LEGISLATIVE COUNCIL

Wednesday 28 August 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Reports—
City of Playford—Playford (City) Development Plan—Heritage Plan Amendment
City of Port Lincoln—Port Lincoln (City) Development Plan—Format and Policy Review Plan Amendment
Wind Farms Plan Amendment
District Council By-laws—Copper Coast—
No. 1—Permits and Penalties
No. 2—Boat Ramp.

DROUGHT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to South Australia's drought-affected farms made today by the Premier.

SCHOOLS, SECURITY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to a primary school robbery made in the other place earlier today.

DISTINGUISHED VISITORS

The PRESIDENT: I draw the attention of honourable members to the presence of Lord Evans of the English parliament and Lady Evans in the President's Gallery. Mr Evans is a longstanding member of parliament in the United Kingdom and has had a distinguished career in the House of Commons and the House of Lords, and he is a longtime member of the CPA. They are visiting South Australia and we welcome them both to our parliament today.

QUESTION TIME

GOVERNMENT ACCOUNTABILITY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government in the council, representing the Premier, a question about government accountability.

Leave granted.

The Hon. R.I. LUCAS: On 6 February last year the then leader of the opposition, Mr Rann, released a policy statement in the period leading up to the election, and spoke on this policy statement in the period between 6 February 2001 and February of this year. The headline of this statement was, 'Labor to Pull down the Walls of Secrecy in Government' and I refer to two commitments within that press statement. First:

> A future Rann government will adhere to the highest standards of integrity in the way in which cabinet is conducted and the way in which the government handles contracts and consultancies.

Then there was a specific commitment, as follows:

> From day one of the new Labor government it is my intention to create a three person team in cabinet including the Attorney-General, the Treasurer and Minister for Government Enterprises to check all future contracts and consultancies.

My question is directed to the commitment in relation to consultancies. I have been advised from sources both within Treasury and the Department of Premier and Cabinet that this commitment from the Premier to establish a three-person team to look at all future consultancies has not been implemented by the new Labor administration. My question to the Leader of the Government is: have the Premier and this government broken a specific commitment to implement a three-person cabinet committee to check all future consultancies that would be implemented by the new Labor government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Labor government developed, over the four years in which it was in opposition, some comprehensive policies related to greater government accountability and financial responsibility. There are at this very moment a number of bills before this parliament which give effect to various of those promises. Certainly, the substantive promises made by this government in its policies just prior to the election will be honoured. Indeed, following the compact with the member for Hammond, the government is going even further in relation to some of the areas of accountability that this government committed to, and we will honour those.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister undertake to seek a reply from the Premier as to whether this specific commitment—that a three-person cabinet committee would review all future Labor government consultancies—is going to be kept?

The Hon. P. HOLLOWAY: I will see whether the Premier wishes to comment on the question. Perhaps the leader will assist in that by saying exactly when this policy was announced.

The Hon. R.I. Lucas: I did.

The Hon. P. HOLLOWAY: So this was 6 February 2001, was it? I gather the honourable member is referring to some comment made more than 12 months before the election. Is that correct?

Members interjecting:

The Hon. P. HOLLOWAY: As I said in my earlier comments, when answering the first part of the leader's question, there has been some evolution of the policies that this government has introduced—

Members interjecting:

The Hon. P. HOLLOWAY: That evolution has been very positive and it has been evolving in terms of greater accountability. Of course, members opposite might well try to divert attention from their own absolutely appalling record in relation to the behaviour that they demonstrated during the past four years. These were the people—

The Hon. R.I. Lucas: You have got more moral fibre, have you?

The Hon. P. HOLLOWAY: The honourable member talks about moral fibre! This is the minister who was trading shares in his own portfolio.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: That was the sort of standard set by the former government. It ill behoves this opposition to try to lecture this government on behaviour.

Members interjecting:

The PRESIDENT: Order! There is too much interjection.

LAKE GEORGE FISHERY

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Lake George fishery.

Leave granted.

The Hon. CAROLINE SCHAEFER: Several years ago, the water levels in Lake George in the South-East fell to such an extent that a large amount of fish stock died. This happened automatically due to a lack of inflows. Many fish perished, so the fishery was closed. With the diversion of the outfall of drain M into the central basin of the lake, water levels have now been reinstated and fish breeding is again occurring. Prior to this happening, there were two commercial fishers on Lake George and it was, and I am sure it will remain, a popular local recreational net fishery. I understand that PIRSA at the time offered to buy out the two commercial fishermen and that they did not accept the offer, as the offer was in the vicinity of some $60 000 when the licence was valued by an independent valuer at $100 000. My questions are:

1. Will the minister inform the council whether the rumour is true that fishing is to be reinstated in Lake George, but only for recreationals?

2. If this is true, have the two commercial fishermen been informed that their careers are on the line in a similar way to the river fishery?

3. If this is the case, what form of compensation will they be offered?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am amazed that the Hon. Caroline Schaefer would want to bring up this issue. Let me present the council with the facts. There were two commercial fishers on Lake George. As a result of seasonal conditions all the fish died and, as a result of that, the fishery was not viable. The honourable member's predecessor, as the minister for fisheries, did offer those fishers a sum of money—I believe it was $60 000—but subsequently withdrew that offer. Since today we will be debating the offer to river fishers, I think there is a salutary lesson that ex gratia offers made by governments ultimately can be withdrawn. That was exactly the case in relation to the former government's offer to the two Lake George fishers. Those fishers, together with their local member, came to see me earlier this year asking me to reinstate the offer. When I investigated, I found that the money that had been set aside had been spent on something else—

The Hon. A.J. Redford: On what?

The Hon. P. HOLLOWAY: Well, it was spent on something else within the portfolio. Frankly, I am amazed that the opposition would want to bring up the case of the two Lake George fishers. As far as I am concerned, the fishery in Lake George has not recovered. As far as I am concerned, fishing will not be reinstated in the lake at present. Some time ago, when these two fishers came to see me, my advice was that it would be some time before fishing could be reinstated. I had some approaches from recreational fishers to reinstate fishing. When I wrote to them two or three months ago, certainly on the advice then, I rejected the approaches to open that fishery. Clearly, given the situation those two commercial fishers are in, they should have some priority in relation to the matter.

I am not aware of any more recent approaches in relation to opening that fishery. I suppose these things can always be discussed from time to time at management committees, and so on. Certainly, the advice I had, and the decision I took two or three months ago, is that the fishery would not be reopened. I will check with the department to find out whether there is evidence of a remarkable recovery in the past two or three months, then I will come back to the honourable member with a response. Frankly, I would be surprised if that was the case.

The Hon. A.J. REDFORD: As a supplementary question, has there been any testing of that fishery and, if so, what did those tests reveal and who did the testing?

The Hon. P. HOLLOWAY: I am not quite sure what matter the honourable member is referring to in terms of testing. There have been a number of—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Testing it for what? Testing for salinity, testing for the reason why the fish are gone, testing it in engineering terms to see what you need to do to cure it, to get more water in there? There are a lot of things you could test it for, and the honourable member could have been more explicit. It is hard for me to say that there have been no tests on any subject. Obviously, when that fishery was closed some investigation was undertaken to try to identify the reasons for it and how long it might be before the fishery reopened. That was done some years ago before I was the minister, and I would not have access to that information.

The Hon. A.J. Redford: Tested on the numbers of fish—that is what I was alluding to.

The Hon. P. HOLLOWAY: You mean recent advice in relation to that?

The Hon. A.J. Redford: Yes.

The Hon. P. HOLLOWAY: I will see whether any work has been done on that recently. Issues have been considered from time to time as to how the opening of that lake might be addressed and what impact that would have. There are also questions of sandbars and so on within the centre of the lake which, I believe, impede the flow, and a number of issues that have been looked at from time to time. I will see whether my department can bring back some information on exactly what work in what areas has been done in relation to Lake George.

The Hon. R.K. SNEATH: As a supplementary question, is the minister saying that the fishers at Lake George did not get any compensation whatsoever? If they did get any compensation, what was it?

The Hon. P. HOLLOWAY: The answer, of course, is that these fishers were offered a sum of money by the previous government, and that offer was subsequently withdrawn. The fishers at Lake George were facing particularly difficult times, but the event was in no way related to a decision taken by the Fisheries Department. Whether it was due to reduced drainage into the lake, which is probably a consequence of some of the drainage schemes in the South-East, or whether it is because the mouth was closed up and there was insufficient salt water coming in is another matter.

Members can form their own view as to exactly what was the principal cause for the collapse of this fishery. In relation to that offer, however, it is interesting that it was subsequent-

ly withdrawn by the government. That provides some lessons in relation to governments offering ex gratia payments.

COMMUNITY CORRECTIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about community corrections.

Leave granted.

The Hon. R.D. LAWSON: There are 16 community correctional centres in South Australia from which staff of the department supervise offenders on probation, parole, home detention, intensive supervision and community service, and they also provide programs to address offending behaviour. There are some 287 staff involved in community corrections, and they provide a range of reports to the courts and to the Parole Board, specifically in relation to community service.

To indicate the extent of the work, in the last year for which statistics have been collected, some 5 232 orders to perform community service were referred to the Department for Correctional Services. They comprise some 1 600 community service orders, 620 community service bonds, 2 943 community service fine enforcements and 22 parole community service orders. It has been recently reported by the Public Service Association, as follows:

> Community corrections is in crisis. Workload issues are enormous, with a continuing expectation to do more. Staff are experiencing significant difficulties and requiring early intervention.

That was the latest report from the union representing most of the 287 community corrections officers. My questions to the minister are:

1. Was there any increase in the last budget in allocations to the community corrections program and, if so, what increase or decrease?

2. What is the minister doing, and what does he intend to do, to address the crisis that exists in community corrections in this state?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The community corrections program is important, as are the volunteer organisations that work in the community in relation to supporting the correctional services system, and I would like to pay tribute to the volunteers who work in that area. Community corrections is vital in being able to provide the services mentioned by the honourable member, as it is the support that is provided through voluntary agencies, such as OARS and others, that makes linkages particularly in relation to exiting prisoners into the community.

My understanding is (and I do not have the budget papers with me) that there was a modest increase to the community corrections budget but, again, as the honourable member would know, correctional services generally is the poor relation in the budget process when it comes to any increases. We rely heavily on the relationship between justice, sentencing procedures and processes; and the courts, and corrections, including community corrections, feel the knock-on effect of any changes to those programs. I will certainly take the question on notice. I will try to obtain an exact figure in relation to the budget for 2002-03. With respect to the position posted by the PSA (although it has not met with me at a personal level to discuss this issue), I will take the urgency with which the question was asked into account and bring back a report.

TOURISM INDUSTRY

The Hon. J. GAZZOLA: I seek leave to make an explanation before asking the Minister for Regional Affairs, representing the Minister for Tourism, a question about support for tourism development.

Leave granted.

The Hon. J. GAZZOLA: I understand that the government has recently allocated funds to communities and projects to enhance tourism infrastructure around the state. How will this funding benefit regional communities, and what level of funding has been granted so far this financial year?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I am happy to report that the Minister for Tourism recently announced direct funding for various projects throughout the state to assist in the development and promotion of our tourism industry. The previous government established the three-year Industry Development Fund in the 1999-2000 budget for industry attraction and development and also for tourism infrastructure development across the state. The South Australian Tourism Commission made a successful application to the Industry Development Fund for tourism infrastructure support, with the Tourism Development Fund being the mechanism through which funds were distributed for tourism industry support.

Since then, $1 million per year has been allocated for minor tourism infrastructure projects, while major tourism infrastructure projects have sought funds through the budget process on a case by case basis. The tourism development fund has been instrumental in providing much needed assistance in developing the tourism industry, encouraging attraction and infrastructure development to service visitor needs, manage visitor impact and provide incentives for tourism development, particularly in regional areas. Twenty-two projects received $398 288 as support in round one of the 2002-03 financial year tourism development fund. The minister approved 19 projects, totalling $275 770. The other three projects were approved prior to the official round one intake, due to the urgent nature of these requests.

Many of the projects will benefit regional South Australia, including finance to assist with an upgrade of the Stokes Bay foreshore area of Kangaroo Island; finance to assist with an upgrade of the Willunga Slate interpretive centre; moneys to assist with the sealing of the Encounter coastal trail, which follows the coast from Ceduna Sailing Club to Pinky Point Lookout at Thevenard; moneys to assist with improving the infrastructure of the Gladstone Caravan Park; and support for the construction of new toilet facilities at Pine Point on Yorke Peninsula. These are just a few of the projects that are being supported and are giving a much needed boost to communities keen to give visitors the best possible services and facilities. As well as the tourism development fund, the government supports Outback tourism with a three year, $6.7 million Outback tourism development fund which was also established in the 2001-02 budget.

ROXBY DOWNS, FIRE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about a fire at the Roxby Downs copper uranium processing plant in October 2001.

Leave granted.

The Hon. SANDRA KANCK: Two large fires have occurred in recent times at Roxby Downs, one in December 2000 and one in October 2001. To my knowledge, no government report has been released into the 2001 fire. Indeed, it is not known whether one has been prepared. My questions to the minister are:

1. What, if any, radioactive materials were involved in the October 2001 fire?

2. Were radioactive materials released into the processing plant in any form?

3. Did police, fire, EPA, radiation protection or any other government agencies look into the circumstances of the 2001 fire and, if so, has a report been provided to the government?

4. Was there any contribution in either personnel or equipment provided by the government to assist with extinguishing the fire or the clean up?

5. Finally, has Western Mining Corporation provided the government with any internal report into the fire?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): This incident occurred some time last year. So, obviously, not being the minister at the time, I did not receive any verbal reports, and so on, on this matter. The only advice that I have—and this was some time back in July—is that certainly at that stage investigations into the second fire had not been completed. I will take the question on notice, follow that up and see whether that work has yet been completed. It may not necessarily be that the Office of Minerals and Energy Resources was the lead agency in relation to that. It might well have been workplace services or some other department that was responsible for the investigation. I will find out that information and get back to the honourable member.

The Hon. SANDRA KANCK: As a supplementary question, as it is 10 months since the fire, when can we expect the report to be completed?

The Hon. P. HOLLOWAY: As I said, I will find out who was preparing the report and provide the honourable member with information as soon as possible.

SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, questions about the placement of speed cameras by the Police Security Service Division.

Leave granted.

The Hon. T.G. CAMERON: I have received a complaint from a constituent about the siting of a speed camera on council property. At 12.38 p.m. on 4 November 2001, Mr Paul Bridger of Salisbury was travelling north along Park Terrace, North Adelaide when he was photographed by a speed camera doing 70 Km/h in a 60 Km/h zone. Mr Bridger informs me that the speed camera and the Police Security Service Division vehicle were located behind a steel safety barrier, covered by branches in order to camouflage them and sited on Adelaide City Council property.

My officers contacted the Adelaide City Council, and I am informed that it is an offence for any vehicle to park on ACC property without permission. Breaking this bylaw carries a $42 fine for illegally parking a vehicle on a footpath or $65 for parking in parklands. No-one should be above the law. If it is illegal for members of the public to park on council property without permission, the same should apply to the PSSD. My questions to the minister are:

1. What is the government's position on PSSD vehicles being parked on local council property? Are they required to seek permission from councils? Do they have a special exemption or is it simply left to the discretion of individual operators?

2. Did the PSSD seek permission from the Adelaide City Council before it parked its vehicle on council property at Park Terrace, North Adelaide on 4 November 2001?

3. Are parking fines issued while cameras are illegally placed, such as on council land, legal and enforceable?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The honourable member raises a number of issues. First, the policy questions about the placement of speed cameras are obviously a matter for the Minister for Police. The honourable member has asked essentially for legal opinions in relation to the application of the law as it would relate to vehicles on council property. I will endeavour to see whether I can get some answers to those questions. Certainly, I would make the general comment that I am aware that many councils are not backward in asking governments for speed cameras to reduce speed through their areas.

On the whole, I would think that most local governments are very happy to have speed cameras restricting speed through their suburbs. However, the honourable member does ask a number of complex questions. I will seek to provide a reply from the relevant minister for the honourable member.

SCHOOL OF ARTS

The Hon. DIANA LAIDLAW: I seek leave to ask the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Employment, Training and Further Education, a question about the North Adelaide School of Arts site.

Leave granted.

The Hon. DIANA LAIDLAW: At the outset, I should note that the site is in Stanley Street, North Adelaide and that I own a townhouse (that is, my residence) in the same street albeit some distance away. Arising from a decision by the previous government to construct the Roma Mitchell Centre for Arts Education in Light Square, the North Adelaide site for the School of Arts became surplus to the needs of the further education sector, in fact, the education sector as a whole and the government altogether. In March this year, under instructions from the Land Management Corporation, the site was offered for sale by Colliers International, either for redevelopment of the entire 4 120 square metre site or conversion of the existing three-storey building.

An article in the *City Messenger* press on 7 August highlights that, 'The state government has rejected all tenders.' Because I now have a bit more time to try to get a little fitter and thinner, I am walking the streets and I meet my neighbours. Some of them who live down the Stanley Street end near the School of Arts have asked me whether or not the government will take this site off the market and transfer it as a whole or in part to the South Australian Housing Trust for development. I did follow up this question with minister Key's office and was told that, to date, the South Australian Housing Trust has expressed no interest in the site. However, I have a number of other questions:

1. How many bids were received and what was the price range offered?

2. On behalf of the state government, did the Land Management Corporation reject all of the tenders or propose

that negotiations continue with any number of the bidders, and was the sale referred to either/or the minister and cabinet to reject all the bids?

3. What is the reason none of the bids was successful?

4. Is the site now owned by the Land Management Corporation or the Department of Education?

5. What is the range of options that the government is now assessing for the future of the site, and do these options include transferring or selling all or part of the site to the South Australian Housing Trust for development purposes?

6. What is the timetable to conclude the assessment of the future options for the site and for the government to announce the outcome?

7. Has the Department of Education budgeted for this year or next year on gaining revenue from the sale of this site, and has it allocated that revenue to any particular project? If so, what is the amount budgeted and what is the project?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): One interjector, whom I shall not name, has suggested a women's prison. I will take those questions on notice and bring back a reply.

EMUS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about emu numbers.

Leave granted.

The Hon. T.J. STEPHENS: On 15 August, the ABC reported on *The World Today* that emus are wreaking havoc on farms and that South Australia is suffering a plague of emus. Agricultural land is being inundated as birds flee the drought conditions in the north. The report states that cropping on 10 farms has been all but destroyed as the emus peck at seeds and slam through fences to get food. Two weeks ago, the South Australian Farmers Federation appealed to the Minister for Environment and Conservation, and I understand that the National Parks and Wildlife service is now issuing permits to cull on a farm by farm basis, allowing farmers to destroy up to a maximum of 50 birds. My questions are:

1. Is the minister communicating with the Minister for Environment with regard to this issue?

2. Is the minister communicating with the South Australian Farmers Federation with regard to this issue?

3. Does the Department of Primary Industries have any input in decisions taken in regard to the program and what, if any, programs are in place to assist farmers to deal with crop losses and damage suffered during this temporary plague?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Farmers Federation raised this matter and I have had some communication with it on this matter. As the honourable member says, there have been some discussions also with the National Parks and Wildlife Service and permits have been issued for the destruction of emus where this is necessary. Of course, that takes place on a farm by farm basis—which, certainly, in my view, is the appropriate way to deal with it. In other words, this problem should be dealt with where it arises rather than having some across-the-board policy.

At this stage, my advice is that that action is adequate to deal with the problem but, clearly, if the problem persists and further action is needed, I will be happy to take that up with my colleague the Minister for Environment and Conservation. But the honourable member would be aware that the adverse season advisory committee of my department has been meeting in relation to drought conditions generally—it met last week and it is meeting again today. The Farmers Federation, the Bureau of Meteorology and a number of government departments are represented on that committee and they will review the position as it relates to seasonal conditions.

Of course, the emu plague, if I can call it that, is in many cases part of the broader problem that we have at the moment because of adverse seasonal conditions. After all, seasonal conditions are the cause of the problem. We will keep our eye on the problem and, if any further action is required other than that already agreed, we will give it speedy consideration.

GEOSCIENTIFIC DATA

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding the provision of geoscientific data.

Leave granted.

The Hon. CARMEL ZOLLO: One of the recommendations of the resources task force investigation into the government's relationship with the resources industry was the continuation of support for the provision of geoscientific data to investors and explorers. While the TEISA program is delivering results in terms of the collection of exploration data, it is clear that delivery is also an important part of attracting more investment in exploration to this state. I ask the minister: what is PIRSA doing to ensure the effective and efficient delivery of geoscientific data to investors in South Australia's mineral potential?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): History has shown that the commitment of the Office of Minerals and Energy Resources to the availability of pre-competitive data to mineral investors has indeed led to an increase in mineral exploration and assisted in the discovery of a number of the state's major deposits, including Olympic Dam, Challenger and Prominent Hill.

PIRSA has moved on from the phase of 'delivering' data on CDs and now provides leading edge meta data through the SARIG application on the minerals web site. The South Australian Resource Information Geoserver (SARIG) capitalises on the extensive data capture program which has been undertaken in South Australia over the past eight years using the latest technologies. Geological and geophysical data are available for the whole state, supported by comprehensive data packages for highly prospective regions. The on-line service allows users to view and download, free of charge, regional spatial data with a facility to purchase the more comprehensive datasets through a secure e-commerce module.

On-line access is not limited only to spatial data but also includes mineral exploration reports and plans through SAMREF, which has been built into SARIG, ensuring a single interface to be used for all database searches. It is estimated that on completion there will be in excess of two million items available for examination and download by mineral investors day or night anywhere in the world. In SARIG II, the streamlined approach to mineral exploration in South Australia has been further enhanced with the inclusion of the following:

- increased download capacity in a range of formats and projections;
- a faster licence application facility;
- saving partially completed applications;
- an ability to print maps and save query results; and
- high resolution 1:100 000 scale geology

It is all delivered through a newly designed and sophisticated interface.

The improved performance of SARIG II has greatly increased its on-line service capability and functionality. Explorers will have the ability to commence the application process for exploration licences on-line while viewing tenement and constraint data, plotting an application area and printing a customised map of the selected area. The whole process occurs on a secure e-commerce module.

In its own right, the Office of Minerals and Energy Resources web site is also a very valuable source of information and includes downloadable documents and information sheets regarding legislation, tenements, native title, mineral prospectivity, geophysics and more. In conclusion, PIRSA is committed to maintaining a competitive edge and has proven this through the innovation of freely available meta data (SARIG II), which ensures free flowing geoscientific data to South Australia's mineral sector.

CHILD ABUSE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about child abuse.

Leave granted.

The Hon. A.L. EVANS: The *Advertiser* and the *Australian* today detailed the findings of a report compiled by the Child and Family Welfare Association of Australia entitled 'A Time to Invest'. Along with other data, the report released details relating to the proportion of children re-abused within 12 months of the confirmation by the relevant protective service of the first abuse, between 1999 and 2000.

