximise government's leverage) although the flexibility existed for contracts to be reached on a site-by-site basis had this represented the best commercial outcome.

3. The government's approach to the market included approximately 300 sites that were, at the time, deemed contestable. 370 were ultimately selected sites.

4. The tender process allowed for negotiations on a site by site, department or agency basis. All sites within scope were negotiated by DAIS Contract Services.

5. The Department of Education, Training and Employment and individual schools were included in the whole-of-government tender process. All schools which become part of the contestable electricity market from 1 July 2001 will be fully compensated for increased costs in 2001-02. In addition, energy efficiency strategies are being developed across government which are expected to reduce electricity costs in schools by 5 per cent in 2002-03 followed by a further 5 per cent reduction in 2003-04.

### WORKCOVER

In reply to **Hon. R.R. ROBERTS** (11 April).

**The Hon. R.D. LAWSON:** The Minister for Government Enterprises has advised that:

1. Through improved scheme performance and WorkCover's innovative programs aimed at reducing the impact of workplace injury, the total number of claims for workers compensation has fallen by 10 percent in the last five years. Due to these improvements in safe work outcomes, direct workers compensation costs for SA businesses are anticipated to fall by about \$83 million in 2001-02. This has allowed the WorkCover Board to reduce the workers compensation levy for employers by 14 per cent.

The anticipated reduction in workers compensation costs for 2001/02 will provide a significant benefit for South Australian employers and their workers, as well as the overall economy. The additional \$83 million will remain in the hands of South Australian employers to reinvest, while the levy reduction further improves overall business competitiveness and investment attraction efforts for this State.

The funding status of the WorkCover scheme has improved. However,

neither WorkCover, nor the government can afford to be complacent. It is central to the needs of employers and workers that the scheme's viability is protected.

And, it must be emphasised that, despite the reduction in levy costs, there has not been any change to the benefits available for workers.

South Australia is generally recognised as having some of the best benefits available to injured workers of any Australian workers compensation jurisdiction.

The South Australian scheme has features which provide workers with better benefits than others. For example, workers receive income maintenance based on their average weekly earnings during

the first year of injury up to a maximum of two times the state average weekly earnings. Many state schemes reduce a worker's weekly payments well before the end of the first year, or reduce weekly payments by a greater proportion than in South Australia. In addition, workers in this State receive full medical and rehabilitation costs and have access to compensation for non-economic loss for permanent impairment.

It is essential also to emphasise that the most significant benefit that WorkCover can achieve for workers in South Australia, is to find ways to promote safe work directly to workplaces to prevent injury and illness before it happens.

### SELECT COMMITTEE ON CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL (No. 2)

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

That the time for bringing up the report of the committee be extended until Tuesday 27 November.

Motion carried.

### SELECT COMMITTEE ON WEST BEACH RECREATION RESERVE (REVIEW) AMENDMENT BILL

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

That the time for bringing up the report of the committee be extended until Tuesday 27 November.

Motion carried.

### VICTIMS OF CRIME BILL

In committee.

Clause 1.

**The Hon. IAN GILFILLAN:** In my second reading contribution I asked two specific questions of the Attorney-General. My recollection is that it was on the same day that the Attorney summed up and, although I cannot find the exact wording, I remind the Attorney of the questions that I asked. What percentage and how many cases would fall into the below three points category? What is the number of cases that fall into the three to five point range, on the basis that raising the threshold would likely also affect claimants with injuries who may fall into this area? Given the increased chance that they may get knocked back, a claimant may choose not to pursue a claim for fear of financial loss. Does the Attorney have answers to those questions?

**The Hon. K.T. GRIFFIN:** I have some statistics for the year 2000-01. The difficulty is that they relate to both economic loss and non-economic loss and it is not possible to separate out the differences between economic loss and non-economic loss. However, in the nought to 1 000 range, it is 230; for 1 001-2 000 it is 105; and for 2 001-3 000 it is 111. To the extent that they are for economic loss, they are not affected by the government's proposal.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

**The Hon. NICK XENOPHON:** I move:

Page 6, after line 3—Insert subclause as follows:

(2) If the word 'indexed' appears after a reference to a monetary amount, it indicates that the amount is to be adjusted on 1 July in each year by multiplying it by a multiplier calculated by dividing the consumer price index (all groups for Adelaide)

for the previous March quarter by the consumer price index (all groups for Adelaide) for the March quarter 2001.