In this state we have a number of government and non-government agencies working to protect children, and yet South Australia leads the nation in the reported figures of children who are re-abused within 12 months of the first abuse being first reported to authorities. The figure reported is 23.9 per cent: an alarming figure. In comparison to other states such as Western Australia and New South Wales, the percentage figure is as low as 10.5 per cent and 10.2 per cent respectively. In 2000 and 2001, there were 9 988 reports of child abuse and, of these, 1 998 were substantiated. When I read such figures my immediate thought is that the figure represents 1 998 children across the state who are being neglected and left in circumstances where they are repeatedly being deprived of protection and safety. My questions are:

1. Can the minister provide information about the current proportion of support given to children and their families in comparison to the number of cases (case workers in relation to child) of abuse?

2. Given the findings of this report, will the minister fast track the review currently being undertaken of child protection policies due to be reported on in December 2002? If not, why not?

3. Will the minister be taking any action in relation to the findings and/or the recommendations of this report? If so, what will this action be?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important questions. I will refer them to the minister in another place and bring back a reply.

LUCKY BAY SHACKS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Lucky Bay Shacks.

Leave granted.

The Hon. D.W. RIDGWAY: At a recent meeting in Cowell and Lucky Bay, representatives from the District Council of Franklin Harbor, the Lucky Bay Shackholders Association and some individual shack owners, were told that the Coast Protection Board's current policy will not allow a seawall to be constructed at Lucky Bay. Such a wall may save shacks from destruction by stopping the erosion of sand in front of and underneath the shacks.

A number of retirees from nearby farming areas and Whyalla now live permanently at Lucky Bay. The council has also been asked by the board to ensure that the existing protection measures are removed. These measures include placing rocks and tyres in front of some of the shacks to stop sand erosion. This move will obviously put a number of the shacks in immediate danger.

The Franklin Harbor District Council is planning to lodge an appeal with the Development Assessment Commission against the refusal, which will be heard in the Environment, Resources and Development Court. As the court is not subject to direction by the Coast Protection Board, it is able to consider the application on a wider basis than the Development Assessment Commission. My questions are:

1. Can the minister inform me as to what interim action will take place to preserve these shacks in the period between now and the decision by the ERD court?

2. Can the minister ensure the long-term protection of these shacks?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the Minister for Environment and Planning in another place and bring back a reply.

FOXES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fox bounties.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that last month the South-East Local Government Association asked the government to introduce a fox bounty system to curtail the impact of foxes on farming operations. A significant increase in South-East fox numbers has prompted SELGA to push for the reintroduction of a bounty in a bid to control the problem. The increase in fox numbers is a statewide problem, but it has been particularly damaging in the South-East. I am also aware of the significance of the problem across the border in Victoria, and I noted the other day an article in a country newspaper in Victoria, the *Numurkah Leader*, as follows:

Victoria's fox bounty trial is still being well supported, with more than 25 000 tails handed in at the Department of Natural Resources

and Environment (NRE) depots across the state since it began on 1 July. The highest numbers of tails are still coming into depots in the south-western and central regions of the state, giving NRE officers confidence that the large number of tails are not being brought across the border from New South Wales.

Approximately 10 per cent of all tails collected so far have gone to NRE scientists who are conducting DNA tests, which will help in the development of a 'genetic map' of the distribution of the animals around the state. It is expected that this information will be extremely useful in helping authorities, including NRE, to more accurately target specific fox populations and develop more effective programs in the future. The trial is one aspect of the government's—

I reiterate that this is the Victorian government—

broader approach to combat foxes throughout the state, and has been timed to help sheep farmers achieve the maximum benefit in the lead-up to this year's lambing season, when foxes cause significant losses.

The article also includes a list of NRE depots and the number of fox tails collected since 1 July. I certainly will not go through them all, but I thought the council might be interested to know the numbers in the three depots closest to the South Australian border, as follows: Hamilton, 3 461; Horsham, 1 654; and Ouyen, 168. In Victoria, 25 705 foxes have been shot and the tails handed in since 1 July 2002. My questions to the minister are:

1. Has the government responded to SELGA's call to reintroduce a fox bounty?

2. Has the minister taken account of the trial in Victoria, including the utilisation of DNA tests?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Animal and Plant Control Commission, which is in the Department of Water, Land and Biodiversity Conservation, is responsible for fox control. Perhaps I can make some comments in relation to bounty systems. Certainly, the general view in relation to bounties is that they are not a successful way of managing a problem. I think that that is the evidence that has been found throughout most of the world. A major weakness in a bounty system is that it focuses control on those areas where pests are plentiful, rather than in areas where they cause most economic or environmental damage. Evidence has demonstrated that, where there is an incentive from bounty payments, shooters will go to a pastoral area where fox numbers may be high but the economic damage low, because it is uncontrolled by pastoralists or graziers.

It is my understanding that the view in this state—and I will have it of confirmed by the appropriate minister—is that pest management strategies need to be carefully planned to deliver the best outcomes for reducing the impact on agriculture and the environment. While bounties might provide income for some hunters and farmers, they do encourage an approach which lacks strategic direction and which is often wasteful of money and resources. The use of bounties might also undermine the aims of pest control programs because hunters leave a residual population to ensure an income can be maintained from bounty payments. Bounties also encourage the use of less efficient control methods, such as shooting and trapping, instead of poisoning. In this council in the past I have made comments about 1080 poison. The use of that poison is currently under examination by the National Registration Authority.

That does have some implications. Unfortunately, that particular poison is not particularly specific in terms of its impact. Controlling the population of foxes is an important issue for the agricultural sector of this state. Certainly, there have been reports of increasing fox numbers throughout the state, particularly in the South-East, and the local animal and pest control bodies within local government need to be vigilant to ensure that the people who live in those areas are taking all action necessary to try to control those populations. I have indicated that there are some problems philosophically in relation to the use of bounties but I will pass the question on to my colleague—

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

The Hon. P. HOLLOWAY: They are doing a trial of it, as I understand it. I noted some comments from the Victorian trial that the particular bounty was less than what fox pelts were worth. In fact, there was already an incentive: if you could shoot foxes and sell their pelts you might be able to make more money. I remember reading that some time ago. I will see whether the Minister for Environment and Conservation has any information from Victoria in relation to the success of that program and will provide an update of the latest thinking of the Animal and Plant Control Commission in relation to fox control measures.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the 2002 budget for the EPA.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to funding for the EPA, which the government has pledged will be independent. I have some understanding that the staff of the Environment Protection Agency is going to be put under the direct and sole authority of the Environment Protection Authority itself. This year's budget offered little detail in relation to additional funding to deliver on the minister's promise, so that the EPA can function in an independent manner. There is some federal Natural Heritage Trust funding to assist the EPA, but that actually relates to an expanded role in relation to Murray River initiatives.

I also note that the EPA is picking up increasing responsibilities in relation to aquaculture, which I think many people support, but as I have gone through the budget I just cannot find any detail to give a good indication as to whether or not additional moneys have been provided to allow the Environment Protection Authority to function properly. My questions to the minister are:

1. Was any additional funding set aside in this year's budget to enshrine the independence of the EPA and to allow for its increased responsibilities? If so, how much?

2. When will that money be available to the Environment Protection Authority?

3. If there have not been additional moneys, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to my colleague in another place and bring back a reply.

EMERGENCY SERVICES LEVY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the minister representing the Treasurer some questions about the emergency services levy.

Leave granted.

The Hon. J.F. STEFANI: Members would be aware that, in the lead-up to the release of the state budget, the Treasurer indicated that state charges and taxes would increase in line with the CPI. In early June I raised the issue of the specific legislative requirements in relation to any proposed increase

under the Emergency Services Funding Act. The act requires that, unless the levy amount is the same as or less than the amount of the levy declared by the first notice, then the notice for declaring a different levy amount must be authorised by a resolution passed by both houses of parliament.

The act further provides that the minister must refer to the Economic and Finance Committee of the parliament a written statement setting out the determination that the minister proposes to make in relation to the amount that needs to be raised by means of the levy in any financial year and the amounts to be expended in that financial year for various kinds of emergency services and other purposes under section 28(4) of the act. Given the huge increases that have occurred in property valuations, and, in view of the fact that the emergency services levy is geared to property valuations, my questions are:

1. Can the Treasurer advise the council of the anticipated amount that will be collected from the application of the emergency services levy?

2. What is the percentage increase of the emergency services levy when compared to last year?

3. Is this increase similar to the increases applied to other government charges that were to be in line with CPI increases?

4. Can the Treasurer advise of the amount allocated to each of the agencies providing emergency services for the year 2002-03?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the Hon. Julian Stefani for his question, and I will seek a detailed reply from the Treasurer. However, I will make one comment in relation to it. This year, this was one area where the government had to seek additional revenue from the budget to ensure that the increase in the emergency services levy faced by householders was reasonable. I believe that $11 million had to be put in from consolidated revenue to ensure that there was sufficient money in the fund to fund all those projects in the emergency services area.

Of course, one of the main problems we have had in relation to the whole emergency services sector was the previous government's decision on the Government Radio Network, which, as we know, has had a massive blow-out in relation to the cost to government and, of course, that has been a huge drain on the finances of this state. So, while the Treasurer, I am sure, will provide a detailed answer in relation to the specific questions of the honourable member, I think it needs to be borne in mind that the overall budget position facing this government as a consequence of the Government Radio Network decision has been an extremely difficult one, and the government has had to find money from consolidated revenue, which might otherwise have gone to schools, hospitals, police and so on, to ensure that the emergency services levy was modest and in line with the government's promises. I am sure that, when the honourable member receives the answer from the Treasurer, he will find that, in fact, in relation to the emergency services levy, this government has done everything that it promised to do.

The Hon. J.F. STEFANI: Sir, I have a supplementary question. Will the minister advise the council whether the amount of the levy will decrease once the commitment to the radio network has been satisfied?

The Hon. P. HOLLOWAY: I will refer that question to the Minister for Emergency Services and bring back a reply.

PAROLE POLICY

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Primary Industries, representing the Premier, a question about parole.

Leave granted.

The Hon. A.J. REDFORD: The Parole Board is established pursuant to provisions set out under the Correctional Services Act, which sets out its role and responsibility and, indeed, the responsible minister for the Parole Board. One of the first acts of this government upon being elected was to revoke the parole of Stephen McBride and James Watson, contrary to a Parole Board recommendation. Shortly after that event, my colleague the shadow attorney-general (Hon. Robert Lawson) asked the government what the policy might be in relation to what the government will do in the future regarding recommendations by the Parole Board.

Following that, we witnessed that unedifying spectacle of the Premier and the head of the Parole Board, Frances Nelson, on radio, determining whether or not in fact they had had any discussions at all about this issue. Subsequent to that, I understand that some weeks ago there was a meeting with the Parole Board chairwoman Frances Nelson QC, the Premier and the Attorney-General to discuss the release of convicted murderers.

An article in the *Advertiser* this week asserted that Mr McBride and Mr Watson will again lodge new submissions under regulations for parole. The article refers to a number of other parole applications and also to various meetings that had taken place. In particular, the article said:

> Mrs Nelson wanted clarification on what criteria was being used by state cabinet, which has final approval on parole recommendations.

Given that a number of different people could potentially have responsibility for this—indeed, the legislation is contained in the Correctional Services Act—my questions are:

1. Who is the responsible minister in so far as parole decisions are concerned?

2. Is there a policy in relation to dealing with Parole Board recommendations formulated by cabinet and, if so, what is that policy?

3. Will the government, as it approaches its sixth month anniversary of being in office, release that policy so that we in opposition and the general public can see precisely what that policy will be?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I understand the confusion that may exist in relation to parole cutting across at least two portfolios. I will refer that question to the Attorney-General and bring back a reply.

REPLIES TO QUESTIONS

ROADWORKS, SPEED RESTRICTIONS

In reply to **Hon. SANDRA KANCK** (6 June).

The Hon. T.G ROBERTS: The Minister for Transport has provided the following information:

1. *What education is given to road work contactors about the placement of signs to reduce drivers' speed?*

Transport SA has a workzone traffic management training program in place that has been operating in South Australia for the past six years. It is delivered to roadworkers across the state by registered training providers licensed to Transport SA.

The training program is aligned to Australian standards and state legislation, and covers all aspects of signing at roadworks, from the types and placement of signs and devices to the usage of appropriate speed limits and buffer zones.

It is a legal requirement through the Road Traffic Act that, when working on or near a road in South Australia, a minimum one person on site must be trained.

To assist with the use and placement of speed limits, Transport SA has produced a diagrammatic field guide specific to speed limits at works on roads.

2. *Does the minister consider that limiting this speed to 25 km/h is warranted when the roadworks are occurring on a cross street?*

Roadworkers are required to comply with section 20 of the Road Traffic Act 'duty to place speed limit signs in relation to work areas or worksites'. The act doesn't distinguish between side streets and major arterial roads in their use. Roadworkers must ensure that the speed limits used are clearly visible to the road user and that the appropriate return to speed limit signs also are in place. In situations where a worksite can be entered from either a side street or an arterial road, there is a requirement to inform road users of a change in speed limit.

3. *Is the minister concerned that imposing speed limits where there are no roadworks is causing motorists to treat such speed signs with disdain?*

Transport SA currently is reviewing the system used in South Australia surrounding roadworks. This ranges from the education of roadworkers through to control measures that are required to lower the level of non conformance seen across the state.

Signs should be in place only where there are roadworks underway, or as a result of roadworks being only partially complete, and there is a need for a restricted speed. To ensure this is the case, Transport SA's workzone traffic management auditors monitor the contactors/sub contractors who operate throughout the road network daily. Their role is to not only conduct formal audits of worksites, but also to advise and educate workers in all aspects of traffic management as it applies to roadworks.

Section 20 of the Road Traffic Act defines the maximum speed limits to be used and takes into consideration not only the roadworker on site but also road user safety.

Typical examples of where Transport SA would install temporary speed limits overnight or for extended periods due to the hazards associated with the works to the roaduser include:

- The replacement of guard railing on the southeastern freeway
- The construction of overtaking lanes across the State where there is a drop off of approximately 500mm creating reduced running lane widths.

4. *Will the minister investigate this situation and provide clear directions to road workers, so that the workers continue to have protection, traffic flow is not unnecessarily impeded, and drivers are able to treat 25 km/h zones with respect?*

Roadworkers are not only required to be trained in workzone traffic management prior to working on or near a road but also are required to undergo re-training every five years and must successfully complete Transport SA's interactive CD-ROM training tool entitled Road to Worker Safety' annually. Transport SA's field guide for speed limits at works on roads has been widely distributed to roadworkers through Transport SA and the registered training providers at the point of training.

Transport SA has a roadworks hotline (1800 064 054) for the public to report instances of inadequate road work signage.

5. *Will the Minister also investigate instances of road signs left out after hours, on weekends, etc., when roadworks are not being progressed?*

As mentioned previously, signs would normally be in place where there are roadworks underway or as a result of roadworks being only partially complete and there is a need for a restricted speed.

The examples mentioned in the response to the Hon. Sandra Kanck are typical of how Transport SA applies the use of after hours speed limits. However, Transport SA has no control over other agencies or organisations operating on roads.

I would encourage the use of the 1800 064 054 roadworks hotline so that Transport SA is able to provide advice on adequate roadwork signage.

CHILD PROTECTION REVIEW (POWERS AND IMMUNITIES) BILL

In reply to **Hon. R.D. LAWSON** (18 July).

The Hon. T.G ROBERTS: The Minister for Social has advised the following:

Bearing in mind that the clauses to which the Hon. Mr Redford referred have been taken from the Children's Protection Act, will the minister indicate whether those provisions have ever been applied in a court in South Australia?

Section 5 (4), (5) and (6) of the Child Protection Review (Powers and Immunities) Act 2002 is modelled on Section 13 (3), (4) and (5) of the Children's Protection Act 1993.

The Crown Solicitor's office has indicated that there would need to be a review of all cases that have been before the courts to determine the extent to which this section of the Children's Protection Act has been used, but suspects that the section is rarely used. It is not practicable to conduct such a review to determine a precise answer.

Nevertheless, this whole section of the Children's Protection Act is of high importance in terms of ensuring that notifiers are protected by the confidentiality provisions. It is appropriate to extend this protection to confidential information obtained by the child protection review.

MATTERS OF INTEREST

YOUTH HARMONY AND DIVERSITY BANNER

The Hon. G.E. GAGO: I would like to share with the council my experiences at the Multicultural Youth South Australia, Youth Harmony and Diversity banner launch and awards presentation. I was invited to present the Youth Harmony and Diversity certificates on behalf of the Hon. Stephanie Key, Minister for Youth. The awards were presented to the four culturally and linguistically diverse (CLD) young people who created the Youth Harmony and Diversity banner which was being launched on that day. Multicultural Youth SA (otherwise fondly known as MYSA) was responsible for the function, and I must commend it for the extremely lively and professionally organised and run event. We all had a lot of fun.

The formal part of the morning consisted of welcomes from a number of people, including an indigenous welcome, followed by an address from the Chairperson of MYSA, and a MYSA and Parks Crew flash movie and sideshow, which was fabulous. There was then the presentation of certificates to the creators of the banner, and finally the official launch of the banner and logo by the Adelaide Lord Mayor. This was followed by a pretty fabulous morning tea, and it was then that I was pleased to be able to speak individually to a number of the young people involved in the project. These young people were inspirational and obviously have very bright futures.

MYSA's mission statement is to 'take a leadership role in ensuring that young people from culturally and linguistically diverse backgrounds have equal access and participation within the wider South Australian community and that their voice is heard and drives all levels of decision making'. MYSA recently evolved from the Multicultural Youth Network auspiced by the Multicultural Communities Council of SA Inc that was formed in 1996 and since that time its achievements and involvements have included:

- Speak out 1999, at which over 100 young CLD people attended to discuss a wide range of issues including education, racism, drugs and alcohol, family support, health and recreation;
- Development of the Premier's youth challenge—Activ8;

- The commonwealth government's Youth Pathways Action Plan;
- The National Police and Ethnic Youth Partnership Forum; and
- The Department of Human Services' policy and planning framework for children and young people.

As members can see, MYSA is a very active organisation with a remarkable list of achievements within a very short period of time. MYSA has a range of aims and objectives, most of which are about linking young people of culturally and linguistically diverse backgrounds into a range of established networks and facilitating positive change for them in many areas of our community that affects them.

One of MYSA's aims and objectives caught my eye, that is, objective 2, which states:

> Celebrate the achievements and contribution of culturally and linguistically diverse young people and acknowledge the strength of their diversity.

I believe this objective to be particularly pertinent to multicultural Australia and an essential ingredient for Australians to live in harmony and, in turn, for Australia as a nation to reach its full potential. It is vital that we acknowledge the valuable contribution of many and varied cultures to our communities and embrace and celebrate our differences. Above all, we must ensure that our young people can make meaningful contributions to our communities. For opportunities to be available to young people to contribute meaningfully we must focus on and foster their strengths.

The remarkable group of young people who are part of MYSA are striving to develop communities that accept and value the diversity amongst us. Their wish is for us to live in harmony within our communities. I thoroughly enjoyed attending the launch and I was honoured to present four young people with certificates to mark their achievements. I wish to thank the young people of MYSA for an enjoyable and inspiring experience.

AFGHAN CAMEL DRIVERS

The Hon. J.F. STEFANI: Since the occupation of Australia by Europeans in 1788, many ethnic groups from all corners of the world have settled in this country. After the Europeans, immigrants from Asia and the Pacific islands added to the diversity of people settling in Australia. Nineteenth-century Australia was in a constant process of resettlement, accompanied by a search for new pastures, mineral resources and agricultural land. Settlers gradually penetrated the coastal and some inland grassland areas, but the centre of the continent (the semi-arid and arid parts of Australia) were still unknown.

The greatest problem with which the early explorers were faced was the question of what transport was to be used. Horses and bullocks had been tried and each had proved more or less unsatisfactory. Finally, in the 1860s, a decision was made to import camels and to use them in the dry parts of Australia. This decision meant that the shipment of camels was accompanied by men who were experienced in handling these animals. Throughout the history of camel driving in Australia, the cameleers, who were brought out as handlers, were referred to as Afghans or simply Ghans.

Some of them came from Afghanistan but many originated from Pakistan and some came from the Turkish empire, which included the whole of the Middle East and Egypt. Like other immigrants, the Afghans brought with them their invisible luggage: their camel-handling skills and their endurance and tolerance of loneliness, which they put to good use in their new country. Australia's history over the past 220 years is full of examples showing how these invisible skills and qualities of immigrants have benefited Australia. The arrival of the Afghans heralded a new era in transport in the arid regions.

Their skills and the characteristics of the camels played an important role in further opening up the Australian continent. Their activities in New South Wales, Queensland, South Australia, the Northern Territory and Western Australia covered nearly all sectors of transport, including ores, wool, provisions, timber, firewood, stones, water, railway sleepers, roofing iron, rails, insulators, wire, telegraph posts and many other necessary items. With their herds of camels they participated in several important national projects such as the overland telegraph line between Adelaide and Darwin, the Queensland border fence, the transcontinental railway line between Port Augusta in South Australia and Kalgoorlie in Western Australia and, finally, the rabbit proof fence and Canning stock route in Western Australia.

Afghans with their camels also took part in many exploratory expeditions, traversing the most inhospitable parts of Australia. Some of the expeditions succeeded only because of the expertise and endurance displayed by the cameleers in the hot and waterless land. In spite of their tremendous contribution to the development of Australia, Afghans were not fully accepted because they were Asians. They were denied British citizenship and were often criticised and attacked by some sections of the press. They were refused membership of the carriers' union and forced to live apartheid style in some communities.

It is estimated that around 3 000 Afghans were involved in camel driving work, and for nearly 60 years they played an important role in Australian transport. Today, there are no original immigrant cameleers in Australia, only their children and grandchildren. The cemeteries in Broken Hill, Marree, Alice Springs, Coolgardie and other places where they were concentrated are today silent witness to their bygone era. But the most visible monuments to their past are their houses of prayer—the mosques in Adelaide and Perth. The introduction of Islam is the most important cultural contribution of Afghans in Australia, and in the year 2002 more than 250 000 people belong to the Muslim faith. Today I highlight the contribution of the Afghan cameleers, without whose effort and hard work the opening of Australia's centre would have been delayed by at least another 50 years.

EMPLOYMENT, CASUAL

The Hon. J. GAZZOLA: Rationalisation of the work force through technological change, corporate reorganisation and spectacular corporate failure, changes in work patterns, as well as changes in public ownership and fluctuations in public spending has resulted in significant growth in the casual and part-time work force. This trend in employment, as surveyed by the Australian Bureau of Statistics, saw the number of part-time and casual employees increase by 51 per cent in the 10 years from 1991. As a proportion of total employment, part-time and casual employment increased in this period to 28 per cent. This movement is the continuation of a trend—the figure for October 1978 being only 16 per cent, and it is a trend by no means unique to Australia. The actual number of part-time and casually employed people as of 7 July 2002 stood at around 2.67 million. Casual employ-

ees, according to figures for August 1998, made up 64 per cent of part-time employees—a figure of around 1.95 million.

The point here, Mr President—and I thank you for your patience and honourable members for their attendance—is not to confuse the council with lies, more lies and damn statistics but to point out that many of these workers, through no fault of their own, are trapped in part-time and casual employment without many of the work benefits and security available to their full-time counterparts. Casual employees, in particular, are disadvantaged. Not only do they have no access to paid sick leave or annual leave but also they do not have the security of permanent employment, even though they may have worked for their respective employer on a regular basis for many years. Nor do casual employees who may have worked for years for their respective employer have any right to redundancy payments in the unfortunate event that their employers have to put them off—a situation not rare in these days of business failures, about which I have previously addressed the council.

It is interesting to note, then, that the trade unions in this state are attempting to redress the iniquitous position of casual employees. Following an application by the Australian Services Union South Australian and Northern Territory Branch, the Full Bench of the state Industrial Relations Court & Commission has determined that casual employees under the Clerks SA award should be able to convert to permanent status, whether full-time or part-time, after a year on the job. In this decision, which is of much interest to unions and employers in this state and, indeed, all states, the learned members of our full bench have found that the time has come for there to be some regulation of the proliferation of casual employment in the workplace, as covered by this important industrial award.

The learned members of the commission have made their decision in the face of vigorous opposition from employer representatives and equally vigorous representation by the union concerned on behalf of the casual workers of this state. This decision, which has taken some five years from initial application to conclusion, is the first state or federal decision to significantly stem the tide of casualisation. The common rule Clerks (SA) Award, which the full bench decision varies, covers more than 15 000 employees in this state.

As we witnessed in the memorandum of understanding between the AHA and the ALHMU, and now with the decision by the state's Industrial Relations Commission, it is to be hoped that we are seeing a sea change in the improvement of the conditions of the ordinary worker. It is indeed gratifying to see that South Australia, a state which has been well regarded in the past for its visionary attitude to matters of social reform, is once again showing the way to other states in matters of justice and equity. I congratulate all parties involved, especially the Australian Services Union (South Australian and Northern Territory Branch), its branch secretary (Anne McEwen), the branch assistant secretary (Andrew Dennard) and the industrial team leader (Mr John Fleetwood). I commend the Clerks (SA) Award decision to the council.

RURAL SOUTH AUSTRALIA

The Hon. T.J. STEPHENS: Today, I would like to speak about rural South Australia. I note that a public meeting was recently held at Marree to discuss the government's decision to cut back one of the two road crews responsible for maintaining Outback roads. Pastoralist Darryl Bell has spoken on radio about the meeting. Everyone would agree that the roads around Marree are in a deplorable condition, with large potholes and ruts taking a heavy toll on vehicles. Mr Bell said that it is vital that the road crews are maintained and that the community of Marree would continue to fight Transport SA's decision. I place on record my congratulations to those in Marree who have taken this stand and urge them to continue in their campaign for rural services.

As I said during my speech on the Appropriation Bill, I am very concerned that the Labor government is not taking seriously the needs of the rural community. When it comes to transportation in the Outback, these roads are their lifeline. They do not have any other transport services—they have no bus or train services and, for the most part, no regular aviation services. These roads must be adequately maintained for the rural communities using them and for the incredible number of tourists visiting, particularly during the Year of the Outback. I congratulate the Marree community on their stand.

I also want to congratulate today the farmers and scientists involved in the Mallee sustainable farming project. This project is the winner of the prestigious National Landcare Award this year. Every two years, Landcare Australia recognises environmentally aware individuals and groups through the National Landcare Award. The award pays tribute to the outstanding efforts of groups, farmers, schoolchildren, businesses, local government, the media and ordinary people who achieve extraordinary results from their land care efforts.

The Mallee sustainable farming project took out the Landcare award for land care research. The project aims to keep farmland in good shape now and into the future by looking at soil erosion and ways of preventing the dust storms which decimate dryland farming properties. In particular, I acknowledge the project's Chief Executive (Marion Murphy) and the South Australian project officer (Chris McDonough) for their work with Rural Solutions SA based in Loxton.

More importantly, perhaps, I acknowledge the 100 farmers involved in putting in place the best management practices identified through the project. I understand that Robin Schaefer, a South Australian farmer from Loxton, helped start the project and results on the farm have been amazing.

The Hon. Caroline Schaefer: She is no relation.

The Hon. T.J. STEPHENS: Caroline Schaefer is trying to take the credit, but that is not quite right. Not only has farm profitability improved but also the soil has improved and become more sustainable. The way the whole cropping system is run and the use of inputs, such as fertilisers, has created a win-win situation, with both productivity and environmental gains.

I acknowledge the work of the farmers and their invaluable role in land care and sustainability issues. Members on this side of the chamber have always recognised that farmers and primary producers are the backbone of South Australia's economy and the fact that they are best placed to be involved in and advise on the sustainable use of the land.

Primary producers have a vested interest in keeping resources sustainable, and they provide a valuable resource when it comes to monitoring our precious natural resources. Under the previous government, many of these primary producers forged excellent working relationships with officers of the Department of Primary Industries and, of course, with the primary industries ministers. Many of them have featured prominently on various primary industry and pastoral care boards and provided much expertise and advice in relation to pest and weed control, soil and fisheries

management to the government at no cost to the primary producers themselves.

However, the new Labor government appears hell bent on demoting the primary industries portfolio to that of a junior ministry. Certainly, the primary industries budget has been slashed under Labor. I am very concerned that the minister responsible for primary industries (the Minster for Agriculture, Food and Fisheries) appears to be very much a junior minister in the scheme of things. He has no authority whatsoever over land care and sustainability issues. He automatically refers any sustainable resource issues directly affecting farmers and primary producers to the Minister for the Environment to manage.

Having read some of the statements made by the Minister for Environment in relation to sustainable resources and the environment, I do not believe he truly shares the opposition's heartfelt respect for primary producers. For example, when in opposition, now minister Hill said in relation to the Natural Resources Bill:

> To put it bluntly, there are people in the water resources and the environment departments who think primary industries or PIRSA is trying to take over, and they are feeling threatened by it.

I hope that farmers, such as those involved in the Mallee sustainability project, continue to be consulted and will have an ongoing role in sustainability issues under the Labor government's portfolio arrangements. I again congratulate them on their Landcare award.

FESTIVAL THEATRE

The Hon. DIANA LAIDLAW: I refer to the Riverbank and the Adelaide Festival Centre redevelopment projects. I particularly want to refer to an article which appeared in the city Messenger Press yesterday (although dated 28 August) headlined 'Is this our next mess?' I took the opportunity yesterday to make a personal explanation to correct those parts of the article that were factually incorrect and related to me. Today, I want to take this issue further in relation to the allegations made in the article that these projects are being developed without any reference to a master plan, and urge the government to undertake a prompt look at the development of such a plan.

There is no need for such a master plan to be undertaken now. A master plan was initiated by the former government and developed with the international architect Norman Foster in association with the South Australian partner Hassell Pty Ltd. The need now is for the government to advance that concept plan and not leave it in a state of flux where so many of the elements will not be finalised and brought to realisation for the benefit of our city and state.

This is an important issue, because this project is sited in such a prominent part of our city and is central to our convention and tourism markets and our arts as well as our railway station and hotel and catering facilities. I say without qualification that the article in the Messenger Press is an exaggeration and a headline grabbing exercise that is biased, ill-researched and factually incorrect. I regret to say that it has been fed by the Minster for Urban Development and Planning (Hon. Jay Weatherill) for short-term political purposes, without any vision or sense of his responsibilities as urban development and planning minister in this state.

I had expected better things of him. I know the city councillors that I have spoken to today and Hassell's, as well as many people across the public sector associated with this project, who have given so much of their time and energy, are equally disgusted with the minister and his conduct and his cheap political exercise in headline grabbing with the *City Messenger*, rather than taking a broader, responsible perspective.

I highlight that this project has not only been praised by *Architecture Australia* but it devoted considerable pages in its May/June 2001 edition to celebrating the master planning process that had been adopted by the former government for this project. The article also refers to the mess that we had there before, which we sought to address through the master planning process, a fact which the current minister is perhaps too young to remember and which the *City Messenger* fails to refer to, in terms of putting this project in context. The publication *Architecture Australia* does put it in context, and I refer to the article:

> The Riverbank Precinct is the block between Morphett Street Bridge and King William Street, on the northern edge of North Terrace. It encompasses, in part, the current and former parliament buildings, the Adelaide Railway Station and the Adelaide Festival Centre. The Festival Centre comprises three large white amoeba-like structures transfixed at their midpoint by the unforgiving concrete plaza of London Festival Hall vintage. This concrete deck traps most of the pedestrian access to the centre's auditoria in a dark undercroft that also acts as service access and parking egress for the centre, and for other subsequent developments to the west.

Time expired.

MUSIC INDUSTRY

The Hon. T.G. CAMERON: I rise today to speak on the live music industry in South Australia and just to talk briefly about the resolution of a number of disputes which affected the industry. On 16 July this place passed the Liquor Licensing (Miscellaneous) Amendment Bill, which also became known as the Save Live Music bill. Three weeks later the Governor Hindmarsh Hotel invited all those who worked on their Save Live Music campaign to a thank you function, because the Gov's live music licence had been effectively saved by that liquor licensing bill. Although introduced by the Attorney-General, the Hon. Michael Atkinson, who I understand attended that function, this bill really belonged to no political party, and it was probably the most genuine effort in multipartisanship that I have seen since I have been in this chamber.

The importance of this bill to our local economy and culture cannot be understated. One needs only to look back to the 1960s and 1970s to see how important live music was to this state. Back in the '60s and '70s—to the surprise of the Hon. Di Laidlaw—I frequently attended live music shows. I had the pleasure of seeing the Beatles live as well as the Rolling Stones on two or three occasions. I saw Joe Cocker: how he managed to finish his performance that night at the basketball stadium is beyond me. I think he was already past it when he came on to the stage and he then proceeded to drink another litre of Jack Daniels during the performance. Needless to say, it significantly added to the concert that night.

I can also remember local bands such as Cold Chisel and the Angels who relied on the live music scene for their beginnings, and almost certainly would not have grown into the national icons that they became, were it not for the pub circuit. I can recall going to the Brighton Hotel one night and listening to some wonderful live music. We walked out—there was a group of us which was a little larger when we left than when we went in—and I can recall saying, 'What a great artist she is; that young lady's probably got a real future.' I

never thought any more about it until years later when she bobbed up as the director of the Festival of Arts. It was Robyn Archer. Mind you, the performance that she belted out that night at the Brighton Hotel was, I suggest, a far cry from the events that were turned on for the festival that she ran.

Many of these local bands became heroes and were the centre of our youth culture. As the state gets older we need to be a little careful that we do not squeeze out our young people. We do need to attract younger people to Adelaide. We cannot afford to have a reputation as a retirement village, and Adelaide should not go to bed with the sunset. We need a vibrant and youth-friendly city. It will help rejuvenate our state and give it a future. We do need to support live music venues and make Adelaide a more attractive place for our youth.

In conclusion, I place on the record my thanks to the Hon. Angus Redford who chaired a working party on the issue, some of the recommendations of which are now law, with the passage of the Liquor Licensing (Miscellaneous) Amendment Bill.

GOVERNMENT ACCOUNTABILITY

The Hon. M.J. ELLIOTT: I want to speak on the issue of lack of openness and lack of consultation already starting to occur with this new government. I am concerned that only months after coming to office we are seeing signs of the new government forgetting its pledge to set new standards in honesty and accountability. It is concerning that, rather than taking pride in meeting reasonable community expectations, we are already hearing excuses like, 'At least we are better than the Liberals.' Well, in my opinion, that is not saying much. Let me cite two recent examples.

The South Australian Drugs Summit brought together a broad range of experts and community leaders to discuss the drugs issue in South Australia. The summit was supposed to be based on open consultation. The Premier pre-empted the recommendations of the summit by making announcements in relation to growing hydroponic cannabis before that particular issue had been debated and a vote taken. It is worth noting that, in fact, the vote was very strongly contrary to the view of the Premier. I spoke with many people after the conference and they said, 'Why did we come here'—having given up a week of work in some cases and spending a week away from their families, for those who came from the country—'if decisions had already been made? Why weren't we told what things we couldn't decide, at least, so we did not waste our time on them?'

We now find that the findings of the Drugs Summit have been sent to the Social Inclusion Unit. I asked questions in this place about the Social Inclusion Unit, seeking to find out whether or not its findings would be made public. The answer I received was that the Social Inclusion Unit is preparing a cabinet document and, as such, it will not be released to the public. So, we had this thing that was called consultation, where in fact decisions had been made but on which matters people were still debating. We find that it then goes off to the Social Inclusion Unit, which will process it. What recommendations it ever makes to the government we will not know, but the government will say, 'We are acting on the findings of the Social Inclusion Unit.' What was the purpose of all this consultation? Was it nothing more than show?

Freedom of information is an important tool in getting answers to questions that governments would rather not answer. I have detailed my concerns about the way in which the previous government handled FOI applications on many occasions, and I know members of the opposition, when in government, were concerned about the way in which FOI was being handled. As a result, I was interested when yesterday the Labor government announced its changes to FOI. The most surprising was when it said that it will start charging parliamentarians for submitting FOI applications.

Already the cost of FOI is a disincentive to many members of the public. In other words, if you can afford it, you can get access to information; otherwise you cannot. There have been a number of occasions when people have come to me with problems. They cannot afford an FOI application and, if I think it is a matter of legitimate concern, I myself make the application. It is not a matter of simply making it for free. I think members of parliament act as a filter so that people do not get away with frivolous, vexatious or other FOI applications but, rather, there is a matter of legitimate interest. If the government is going to choose to charge for this service, I find that what it is really saying is that a section of the community will always be denied access, no matter how legitimate their concerns.

The Hon. Sandra Kanck: This is the government that said that it wanted openness.

The Hon. M.J. ELLIOTT: This is the government that said that it wanted openness. I average about two FOI applications a month. I do not make a lot of them, but every one I make is for a serious purpose. Half those applications originate from concerns from members of the public who themselves are not able to afford to make an FOI application. There has been no reasonable justification for this move. There have been some mutterings by the government that it is being abused. Perhaps it should publish the number of FOI applications submitted by all members of parliament. If one member is submitting 300 applications a year, it has a legitimate concern. But the average member is not doing anything like that. If the government says that there is a problem, let it put the problem on the table and show us what it is. However, it should not create a problem of a lack of openness and break the promise it made so recently.

ESSENTIAL SERVICES COMMISSION BILL

In committee.

(Continued from 27 August. Page 892.)

Clause 1.

The Hon. P. HOLLOWAY: I wish to make some comments in relation to issues raised by the Leader of the Opposition yesterday on the proposition that the words 'safety and supply' have been removed as duties of the Regulator in this bill. There are no objectives contained in the current Independent Industry Regulator Act, only functions and matters to which the Regulator is to have regard. The Leader of the Opposition said that he would not ask me to explain the difference between functions and objectives. However, this bill distinguishes between functions and objectives to clarify the functions of the Regulator, and to provide a clear hierarchy of objectives, hence the creation of a primary objective.

The Essential Services Commission retains the function 'to monitor and enforce compliance with and promote improvements in standards and conditions of service and supply under relevant industry regulation acts' in clause 5(1)(b) of this bill. This is precisely the same as section 5(1)(b) of the IIR act. The first point clearly is that supply is

not omitted from the functions of the commission, and it is exactly replicated in the bill as a function of the committee. It is not an objective of the commission; rather, the relevant objective is to 'ensure consumers benefit from competition and efficiency'. The Leader of the Opposition said that the omission of safety as an objective of the Regulator did not accord with clauses 9 and 10 of the Electricity (Miscellaneous) Amendment Bill, which amend sections 22 and 23 of the principal act.

It is important to recognise that under the existing IIR act safety is not a function of the Regulator. It has never been a function of the Regulator. Under the IIR act the Regulator must have regard to safety, amongst other matters. Primacy in regard to electrical safety is with the Office of the Technical Regulator, as previously stated.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Industry Regulator under any circumstances must have regard to other legislation and regulation, whether or not explicitly stated in the act, and this would include legislation on safety. The Leader of the Opposition said:

> I invite the Leader of the Government to look at section 22(1)(c)(iv) of the Electricity Act which provides for the industry regulator:
>
> 'to audit from time to time the entity's'—
>
> which is the electricity company's—
>
> 'compliance with the plan'—
>
> which is the safety and technical management plan—
>
> 'and report the results of those audits to the Technical Regulator'.
>
> That is completely contrary to what the Leader of the Government has just said.

That is the quote from *Hansard*. The specific provisions in the Electricity Act are that a licence, transmission or distribution must require the electricity entity to prepare and periodically revise a safety and technical management plan dealing with matters prescribed by regulation; to obtain the approval of the Industry Regulator (which may only be given by the Industry Regulator on the recommendation of the Technical Regulator) to the plan and any revision; to comply with the plan as approved from time to time; to audit by the electricity entity, not the Industry Regulator, from time to time the entity's compliance with the plan; and to report the results to the Technical Regulator.

The first point is that the Industry Regulator has no direct role in determining or modifying the safety plan. The second point is that the Industry Regulator has no role in the audit and compliance of that plan. The electricity entity is responsible for the audit and reports the results of that audit to the Office of the Technical Regulator. The Industry Regulator has no role. The OTR is the safety regulator. The principal reason why the Industry Regulator is involved is that the requirement for a safety plan is mandated under a licence condition, as is the audit condition, and the Industry Regulator issues licences, hence this is an enforcement role.

A secondary, although important, reason is that the Industry Regulator is responsible for ensuring that the costs to the regulated entity of complying with the safety plan are expended efficiently. There is nothing in the existing Independent Industry Regulator Act that places responsibility for, or power over, safety issues with the Industry Regulator. The Essential Services Commission Bill continues this arrangement. There is, therefore, an important question over whether, by inserting a reference to safety, a risk is created of imposing an obligation on the Industry Regulator that he cannot meet. Any proposed amendment would need to address this important issue. The government has no in-principle objection to including a reference to safety, although it is wary of creating a conflict. I trust that that satisfactorily addresses the issues raised yesterday by the leader.

The Hon. R.I. LUCAS: Were they the only issues you were going to take up?

The Hon. P. Holloway: There is an amendment that has been tabled, which addresses another issue that you raised.

The Hon. R.I. LUCAS: I have not seen it. Whilst we dig up the amendment, I indicate that I accept the latter part of what the minister has said, that it is the electricity entity's requirement under clause 22(1)(c)(iv) to audit. It was my misreading of the responsibilities of the Independent Regulator, and I accept the minister's advice on that. Where we remain of differing view is clause 22(1)(c)(ii) of the bill. The minister and the government continue to maintain a position that there is no role for the Regulator, but the bill provides that the electricity entity has to obtain the approval of the Industry Regulator to the plan and any revision. It does say that the Industry Regulator has to take a recommendation from the Technical Regulator.

The Electricity Act makes quite clear that the approval of the Industry Regulator is required to any of these safety and technical management plans and any revision to any of these safety and technical management plans. Yes, the Industry Regulator must take advice from the Technical Regulator, but the act makes explicit that there is a role—and an important role, one of approval of the original plan and any revision of the plan—for the Independent Industry Regulator. Of course, that plan will now be not just a safety and technical management plan but a safety, reliability, maintenance and technical management plan.

I will not repeat the debate from last evening because, clearly, the government does not accept the view that I have put that there has been no clarity from the government during the last three days of committee debate on this (and, in particular, the last two days of committee debate) as to exactly what is going to be required in this reliability and management plan and how that will correspond or not correspond to the plans required by the Regulator under the performance incentive scheme, particularly when talking about the transmission and distribution companies. The record will show that there is a difference of view between the minister and me on that issue. He will not change my view and I will not change his, obviously, and we will have to accept that that is a fact and see how this evolves in practice, as opposed to the theory of what is in the legislation.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

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

> Page 6, after line 32—Insert:
>
> (ai) minimise social and environmental costs;

It would be fair to say that, to some extent, the fact that I am moving just this one amendment is relatively token in that in other circumstances I would have moved a more comprehensive set of amendments to tackle issues which I think are important and which I think the Regulator is capable of addressing. It seems to me that there will be times when there will be choices as to which direction one takes in this industry. I have not checked because I have not had a chance to, but there may be a range of different ways that one might decide to meter and charge for electricity, and the way one

chooses to do that could have impacts other than just revenue raising for the user.

For instance, so long as we continue to use flat rate metering, people who choose to put inefficient heating and cooling systems into their homes are actually forcing other people to subsidise them. As I understand it, for every dollar that is spent in South Australia in putting in refrigerated airconditioning, several dollars worth of generating equipment has to be installed. The cost of that is not borne by the person who put in the airconditioner but is borne through the whole cost structure to everyone who uses electricity. There is a range of different ways in which one might choose to meter and charge for electricity.

They are social questions, but I think that they are also important environmental questions in that people who choose to use refrigerated airconditioning are using 10 times as much energy as someone using evaporative airconditioning and, therefore, causing 10 times the amount of greenhouse effect, which is an environmental concern. It is possible that there are decisions that the Regulator might make in terms of charging (and perhaps other sorts of decisions) where there may be choices. While it is fair and reasonable that we ask questions about making sure that we have the price, quality and reliability of the services and a lot of the other things considered within the objectives, it is not unreasonable to ask that the Regulator also take into account potential social and environmental impacts.

I urge members to support the amendment. At the end of the day, this is within the objectives. It does not, in fact, change any of the other functioning parts of the act, but I think it is a form of gentle guidance and advice, if you like, to the Regulator, which should be acceptable to any reasonable person.

The Hon. P. HOLLOWAY: The government does not support the amendment. The social and environmental impacts that regulated industries can have on the community raise important policy issues. The Essential Services Commission is an independent economic regulator, with a wide discretion as to how it exercises its regulatory powers. However, the commission also exercises those powers within the broader policy environment, including related social, environmental and safety regulation. There are ministers and agencies with the responsibility for these matters. What is important is that the Essential Services Commission makes its determinations within that framework and that there is an overall coordination of outcomes.

The primary objective is designed to ensure that there is a clear hierarchy in the application of the objectives of the Essential Services Commission in respect of undertaking its legislative functions. For example, there is a potential conflict between the objective to 'ensure consumers benefit from competition and efficiency' and the objective to 'facilitate maintenance of the financial viability of regulated industries and the incentive for long-term investment'. The primary objective provides an overarching hierarchy that dictates that these objectives are to be balanced to ensure that the long-term interests of South Australian consumers are served with respect to price, quality and reliability of essential services.

The primary objective specifies only those matters over which the Essential Services Commission exercises its functions as an economic regulator. Clearly, the commission will have to consider all social and environmental legislative and regulatory requirements in making its decision, as is the case with safety (and we have previously had this debate with the Leader of the Opposition). However, the commission does not have responsibility for environmental regulation, social policy or safety regulation, as we have just argued. To include such a reference could create conflicts with other agencies or obligations on the commission that it cannot, and probably should not, be required to manage.

The inclusion of a new clause 11, requiring the Essential Services Commission to enter into memorandums of understanding with prescribed bodies, is specifically designed to ensure that when environmental, social and safety issues arise—as they will—the agency with responsibility for those matters is advised by the commission, and vice versa. It is also possible to prescribe bodies that represent the interests of consumers in regard to these and other matters. The government will determine the bodies and persons to be prescribed and will consult on that issue.