The amendment relates to the indexation of awards for damages in terms of the amount set for non-economic loss. The position with respect to non-economic loss awards under the Wrongs Act for motor vehicle accident victims is that their awards for non-economic loss are indexed. This amendment puts victims of crime in line with that of victims of motor vehicle accidents. In terms of policy reasons, my argument is that there should not be any distinction between a victim of crime or a victim of a motor vehicle accident in relation to the indexing of an award for non-economic loss and, in the circumstances, I ask members to support this amendment.

**The Hon. K.T. GRIFFIN:** The government opposes the amendment and the subsequent amendments proposed by the Hon. Mr Xenophon in relation to indexation. This would pave the way for indexation of monetary awards under the act. The government has two reasons why it opposes the indexation. First, there would be a significant impact on the fund. I think in the long run it would be likely to result in the fund drawing heavily on general revenue, or perhaps the imposition of even larger and larger levies to make up the shortfall. Secondly, in any case—and I explained this earlier in my reply—it is, I suggest, inappropriate to index the payments for non-economic loss. It is superficially attractive to do so, but I suggest that close examination indicates that it is not such an appropriate idea to index those payments for non-economic loss.

As to the first reason, it is difficult to make precise predictions as to how indexation will affect the fund in the future. Obviously no-one knows how many criminal offences resulting in injury may be committed in any given future year or how many eligible victims will choose to pursue claims for compensation, and of course CPI will vary from time to time. I have had some calculations done based on past experience in respect of these matters in an attempt to gauge very approximately how great the impact of the proposed amendment would be.

I have obtained two alternative sets of results: one on the assumption that 60 per cent of all payments reflect non-economic loss; and one on the basis that 80 per cent of all payments reflect non-economic loss. These proportions were suggested by the Crown Solicitor and are based on historical experience. The reasons why non-economic loss payments tend to predominate are: first, in cases of minor injuries there may be no economic loss; secondly, some victims are not in paid employment; and, thirdly, where the injury occurs at work the economic component of the claim may be covered by worker's compensation. It should be noted that medical costs are not claimable from the fund if they are covered by another source.

The figures that I have obtained also assume that the homicide rate in future will be similar to what it has been in the past 10 years; that all homicides will result in funeral cost claims; that half of all homicides will also result in a spouse's claim for grief; and that half will also result in a loss of dependency claimed by a family member. They also assume that the CPI will remain unchanged over the next four years at 2.5 per cent. Obviously there are a lot of variables in those calculations, but we have genuinely tried to get a picture of what could be the case under these circumstances.

My advice is that, if one works on the basis that 60 per cent of all payments to victims are for non-economic loss, then over the next four years at a CPI of 2.5 per cent per year

there will be total additional payments by the fund of \$1 million to \$1.3 million approximately. If one assumes that 80 per cent of payments to victims will reflect non-economic loss, then over four years the fund will pay out an additional \$1.3 million to \$1.65 million approximately. The range of results reflects the fact that outcomes will be different, depending where thresholds are set, including whether or not there is a threshold. Members will be aware of the amendment proposed by the Hon. Mr Gilfillan, which is to remove any threshold. Obviously, the additional costs to the fund would increase each year as a result of indexation. I cannot see us experiencing a negative CPI in the foreseeable future, but sometimes these things happen.

*Members interjecting:*

**The Hon. K.T. GRIFFIN:** Miracles do happen.

**The Hon. T.G. Cameron:** The Japanese said that five years ago.

**The Hon. K.T. GRIFFIN:** I know: I am very conscious of the Japanese experience. These payments are just over the short term, the next four years. We cannot really go beyond that time because of the unpredictability of the longer-term CPI. One should also recognise that indexation would compete with the goal of the present bill to make some funds available to assist victims of crime who are presently beyond the scope of the scheme. It would give more money to some victims at the expense of providing benefits to others not presently assisted.