The Hon. M.J. Elliott: What clause is this happening in?

The Hon. P. HOLLOWAY: Clause 11 of the Essential Services Commission Bill. The requirement that the MOUs be made public is to further ensure that other parties have the opportunity to comment on the nature and coverage of the MOUs. The government believes that this will ensure that relevant issues are raised with the appropriate bodies with the relevant obligations and interests during the decision making process. It would, in the government's view, be inappropriate to require the Essential Services Commission to balance all these obligations, as this is ultimately a responsibility of government. However, the proposed mechanisms will ensure that all parties are fully informed of the impact of their actions and decisions on other parties. Any issues arising can be resolved prior to decisions being made. It is for those reasons that the government does not support the amendment.

The Hon. M.J. ELLIOTT: Is the government prepared to give an assurance that, indeed, bodies and agencies that represent environmental and social interests will be among those that will be prescribed? Can the minister give an absolute undertaking that they will be prescribed agencies?

The Hon. R.I. Lucas: You said so last night.

The Hon. P. HOLLOWAY: Yes.

The Hon. R.I. Lucas: If you are to be consistent with last night, you had better say yes.

The Hon. P. HOLLOWAY: We are, but we are just being a little more comprehensive. It is section 10 and section 11—

The Hon. M.J. ELLIOTT: Can the minister tell us which bodies are prescribed at this stage?

The Hon. P. HOLLOWAY: The EPA is clearly one, and I think last night I mentioned that the Department of Human Services also, obviously, has an input.

The Hon. M.J. Elliott: The Technical Regulator?

The Hon. P. HOLLOWAY: Yes, the Technical Regulator is another, and the Electricity Supply Industry Planning Council, which I mentioned last night.

The Hon. M.J. ELLIOTT: Which agencies that have responsibility for issues such as greenhouse, for instance, will be prescribed agencies—because the EPA does not have responsibility in that area?

The Hon. P. HOLLOWAY: I am advised that there is no reason why the government would not include the Department of Environment and Heritage, which I guess does have—

The Hon. M.J. Elliott: No reason why it wouldn't or it will?

The Hon. P. HOLLOWAY: If it is the appropriate body in relation to greenhouse, certainly, I am advised that that will be the case. The question was asked last night about

commonwealth bodies and, as I think we indicated, obviously, those bodies could only be those within the state jurisdiction.

The Hon. M.J. ELLIOTT: Is there an existing list of agencies which are intended to be prescribed, or agencies which have been determined to represent the interests of users or consumers and, if so, can the minister tell us which ones?

The Hon. P. HOLLOWAY: We have mentioned all the current examples (if I can put it that way) of the bodies that would be consulted. But, clearly, the government will give an undertaking to further consult in relation to these issues.

The Hon. M.J. Elliott: Consult with whom?

The Hon. P. HOLLOWAY: I think that includes all interested parties. I am reminded that the current Independent Industry Regulator, Lew Owens, has a policy of wide consultation. I believe that he has a group of stakeholders, I guess, with whom he consults fairly widely. I think that precedent is already up and running in relation to the Industry Regulator, and I am sure that that will continue with the new Essential Services Commissioner.

The Hon. M.J. ELLIOTT: Does the minister know the groups representing social and environmental interests with which Mr Owens currently consults?

The Hon. P. HOLLOWAY: I am advised that he consults with SACOSS, the Conservation Council and the Farmers Federation. In fact, I seem to vaguely recall that, when we debated this bill, a consultative council was set up in relation to this matter, which had those bodies on it—if my memory serves me correctly with respect to those many hours of debate that we had on these bills.

The Hon. M.J. ELLIOTT: I have not been terribly convinced by what I have heard so far. It is really about the numbering and its exact location within clause 6, and whether it should be 6(ai), as it is currently, or whether it should be within clause 6(b), where there is a whole range of matters that need to be balanced out.

As I said, if the primary objective is about price, quality and reliability—and the Regulator always has that in mind but at the same time has regard to these other things—I cannot see that having regard to issues of social and environmental importance is a major impediment to that primary objective. As I said, on occasions the choices involving price, quality and reliability will be essentially equal but, in terms of social or environmental outcomes, may not be. In those circumstances, if we insert the sorts of words that I am suggesting—even if it is not exactly where I have suggested—but within clause 6(1)(b), as part of that clause, the problem will be overcome. I seek leave to amend my amendment as follows:

Page 7, after line 6, insert:
(via) minimise social and environmental costs; and

Leave granted; amendment amended.

That amendment overcomes the problems raised by the minister, because it does not interfere with the primary objective which always has to be taken into account. At the same time, among all those other things they will take into account, they will look at minimising social and environmental costs. As I said, there will be many occasions when the Regulator will have choices and, as I said, they may be quite neutral in relation to price, quality and reliability but be significant in those regards. In those circumstances, I do not believe that the minister's arguments would continue to stand.

I must say, it does not sound to me as though the government has given a whole lot of thought to this matter, given that it suggested that the EPA should do the job when the EPA has quite narrow responsibilities in many ways. I do not think it has been a matter of serious consideration for the government. Considering that I went to the trouble of moving the amendment, I would have at least expected a serious response to it rather than a half-baked, 'No, this is all too difficult, and it will mess things up,' which, of course, it will not. When you hear those sorts of arguments, you know that we are not really being serious. When you find the minister cannot even tell which agencies will do these wonderful things under clause 11, then you know how seriously the whole matter has been treated.

The Hon. P. HOLLOWAY: The problem with it—even in the amended form—is that it does not really address the basic problem that the Essential Services Commission has a specific function in relation to the economic regulation of the electricity industry. Do we have the requirement that the Environment Protection Agency consider key economic factors, and so on?

The Hon. M.J. Elliott: I think you ought to check, because, if you look, you will find stuff like that in the EPA Act.

The Hon. P. HOLLOWAY: Essentially, the government's main problem with amending these objectives is that it raises the possibility that there will be some conflict between various government agencies that have certain tasks to do. A number of bodies are involved in electricity oversight. In some areas the EPA will become a key agency. In matters of environmental impact, it will clearly be the key body; in matters of human health, workplace safety or other issues, there may be other government bodies involved.

The Hon. M.J. Elliott: What about greenhouse?

The Hon. P. HOLLOWAY: It is in the DEH in that case, if there are greenhouse issues. Really, the Essential Services Commission has to gather these bits together. After all, we are talking about the objectives of the act. It becomes a question of where the Essential Services Commission should start and stop in terms of what matters it should look at. Clearly, we do not want overlap between different government agencies. They need to work together and cooperate in a way that the legal framework allows, rather than having questions of conflict, where you have various agencies with overlapping functions.

The Hon. M.J. ELLIOTT: Subclause (b) provides 'at the same time, having regard to the need to'. Those are things which are to be taken into account and in no way override subclause (1)(a), the primary objective of the legislation. The minister should look at other legislation. I can think of so many pieces of environmental legislation that provide that economic matters must be taken into account before a decision is made. As I said, this is pretty tame stuff, really. It is saying 'have regard to', and in no way does it override the primary objective, and the minister knows that.

The basic problem we have with debate in this place is that the minister comes in with a riding instruction, 'You are opposed to this.' It does not matter how much you debate the thing, the instruction is to oppose it, and that is what you will do. That is really what is happening now. You were given that riding instruction, and it does not matter whether I am right or wrong, you simply will not change it. That is why debate in this place can frequently turn into such a farce.

The minister knows very well that what I am proposing will not override the primary objective. To suggest that an economic agency has regard to social and environmental matters should be no more of a problem than it is a require-

ment for environmental agencies to take into regard economic matters, which they have to do very regularly. There is no agency at this stage with any clear responsibility for issues such as greenhouse. It is an issue that has simply been ducked in any real sense so far. At the end of the day, what regard does it have to social and environmental matters and how does it do it? It would talk to these other agencies and say, 'Give us some advice. We have a couple of options before us. What are the likely ramifications of them in social and environmental terms?'—never forgetting the primary objective.

The Hon. P. HOLLOWAY: I would like to make one point. The Hon. Mike Elliott's amendment does provide:

. . . minimise social and environmental costs;

It is not just saying, 'have regard to the need to'.

The Hon. M.J. ELLIOTT: Subparagraph (b) provides:

at the same time have regard to the need to—

The Hon. P. HOLLOWAY: Yes, 'minimise social and environmental costs.' It is one thing to say that the Essential Services Commissioner must look at this broad range of objectives. It is an incredibly difficult balancing act for Lew Owens in relation to electricity because all sorts of factors come into play. There are trade-offs between short term and long term. The honourable member has mentioned greenhouse and environmental matters. There are safety issues and, of course, those things all come back to trade-offs with costs. It is a huge balancing and juggling act for the Essential Services Commission.

If we are having a trade-off, the Essential Services Commission must work out exactly what the trade is. If we just say, 'You minimise this, you maximise that,' and so on, are we not setting the Essential Services Commissioner an impossible job? There will be trade-offs in all these things.

The Hon. M.J. ELLIOTT: The first function is to regulate prices. Pricing can be achieved in a number of different ways, and they will have quite significantly different social impacts. If you have a pricing system that is just simply per kilowatt hour and nothing else, it does not provide any form of incentive for people to use their electricity carefully. If you had a system, like we had with water, for instance (a pricing system where you get a certain amount of water at a certain price and, as you use more, the cost of it goes up), such a pricing system for domestic consumers would not be anti-competitive. It would be socially just in that people who use less electricity will not be penalised heavily for basic needs, but those people who choose to put in very energy intensive heating and cooling systems would be penalised.

I make the point that every one of the objectives at this stage totally ignores the fact that there are impacts beyond simply price, quality and reliability. They are solely economic in nature, but the decisions can have profound social and environmental consequences; so, in its decision making, at this stage, it simply ignores them. As I keep saying now repetitively: there is a very clear primary objective. I am trying not to undercut the primary objective. I am trying to say that, if there is a choice, for goodness sake take the choice which, without being contrary to the primary objective, has a better social or environmental outcome. That is not too onerous and Lew Owens could do that with both hands tied behind his back. You are devaluing the man and the new agency to suggest that they are not capable of doing that whilst fulfilling the primary objective.

The Hon. P. HOLLOWAY: I think that the government's argument is, yes, Lew Owens is capable of doing it and he will do it under the current structure; but by leaving the act as it is we will not potentially create some possible conflict with other agencies. That is really the nub of the point. We would expect that Lew Owens would do exactly that. In relation to the points raised previously by the Hon. Michael Elliott, it is my understanding that consultation in relation to metering is already under way; and demand site response would be part of the cost benefit analysis we talked about earlier in which the Essential Services Commissioner will be involved. That is part of that trade-off.

The Hon. R.I. LUCAS: As I was the first Independent Industry Regulator in South Australia, one of the first tasks I undertook, on advice, was to have an advisory body. I forget the exact title of the body, but that body did comprise representatives from, I think, the Conservation Council (but whatever body Dennis Matthews represents), the South Australian Farmers Federation, SACOSS and a variety of other representatives, predominantly social rather than environmental. One particularly environmentally-orientated organisation was part of the advisory group. My understanding through last year was that a body, or something similar to that, had continued with the Independent Industry Regulator, and even that Dennis Matthews had continued during that period—whether that body still exists now, I do not know. I am not sure of the membership of that body. The Hon. Mr Elliott might be interested in getting the information, as we all would, I suspect, as to who is now on that advisory body or bodies.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Yes; maybe we will ask and they might give it to us. It would be of interest because the area with which, on balance, the opposition agrees with the government is that, while it is not explicitly written into the procedures, I do know that the current Independent Industry Regulator does take into account (having read some of his discussion papers on metering and a number of the other discussion papers that he has circulated) the social issues. I know that the Hon. Mr Elliott has more predominantly put the point of view in relation to environmental issues.

I can recall some references but I would not profess to be the current expert on all the recent discussion papers of the Independent Industry Regulator. The government is obviously in a better position to answer those sorts of questions than I am. I do agree with the Hon. Mr Elliott's position that the memorandum of understanding between the EPA and the Essential Services Commission—whilst a worthy goal and one that we support—does not really answer all the questions raised by the Hon. Mr Elliott. They might resolve some issues but the sorts of issues that the Hon. Mr Elliot raised—I would agree with him—will not be resolved by the proposed memorandum of understanding with the Essential Services Commission and the EPA, worthy though that is and we support it.

The other point I make is that the acts of federal and state government and other agencies do impact on the economic and environmental decisions that electricity entities do take. The Hon. Mr Elliott and other members have raised issues in relation to federal dictates with respect to the percentage of the total supply from the electricity industry that must be renewable, and a variety of other things like that that have significantly impacted on the operation of the electricity supply industry. We are even seeing some impact on those sectors that are still government owned where some govern-

ments have had to start seriously looking at whether they continue with the cheaper coal-fired generation absolutely without looking at gas-fired generation.

The Queensland government is perhaps a good example of that where there has been a conscious policy decision, at least in part, to open people's minds to looking at encouraging gas, gas competition and gas-fired generation, partly as a result of environmentally-imposed decisions that the commonwealth government has taken in relation to the whole electricity industry. It will be interesting to see the recommendations of the COAG energy review and what, if any, impact those recommendations have on those sorts of considerations by the electricity industry; and from the Hon. Mr Elliott's viewpoint and from the viewpoint of anyone else who is concerned about the environmental implications of the electricity industry.

That potentially is another significant source of policy change and direction at the national level that will be of great interest to the Hon. Mr Elliott and to others. It is not an easy issue. On balance—and not for all the reasons I have referred to because I do not agree with all the reasons the minister has given—the opposition will not support the amendment.

Amendment as amended negatived; clause passed.

Clauses 7 to 15 passed.

Clause 16.

The Hon. R.I. LUCAS: Last evening, the minister provided some information in relation to the appointment of consultants by the Independent Industry Regulator. I asked some questions about the cost, charge-out rates, etc., and I think the minister indicated that that information would be available somewhere and at some time. Can the minister clarify where that is available and when?

The Hon. P. HOLLOWAY: I am advised that the Independent Industry Regulator is not required under the State Supply Act to provide such information but in practice he does and, obviously, it is intended that that practice will continue. A register is maintained in relation to those details. We will probably have to get more information because it is under a different department. It is under State Supply, so we will have to take that on notice.

The Hon. R.I. LUCAS: Is that on a publicly available web site?

The Hon. P. HOLLOWAY: I believe so, yes.

The Hon. R.I. LUCAS: The minister might recall that he viciously attacked me and the former government for the outrageous wastage of expenditure on consultants—IES, Charles River Associates and a third group—that the former government had used to provide advice on pricing information. I note that the minister has now indicated that IES, Charles River Associates and a third group, I think, have been appointed by the Independent Industry Regulator.

The Hon. P. Holloway: I am sure it is much more modest.

The Hon. R.I. LUCAS: Indeed, that is my question. I am sure the minister is now not going to viciously attack the Independent Industry Regulator for wasting hundreds of thousands of dollars of taxpayers' money, but the charge-out rates of the current contracts may be available on the State Supply web site, or something similar—and we can have that information provided, I guess. I am sure Mr Robinson's contacts in Treasury would be able to provide the rates charged to the former government by the two consultants used on both occasions.

I will be interested to learn whether they charged Treasury more than they are charging the current Independent Industry Regulator. It is a matter of personal interest and some public interest. I guess we should bear in mind that 12 months have passed so there may be some inflation but, even making allowance for that, I would be interested in the charge-out rates charged to the former government as a comparison with the charge-out rates charged to the Independent Industry Regulator at the moment.

The Hon. P. HOLLOWAY: I am advised that the consultancy is ongoing: that is the best advice we have from the Independent Industry Regulator. I am also advised that our understanding is that the Essential Services Commissioner will ultimately make that information available, presumably on his web site.

The Hon. R.I. LUCAS: He would not have the information on the previous charge-out rate.

The Hon. P. HOLLOWAY: At least in relation to the costs of this particular consultancy, but I am advised that it is ongoing. It may very well be the continuation of a previous consultancy, but I guess that is something you would have to get from the Independent Industry Regulator. We have been advised that he will put all that information on his web site.

The Hon. R.I. LUCAS: I understand that this information may exist on the web site for the current contract. I am asking for an undertaking from the minister that he will seek from the Treasurer and Treasury the charge-out rates used by both consultants to the former government under the previous contract, because that would be with Treasury or the former Electricity Sales Unit, and I assume that a new contract has been written with the Independent Industry Regulator. The minister's responses refer to the current contract.

The Hon. P. HOLLOWAY: We will get what information we can in relation to that consultancy, including current and previous charges. We will do what we can.

Clause passed.

Remaining clauses (17 to 53), schedules and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 26 August. Page 814.)

Clauses 1 to 9 passed.

Clause 10.

The Hon. P. HOLLOWAY: I move:

Page 5—

Line 17—After 'electricity' insert:

supply

Lines 28 to 30—Leave out 'the entity will, if the commission so directs by written notice to the entity, be taken to have entered into such an agreement with the other entity,' and insert:

the entities will, if the commission so determines and notifies the entities in writing, be taken to have entered into such an agreement

These amendments will be used as a test for the related amendments. They came out of the discussion last night, and I thank the Leader of the Opposition for drawing this issue to the government's attention. The amendments provide for the Electricity Supply Industry Planning Council to require that information provided to it under new section 6N be verified by statutory declaration. This amendment is conse-

quential on clause 6 and amends section 91 of the principal act.

The opportunity has also been taken to propose two further amendments to insert the word 'supply' after 'electricity' in clauses 10 and 11. This is simply to replace the term 'electricity industry' with the defined term 'electricity supply industry'. This is a minor drafting amendment.

Further, it is proposed to clarify coordination agreements under clause 10, line 25. The proposed amendment of new section 23(5a) seeks to clarify that a determination of the commission applies to both entities entering into a coordination agreement. The current drafting is correct in intent and effect, but it is felt that the intent could be made clearer with a minor amendment to the wording. There was some confusion that both the distributor and the retailer would need to be directed to enter into a coordination agreement. While this is not correct, the opportunity has been taken to substitute the words 'the entities will, if the commission so determines and notifies the entities in writing, be taken to have entered into such an agreement'. This should clarify the effect of the provision. I commend the amendments to the committee.

The Hon. R.I. LUCAS: For the reasons outlined last night, the opposition supports the proposed amendments.

Amendments carried; clause as amended passed.

Clause 11.

The Hon. P. HOLLOWAY: I move:

Page 6, line 24—After 'electricity' insert:
supply

As I have indicated, this amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 12 to 21 passed.

New clause 21A.

The Hon. P. HOLLOWAY: I move:

Page 12, after clause 21—Insert:
Amendment to section 91—Statutory declarations
21A. Section 91 of the principal act is amended by inserting ', Electricity Supply Industry Planning Council' before 'or Technical Regulator' wherever occurring.

I have already indicated the reasons for this new clause.

New clause inserted.

Remaining clauses (22 to 24), schedule and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 894.)

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

A quorum having been formed:

The Hon. T.G. CAMERON: This is the first budget to be brought down by a Labor government since 1993. Originally, I hoped it would be a budget of integrity, a budget from a new government that had learned lessons from the past, and one that would go all out to meet its election promises. Whilst there are some parts of the budget that I support and commend the government for introducing, there is also a number of measures that break specific promises Labor made during the election campaign.

It is no use for the government to try to hide behind the age-old political excuse of the budget black hole left by the previous administration. That excuse has been tried by just about every new government since I started voting. It is the oldest one in the book, and I am afraid that people just do not buy it any more. Of course, this government has its own priorities, but it should be remembered that a promise is a promise. During the election campaign, the Treasurer and the Premier made a point of telling the voters that no new tax increases were necessary to fund their commitments. The first budget has been handed down and it is my intention to examine whether this has been the case, that is, whether they have kept their promises.

Before I do that I would like to turn to some of the positives that I have been impressed with. Labor has provided $93 million in new funding for schools to employ 200 more teachers by 2006. Whilst we were hoping that the additional teaching staff would be available soon, the increase nonetheless is welcome. An extra $58 million over four years has been made available to fund 100 more hospital beds. Once again, although the entire 100 beds are not immediately available, we welcome the increase but remind the government that it will take more than money to fix the problems in our health and education systems. Health initiatives worth $411 million over four years have been proposed, and a 5.6 per cent increase in the human services budget has been effected. After years of cutbacks, it is good to see some investment within a reasonable fiscal framework being attempted by the Labor Party.

Mental health services will be boosted by $9 million over four years. This is a good start to rebuilding this vital area of public health. I was one of those members of parliament who could never understand why more attention was not paid to mental health by the previous government. Pensioners will get an extra $8 million worth of preventative dental services. The Social Inclusion Unit has been funded by $5.8 million over four years. Let us hope that this is more than a token mouthpiece for social inclusion and actually delivers real active reforms to help marginalised South Australians.

Annual TAFE fees have been capped at $1 200. Whilst this represents a significant decrease of 20 per cent in TAFE fees, it still places some essential courses out of the reach of those who need them most. Fortunately, fee rebates have been included for students undertaking work-related courses. An extra $4 million will be allocated to the Gambling Rehabilitation Fund and, while this seems to be a token gesture, every dollar in this area helps those with a gambling addiction beat their habit. The Premier's Council for Women has been established at a cost of $140 000, and $630 000 has been provided to fund violence intervention programs. The importance of these programs cannot be underestimated.

While 58 per cent of the budget will be spent on health, education and law and order—the big three priorities—funding alone will not solve our state's problems in these areas. Hopefully, the government will embrace administrative, structural and policy reform to ensure that the money is not wasted on administering failing systems but actually goes some way to solving the problems that face South Australians every day.

Despite these prima facie positives there are still many problems with the budget. A careful examination of the various budget papers reveals many flaws, poor decisions, robbing Peter to pay Paul and other shifty methods to cover a string of broken election promises. These include the introduction of a pokies supertax, stamp duty increases on houses worth more than $200 000 and significant cuts to the Public Service. The government has also increased all fees

and charges by 4.2 per cent and extended duties to the hire purchase of equipment, which will pull in an extra $87 million in taxes this year alone.

In its first budget the government will sell off 1 400 trust homes, further reducing access to cheap housing for the disadvantaged. South Australia's 49 400 trust homes will be reduced to 48 000. This is apparently being done under the guise of offering Housing Trust homes to existing tenants but, it does not matter how you camouflage this initiative, the fact is that the government is selling of 1 400 trust homes which will mean that less public housing will be available for marginalised South Australians. I am somewhat puzzled by this initiative considering that the Labor Party has long supported public housing and has been critical of the rundown in public housing stock here in South Australia. It has constantly berated Liberal governments for not doing more to boost the stock of public housing in South Australia and reduce the queues which continue to get longer and longer.

Housing Trust rents will also increase from 23 per cent to 25 per cent of the tenant's average weekly earnings, resulting in a weekly rise of about $4 and adding $5 million to the budget bottom line. This may not sound like much but I can assure the council that somebody living in a Housing Trust home on a supporting parents pension in Elizabeth or Paralowie will have to budget to find that increased rent. Once again, I find it strange that a Labor government is increasing the rents to the lowest paid people in South Australia. I can recall many times when Labor members complained when the previous government raised Housing Trust rents. I simply ask: what about the battlers now? I would also submit that it is contrary to the ALP platform of assisting low-income South Australians. Housing is an essential part of life, a basic need which, if not met, can make other aspects of life almost impossible.

One of the biggest back flips in the history of pre-election promises was the announcement by Labor of the increase in the gaming tax on hotels. Apart from the puerile and juvenile terms such as 'pokie baron' or 'millionaire hoteliers' used in this debate by the Premier and the Treasurer to describe hard-working and law-abiding hoteliers, this increase in gaming taxes is fundamentally flawed. In a mid-campaign letter to the Australian Hotels Association on Australia Day the then shadow treasurer wrote:

> To fund our programs Labor has targeted cuts to waste and mismanagement within the current government's budget and will be shifting expenditure from Liberal priorities to those of a Labor government. Importantly, Labor will not raise taxes and charges to fund our modest spending program and to achieve a balanced budget. The costings do not contain the provision or necessity for funding any new or additional taxation measures or government charges.

I do not know that one could be any clearer than that in the Queen's English, namely, 'Labor will not raise taxes and charges'. It then goes on:

> We hope that this letter, together with an attached copy of Ernst & Young's correspondence to the Labor opposition, adequately clarifies Labor's intention as it relates to the taxation that applies to the hospitality industry. We look forward to continuing the close and constructive relationship that we have built up in opposition, should we win the forthcoming state election.

I am not sure that the government has a close and constructive relationship with the hotel industry at the moment. Three independent analysts based in South Australia have confirmed that the Magee report, on which the government based its assumptions, significantly underestimates the costs of running a gaming venue. The government is now claiming that the Magee report was not the only source of information used, but the fact remains that that report was the only cost analysis of the hotel industry undertaken, and it is impossible to derive profits without calculating costs.

This new tax increase is a tax on revenue, not profits. The new tax, as adjusted, will affect employment and investment in South Australia and devastate parts of an industry that has been one of the few badly needed growth areas in the state's economy. There is little motivation to continue running or building a business where you are unable to make a margin, nor is there much incentive for further investment. I have read a great deal of material in relation to the impact on the hotel industry here in South Australia, and my general understanding is that 1 000 direct jobs could be lost—mostly of younger people employed in the industry. That does not take into account indirect jobs in service related industries. Interstate investment is also at risk. We have already seen that up to $50 million worth of development work will now not be undertaken. That affects jobs in the construction and associated industries.

I am also aware that some hardworking hotelier families will be financially devastated due to decisions made to borrow more to purchase bigger businesses based on an unequivocal Labor pre-election promise. It seems to me a paradox when, on the one hand, we witnessed members of the Labor opposition before the election slamming the Liberal government's addiction to pokie revenue and now we see them in government wanting to live off the fat of the pokie revenue, just like the previous government. We could well see something like $400 million in poker machine taxes go into government coffers during the next financial year. Those people who oppose poker machines, and would like to see them removed or scaled back, must be living in cloud cuckoo land if they think any government, whether Labor or Liberal, will voluntarily cut its poker machine revenue and slash government programs. That just will not happen. Every time one supports a higher tax on poker machines here in South Australia, one takes another step down the path of entrenching their existence in the same numbers forever. To my way of thinking, it is absolutely myopic.

In relation to cuts to crime prevention, the government has slashed its crime prevention program funding by $800 000 from $1.4 million to $600 000. So much for the election promises that were made by the government that more money would be put into law and order and crime prevention programs. These cuts mean that councils may have to abandon programs which target graffiti, car theft, drug use and housebreaking. Councils are also warning that the cuts could result in increased crime. Crime prevention programs do work. There is a large amount of research, which proves that they reduce the crime rate and residents' fear of crime and increase the sense of safety and security. If prevention programs are no longer conducted then crime is more than likely to increase.

A good example of a scheme that works is the Onkaparinga council's Profiting from Prevention Program, which ran from February to December 2001 and which resulted in a 50 per cent reduction in break-ins and a 33 per cent reduction in car offences in the Lonsdale industrial area. The Safety in your Backyard Project, which ran in the Morphett Vale and Reynella areas, resulted in the number of house break-ins dropping from 90 to 79 and the number of cars stolen from 26 to 14. These are the very sorts of programs that the cut-backs to the crime prevention program could put out of business. I am told that there was no consultation from

the new government about the break-in funding cuts, and that councils have been left in the dark and are not sure about the future of their crime prevention programs. The government promised $17 million in the budget for the disadvantaged schools fund. However, we now know—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: —that it was not new money but, rather, recycled funds taken from at least $34 million worth of other projects the government has scrapped. There has been an outcry from disadvantaged schools, who believe the government has duped them. For example, Coromandel Valley Primary School had $1.7 million worth of capital works cancelled in July; another $750 000 worth of upgrades at Orroroo Area School were scrapped; a $6.2 million redevelopment at Willunga Primary School was put on hold; $20 million worth of work at Southern Fleurieu School was postponed; Booleroo Centre District School lost $500 000 worth of planned work; and a $400 000 preschool upgrade at Peterborough Primary School was deferred. Mr Glen Phillips, Chairman of Coromandel Valley Primary School Governing Council, was reported in the *Advertiser* as saying:

> This is not new money. That is money that was already committed to our school and other schools.

For those members who might have been listening, it is interesting to note that all these cut-backs were in Liberal held seats.

The government has announced budgetary allocations for the redundancy packages of 600 people from the Public Service. Before the election, Labor told the Public Service Association it would be looking to cut around 50 senior public servants, with an assurance lower ranks would not be touched. Just where the cuts will come from is not clear. However, losing such numbers inevitably means reduced services for the public. The decision by the state government to cut 600 jobs from the Public Service will mean longer queues, significant reductions in services and, in some cases, the end of services. Since 1995 there has been a 78 per cent reduction in the number of 15 to 19 year old people and 60 per cent of 20 to 24 year old people employed in the Public Service.

I am not holding the current Labor administration responsible for those cut-backs, because they occurred from 1995 and another government was in office for a number of years during that period. Quite clearly, they are unacceptable figures. South Australia currently has the highest youth unemployment rate on mainland Australia. The Labor government owes it to our young people to give them a chance to get their working lives going, yet the largest employer in South Australia—the state Public Service—has seen a 78 per cent reduction in the number of 15 to 19 year old people employed in the Public Service. The previous government can only be criticised for allowing that to happen. One would have hoped—in fact one could have been forgiven for believing—that a Labor government would have set about restoring the fortunes of the Public Service which it claimed, when in opposition, was being decimated by the Liberal government.

However, as soon as they get into office we see that they have cut 600 more jobs out of the State Public Service. The government has effectively reduced youth traineeships by 100. Where are we going when we have a Labor government slashing youth traineeships? There were 600 traineeships delivered by the previous government, and this has been reduced by 100. The government is also not expanding the graduate program. We are not talking here about fat cats: we are not talking about the people who earn more than $100 000 a year, who used to turn up on Senator John Quirke's list, nor are we talking here about highly paid consultants. These cuts are to ordinary public servants and the youth traineeships and will significantly impact on the labour market. That is a bit of a backflip for a Labor government.

I want briefly to look at the biggest backflip, on promised concessions that were made to self-funded retirees. I believe that it is a broken promise that will cost this government dearly at the next election, judging from the feedback that I have been receiving from our senior citizens and from organisations that represent them. South Australian self-funded retirees are incensed that the Rann government has failed to honour an election promise to grant self-funded retirees a concession package currently available to holders of the commonwealth Seniors Card. Under an agreement that the former state Liberal government negotiated with the commonwealth, about 18 000 South Australian self-funded retirees who held a commonwealth Seniors Card were to receive a range of concessions that could have saved them up to $500 per year.

The federal government has already agreed to every state that will grant these concessions that it will fund 60 per cent of the money. This package would have cost the state government about $1.5 million a year over four years. The Treasurer (Kevin Foley) is on record in the *Advertiser* dated 16 July as saying that the package was 'a Liberal Party promise at the last election. We are under no obligation to support it, and we haven't.' What kind of backflip was that? During the February state election the Labor Party told a different story when it gave unequivocal support to the measure. The Australian Independent Self-Funded Retirees Association of South Australia wrote to every Labor candidate asking the question:

> Whether, if elected, you and your party support the extension of pensioner concession benefits to self-funded retirees.

They wrote to every member. You probably got one yourself, Mr President, although you were not up for election so you probably didn't, but apparently some of your colleagues did, because over 25 Labor members and candidates replied that they would. The then shadow Treasurer stated on 29 January that all government spending set out in the budget would be honoured by Labor. I wonder where those Labor members of parliament were in the caucus when this issue came up for debate. I have no doubt that the Australian Independent Self-Funded Retirees Association of South Australia will be reminding electors in those members' seats that this promise was broken, in my opinion, by a cynical and callous government.

But the government also took the view that these self-funded retirees—and I have heard it said time and again—'they have plenty: why should we be helping them?' There are many thousands of them here in South Australia and, if they maintain their rage at the government between now and the next election, I do not think that the government will be getting very many votes from that sector. Premier Rann is on the record as saying that he wants his government to be open, accountable and responsive, but its track record so far has not met the rhetoric. One thing that is becoming fairly clear about this new Labor government, and I believe it is a point that it should take on board, is a lack of consultation.

I wrote this speech a couple of weeks ago, and it was interesting to hear the Leader of the Australian Democrats (Hon. Mike Elliott) berating the government today about its lack of consultation in a whole range of areas. I can only agree with him. Already, far too many decisions are being made by the government without proper consultation with the people and organisations affected. The government will pay a penalty for that down the track if it keeps it up. People are willing to cut Labor members a little slack due to their inexperience. They have not been in government for eight years and we know that we have a whole bunch of ministers with no ministerial experience, with the exception of the Hon. Mike Rann. We know that people are willing to cut new governments a little bit of slack in these situations, but that will quickly dry up if the government continues to forge ahead and take decisions that impact on people's lives without proper community consultation.

This government must realise that the economy and our community should go hand in hand. Labor says that it has learned from the past. There is one lesson that it has learned from the conservatives, and I for one am pleased that it has. It has learned that there is a need to balance the books; that you just cannot go on spending money forever. There has been a genuine attempt made in this budget to run a balanced budget, and I do not have too much quarrel with that. However, I would caution Labor governments and this government not to become too addicted to the concept of balancing the books. I, for one, have the view that, having reduced state debt by well over $6 billion during the 1990s, South Australia had come through a pretty tough time and there may well have been an opportunity to have run a deficit budget—not a large deficit, but to run a bit of a deficit and put some money into certain areas.

The Hon. Diana Laidlaw: Just to stimulate.

The Hon. T.G. CAMERON: Yes, to stimulate the economy. Certainly, if the government had done that, it would not have had to break so many promises. I am encouraged that this Labor government may have taken a leaf out of the conservatives' book and understands the need to balance the books, but in this process one can only hope that the Labor Party does not lose its soul.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank members for their contribution to the debate on this very important first budget of the new government. I have been asked a number of questions, and I will respond in detail to some of those question perhaps later on this evening. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GENE TECHNOLOGY (TEMPORARY PROHIBITION) BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a personal explanation.

Leave granted.

The Hon. P. HOLLOWAY: It has been drawn to my attention that, during debate on the Gene Technology (Temporary Prohibition) Bill, I said that the then Labor opposition supported an earlier Gilfillan bill before the commonwealth-state agreement on GMOs that led to the commonwealth and state gene technology acts. In fact, what I should have said was that we supported the earlier Gilfillan bill before the state government act that gave effect to the commonwealth-state agreement on GMOs. Let me clarify for the record the dates in these matters.

The Hon. Ian Gilfillan introduced a bill on 28 June 2000 in relation to gene technology. My recollection is that it was not debated. On 21 December 2000, the commonwealth Gene Technology Act 2000 received royal assent. The act specifically referred to the gene technology agreement. On 4 April 2001, the Hon. Ian Gilfillan reintroduced his bill. On 21 June 2001, the commonwealth Gene Technology Act 2000 came into operation. The Gene Technology Agreement had been finalised, although it is my understanding that the former Premier did not sign the agreement until August 2001, because it was circulated for signature to one jurisdiction at a time. But the previous government had committed itself publicly to the agreement before then.

On 26 July 2001, the Gilfillan bill was passed in the Legislative Council with the support of the then Labor opposition. But it was on 26 September 2001 that the Gene Technology Bill 2001 was introduced in the House of Assembly, and it was passed by both houses soon after, obviously with the support of the then Labor opposition. That bill complemented the commonwealth act. The point I was making was that the position that we had taken in voting for the earlier Gilfillan bill was before we, as a Labor opposition, had taken our position on the state Gene Technology Act that was passed in this council at the end of last session. My earlier comments could have been misleading, so I take this opportunity to clarify that point.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

STATUTES AMENDMENT (THIRD PARTY BODILY INJURY INSURANCE) BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 695.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of the Liberal Party to support the second reading of this bill. As has been indicated in the debate in another place, the major features of this bill were agreed by my former ministerial colleague the then minister for transport (Hon. Diana Laidlaw) and me, as treasurer, whilst in government. There was agreement not only between our officers in Treasury and within the minister's Department of Transport but also between the minister and I that the bill would be taken through to the cabinet, to the party room and then to the parliament. Therefore, at the time it did not have cabinet endorsement or the endorsement of the joint party room, but it had the endorsement of the two ministers.

This bill is essentially the same as the legislation agreed by the Hon. Diana Laidlaw and I, although there have been some changes and one or two specific additions, to which I will address some brief comments. Primarily, this bill has arisen as a result of the Competition Principles Agreement that the states and the territories entered into with the commonwealth government. Under clause 5 of the Competition Principles Agreement, we were required to review our compulsory third party bodily insurance arrangements. Under this provision, reviews are to be considered on the basis of whether the legislation restricts competition, whether a judgment can be made about the benefits outweighing the

costs in the case of a restriction and whether the objectives can be achieved only by restricting competition.

The former government appointed a number of consultants—Tasman Asia Pacific, Macquarie Bank and the Centre for Economic Studies—and some actuarial work was done by Trowbridge Consulting. A considerable body of work was done. I make the simple point that it is easy to criticise the use of consultants by governments. I guess that no opposition will give up the privilege of attacking the government of the day about the use of consultants. However, in a complicated area such as this in the context of our competition principles agreement it is essential to get expert advice. This is particularly so when one is looking at actuarial advice involving issues of solvency of funds such as the Motor Accident Commission's investment funds. Clearly, that sort of expertise does not exist on tap within the public sector. It might be a naive or novel thought that it should, but the cost of keeping actuaries on tap within the public sector for the specific tasks they would occasionally have to do would not justify such a retention in the public sector.

Also, those people in the private sector who on a daily basis have to cut their teeth by providing actuarial advice not only to government agencies but to private sector companies and operations are clearly at the cutting edge of knowing what is occurring in industry and can bring to bear that expertise. In this case, this complicated process involving a variety of consultants was used. Ultimately, to cut a long story short, varying views were put to the government by those consultants. It is fair to say that some of those consultants wanted to open up the Motor Accident Commission and the CTP bodily insurance arrangements to competition of one form or another as exists in some other states. Some consultants took the view that the current arrangements could be defended on the basis that the benefits outweighed the costs by restricting competition.

It is true that the Liberal Party's predisposition is to greater competition where it can be justified. Its predisposition has been to support privatisation where it can be justified. Our opponents have maliciously—viciously on occasions—sought to misrepresent that as a blind ideological commitment to the private sector, to privatisation and to competition come what may, irrespective of the costs. The government's approach to this competition policy review in relation to the MAC—and it has also taken a similar approach to WorkCover—demonstrates the inaccuracy and untruthfulness of some of those vicious and malicious claims made against the former government by members of the Labor Party in the community. When in government we considered the matter and took the view that we would not privatise the Motor Accident Commission. We listened to the advice and took the view that it was in the public interests and that the benefits outweighed the costs through the restriction of competition.

Occasionally, it happens: the problems that the Australian insurance market suffered through HIH, in particular, had flow on difficulties for those states that had private sector competition in their CTP insurance market. They suffered significant problems. So did their constituents. South Australia was fortunate in that, having a monopoly provider at that time, it was almost completely insulated in this section of the insurance market from the flow-on problems that were experienced in some other states. As I said, it does not always happen that luck breaks with you. However, on this occasion it did, and the people of South Australia were the beneficiaries of that decision of the former government.

I do not intend to go through all the detail of how the government had gone through that process: suffice to say that that potted summary indicates that the government, in its view, had complied with the requirements of the competition principles agreement and had made a decision that the Motor Accident Commission would continue as a sole provider in South Australia.

Therefore, as a result of that there had to be some significant changes to this legislation, and most of the changes in the bill seek to implement and support that policy decision. Again, the minister's second reading explanation and the explanation of the clauses more than adequately summarise most of those provisions, and I do not intend to delay the second reading stage by going through the detail. Suffice to say that the Liberal Party supports those changes and provisions.

There is one issue that deserves public commentary, that is, solvency. It is an issue of public interest. In the past, the former government received advice that private sector insurance companies at that time, under the APRA guidelines, should have been looking at a solvency ratio of about 15 per cent, solvency simply being net assets over outstanding claims/liabilities that the fund might have. The private sector was looking at a solvency ratio of about 15 per cent. So, when issues in relation to premium income were discussed, the advice from actuaries was always geared towards how we would move towards this 15 per cent solvency figure.

In some part, given that there is a government backed sole provider in South Australia, it is not as critical an issue as it would be for a private sector provider because, should the Motor Accident Commission run into problems, clearly the government of South Australia and the taxpayers would have to back the Motor Accident Commission. Nevertheless, in this day and age of competitive neutrality, these notions of solvency were important, because at that stage there was still technically the possibility of other providers coming into the marketplace and competing with the Motor Accident Commission.

As a result of HIH, this solvency issue becomes even more critical, because the 15 per cent APRA endorsed benchmark is now of the order of 30 per cent to 50 per cent. If it was difficult enough to generate the premium income through the Motor Accident Commission to get to a 15 per cent solvency ratio, one can only speculate as to what the level of CTP premium increase would have to be for the MAC to generate a solvency ratio of up to 50 per cent. A solvency ratio of close to 50 per cent would involve an extraordinary increase in CTP premiums.

At the time, Treasury developed a notion of what was called a social fund—in essence that it was not going to be a competitive business, that the Motor Accident Commission had a task and that its fund should be looked on more as a social fund. I am advised by the government's advisers that parliamentary counsel shied away from the notion of incorporating in the legislation a social fund, and a new concept of sufficient solvency was developed.

Put simply, sufficient solvency is a level of solvency of this Motor Accident Commission fund that is less than the APRA recommended solvency ratios for private sector insurance providers. As a rough order of magnitude, sufficient solvency, I am advised, might be of the order of 10 to 12 per cent. When I was in government, a figure of 11 per cent was being used as a working figure, and that figure of 10 to 12 per cent should be compared with a figure, as I said, of up to 50 per cent. On that basis, whilst it is still difficult,

it makes the task of achieving sufficient solvency at least within the realms of the possible for the Motor Accident Commission and, more importantly, the car owners and drivers of South Australia in terms of the CTP premiums that they might have to pay.

For anyone who is looking at this legislation, that is a key part of it. The second reading explanation does throw some light on the whole notion of sufficient solvency, but it does not provide, I guess, the detail in relation to exactly what numbers we might be talking about in terms of the levels that we will have to head toward. There are two other changes which have been incorporated and which were not part of our original discussions when we were in government: one is bringing into play the option of structured settlements. That issue has been well discussed in the public liability insurance bills, and there was a specific bill on structured settlements.

The Liberal Party has supported that and we therefore also support these provisions within this legislation. I do not need to offer any comment over and above the eloquent contributions the shadow attorney-general has made on that issue in the public liability debate. The remaining area, which was a new area, relates to giving the Motor Accident Commission power to pursue fraud to a greater extent. The second reading explanation indicates the rationale for that, that is, the new model is broadly structured on the model that exists for WorkCover in South Australia. For some time the Motor Accident Commission board had been supporting getting greater powers, and the government has taken the opportunity in this legislation to incorporate that into the bill. I am happy for the bill to go through some time this evening—

The Hon. P. Holloway: Hopefully, tomorrow morning.

The Hon. R.I. LUCAS: Okay, tomorrow morning. The minister was kind enough (it was on my desk so I assume he did it, or perhaps it was the Treasurer) to provide me with some advice as to why the bill needed to go through this week. The opposition Liberal Party supports that, but I indicate that that advice indicates to me that MAC was in the final stages of parallel negotiations with two particular companies (I will not name them at this stage) in relation to the management of CTP claims. I would like to know whether that information is public information. What was left on my desk certainly did not indicate that it was confidential. I assume that the information is publicly available, but I would seek a response from the minister.

It surprised me that MAC named the two companies. If it is publicly available, I want to know what happened to the current arrangements with the existing claims manager, and has this advice been made public? Given that I do not know (this was given to me without any confidentiality requirement), I have made my own judgment not to put it on the public record; but, nevertheless, if it is public, I would like to know that. I might ask some questions in committee about the claims management tendering process that is being managed at the moment by the Motor Accident Commission.

The Hon. T.G. CAMERON: This bill is a result of a review of compulsory third party bodily insurance arrangements made under the Competition Principles Agreement. Tasman Asia Pacific (TAP) and Macquarie Bank provided a review of the compulsory third party insurance operations provided by the Motor Accident Commission. TAP found that the Motor Accident Commission's monopoly on the provision of compulsory third party insurance was inconsistent with competition principles. However, in the wake of the HIH collapse, it has become apparent that the benefits of maintaining the restrictions on competition outweigh the costs as South Australia's insurance premiums have remained steady whilst other states with competition in third party insurance have seen a marked increase. This could result in younger and less well-off drivers being forced off the road because they cannot pay their CTP bills.

The bill amends the Motor Vehicles Act 1959 as follows: to provide that, while the Motor Accident Commission is intended to be the sole provider of compulsory third party insurance, the minister does not need to consider an application from another insurer for a licence to provide CTP insurance; to provide that the Motor Accident Commission is not a significant government enterprise for competitive neutrality purposes; to require MAC to have a sufficient level of solvency so that it can meet its liabilities as they fall due; and to restate its objectives to minimise premium charges, maintain solvency and to deal with compensation claims expeditiously.

The bill exempts the Motor Accident Commission from the Government Business Enterprises (Competition) Act 1996. Payments of income tax equivalents no longer have to be made by the commission, and a system of community ratings is reaffirmed by the bill. The Third Party Premiums Committee's make-up is amended by removing the requirement for a judge or magistrate to sit on the committee with the effect of making a legal practitioner of 10 years' standing the chair of the committee; amending the requirement to have three people representing motor vehicle owners to having three people representing the interests of motor vehicle owners (and I query whether this is a way of bypassing direct input by vehicle owners, and I would ask the minister to respond); and amending the requirement to have three people representing approved insurers to having three people with expertise in the insurance field, at least one of whom is to represent the interests of approved insurers.

It limits the matters to which the committee can have regard in determining premiums to vehicle type, use, garaging location, input tax credits and solvency of the MAC's compulsory third party fund. It also requires a statement of the reasons for a determination of the committee to be issued along with its determinations; it can no longer incur consultancy costs; and it recovers money for its operation from the third party insurance fund or from a levy on insurance providers if the monopoly is not maintained. It also removes the exemption of crown vehicles from third party insurance.