In contrast, the government's proposal seeks to extend the ambit of the scheme by giving the Attorney-General a new discretion to make payments to victims who do not suffer any injury or whose injuries are of a minor nature not warranting a lump sum payment, so as to assist them in a practical way to recover from the effects of the crime. I have already identified some circumstances in which that might occur. I believe that is a desirable expansion and is preferable to increasing the value of payments to already eligible victims.

So, first, the proposal to index the funds available under the act will adversely affect the sustainability of the fund. Ultimately, it is likely to be the revenue that pays, because once levies reach a certain level the prospect of full recovery of the amount levied begins to recede. The government contends that the proposal to index awards for non-economic loss does not fully understand the nature of this type of award. I explained in my reply that the award is paid by the community to a victim in recognition of his or her suffering. It is not really a true dollar equation for the harm done.

I do not think anyone can seriously contend that the suffering of a victim of crime can be directly translated into dollars and cents. Non-economic loss awards are not damages at common law and they do not seek to do the work of common law damages. Common law damages are an endeavour to put persons back into the same position financially as they would have been in had the injury not occurred, and non-economic loss claims under criminal injuries compensation legislation are certainly not in that category. They are not paid by the wrongdoer but by the community.

While there is a right of recovery against a wrongdoer, that has been a negligible amount because many of the offenders are still in gaol or their addresses are unknown. The payment is a limited recompense for the criminal harm and is designed to help people get back into what might be regarded as a more normal situation in living their daily lives. It is for those reasons that the government does not support the general indexation proposal of the Hon. Mr Xenophon.

**The Hon. CAROLYN PICKLES:** When the committee last sat some months ago, negotiations were being undertaken by the Attorney, the Hon. Mr Xenophon and the opposition spokesperson (the member for Spence in another place) on this and related clauses. While the opposition has some sympathy for the sentiments expressed by the Hon. Mr Xenophon (and I have just rechecked this because some months have elapsed and I was not certain as to whether or not we had taken any further moves along this path), we will not be supporting him on this occasion. That does not necessarily mean that, if the government of the day were to change, the opposition would not be willing to have another look at this whole issue of victims of crime. The honourable member should not take that as an election promise, but it is a vexed issue.

We are following legislation that was introduced by the Hon. Chris Sumner, but the Attorney-General has outlined the difficulties and some cost blow-outs, and I am mindful of those issues in indicating that we would be prepared to look at this again. On this occasion we will be supporting the Attorney.

**The Hon. T.G. CAMERON:** I support this amendment. It is a little disappointing that we are some five months before the election and we have the Labor Party already acting like the government. I just hope that the now government remembers that when it is in opposition; that it remembers how kind the Labor government was to it in the last six months or so of its office as it sided with the government at every opportunity to protect government revenue.

I have received a fax from the Attorney-General dated 25 July, which deals with the Xenophon amendments. In the answer the Attorney states:

It is, of course, impossible to calculate the exact effects of indexation, but projections suggest an impact of between \$1 million and \$1.5 million in total over the next four years.

I understand that the nature of the Xenophon amendment is to index these payments annually over the next four years, and in his answer the Attorney stated that indexing is likely to cost somewhere between \$1 million and \$1.5 million. Will the Attorney explain the nature of those calculations?

**The Hon. K.T. GRIFFIN:** The honourable member may have missed the basis upon which the calculations were made when I spoke earlier, and I am happy to go over that again. There were two alternative sets of results: one on the assumption that 60 per cent of all payments reflect non-economic loss and one on the basis that 80 per cent of all claims represented non-economic loss. The Crown Solicitor suggested those two scenarios, based on historical experience. We do not have a breakdown of every claim as to how much is economic loss and how much is non-economic loss so, taking the total of the claims, we have assumed that in one instance 60 per cent is non-economic loss and in the other scenario, 80 per cent.