SA First supports this bill which provides some of the review requirements. However, the lack of compliance may result in the withholding of competition payments. I would ask the minister to respond if, in his opinion, he thinks there is any risk that a lack of compliance may result in the withholding of competition payments.

The Hon. R.K. SNEATH secured the adjournment of the debate.

[Sitting suspended from 6.04 to 7.45 p.m.]

STAMP DUTIES (RENTAL BUSINESS AND CONVEYANCE RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 896.)

The Hon. T.G. CAMERON: This bill seeks to tax commercial hire purchase agreements and increase the tax on conveyances. I understand South Australia is one of only two jurisdictions that does not charge stamp duty on commercial hire purchase arrangements and that these have been set down as part of the government's budget measures. I have no problem in supporting that proposal. All commercial hire purchase agreements from 1 January 2003 will be subject to stamp duty. Currently, only lease arrangements are taxed. The stamp duty will be calculated pre-GST and will apply to commercial hire purchase arrangements from $2 000 to $6 000. The tax is estimated to raise $7½ million each year.

The government also proposes to increase the marginal rates of stamp duty on conveyances for properties worth in excess of $200 000. Those increases range from .25 per cent to .5 per cent and will apply to documents lodged for stamping on or after the day of legislative assent to the amendments. I can appreciate why the Leader of the government is anxious to have this bill go through: there is money sitting on the end of it. The tax will apply to residential and non-residential properties and is expected to bring in approximately $14 million per year. I have always supported taxes on land and on properties and, in fact, I think the old Henry George society had a bit going for it back in the 1930s when it argued that there should be only a single tax on the family home.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I didn't say it was a bad idea now but, when you consider that most wealth comes from property, it is a very effective way to ensure that those who are asset rich pay their fair share.

SA First supports this bill. However, I ask that the government keep a close eye on this issue. We are all well aware that, like the rest of Australia, South Australia is going through a housing boom. If you are lucky enough to be sitting on a few properties at the moment, you are doing very well. But, of course, with the housing boom will come bracket creep, and the tax on $200 000 is only .25 per cent, but we may very well find ourselves within a few years in the position where the median price of a house in South Australia is above $200 000. Whilst I accept that this is an attempt to get money from those who live in what are regarded as higher value properties, I caution the government that $200 000 these days does not buy a lot in South Australia. If the government is fair dinkum about this measure, as the median price of a house in South Australia rises, one would hope—it is a forlorn hope, I know, because once taxes are introduced they are very rarely cut back—that the government will keep an eye on the market with a view to restructuring the scale if the median price of a home in South Australia goes above $200 000.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank members for their contribution to this debate and for adhering to established practice regarding the passage of revenue bills. As has been stated, commitments were made by the Labor Party during the election campaign not to increase existing taxes or introduce new taxes in order to fund election promises. The government has honoured this commitment by funding all of its election promises through expenditure savings. The commitment on taxes was made on the understanding that published information on the state of the budget was accurate and complete. It is now a well known fact that the budget was not as healthy as we had been led to believe. To address the budgetary position, the Labor government has had to take some revenue measures as well as cut spending.

The rental and conveyance duty measures had to be taken in this context. They are essentially budget measures designed to raise additional revenue. In doing so, the broadening of the rental duty base addresses a genuine tax anomaly in the stamp duty provisions relating to the hire of goods. At present, only equipment hire using lease finance arrangements attracts stamp duty. This creates a tax incentive to hire goods using commercial hire purchase financing arrangements.

The Hon. Rob Lucas has submitted that the broadening of the rental base should have been introduced on a revenue neutral basis. Unfortunately, the state does not have the financial capacity to combine base broadening with a reduction in the rental duty rate. The measure is designed to raise more revenue while addressing tax distortions and bring South Australia's tax base into alignment with most other jurisdictions.

Existing taxpayers will obtain some tax relief from the lifting of the monthly threshold above which duty applies from $2 000 to $6 000 and by moving to a GST exclusive tax base. In relation to the conveyance duty measure, the Hon. Rob Lucas has submitted that median house sales in a number of working class suburbs are in excess of $200 000. That may be, but the fact remains that across metropolitan Adelaide the measure protects lower value properties—those below $200 000—entirely from the impact of the duty increase. According to the Real Estate Institute of Australia, the median value of house sales in metropolitan Adelaide in the June quarter of 2002 was $170 300. For a $250 000 property the increase in stamp duty payable under the proposed conveyance duty structure is $125.

The Hon. T.G. Cameron: Metropolitan Adelaide?

The Hon. P. HOLLOWAY: Yes, metropolitan Adelaide. For property values in excess of $200 000, South Australian conveyance duty rates remain below those in Victoria and the Northern Territory and are roughly on a par with those in Western Australia. The increase in conveyance duty will largely be capitalised into property values. Only a small share of the capital gain experienced by property owners is captured by this measure. Within the financial constraints faced by the government, every effort has been made to minimise the impact of revenue measures on members of the community with a lesser capacity to pay. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: If the Leader of the Government can provide the information straightaway that is fine, but I am happy for it to be taken on notice and the government provide it subsequent to the passage of the bill. My question relates to a reference (it was not in the second reading, to my recollection) by the Treasurer in another place. I do not have it with me, but it might have been in his reply during the second reading when the Treasurer referred to questions raised by the Amusement Operators Association (I think that is the correct title) in relation to stamp duty or rental duty paid on kiddy's toys in shopping centres.

Certainly, officers within Revenue SA would be familiar with the issue, in particular the commissioner. I suspect that he was pleased to see the end of me as treasurer and the government—not in a party political sense. I would not proffer a view on his political leadings; I am sure he is

apolitical. But I say that in the sense that the issue of the kiddy's toys was one that drove both he and his officers to distraction. It might have been in the Treasurer's second reading reply where he indicated that there had been an agreement reached with the industry, or the various people who had complained when he referred to—

The Hon. P. Holloway: Settlement.

The Hon. R.I. LUCAS: Yes, settlement, that the claims for duty payable, I think, prior to June or July 2001 that had been left aside and duty was to be collected from, I think, 1 July 2001 onwards. In my consultations with the industry, I raised the issue with one of the lawyers who had represented one of the groups which had raised these issues with me as the former treasurer. The former government was contemplating amendments to the legislation in an attempt to resolve this issue. I do not think that I am being unfair to the commissioner when I say that I suspect his view was that he was not overly attracted to the views that I put and that the government was considering in terms of possible resolution.

First, I would be interested to know whether the minister could provide any information tonight as to what aspects of this legislation, if any, actually relate to that and why the Treasurer referred to it. In particular, does the new definition of 'contractual bailment' have any impact on this issue? Secondly, can the minister give an undertaking to provide greater detail in relation to the settlement? There was a particular form of rental duty agreement that the commissioner's team and the industry were having a huge difference of opinion about. To be fair to the commissioner, his view was strongly supported by Crown Law—so it was two to one. This was in terms of whether or not a specific form of profit sharing agreement was a contractual bailment and whether or not these rental duty provisions picked up those kiddy toy agreements.

My recollection is that the Hon. Carmel Zollo also raised this issue on behalf of the industry by way of a question to me as treasurer in the Legislative Council. It is the definition of 'contractual bailment' that has been changed in this. I am not sure whether the minister and his advisers are in a position to throw any light on some of the detail tonight. If they can, that is fine, but I would be happy to get a detailed explanation from the commissioner's team via the Treasurer subsequent to the passage of the bill, if that is possible.

The Hon. P. HOLLOWAY: I am advised that, from the point of view of amusement machine operators, nothing has changed in respect to the definition.

The Hon. R.I. LUCAS: The changed definition of 'contractual bailment' does not impact on any decision the commissioner took in relation to them?

The Hon. P. HOLLOWAY: Yes, that is the advice that I have been given. What is the second part?

The Hon. R.I. LUCAS: The second part is whether there is any change in this legislation which impacts on the commissioner's decisions in relation to this issue?

The Hon. P. HOLLOWAY: My advice is no.

The Hon. R.I. LUCAS: Can I inquire then why the Treasurer made reference to this issue during the debate in another place? I do not recall that it was raised, but can I inquire as to why the Treasurer referred in the debate on this bill to the settlement of this issue with the industry?

The Hon. P. HOLLOWAY: I understand that a number of issues were raised by the Institute of Chartered Accountants Joint Legislation Review Committee, and, being an open, honest and accountable government, the Treasurer was seeking to put as much information into the public domain in relation to these matters as he possibly could.

The Hon. R.I. LUCAS: One welcomes that, even if one does not believe it. My recollection is that the letter was signed by Geoff Crawford on behalf of the joint legislation committee, a person that the minister's advisers would be quite familiar with, given his background and experience in this area. My recollection is that he was referring to wet hires and a variety of other issues. I do not have the letter with me, but did he raise the issue of kiddy toy hire at the end of the letter?

The Hon. P. HOLLOWAY: Yes, on the last page of the letter he refers to other issues when he says:

> We are also aware that the Commissioner has in relatively recent times sought stamp duty on the placement of jukebox machines in venues under a licence arrangement where members of the public are able to make use of such machines. It is his contention that such activity constitutes rental business. It is understood that the commissioner's view is supported by advice from the Crown Solicitor. We do note that this has an adverse impact on the relatively small industry in this type of business and it is submitted that a legislative change should be implemented to remove this consequence. We note that in New South Wales this type of business activity has been specifically addressed and there is an exemption for certain activities, which is outlined in Circular DUT19 of 6 April 2002.

So that is the context in which he raised it, along with a whole lot of other issues, I gather.

The Hon. R.I. LUCAS: As a general issue, does the commissioner, in relation to legislation like this, consult with the joint legislation committee of the Institute of Chartered Accountants? If not, why did he not consult with that industry group prior to the introduction of the bill?

The Hon. P. HOLLOWAY: This was a budget initiative, so clearly a different protocol would apply with other legislative changes, for obvious reasons.

The Hon. R.I. LUCAS: What budget measure required the change of the definition of 'contractual bailment'?

The Hon. P. HOLLOWAY: It was the approach taken by parliamentary counsel. I guess it was a budget measure, and the opportunity was taken by parliamentary counsel to address anomalous matters.

The Hon. R.I. LUCAS: Can the minister indicate the anomalous matter that the commissioner and/or parliamentary counsel sought to correct in the definition of 'contractual bailment', and what is the impact of the definitional change for the collection of stamp duty on rental duty agreements through this new definitional change?

The Hon. P. HOLLOWAY: My advice is that parliamentary counsel deleted the earlier definition of 'contractual bailment' and added the words 'and includes a hire purchase agreement'.

The Hon. J.F. STEFANI: My question to the minister relates to the transfer of properties and, in particular, housing properties. I am happy for the minister to take these questions on notice. Can the minister advise the committee how many housing properties under $200 000 were sold—and, therefore, stamp duty applied—during the past financial year? Equally, how many properties above the threshold of $200 000 were sold and stamp duty applied during the past financial year?

The Hon. P. HOLLOWAY: We would have to take that question on notice to get the specific figure but, as I mentioned in my response, the median value of house sales in metropolitan Adelaide was $170 300 so, clearly, it is less than half. We will endeavour to see whether we can get the information on notice for the honourable member.

The Hon. J.F. STEFANI: We all acknowledge that property valuations have moved rapidly in the past 12 months. Can the minister advise whether, in assessing the proposal before the committee, that increase in property valuations has been taken into account? I am conscious of the comments and remarks made by the Hon. Terry Cameron in relation to future movements. Can the minister advise the committee whether the government would be prepared to adjust the base valuation of $200 000 if there was a rapid approach to the threshold as indicated by the property transactions that occurred?

The Hon. P. HOLLOWAY: It is not possible to give any commitment in relation to that, but I think it has been the practice that these sorts of figures are subject to review from time to time. They are adjusted on such occasions, but it is not possible to provide any commitment. That depends on the economic conditions prevailing at the time and other economic priorities of the government, as to how these things are ultimately determined.

The Hon. R.I. LUCAS: While Mr Schwarz is advising the minister, can I ask whose responsibility it was to estimate the increased stamp duty collections as a result of the new duty arrangements? Was it the new economics section of Treasury—whatever its current working title is—or was it the responsibility of Revenue SA?

The Hon. P. HOLLOWAY: It was the responsibility of the Revenue and Economics Branch within Treasury.

The Hon. R.I. LUCAS: I am sure that the minister's adviser and everybody else would acknowledge that it is very difficult for anybody, even those with the undoubted skills that Treasury has, to estimate accurately the property market and stamp duty collections. The significant increase in stamp duty collected last year over budget estimates is testimony to that fact. Many tens of millions of dollars of additional stamp duty revenues were collected over budget because of the strong growth within the property market. What growth, in terms of property values, has been assumed by Treasury in the estimates that have been undertaken for revenue collections from these new stamp duty rates?

The Hon. P. HOLLOWAY: I am advised that there would be very little increase in property values from last year, I guess, given the general expectations of the state of the property market.

The Hon. R.I. LUCAS: Has Treasury conducted an analysis of the increases in property values compared to the general inflation rate for the past five years to see how much, on average, property values have increased in excess of the consumer price index increases during that period? Does Treasury take that long-term trend over the CPI rate into account when making assessments as to the increases in stamp duty revenue for the coming year?

The Hon. P. HOLLOWAY: I am advised that for the full forward estimate period long-term assumptions are made, but for the immediate period, as I said, the assumption is that there will be very little increase, and that is based on the fact that there have been significant increases over recent years. Most commentators that I read in the *Financial Review* and elsewhere agree that the property market is likely to have peaked. That is my own interpretation of the market, and I am not surprised that the revenue and economics branch would use a similar assumption.

The Hon. R.I. LUCAS: Well, perhaps I will leave it on notice. It may be that the minister and Treasury officers need to consult with the Treasurer, but I place on notice here, and I guess I can always place it on notice formally, the question: is the government prepared to indicate the long-term assumption in relation to property values compared with CPI in the forward estimates that Treasury produces in the economic section of state Budget Paper 3, I think it is, that is, the forward estimates for CPI for the forward estimates period for, I think, each of the three years, together with estimates of employment growth and GSP growth for the forward estimates years? They are part of the public record. If, as the minister indicated, Treasury does take into account those long-term estimates for property value growth over and above CPI based on past practice, will the minister take it on notice to see whether a reply can be provided, or will be provided, by the government in relation to that particular and specific question?

The Hon. P. HOLLOWAY: I will take that question on notice.

The Hon. R.I. LUCAS: I repeat the earlier question I asked in relation to the kiddy toy hire. I asked specifically whether the minister could take on notice, and provide through the commissioner, the detail of the final settlement with the industry, in particular, what will be the current and ongoing ruling and situation in relation to the particular form of rental duty hire—I think it was the profit sharing arrangement, but the commissioner will certainly know; if I have not correctly described the form of the agreement, he will know what I am talking about from past discussions. What will be the current ruling as part of this settlement; and has the association corresponded with the commissioner and/or the government accepting the final nature of the settlement and the final rulings in relation to those particular forms of rental duty agreement?

The Hon. P. HOLLOWAY: I will refer that question to the Treasurer to see whether he can provide information or a briefing, whatever is the most appropriate way of dealing with it.

Clause passed.

Remaining clauses (2 to 8) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

MURRAY RIVER FISHERY

Adjourned debate on motion of Hon. Caroline Schaefer:

That the regulations under the Fisheries Act 1982 concerning fishing activities, made on 30 June 2002 and laid on the table of this council on 9 July 2002, be disallowed.

(Continued from 21 August. Page 733.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I indicate that the government will oppose this motion to disallow the regulations concerning gill nets in the inland fishery. This is a subject that has generated, I am sure, a significant amount of correspondence for most members of parliament over the past three months. I think the background to the issue is fairly well known, and I will not spend a great deal of time going into it. As I am sure members will be aware, one of the conditions of the member for Hammond's compact with the government was a request that gill nets be removed from the inland fisheries, and that fishing for native fish species be phased out over the next 12 months. It is interesting to point out that that particular condition made by the member for Hammond was agreed to not just by the government ultimately, but also by the opposition at that time.

The Hon. Caroline Schaefer: That's not true!

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Members opposite find it convenient to ignore that. They also find it—

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: Yes, a signed copy of that document was sighted yesterday. The fact is that members opposite are absolute frauds because, in the budget bilaterals of the previous Liberal government, the No.1 budget bilateral bid was to remove inland fisheries. That was the former minister's No.1 request. Above every other priority of her government, the former minister wanted money to remove the river fishers from the inland fishery. That was the No.1 budget bid, and it is there in the budget documents of the previous government.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: It is total hypocrisy to do that, as I have indicated on other occasions. Members opposite were prepared to agree to the compact with the member for Hammond, a signed copy of which was seen yesterday. Let us go to what this issue is about.

We are not debating here the question of what level of ex gratia payment should be made to inland river fishers in relation to the implementation of government policy. The issue before us is whether or not a regulation under the Fisheries Act, which removes gill nets, should be disallowed. It is a simple regulation, which has three parts. It says that schedule 1 of the principal regulations, that is, the fisheries regulations, is varied by striking out from clause 103 mesh net, gill net, bait net. It is as simple as that: that is what we are voting on. It has nothing to do with government policy in relation to the level of ex gratia payments that might be made to inland fishers.

I have gone through the beginning of this issue. It was part of the compact with the member for Hammond in relation to the formation of the government and, as I have said, it was something that the Liberal government of the day was prepared to enter into to hold on to office. It had already provided, within its budget bilateral bids at the end of last year, funds to implement that particular policy. The commercial river fishery is limited to 30 licence holders who each have exclusive access to a specific reach of the main stream between Wellington and the South Australian/New South Wales border to take native and non-native fish species. These reaches vary in length from approximately two to 10 kilometres. The commercial fishers also have access to some adjacent and common backwaters for non-native scale fish species only.

The combined length of the commercial reaches encompasses approximately 35 per cent of the entire South Australian section of the main stream of the Murray River. There has been a long community campaign to bring about some management changes in the commercial fishery of the river, in particular the use of gill nets and the tenure of licences. It was Labor government policy back in 1989 not to approve the transfer and trading of licences in the river fishery, with the intent that licences would be removed through natural attrition over time. However, this policy was changed in 1997, along with changes to the way that fishing gear and methods could be operated. Many in the community have argued that these changes were introduced without any consultation with the general community and other stakeholders in the fishery.

A report from the Environment, Resources and Development Committee on fish stocks in inland waters in 1999 recommended, amongst other things, that commercial fishing for native species be phased out over a 10 year period. This recommendation was supported by a subsequent parliamentary select committee, which reported in July 2001. The principal arguments against the use of gill nets and commercial fishing for native species include the negative interaction of gill nets with other wildlife in the river, which results in entanglement and drowning of water birds, tortoises and reptiles; that the capture of native fish such as cod and callop by an effective fishing method like gill nets is contrary to strategies identified to address a suite of threatening processes that are causing the deterioration of fish habitat and native fish populations; and a shift in the allocation of fishing opportunities in the Murray River from commercial fishing to recreational and tourism pursuits.

The government introduced regulations that prohibit the use of gill nets in the commercial river fishery from 1 July 2002, and it is the disallowance of that regulation that is the subject of the debate this evening: that and that alone. Licence holders can still use other permitted gear, including up to 50 drum nets each, hoop nets and drop nets, set lines and yabby pots. They can still target Murray cod, callop, bony bream, yabbies and a number of other native species, as well as non-native species including European carp and redfin. The average annual total catches over recent years include: 90 tonnes of carp each year; 66 tonnes of callop; 64 tonnes of bony bream; 18 tonnes of Murray cod; and one tonne of yabbies. The total recorded commercial catch of Murray cod in 2000-01 was 26 tonnes, and for callop it was 102 tonnes.

An assessment of fishing returns submitted by commercial fishers over recent years indicates that gill nets account for 63 per cent of the total annual quantity of fish caught. About one-half of the licence holders earn less than 35 five per cent of their estimated average annual gross income from fish caught using gill nets, with five fishers not having used gill nets for the years 1998-99 to 2000-01. It is the intention of the government to remove commercial access to Murray cod and callop from 1 July 2003. I am at pains to point out that the government still supports commercial fishing in the river, albeit under a new scheme of management, principally to remove European carp and other non-native fish using methods other than gill nets.

The Hon. D.W. Ridgway: Like dynamite?

The Hon. P. HOLLOWAY: Perhaps the Hon. David Ridgway would care to know that there is a thriving commercial fishery for European carp in Victoria. We had some information on it today. They use a special type of net—

The Hon. J.S.L. Dawkins: Did you provide that information to the commercial fishers?

The Hon. P. HOLLOWAY: Of course. It has been made perfectly clear from day one that my department is keen to work with commercial fishers to extend that commercial fishery for European carp.

The Hon. Caroline Schaefer: Why would you work with them when you won't even talk to them?

The Hon. P. HOLLOWAY: Don't distort things, shadow minister. As I say, in other states there is actually a thriving fishery. It is certainly the departmental belief—and this has been discussed with representatives of the inland fishers, and I think there is some agreement—that there is the capacity for probably five or six fishers to target introduced species, in particular European carp, in the future. As I said, the information from interstate is that that is the case, using a special sort of haul net. A limited number of non-transferable

licences will be offered prior to 1 July 2003, initially to those persons who currently hold a commercial fishery licence. I have made quite clear that it is the government's preferred view that half a dozen or so fishers can survive in a viable inland fishery targeting introduced species, and it is my preference that they should be existing fishers in the river. Under the package that the government has offered, priority has been given to those fishers.

The impact of the changes in the management of the river fishery will differ between licence holders according to their level of reliance on the fishery and income earned from commercial fishing. These different circumstances have been taken into consideration in determining a package of assistance that has been offered to each licence holder. On 31 July this year, each licence holder was offered a package of assistance that includes an ex gratia payment, reimbursement of relocation and retraining expenses, and payment for the surrender of some fishing gear. This is to assist them either to exit the fishery or to make the adjustment to their fishing practices if they choose to remain in the fishery.

The government is committed to a national native fish strategy for the Murray Darling Basin that has as its overall goal to rehabilitate native fish communities in the basin back to 60 per cent of their estimated pre-European settlement levels after 50 years of implementation. Again, I point out to the council that in other states commercial fishing, with the exception of those targeting European carp, which I referred to earlier, has been phased out. We are the last state that has permitted the commercial fishing of native fish species within our river system.

Members interjecting:

The Hon. P. HOLLOWAY: I suppose that is true. In fact, it is interesting to note that back in the 1920s there were well over 200 commercial fishers working the Murray River. That number had reduced to 39 in 1997, and there are currently 30. So, in fact, the history of the Murray River shows that there has been a phase-out over time of the number of fishers targeting the species.