We have excluded medical costs if they are covered by another source. We have assumed that the homicide rate will be similar to what it has been in the past 10 years. The homicide rate in this state bumps up and down but it is fairly stable. We have problems, such as the bodies in the barrel at Snowtown where you had 10 bodies in a year which, of course, put the rate up dramatically but, if you look at a long-term trend, it is generally a fairly stable rate. We have presumed that all homicides will result in funeral cost claims, that half of all homicides will also result in a spouse's claim for grief and half will result in a loss of dependency claim by a family member, and also that the CPI is 2.5 per cent.

**The Hon. T. Crothers:** Have you done any calculation on what part of those pay-outs are legal fees?

**The Hon. K.T. GRIFFIN:** Legal fees are a fixed rate under the act and they have not been increased since—

**The Hon. T. Crothers:** Are they about \$750?

**The Hon. K.T. GRIFFIN:** My advice is that for a claim it is about \$675 before GST.

**The Hon. T. Crothers:** In other words you could get less than your legal fees? If you claim you could lose money on it?

**The Hon. K.T. GRIFFIN:** There is another part of the bill which tries to address that.

*The Hon. T. Crothers interjecting:*

**The Hon. K.T. GRIFFIN:** It does, in a later part of the bill. What happens in some instances is that a claim is made but section 43 claims under the Workers Rehabilitation and Compensation Act result in lump sum payments. If the lump sum payment is more than adequate compensation, the criminal injuries compensation claim cannot be used to top it up above what would be an appropriate recovery. So we have situations—and there are probably 20 or so a year; it may be more but certainly not less—where the claim is made and an order is made but more money is received from the worker's compensation lump sum settlement, for example, such that the claimant is not able to recover any criminal injuries compensation yet the legal fees are still paid. So the lawyers collect the legal fees on a claim which results in no additional benefit to the victim. In those cases a discretion is to be given to the Attorney-General of the day to decline to pay those legal costs where it should have been obvious from the start that there could be no top up.

**The Hon. T.G. Cameron:** Have you ever had to decline those costs?

**The Hon. K.T. GRIFFIN:** I have wanted to do it.

**The Hon. T.G. Cameron:** That wasn't the question.

**The Hon. K.T. GRIFFIN:** I have never made any criminal injuries compensation claims on behalf of—

**The Hon. T.G. Cameron:** Have you ever stopped a lawyer from being paid?

**The Hon. K.T. GRIFFIN:** I cannot do that under the act. That is why the discretion is provided in the legislation. It is a handful of claims where the lawyers should have known right from the start, on the basis of the practice over the years by my predecessors as well as me, that they would not get any money.

**The Hon. T.G. CAMERON:** In the fax that you sent to me you also said it is important to understand that the levy comes nowhere near supporting the fund. You may well have done this at some earlier stage, but could you just put on the record how much we collect by the levy and how much we are spending on this fund? In other words, what is the shortfall?

**The Hon. K.T. GRIFFIN:** I will take that on notice, because I do not have the information at my fingertips. We will see whether we can obtain that information before we conclude the debate.

**The Hon. IAN GILFILLAN:** I indicate our support for the amendment. In doing so, the reluctance to take on a CPI adjustment is a little raw to accept when one can be sure that the levy and other associated charges will all automatically be adjusted by CPI, so I do not see any reason why it should not apply to this.

**The Hon. T.G. CAMERON:** Somebody could receive an injury today and get a pay-out next month, and three years later somebody could hypothetically receive exactly the same



injury and receive exactly the same pay-out which in three years would be worth less than what it is today.

**The Hon. K.T. GRIFFIN:** That is correct. However, in the scheme of things, there tends to be a gradual easing up within the maximum \$50 000. The real difficulty that one has is, on the one hand, trying to balance the needs of victims and giving as broad a scope as possible to the benefits which are being paid and, on the other hand, endeavouring to manage the size of the fund and the demand on the Consolidated Account. I would love to be able to index everything and just let it roll, but the problem is in trying to achieve a balance. Honourable members should remember this: this year an additional \$285 000 has been made available to the Victim Support Service to establish five Victim Support Service offices in regional South Australia.