The ability of native fish to reproduce depends largely on river flow conditions and the advent of flooding events. The government is implementing a program to improve environmental flows in the river which will assist with the further rehabilitation of native fish stocks. I repeat that, in 1989, the previous Labor government removed transferability of licences in the river fishery as part of a phasing out strategy for commercial fishing. In 1998, against the advice of the community, and without reference to adequate scientific advice, the then minister (the member for Frome) agreed to reinstate transferability and to increase the use of gill nets by licence holders. When one talks about lifetime rights, as some members opposite have been doing, I think it is important to remember that only five or six years ago there was an increase in the use of gill nets by licence holders, and the reinstatement of transferability. I think that that has often been overlooked in this debate.

A year later, the ERD Committee report into inland fish stocks recommended the phase-out of commercial fishing from the Murray and raised questions about the appropriateness of gill nets and asked for an immediate reduction in their number. The committee declined to say whether the fishery was sustainable, citing a lack of scientific evidence. The increased use of gill nets since then has led to much higher catches for some licence holders, sometimes as much as 100 per cent. In short, there has been a much greater use of gill nets within recent years and, of course, given their effectiveness, that will obviously have an impact on sustainability.

The Hon. R.D. Lawson: What about the compensation?

The Hon. P. HOLLOWAY: That is a classic case where we have the distortion of this debate. What we are debating here—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! We are not here to ask questions at this stage of the debate.

The Hon. P. HOLLOWAY: I would have thought that even Angus Redford would know that this debate is about the disallowance of a motion on gill nets. It is not about compensation. It has no implications whatsoever as far as compensation, ex gratia payments or anything else goes.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: It has nothing to do with it. Angus Redford might find it painful, he might find it unpleasant, he might interject all night, but the one thing that he will never do is make this resolution refer to compensation. It is about the disallowance of gill nets, and this council should not forget that fact.

The Hon. R.D. Lawson: You are talking about the livelihood of individuals.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I think the point has been made; we need not dwell on it any more. Clearly, opposition members are simply trying to score points. They are ignoring the reality that what we are debating here is the question of whether or not gill nets should be permitted in the Murray River. What members of this parliament will be voting on tonight is whether gill nets should be returned to the river or whether they should be removed. The Murray-Darling Basin Native Fish Strategy calls for—

Members interjecting:

The PRESIDENT: Order! Honourable members on both sides of the chamber will cease to interject.

The Hon. P. HOLLOWAY: —restoration of native fish numbers to 60 per cent of pre-European settlement levels within 50 years. Native fish levels are currently at approximately 10 per cent of pre-European settlement levels. The passage of this motion will not have any effect regarding government policy in relation to licence holders. It will do only one thing: it will lead to the removal of gill nets on the river.

The agreements signed by the member for Frome and the member for Finniss that were tabled in another place yesterday contain some amendments. This government has been in office for almost six months. It is incredible that, during this period, the Liberal opposition has been preoccupied in trying to reinvent the history of this state. But they certainly will not get away with it in relation to this matter. I can well recall, on the morning that the member for Hammond decided he would support the current government, the then deputy premier, Dean Brown, waving around a piece of paper and saying, 'Look, we've signed. We signed first. We signed with Mr Lewis.' There is much that one could say in relation to this matter. But, essentially, the issue that is before this council tonight—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: My colleague the Hon. Bob Sneath made the very good point that, in fact, the previous government (as I pointed out during question time today) offered an ex gratia payment to Lake George fishers who

were affected and subsequently withdrew that offer. I think that is something that should be borne in mind.

Let us not go through the history of the previous government. This motion before us today is about whether or not gill nets should be permitted in the River Murray. The case against gill nets is absolutely overwhelming. Every other state in this country has removed commercial fishing for native fish species from the Murray River, and they did it some time ago. It has gone everywhere else in the country. We are the last place in which it is happening. Bipartisan parliamentary reports have recommended the phase-out of commercial fishing for some years.

Members interjecting:

The Hon. P. HOLLOWAY: Yes, phase-out. They reckoned that five years ago. How long do members opposite take to do anything? They are disgraceful. I will tell you what is disgraceful: Caroline Schaefer put in her budget—

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Whatever she does in history—

Members interjecting:

The PRESIDENT: Minister—

Members interjecting:

The Hon. P. HOLLOWAY: Caroline, it was in your budget, the number one budget priority that you wanted to—

The PRESIDENT: Order! There has been a propensity for members on both sides of the council to address members by their Christian names. We will maintain decorum and call people by their titles and their names. I ask all members to calm down. I know that they are all a little emotional, but I want members on my right, in particular, to cease interjecting, and fewer interjections from my left. Her Majesty's loyal opposition will come to order!

The Hon. P. HOLLOWAY: It is obvious that members opposite do not like being reminded of the truth on this matter; that their number one budget priority was the phase-out of river fisheries, and—

An honourable member: A phase-out?

The Hon. P. HOLLOWAY: Yes, a phase-out. And, given the money that they put in their bid, it was clearly going to be done this year. Make absolutely no mistake about that whatsoever. No doubt, the Hon. Caroline Schaefer would try and—

The Hon. T.G. Cameron: They've been shafted by you.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: How have I shafted them, the Hon. Mr Cameron? I think it is rather sad that this council cannot have a debate on the logic before it. This debate is about whether or not gill nets should remain in the Murray River. As I said, the case is overwhelming. It has been done everywhere else in the country, and parliamentary reports and the Murray-Darling Basin Native Fish Strategy have all recommended that, in fact, native fish stocks be protected to ensure that their numbers continue. That is the issue that needs to be determined here this evening with this debate.

The decision in relation to this matter is not a particularly easy one. It was certainly an extremely complex issue to deal with, in terms of coming up with an ex gratia payment package that was fair and reasonable for all fishers. It was extremely difficult. Perhaps for members opposite, who put $38 million into the Hindmarsh stadium and another $30 million into the Wine Centre, taxpayers' money was not important.

I have tried to give compensation that is fair and reasonable for people. However, at the same time, the offer made by the government also has to be fair and reasonable to the taxpayers of the state who, after all, are footing the bill for any ex-gratia payments at the end. If there is an appropriate resolution, I am quite happy to defend and debate at any time the policy as to how that is determined. However, that is not the issue we are debating tonight. The issue tonight is whether or not gill nets should be returned to the Murray River. The case against is overwhelming. I ask the council to disallow this motion.

The Hon. A.L. EVANS: I rise to speak on the regulation of the Fisheries Act 1982 as it concerns the 30 families who have lost their livelihood. In the six months I have been in parliament I have received more emails from this group than from any other in the state. As I have read their sad stories and heard their cry for help, it is something that has concerned me greatly. It would seem, in talking to the minister, that it is too late to reverse this regulation, that any decision we make to overturn it can be reversed the next day. However, I want to express to the council my disappointment in the treatment these people have received.

My major concern is not that the industry is being phased out due to its negative effect on the river but the shortness of time available to these hard working, honest and caring people. Many of them have worked for years on the river—some have been there all their lives—and are then suddenly told that they have only months to go and that their business would be wound up. This is totally unfair. Had they been given a lead time of a couple of years they could have prepared themselves for the change and could have endeavoured to improve their skills and seek other employment opportunities for their future. In support of these hurting families I intend to vote in favour of the Hon. Caroline Schaefer's bill. They also feel aggrieved at the amount of compensation they have been offered. I understand that the competition is not in any way sufficient to cover their losses. It is imperative that, when governments make decisions concerning the state which have adverse impacts on families, they do so in a more fair and equitable way than has been done in this instance.

The Hon. T.G. CAMERON: I rise to support the motion standing in the name of the Hon. Caroline Schaefer. I have very real concerns about the way this government has dealt with this issue. Like the previous speaker (Hon. Andrew Evans) my office has received a number of letters, calls, emails and representations from Murray River fishermen and their families. They are extremely unhappy about having their right to a living summarily taken away from them—the emphasis there being 'summarily'. Many of the 30 families involved in this industry have fished the Murray River for generations. The families involved argue that their industry is scientifically and economically sustainable, as has been shown by various PIRSA and SARDI reports.

The 30 families scattered along the river, from Wellington to the Victorian border, have an important influence on the economies of local rural towns. The fishermen are concerned that the gill net issue has become emotive due to a persistent local media campaign initiated by a small group of agitators eager to see their demise. I am informed that gill nets are used when the river flow is slow. They are species specific, and they are used in many of the other fisheries in South Australia. There will be little need for them when river flow resumes in the near future. For many years the families have voluntarily supplied data on native fish and conditions of the river to SARDI, and were even referred to once by Peter

Garrett as being the watchdogs of the river. As far as I can determine, there is no specific scientific evidence that the Murray River commercial fisheries were adversely impacting on the Murray River.

Putting aside the deal the government has cut with the member for Hammond, I would like to know whether there are any valid scientific reasons why this sustainable fishing industry should have been closed. I would like to raise a number of other concerns including the following:

- The compensation or the ex gratia package offered to the fishermen was not in the budget paper documents, so just where is the money coming from?
- Despite a verbal assurance that the fishermen's peak body, SAFIC, would play a part in the structural adjustment committee, this has not happened.
- The question of compensation for extra gear and equipment that has no value except in this specific fishery.
- An inadequate offer of relocation. The fishers should be compensated for the total cost, including stamp duty, removal and agent's fees.
- The income should be based on this financial year's fish prices, not those of four years ago.
- Quite a few of the fishermen have applied to the government for the emergency funding package of $3 000, which is to be unfairly taken out of their unknown final package. However, we have now been advised that this is being treated as a service, and they will have to apply GST.

My quarrel with the government here is not, as the Hon. Paul Holloway has portrayed it, that this is a motion about whether or not we will have gill net fishing in the Murray River.

The Hon. P. Holloway: Well it is, Terry; that is what it is.

The Hon. T.G. CAMERON: If the honourable Leader of the Government in the council believes that, he is deluding himself; he is kidding himself. The members of this council are supporting this motion because of the shabby way you have treated these people, the lack of consultation, the disgraceful way they are being dealt with and a compensation package which is inadequate.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: The Hon. Paul Holloway knows himself that if a similar situation had occurred to a bunch of trade unionists—particularly if it was a union affiliated to the Australian Labor Party—there is no way in the world you would have dared treat these people like you have treated the fishermen.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: We have the Hon. Bob Sneath objecting here. He would be the first one to demand that the government enter into proper compensation and pay a decent compensation package. Yet, apparently, because they are not members of a trade union the Hon. Bob Sneath does not care about them. I say it again: if these fishermen were members of a trade union, the trade union secretaries and officials would be picketing the government and organising industrial action, etc. Yet, at the end of the day, all these families are asking for is a fair go, to be properly consulted about how their industry is going to be phased out and for this government to show some compassion. I cannot but agree with the previous speaker—these people have been badly dealt with. Instead, all the government is attempting to do here is portray this as a simple motion about gill net fishing. We have a government that is willing to ride roughshod over these fishermen and their families and, quite simply, it is not good enough. I support the motion.

The Hon. T.J. STEPHENS: I rise to support this motion. Thirty commercial river fishers have been denied their right to a living because of a political decision—a decision to benefit purely the Labor Party and nobody else. To implement this decision the Minister for Fisheries offered an ex gratia payment to compensate each of the 30 fishing families that would be forced out of business due to the Lewis-Labor compact to ban gill nets in the Murray River. I would suggest that the minister realised the decision to close down the river fishery would be impossible to justify and, by making a monetary compensation offer, he hoped that the fishermen would go quietly.

The minister has spent the last two months trying to convince all who would listen that his offer to the fishermen was fair and reasonable. The minister may be surprised to find that the 30 fishing families, and certainly all members on this side of chamber and the growing number of people in community who have heard of their plight, do not think that he is being fair and reasonable. There has been absolutely no equity or justice in the offers that have been made to them. The offer equates to adding their previous three financial years' income, dividing it by three and multiplying it by 1.5, which gives to the majority of the fishermen a once-off payment of under $30 000. Is that true?

An honourable member interjecting:

The Hon. T.J. STEPHENS: Yes, it is true, thank you. This payment is supposed to be fair—$30 000 to someone who has been forced to surrender their fishing livelihood for life but who now faces little prospect of finding an alternative income. These are not people who were in financial difficulty. They are not people who had been told that they had an unsustainable fishery. In fact, scientifically, they had been told that they had a sustainable fishery. These fishermen bought out some nine licences in as late as 1996 in order to get themselves property rights—a tradeable facility—and many of them had borrowed on that in the same way as if they had owned a farm.

I have received several letters from fishing families in relation to the offer of compensation. In all cases the government's inadequate offer fails to address the fact that the value of a fishing licence was at least $100 000 until transferability was cancelled by the banning of gill nets. This cannot be disputed. The Fisheries Act National Competition Policy Review Paper of June 2001 (being a summary of licence fees and the value of South Australian fishing licences in 1998-99) valued these river fishing licences at that time for the river, lakes and Coorong at $100 000. One family wrote that their fishing licence has been with the family since 1936. They would not have sold their licence for anything under $150 000, and they have at least $50 000 worth of equipment. They tell me that Mr Holloway believes that this is worth only $38 367.

The PRESIDENT: Order! I will sit the next honourable member down who does not address another honourable member by his or her title. The minister is the Hon. Mr Holloway.

The Hon. T.J. STEPHENS: I apologise, Mr President. The Hon. Mr Holloway.

The PRESIDENT: I will not put up with it any longer.

The Hon. T.J. STEPHENS: They have also been offered compensation for 30 nets at $160 each, but most fishermen have up to 100 nets in lots of 30 because the size of the net

is species specific. The rest of the nets now have absolutely no use and sit in their sheds. Most of the fishermen have had to build sheds in order to store their equipment. Many of them have large refrigeration units. None of this has been taken into account in relation to this compensation offer, yet they are essential tools of trade. The equipment is not tradeable and cannot be used for any other form of making a living.

I agree with this family: the offer of compensation is an insult, and most of the other fishing families have been treated in the same unfair way. In fact, the lowest offer of compensation to one family is as little as $11 000; to another family it is a total of $14 000; and to another $15 000. How can anyone possibly think that fishing families would be able to start again with this amount of money? A marine scale licence, which was originally offered by the minister as an alternative employment option for the river fishers, would cost at least $150 000. Not surprisingly, this offer was suddenly withdrawn by the minister when he realised that his own policy is to scale down the number of marine scale licences.

Fishermen within the marine scale industry have been forced to amalgamate their two licences into one because of possible over-exploitation of this resource. Imagine the furore had the river fishermen been given entrée into their marine fishery. I fear that this is a Labor government that does not understand and does not care about small business, and fishermen are small business people. The Labor Party is good at talking about unemployment and about how someone should be providing jobs so that any man or woman in our community who wants to work can be given a job, but the Labor Party does not appear to understand from where those jobs come.

Those jobs are created by individuals who are willing to go out and take a risk and put their house and their life's savings on the line in order to succeed in business. There have been job losses in closing down the commercial river fishery—the fishermen themselves and those they employ. The indirect jobs lost in fish processing, packaging and transportation have not yet been measured. We have a minister who has no idea about the fishing industry and who is merely a puppet carrying out the Lewis/Labor decision to ban gill nets and to abolish commercial river fishers.

Make no mistake, this decision to ban gill nets by 30 June 2002 delivered government to Labor, and this minister had the unsavoury task of implementing this decision. These fishermen had viable and sustainable fishing businesses and they had a $100 000 fishing licence to carry out that business. They borrowed against this asset—or property right—to improve their business, knowing fully that if they sold up to another fisherman they would recoup that $100 000 plus any capital gain, and they could then repay whatever debts or mortgages they had left over. Minister Holloway knew that most decent governments, when they compulsorily acquire someone's property, would normally pay the market value of that property.

For example, if a highway needed to go through someone's business and therefore their property and the government compulsorily acquired that property, the value of that property would be assessed and paid for. I remind members that the compulsory acquisition of someone's land or property is done only in the state's or national interest, or, in the case of the commonwealth, when Australia has declared a state of war. But these property rights of the fishermen were not acquired in the national interest or as a result of a state of war: they were acquired purely for the benefit of the Labor Party.

Instead, the issue of compensation for the fishermen was treated more like redundancy from a job, and even then the compensation that has been offered is, in most cases, substantially less. These fishermen have been offered something based on a percentage of their previous income. This was not a job redundancy caused by economic factors, company mismanagement or downsizing, and the compensation payable should not be treated as being similar to job redundancy. Perhaps the treatment of the fishermen was more like an exceptional circumstances assistance package, which assists primary producers who have fallen on hard times due to drought or flood.

As I said, the majority of families have been offered less than $30 000 to tide them over—until when, I ask? While these fishermen have not fallen on hard times as a result of drought or flood, the reason they have lost their livelihood could be seen to be as a result of very exceptional circumstances. Instead, the whole issue of compensation is to be handled as an ex gratia payment. That is how the minister has decided to handle it: to pay the fishermen an ex gratia or as-a-favour payment, which, by the way, will halve in September and disappear altogether if the fishermen do not accept it.

'Ex gratia', by definition, means not legally required to do or not compelled by legal right. The treatment of these fishermen is a joke and a disgrace, and we on this side of the chamber say to the government that if it does not have a legal right then it has a moral right to do the fair and decent thing. Let us again be very clear as to why these people have been denied their livelihoods. These fishing families have had to close down their businesses to ensure that Labor would be in power. This was Labor's sole motivation. It was a political decision. These people had viable, sustainable businesses and, considering that there was no justification to close them down other than a political grab for power, they should be even better looked after.

The matter should be dealt with as if the government was purchasing their businesses from them. They had not just a job but a sustainable business, and that business should be purchased from them for full market price. The compensation offered has been based on the previous season's fishing catch, yet these people had essentially a property right. Anyone who has owned a farm or even a house knows that you borrow against that property right. Many of these people have significant debts borrowed against what they believed, as I said, was their property right and was, indeed, their superannuation. The value of these river fishing licences was $100 000.

The average licence fee was $3 500 and the gross percentage value of production was 3.8 per cent. The only fair way—now that we have gone down this ridiculous path—is to buy those people's property and compensate them for their loss of income. If the government says, 'We can't afford that', I remind the government that this is the cost of buying government, and it is only fair that it compensates the victims of this compact with the Speaker in a decent way. These people remain quite determined that they will not accept what the government is offering them. The offers vary and vary widely.

The minister claims that the average expense payable is $90 000. Who is he trying to kid? Anyone can do the sums and say that $2.7 million divided by 30 equals $90 000. This is just an attempt to make the compensation figure much better than it is. The minister knows that the vast majority of

fishermen have been offered less than $30 000 in compensation, which, as we have seen, is well short of the $200 000 loss of property licence and income. For the minister to focus on the average payment is deliberately misleading. He would know very well that payments to each fisherman would vary greatly depending on the size of their reach and the fish they catch, which has been less in the past few seasons because the fishermen chose to under-fish in order to ensure the fishery's sustainability.

The minister may attempt to highlight the fact that one or two fishermen have been offered something in excess of $150 000. He will not acknowledge that these one or two fishermen had relatively big reaches, big catches and big outlays. They also have invested hundreds of thousands of dollars in processing plants and so on and will remain in debt by $200 000 to $300 000. I have cited documentation making individual offers of $11 000, $15 000 and $14 000—not even enough to shift interstate to look for other work.

As I say, many of these people have significant debts. They have borrowed in good faith against an asset which they were given—transferability and property rights—only six to eight years ago. The debate we have today is not due to any Labor Party policy or Liberal Party policy on river fishing and whether it needed restructuring at some time in the future: this is about government by Speaker Peter Lewis and measures taken hastily and callously by the Labor Party to get into power.

The Hon. D.W. RIDGWAY: I rise this evening to support this motion for disallowance. As all honourable members will know, I have been very concerned for some time at the compensation package—or, as the minister says, the ex gratia payment—for the 30 river fishers who were put out of business by the cancellation of their licences. It is unfair, inequitable and does not reflect the true value of those fishing reaches.

My support for this motion is not for a return of these licences—as we all know, that cannot happen—but for a fair and equitable payment for the fishers affected to enable them to leave this industry with some dignity and fair compensation. As I mentioned yesterday in my question, these fishing reaches, or licences, had a value prior to this government coming to office. Members will recall from the question I asked yesterday that a fishing reach was valued during the Fisheries Act national competition policy review in June 2001 at $100 000. This valuation was done by an independent party during a review of the whole South Australian fishing industry. The valuation, of course, has been used by PIRSA in its own documentation. This clearly demonstrates that these licences had a value greater than the ex gratia offer being made.

Yesterday, the Hon. Paul Holloway, Minister for Agriculture, Food and Fisheries, in answering my question, stated:

> In his question the honourable member referred to rights. Of course a fishing licence is a right to fish for fish in a fishery for 12 months. That is essentially the right that is conferred by a fishing licence, that is, a right to fish for 12 months.

These rights to fish appear to be like a 99-year lease that is renewed each year, but that right still exists. I will quote from a couple of letters I have received. One letter states:

> Today was one of the hardest days I have encountered so far. It is four years to the day, the very day, since my father passed away. . . He had to be buried in the cemetery so he could overlook the reach and the river from his last resting place and watch me pulling out my gill nets. This reach has been in the family since 1936. Dad's first house that he and mum built as a married couple is old stone ruins on the reach.

Further, that letter states:

> . . . as in property we looked after it and treated it with respect, as one does to private property. It is my heritage which I had in all honesty believed I would be able to pass on to my children.

Another letter which I received from one of the children of a river fisher, addressed to the minister, states:

> I was just wondering why you want to stop my dad fishing. He doesn't catch many native birds or animals in his nets. It is not fair to treat my dad like this. The reach belonged to my great-grandfather, then great-uncle, then papa and then my dad. I wish I could be a fisherman just like my dad. I will miss feeding the pelicans.

As you can see, this clearly demonstrates that these licences had an on-going sense of ownership and property.

As the minister pointed out yesterday in his reply to my question, the right of transferability has been available since the mid 1990s and a number of these fishing licences have changed hands since that time. Professional fishermen have used these licences and their other assets as security when borrowing from financial institutions. Banks have a commercial lending policy with regard to commercial fishing licences and view these licences as an asset. As you can see, this clearly demonstrates that the licences had a real value at the time the government removed these licences.

The removal of these licences and a ban on gill net fishing in the river was a result of the compact between the member for Hammond, Peter Lewis, and the Labor government. In an interview on ABC Radio on 11 March this year, the minister said in reply to a question by David Bevan about what compensation would be given to the 30 families affected by the ban on commercial fishing in the Murray River:

> Well, look, the matters that need to be looked at, I mean, that's been the practice in the past that when property rights are taken that there's some negotiations take place on the matters that would have to be addressed.

There was an expectation from the member for Hammond that these fishers would be adequately compensated. On the same day, in an interview with David Bevan, the member for Hammond said:

> They will have an income.

David Bevan asked:

> How long?

The member for Hammond replied:

> Well, as long as they live.

He then went on to say:

> It can be capitalised. Whatever they get in annual income over the next several years, for the next 15, 20 or 30 years that they may have left in life, but we will be able to arrive at a figure which is a capitalisation of their income stream. That's a pretty clear concept.

David Bevan then said:

> So it is your understanding that those 30 families will be compensated for the next 15 or 20 years.

The member for Hammond said:

> They will be given a lump sum which is the equivalent of the income they will forgo as a result of not being able to fish for native fish.

David Bevan then said:

> For how long?