The budget for the support required by the Victim Support Service for this financial year for its metropolitan operations is in excess of \$550 000 as I recollect. About \$850 000 this year goes from the criminal injuries compensation fund, largely supported by the budget's Consolidated Account, to the Victim Support Service. That will continue. It excludes GST, but it does increase on an annual basis to meet increases in operating costs. So, we are trying to not just focus upon individual victims and monetary so-called compensation but we are endeavouring to ensure that a broad range of services is available to victims when they need it.

That is a particularly important outcome from a review we conducted of services to victims, and that review talked to victims, those who had received compensation and those who had not. We are focussing as much as we possibly can to try to get a good spread and a good balance of services to victims generally as and when they need it and a lump sum amount which helps them to regain their lives as much as it is possible to do so after suffering the trauma of being a victim or a relative of a homicide victim. That is the whole philosophy behind it. It is a matter of trying to get a balance.

**The Hon. T. CROTHERS:** I will support the government, but I do so with some reluctance. I am appalled at the price of legal advice in respect of this matter. It brings me back to one occasion some years ago when we had to change the Workers Compensation Act. Legal fees were taking something like 22 per cent of moneys paid out in compensation, and medical fees were taking 10 per cent. In other words, all those years ago, when I was on the executive of the Trades and Labor Council, one third of the payment was going to professional salaried people. I get a bit disgusted with this matter, because it is the people's money, in general terms, that is paying for the education of these professional classes in respect of graduation in law and medicine. It is the people's money that is paying for that. So, here we are educating them and here we are, because they are who they are, letting them set their own fees as we do with the colleges of specialists, and that really gets me absolutely livid. I would like the Attorney-General to take that into account. Maybe not in this parliament, but sooner or later someone will take issue with that.

A report that was, in fact, asked for by the Keating government, and was chaired by a former Liberal senator who was himself a doctor, and, in fact, holds the chair of medicine at one of the New South Wales universities, was damning about some of the things that were being done with respect to charges being imposed by professional people on the workers who, of course, had no other recourse but to use them. So, I want that understood. I realise that there are many decent lawyers and doctors who do a lot of, I suppose, pro

bono work—as the legal profession calls it. For want of a better Latinised piece of nomenclatural description, I suppose one would have to say that that type of work done by the medical profession, particularly some of the specialists, would be pro bono, too.

All is not totally rotten in the Kingdom of Denmark but, at times, there is a very offensive smell emanating from those particular circles, which I do not want to go into. However, because I understand what the Attorney is saying about the balance of probabilities and about the balance of things and trying to keep the thing floating and not having the situation where, I understand, some people are walking in, having been in a brawl, claiming \$1 000 for a black eye. I understand what the Attorney is saying, but with some reluctance, for those reasons. I was tempted to support the Hon. Mr Xenophon, although my position had been one where I considered supporting the government, but I will stick by my original—

**The Hon. T.G. Cameron:** You are not easily tempted?

**The Hon. T. CROTHERS:** Well, sometimes you tempt me very much. I will be supporting the Attorney's measure in this matter.

**The Hon. K.T. GRIFFIN:** I will make just one observation about legal fees for criminal injuries compensation and that is, there is a fixed scale under the regulations and it has not been increased for a number of years. There is presently a lot of pressure on me to provide an increase, but I have indicated that that will not be considered until this bill is resolved. One has to keep in mind the need to ensure that victims can get adequate support. Under the act, of course, victims do not pay any of the legal fees: they are paid in addition to the award made to victims.

**The Hon. A.J. REDFORD:** I would like to make a few comments about the issue of legal fees. I know that the Leader of the Opposition has said, 'Don't change it. Leave it there'—the whole bit. Let us put it in its proper context. The legal profession has been dealing with this scale, which has remained unchanged for quite a significant period of time. The net effect of that has been that most firms of solicitors, and most people engaged in the practice of the law, now refuse to become involved in criminal injuries compensation matters. I know that, when my previous firm assessed the cost of it to the firm, we worked out that we were making losses in the order of \$2 000 to \$3 000 for every criminal injuries compensation matter that we took on. So, we resolved as a matter of policy not to do—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. A.J. REDFORD:** I find that interjection offensive. I have done more pro bono legal work—as has probably 70 per cent of the legal profession, and smart-arse interjections like that are simply beneath contempt.

*The Hon. Carolyn Pickles interjecting:*

**The Hon. A.J. REDFORD:** If the honourable member wants to have a go at me personally, I do not recall sending out a bill in the last 12 months. Most of the legal work I do is pro bono for people who are down on their luck. The honourable member sits there and makes snide comments about the legal profession, most of whom—and I am sure the Hon. Nick Xenophon will back me up—operate in an honourable fashion.

*Members interjecting:*

**The CHAIRMAN:** Order! I have called for order four times.

**The Hon. A.J. REDFORD:** I will not respond to the cynical and snide interjections from the Leader of the Opposition about the legal profession except to say that the

net effect of sitting on these fees is that the profession is not engaging in this sort of work. I wonder what effect that has. I would not for a minute suggest that this is the case, but one might think that, if the parliament continues to sit on the legal fees as it has, we will be depriving people of their rights pursuant to criminal injuries compensation by depriving them of their opportunity to seek legal advice and assistance. I am not sure that we are quite at that point, but I can assure members that we are not very far from it.

To my knowledge, I know of only three or four people who actually take on these matters and they take them on on the basis that they deal with them expeditiously and in a simple way. I would suggest that those lawyers who do take on these matters work on a very small margin and work on the basis of a high volume and a high throughput. So, I think this issue of the fixed scale needs to be looked at. I also remind members that the way the scale operates is quite different from any other scale in that it operates in the sense that it is illegal for a legal practitioner to charge more than the scale. Indeed, it is prohibited for a member of the legal profession to enter into a private arrangement to negotiate a different rate or a different scale of pay. So, it is unique in that respect.

Secondly, there has been some discussion about the use of the term 'double-dipping'. We live in a very litigious society and there are limitation periods within which claims can be made. To be sure, when a worker is injured during the course of their employment, they are entitled to WorkCover and, generally speaking, those matters are dealt with in the WorkCover system. But often a lawyer is confronted with a situation, particularly when one looks at the complexity of the law regarding journey accidents and things of that nature, where they are not sure whether their client would be entitled to a claim under WorkCover or, secondly, a claim for criminal injuries compensation. A lawyer who does not take steps to preserve their client's rights, and, in some cases, because of the limitation periods that apply by issuing proceedings, is a lawyer who is leaving themselves open to a claim for negligence at some stage down the track. So, it is very easy to point the finger and say, 'These lawyers are double-dipping' or 'These lawyers are playing this game in order to secure costs.' It may well be that they are endeavouring to keep their client's options open whilst they proceed down the WorkCover line in order to protect themselves from future claims of negligence or misconduct as a consequence of their failure to issue proceedings.

I remind members that the biggest number of claims against lawyers—I am not too sure whether it translates into dollars—is for failure on the part of a lawyer to issue proceedings within a specific period. It is all very well, on the face of it, to make trite judgments, but one needs to understand the complexities of what a lawyer is confronted with when advising a client, and one also needs to understand that a lawyer has a duty to protect his client's interests.

At the end of the day, we have a system which provides for criminal injuries compensation. It is not a simple or straightforward matter, and I suspect that not many members that the Hon. Terry Cameron represented when he was with the AWU or that the Hon. Trevor Crothers represented when he was with the Liquor Trades Union would have had the capacity to deal with the system without legal assistance.

**The Hon. NICK XENOPHON:** I endorse the remarks of the Hon. Angus Redford in terms of what he said about the legal profession. Many lawyers, including the Hon. Angus Redford, do a lot of pro bono work: I know that to be the case

in relation to the Hon. Angus Redford. I think that any criticism of the honourable member is quite unwarranted.

In relation to the issue of indexation, I am grateful for the support of the Hon. Terry Cameron and the Hon. Ian Gilfillan in relation to this clause. The point has been made by the Hon. Terry Cameron and the Hon. Ian Gilfillan that the government indexes its fees, but in terms of pay-outs for criminal injuries compensation there is no indexation. The Attorney makes the point that those seeking indexation do not fully understand this type of award. The Attorney has put his position eloquently, but my position is that the victims of crime would fully understand indexation of non-economic loss in terms of the impact that it has on their pockets and in terms of their damages award not being eroded by inflation.

Having said that, I am aware that I do not have the numbers to succeed with my amendment and, obviously, I will not be proceeding with any further incidental amendments. I will not be seeking to divide on this, given the hour, because honourable members have stated their position clearly on this issue. I thank those honourable members who have indicated support for this amendment.

**The Hon. CAROLYN PICKLES:** I know that it is against standing orders to respond to interjections, which the Hon. Mr Redford is very good at doing. However, my comments were directed generally at some lawyers—not all lawyers. I do not know what the Hon. Mr Redford does. Presumably, he earns some money from his legal activities, and my comments were directed at my general view that members of parliament should not be in receipt of income from any other source.

**The Hon. A.J. Redford:** Would you sell your shares? Would you sell your assets?

*Members interjecting:*

**The CHAIRMAN:** Order!

The committee divided on the amendment:

AYES (5)

Cameron, T. G. (teller)	Elliott, M. J.
Gilfillan, I.	Kanck, S. M.
Xenophon, N.	

NOES (16)

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

Majority of 11 for the noes.

Amendment thus negated; clause passed.

Clauses 5 to 7 passed.

Progress reported; committee to sit again.

### GRAFFITI CONTROL BILL

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

No. 1. Clause 4, page 4, after line 11—Insert:

(2) However, subsection (1) does not apply in relation to the sale of cans of spray paint of a type prescribed by regulation.

No. 2. Clause 7, page 5, line 3—After 'this Part' insert:

or provisions of this Part specified in the instrument of appointment

No. 3. Clause 7, page 5, line 5—Leave out ‘the enforcement of this Part’ and substitute:

enforcing a provision of this Part that the person is authorised to enforce

No. 4. Clause 7, page 5, line 9—Leave out ‘this Act’ and substitute:

this Part that the person is authorised to enforce

No. 5. Clause 7, page 5, after line 12—Insert:

(4a) An authorised person must, on demand by a person affected by an exercise or proposed exercise of a power under this section, produce, for inspection by that person, the identity card issued to the authorised person under the Local Government Act 1999.

No. 6. Clause 9, page 6, lines 8 to 10—Leave out subclause (2) and insert:

(2) A person who aids, abets, counsels or procures the commission of an offence against subsection (1) is liable to be prosecuted and punished as a principal offender.

(3) A court finding a person guilty of an offence against this section must—

(a) if the court is satisfied that it will be reasonably practicable for the person to take action, under the supervision of an appropriate authority, to remove or obliterate the graffiti—order that the person take that action and, in doing so, comply with all reasonable directions of the appropriate authority; or

(b) in any other case—order that the person pay to the owner or occupier of the property in relation to which the offence was committed such compensation as the court thinks fit.

(4) An order under subsection (3)(a) may be enforced as if it were an order requiring the performance of community service (and in any enforcement proceedings the court may exercise any power that it could exercise in relation to an order requiring the performance of community service).

(5) In this section—

‘appropriate authority’ means a State or local government authority.

No. 7. Clause 13, page 9, after line 5—Insert:

(2) Without limiting the generality of subsection (1), the regulations may—

(a) require persons selling graffiti implements or specified classes of graffiti implements to comply with a code of conduct or practice;

(b) impose a penalty (not exceeding a fine of \$1 250) for contravention of, or non-compliance with, a regulation.

(3) Regulations under this Act—

(a) may be of general application or limited application;

(b) may make different provision according to the matters or circumstances

to which they are expressed to apply;

(c) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister.

(4) The regulations may operate by reference to a specified code as in force at a specified time or as in force from time to time.

(5) If a code is referred to in the regulations—

(a) a copy of the code must be kept available for inspection by members of the public, without charge and during normal office hours, at an office determined by the Minister; and

(b) evidence of the contents of the code may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code.

#### ADJOURNMENT

At 6.06 p.m. the Legislative Council adjourned until Wednesday 26 September at 2.15 p.m.