The member for Hammond said:

> Forever. It's got to be determined case by case, and it will and it will be done fairly. It does not matter what it is going to cost to compensate them fairly, and I will fight for that. And I'm quite sure that there will not be any necessity for fighting, because [the Hon.]

Paul Holloway and the Labor Party are committed to compensating them.

Along with the member for Hammond's expectations, there was also a community expectation that these fishers would be adequately compensated for their losses. As I mentioned yesterday when referring to the land acquisition act, I believe that, because these licences had a right of transferability, a property right is either inferred or bestowed on the transferability of licences, and the act clearly says that compensation payable to a claimant shall be such as to adequately compensate him for any loss that he has suffered by reason of acquisition of the land. In assessing the amount, the act says that consideration may be given to:

1. the actual value of the subject land, and
2. the loss occasioned by reason of severance, disturbance or injurious affection.

This clearly demonstrates that the ex gratia payment/compensation offered to these fishers is not in the spirit of either the community or the member for Hammond's expectations. In supporting this disallowance motion I urge the government to revisit the packages offered to these fishers and come up with a more fair and equitable offer.

Finally, I refer to the Hon. Bob Sneath's Address in Reply speech, and it is unfortunate that he is not in the council because he might like to cast his eyes up to the people in the gallery. He said:

> I would also like to welcome the Hon. David Ridgway and the Hon. Terry Stephens. I listened to their maiden speeches with interest. I was pleased to hear that they too come from working class backgrounds. Therefore, I would hope that their sympathies with the working class would prevail in their caucus room when debating with some of their more right wing colleagues.

As the Hon. Bob Sneath can see, it is not I who have forgotten where he has come from. I support the motion.

The Hon. A.J. REDFORD: The problem with the minister's contribution this evening is that, as usual, he completely misses the point. These regulations ban gill net fishing in the Murray River, and I accept that the government can, where appropriate, ban a fishery within the terms of the Fisheries Act and make regulations pursuant to that act. The power to make regulations, as the Hon. Paul Holloway would well know, having served on the Legislative Review Committee for a period of four years, is a gift from parliament—a gift from parliament to the executive and a gift which parliament has always retained the right to supervise. The protection of the parliament must be defended and that is what this debate is about this evening.

Indeed, the approach adopted by the government in relation to the question of what compensation ought to be given to these fishers has been tainted by something that I alluded to last week, and that is arrogance. The government has set itself up as judge and jury in relation to the quantum of the compensation to be applied in this case. Regulations are made pursuant to the Fisheries Act, and the Legislative Review Committee has the power and a responsibility to review those regulations. In fact, the Legislative Review Committee is still in the process of considering these regulations.

The committee does not seek to interfere with government policy. It is a longstanding tradition of that committee (although I am a little worried about the way it is heading at the minute) not to interfere with general policy decisions of the government, and that is a principle which I uphold. In my capacity as chair of that committee for four years from 1997 until early this year, I managed to establish a set of principles upon which the committee would consider regulations.

Those principles are taken from every jurisdiction—from every state and the commonwealth—in this country and, in fact, they were tabled in this parliament following the 1997 election and were endorsed unanimously. Indeed, Mr President, you were an active supporter and advocate of the adoption of those principles. Those principles are set out at the beginning of just about every report on regulations and form the basis upon which the Legislative Review Committee makes recommendations to parliament.

I believe it is appropriate that I outline those basic principles that are adopted by both sides of politics and the cross benches without dispute and, indeed, by all political parties throughout this great nation. Those principles are:

(a) Whether the regulations are in accord with the general objects of the enabling legislation.
(b) Whether the regulations unduly trespass on rights previously established by law or are inconsistent with the principles of natural justice or made rights, liberties or obligations dependent on non-reviewable decisions.
(c) Whether the regulations contain matter which, in the opinion of the committee, should properly be dealt with in an act of parliament.
(d) Whether the regulations are in accord with the intent of the legislation under which they are made and do not have unforeseen consequences.
(e) Whether the regulations are unambiguous and drafted in a sufficiently clear and precise way.
(f) Whether the objective of the regulations could have been achieved by alternative and more effective means; and
(g) Whether the regulator has assessed if the regulations are likely to result in costs which outweigh the likely benefits sought to be achieved.

Mr President, you had a big part to play in the development of these important principles. Indeed, there are two parts of these principles, which, I remind members, have been adopted unanimously and which come into play in so far as these regulations are concerned. First, whether the regulations unduly trespass on rights previously established by law or are inconsistent with the principles of natural justice or made rights, liberties or obligations dependent on non-reviewable decisions.

I will take members through this fairly carefully. No regulation has more clearly infringed upon that basic principle than this particular regulation. This regulation is taking a right away from these fisher people. The minister can say, 'Well, they shouldn't have had the right in the first place,' etc., but the fact is that there is a legal right for these people, in the absence of this regulation, to fish in the Murray River. The minister has sought to remove that right by regulation.

I have never seen a clearer example than this regulation which unduly trespasses on rights previously established by law. We set a very dangerous precedent when the executive arm of government can by regulation simply take people's property rights away. Indeed, the way this regulation operates will mean that I and I hope my colleagues in the opposition will severely examine the extent and nature of the regulation-making power that is granted by this parliament to the executive in the future.The way that this minister has behaved in this matter gives us no cause but to trust the minister or this government with a regulation-making power with the view that they think that they can come in here and take people's rights away in the absence of any other response.

The second part of that principle is that it trespasses on a right or an obligation and it is dependent on a non-reviewable decision. The non-reviewable decision that I point to is this

issue of compensation. The minister quite cheekily says, 'This is simply a matter about access to a fishery, and we are removing that access.' But the minister, in his cute analysis, avoids the proposition that these human beings and their families have rights.

I am surprised that this has come from this minister, because up until now and particularly in opposition he had a pretty good track record on this issue. He fought very hard for the rights of different individuals in terms of their rights. The minister has put himself in a position where he will be judge and jury of the compensation package offered to these fisher people. Indeed, in every other piece of legislation that I have ever seen in which this parliament allows the executive arm of government to take people's rights off them we have established a regime where compensation is assessed independently.

This government has not even contemplated any form or process of independent assessment of compensation. I cannot understand how some members of this government can go home and look themselves in the eye let alone mention the term 'social justice' when they have allowed the taking away of people's rights and, at the same time, allowed one person to be the judge and jury about the compensation package.

When we deal with issues such as the acquisition of land, the Acquisition of Land Act says that they are entitled to fair compensation. If the government fails to offer compensation acceptable to that person who has lost their property right, they go to the courts. The courts make a decision as to what is or is not fair compensation. In relation to native title, I well remember members opposite being very concerned about what may or may not happen in relation to the acquisition of title and the property rights associated with native title.

I draw members' attention to part 4 of the Land Acquisition Act. It talks about proper compensation for the loss of native title. I well remember you, Mr President, the Hon. Paul Holloway and the Hon. Terry Roberts fighting the good fight to ensure and protect the rights of those people to have access to proper compensation. Indeed, the Land Acquisition Act says the government:

> . . . must negotiate in good faith with interested persons about the compensation payable for the acquisition of land under this act.

There is no evidence that that has occurred in this case. I do not know whether it is a proper compensation package or not. But, if the government was too lazy or too concerned about presenting something to this parliament to enable all of us—the Hon. Sandra Kanck, the Hon. Andrew Evans and others—to assess whether there was a mechanism to properly assess compensation, then it could at least have set up someone independent to assess whether compensation was adequate or not. It would not have been all that hard to say to these people, 'We know that you are not covered under the Land Acquisition Act. We know that the Fisheries Act has no provision in it for adequate compensation. We recognise that there is potential for conflict of interest.'

I must say that all the rhetoric about honesty and accountability of government is starting to unravel far quicker than I ever anticipated. The government could easily have said that it would appoint an independent assessor to determine a fair compensation package and submit the government to a proper assessment of what is fair. But did the government do that? No. This government was not in office for three weeks before its arrogance got way out of control. I was quoted in the paper the other day as saying that it has taken this government five months to become as arrogant as we were after five years. Even at the end of our term we would not have had the gall—

The Hon. T.G. Cameron: You are conceding that you were an arrogant government!

The Hon. A.J. REDFORD: Absolutely. We have learned a few lessons and I am grateful for that interjection. We have learned some lessons.

The Hon. T.G. Cameron: I am sure all your mates are, too.

The Hon. A.J. REDFORD: If I can just be sidetracked ever so slightly, can I say that the honourable member would be surprised at some of the soul-searching that we have done, and the way in which we have fessed up to some of the mistakes that we made while we were in government; which is in stark contrast, I might say, to the Hon. Paul Holloway and what he says about the State Bank. But I think I have strayed way too far.

Can I say how outrageous it is—for a simple deal for a few dollars—for them to sit there and say, 'We will assess the compensation claim. We will have a meeting with you blokes and then we will go away and decide whether it is fair or not.' Talk about an appeal from Caesar to Caesar. If members opposite, and on the crossbenches, cannot see that simple principle then I really wonder just how far politics is going to intrude into the proper rights of ordinary people in South Australia. I am really fearful if members on the crossbenches and some members of the government cannot see that this is just a small step down the very slippery slope of the state taking total control of people's lives.

The Hon. T.G. Cameron: Do you want Andrew and me to change our minds, do you?

The Hon. A.J. REDFORD: I am not talking to you. I am talking to some others.

The PRESIDENT: Order! The honourable member will address his remarks through me, and the Hon. Mr Cameron will cease to interject.

The Hon. A.J. REDFORD: I direct what I say specifically to the Australian Democrats and that is: this is an exceedingly important principle. The fact of the matter is that by simply voting this regulation down now we say to the government that it should set up a mechanism that people can have confidence in, and that it should set up a mechanism so that these fishermen—and we know that the future of their fishery is in extreme doubt—can have confidence that we, as a parliament, will not allow this executive arm to completely dominate ordinary, individual people's lives.

If we in the Legislative Council do not stand up to government and stand between government and the people then we are just another step towards executive government. That would be very sad. So I urge members, particularly the Australian Democrats, to seriously look at this. Can I say to the honourable minister that I have very grave concerns about the attitude of the fisheries department and its whole approach, and indeed its arrogance, to people and their rights. I do separate the minister and the government from that.

Mr President, you may well recall when I served as chair of the Legislative Review Committee and you were a member of that committee, the occasion where the fisheries department decided to take a fishery right away from certain river fishers—the right to fish in the estuaries if I remember rightly. You may remember, Mr President, that the fisheries department put a condition on the fishers' licences to prevent them from fishing in these little estuaries. Then, with that condition on their licence, these fishermen used their legal

right, granted to them by the parliament, to appeal to the courts.

The department and the government—and it was a Liberal government—when the matter got to court, sent the Crown lawyers down to say, 'We concede your argument. We concede that we have taken your legal rights away from you, and you can have your order deleting the condition off the licence.' Then, Mr President, you might recall, they said, 'and we will pay your costs' and sent a cheque off to these fishermen to pay their costs. Immediately they had sorted that court case out, they rammed through a regulation doing precisely what they did on the licences, that is, taking their rights away.

I know that all of us in this chamber have passionately fought or supported others who have fought for people's rights. If we take their rights away from them, and I accept that there are occasions when the state should—or may need to—take their rights away and there is to be compensation, there should be a process in which the public can have confidence. This department and the minister—on this occasion—have done nothing to enhance that public confidence.

At the end of the day—and I say this to the Hon. Sandra Kanck—if it is disallowed at least the government will go away, have a good hard look at itself and adopt a basic principle of a regime under which proper compensation can be given. Then a process can be adopted. Thus I urge the Australian Democrats, because whilst they may be wrong on some issues, I know that they are deeply concerned about the rights and wrongs of how some of these things are done, and I know that deep down they would like to see a proper and fair process.

The Hon. SANDRA KANCK: Last year I spent about three hours on a Democrats stand at the Port Elliott show. We had a number of survey questions that we were putting to people as they walked past our stall. One of them was about removing commercial fishing licences—and it was a pretty broad question—in the Murray River. I was very surprised at the uptake for that question. People were, in many cases, going through all of the questions and putting nothing against any of them except for that particular one, and when they got to that particular question it was, 'Oh yes. I am going to say "yes" to that one.' It was an amazing response that we as a party were not anticipating. I think it indicates that there is a growing awareness about sustainability and native fish stocks in our rivers.

The issue of gill nets on the Murray River is one that has been brewing for a long time and it was obviously brought to a head some six months ago. For the Democrats the issue is the long-term sustainability of the Murray River and we certainly do not see that gill netting as a practice adds to that sustainability. Many of our native fish species are under threat. Gill netting simply makes it worse. It is an indiscriminate form of fishing that impacts on other flora and fauna in that system, and for those reasons the Democrats will not be supporting this motion.

The Hon. J.S.L. DAWKINS: I support this motion. I understand that many other members have put substantial contributions to this debate. I was a member of the Environment, Resources and Development Committee that unanimously brought down a report into fish stocks of inland waters in March 1999. For those members in the chamber, and for those in the gallery, I will name the members—

The PRESIDENT: The honourable member knows he is not to address the gallery.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: The committee comprised members of four different parties in the parliament, including the member for Schubert (Mr Ivan Venning) and me from the Liberal Party; the current Minister for Regional Affairs (Hon. Terry Roberts) and the current Minister for Social Justice (Hon. Stephanie Key), both from the Labor Party; the member for Chaffey (Ms Karlene Maywald) from the National Party; and the Hon. Mike Elliott from the Australian Democrats. I quote recommendation 7 of the report, as follows:

> The committee recommends the immediate investigation into a fair and equitable way of phasing out the commercial river fishers from the Murray River over a period of no more than 10 years. All those who have a vested interest in the future sustainability of the Murray River should be considered to share whatever cost is associated with the phase-out.

I am still firmly of the belief that any changes—I reiterate 'any changes'—to the commercial fishery should have been foreshadowed and implemented over a considerable time, following full consultation with the industry. I support the motion.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That the debate be now adjourned.

The council divided on the motion:

AYES (10)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Kanck, S. M.
Roberts, T. G.	Sneath, R. K.
Stefani, J.F.	Zollo, C.

NOES (6)

Dawkins, J. S. L.	Lawson, R. D.
Redford, A. J.	Ridgway, D. W.
Schaefer, C. V. (teller)	Stephens, T. J.

PAIR(S)

Gilfillan, I.	Laidlaw, D. V.
Elliott, M. J.	Lucas, R. I.

Majority of 4 for the ayes.

Motion thus carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: URBAN DEVELOPMENT

Adjourned debate on motion of Hon. J. Gazzola:

That the Environment, Resources and Development Committee be requested to investigate and report on urban development in South Australia having regard to—

1. global and regional development trends;

2. the changing role of cities;

3. the cost and benefits to the state;

4. performance of, and strategies for, developing and promoting current projects;

5. any other relevant matter.

(Continued from 21 August. Page 729.)

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. J. Gazzola:

That the annual report, 2001-02, of the committee be noted.

(Continued from 21 August. Page 730.)

Motion carried.

MANOCK, Dr C.

Adjourned debate on motion of Hon. Nick Xenophon:

1. That this council expresses its deep concern over the material presented and allegations contained in the ABC's *Four Corners* report entitled 'Expert Witness' broadcast on 22 October 2001, involving Dr Manock, forensic pathologist, and the evidence he gave from 1968-1995 in numerous criminal law cases.

2. Further, this council calls on the Attorney-General to request an inquiry by independent senior counsel, or a retired Supreme Court judge, to report whether there are matters of substance raised by the *Four Corners* report that warrant further formal investigation.

3. That the Attorney-General subsequently report, in an appropriate manner, to this council on the allegations made in the *Four Corners* report and their impact on the administration of justice in this state.

(Continued from 10 July. Page 445.)

The Hon. SANDRA KANCK: I will be very brief because I made a contribution to a similar motion last year. Having watched the *Four Corners* program referred to in the motion, I was astounded at some of the practices and inconsistencies that were revealed. I believe, on the basis of the evidence presented in that program, that this motion should be supported.

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

STATUTES AMENDMENT (ROAD SAFETY INITIATIVES) BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 138.)

The Hon. R.K. SNEATH: The government does not support this bill. In July the government announced a comprehensive package of road safety regulatory reforms that will bring South Australia into line with nearly every other Australian state and territory. The package before us in this bill is limited and does not bring us into line with the rest of Australia with regard to some fundamental road safety measures. To contrast this, the government will be introducing a comprehensive road safety regulatory bill upon the return of parliament in October this year.

The government's package includes a number of measures not incorporated in this bill, including issues such as requiring a person to hold a provisional driver's licence for at least two years or until they turn 20, whichever is the longer; demerit points for camera-detected speeding offences; allowing red light cameras to also detect speeding offences where possible; mandatory loss of licence for drink driving offences of between .05 and .079; and mobile random breath testing at all times, not just for the limited times in this bill. The government will also strengthen testing requirements for learners permit drivers. There will be a minimum period of six months on a learners permit for all drivers, not just those who undertake a practical test.

The government will also prohibit learner drivers from resitting a practical driving test for two weeks after failing a test, and it will add the period of any licence suspension to the normal learners permit and provisional licence periods. The government notes that some elements of this bill also are to be included in the government's bill, such as the provisions that allow for the use of digital camera technology and for fixed speed cameras. However, the government does not support consideration of the limited provisions in this bill at this time. Rather, it has either gone further with its own bill—with examples like mobile random breath testing and minimum periods of six months on learners permits—or identified some of the measures in this bill as warranting consideration within its phase 2 regulatory reforms, such as an additional penalty for excessive speeding.

The phase 2 measures were identified as needing further community consultation and should build on the fundamentals to be contained in the government bill rather than precede them. As members can see, the government bill, to be introduced when parliament resumes, is quite a lot more extensive than this bill. This is why the government will not be supporting this bill but introducing a bill that picks up measures to bring South Australia more in line with other states and territories.

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

CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 452.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The motion before the chair is, 'That this bill be now read a second time.' I move:

Leave out all words after 'that' and insert 'the bill be withdrawn'.

Honourable members would be aware that earlier today I gave notice that tomorrow I would be moving a motion to establish a joint select committee of the parliament in relation to the issues covered by this bill. The government has agreed to establish a joint select committee into this matter. As I understand it, for that committee to proceed, it is necessary that this bill be withdrawn. I hasten to add that I am not seeking to prevent other members this evening from speaking on it but, at the end of the debate, it will be necessary for the bill to be withdrawn if that select committee is to be established.

The Hon. R.D. LAWSON: I rise to indicate that the Liberal opposition will support the establishment of a committee to examine the issues agitated by this bill introduced by the Hon. Andrew Evans. Can I say at the outset that we commend the Hon. Andrew Evans for raising this important issue in the parliament. He has, since very soon after his election, championed this cause, and there are a number of people in the community who strongly support him, and whom he supports. In particular, the organisation known as Advocates for Survivors of Child Abuse: Breaking the Silence has been at the forefront of raising public awareness about this issue by collecting signatures and writing to members of parliament and to the press to bring

attention to the significant apparent injustice of the current law as it relates to the prosecution of persons alleged to have committed certain classes of sex offences.

In indicating support for the bill, I emphasise that the Liberal Party has not yet adopted a particular position in relation to the substantive measure. We think that this is an issue that ought to be examined closely by a committee—not across the political divide, but in the quiet and considered atmosphere of a parliamentary committee, when victims of crime, lawyers and other advocates can present not only written argument and case history but also a wide range of views not currently available.

In indicating our support for the measure, I think it is worth while to briefly outline some of the history that the Hon. Andrew Evans mentioned in his speech in support of his motion. I refer to *Hansard* of 1 October 1952. The then Premier and Treasurer (Hon. Tom Playford) introduced a bill entitled the Criminal Law Consolidation Act Amendment Bill. That bill proposed a number of amendments to the Criminal Law Consolidation Act. It arose out of a committee that had been appointed by the government to investigate and report on the appropriate methods of dealing with sex offenders. The report was tabled in the parliament: it is parliamentary paper no.58, 'The report of the committee on treatment of sex offenders'.

I commend that report to members for its exposition on this point, and also to students of legal history and societal issues. It makes very interesting reading in its treatment of a number of matters that are still current today. The committee comprised Dr M.H. Birch, who was Superintendent of Mental Institutions; Dr Frank Beare; Mr R.R. Chamberlain, KC, who was at that time the Crown Solicitor; and Mr Claude Philcox, who was a barrister with long experience with respect to criminal cases (he was a very experienced criminal lawyer with a very good reputation, who was still in active practice when I came into practice). The Premier described the report as a sound, moderate and well reasoned document. I will read from a section of it which deals with this issue. No doubt, the committee in due course will look at the issue, but this should be on the record. Under the heading 'Time limit for laying of charges', the report states:

> The only time limit at present anywhere prescribed for the laying of a charge for an indictable offence is that in section 55(3), which provides that no prosecution for carnal knowledge of female idiots or imbeciles, or girls between 13 and 16, shall be commenced more than six months after the commission of the offence. There is no justification for distinguishing these offences in this respect from all the other sexual offences, and in fact, so far as carnal knowledge of girls between 13 and 16 is concerned, the time limit is nullified by the practice referred to above of charging indecent assault.
>
> While this particular provision is illogical and, in our opinion, too short, we think there is a good case for the imposition of some general time limit for the laying of all sexual charges. The courts frequently remark on the difficulties both in proving and disproving these offences, and it is obvious that these difficulties increase with the lapse of time. Moreover, two matters were brought to our attention during the course of the evidence which emphasise the desirability of this reform:
>
> (1) *Blackmail*—A solicitor with an active practice in the Criminal Court informed us that he knew in his own practice of a number of cases where men guilty of homosexual practices in the past had been subjected to effective blackmail. None of these men was willing to seek police protection for fear of the disgrace attaching to the disclosure of practices long since abandoned. While we had no evidence of this from any other source we have no reason to doubt the accuracy of what we were told, and although the practice of blackmail in this way may not be extensive, we recognise it as a distinct and very sinister possibility.
>
> (2) The police were recently called to investigate a dispute involving some violence between a husband and wife. In the course of the inquiry the husband confessed that some years before he had committed incest with his daughter, now happily married with a family. The officers, in our opinion very properly, sought advice before taking action, and the Crown, in the exercise of a wise discretion, advised against any proceedings. If the police, as they might easily have done, had made an immediate arrest, the story would have been made public, with tragic consequences to the daughter and her husband and family. We think there should be a time after which events such as this could be regarded as buried.
>
> We recommend the insertion of a new section in terms of the following effect:
>
> No information should be laid for any offence specified in subsection (3) more than three years after the commission of the offence, or if the identity of the offender is not known at the time of the offence, more than three years after the time when such identity is known.

One might say that the grounds relied upon by the committee in 1952 which imposed a three year limit were scant, to say the least—one might have thought scant even by the standards of that time. However, certainly in the way in which sexual offences are considered these days, there is clearly insufficient evidence to warrant the enactment of the time limit which was subsequently introduced.

It is interesting to see in the debate on the matter in the House of Assembly that the then member for Hindmarsh Mr Hutchens said:

> The provision in clause 10 is desirable.

He talks of the provision in the 1952 bill which imposed the time limit. Mr Hutchens continues:

> It sets out a limited time in which a charge for a sexual offence may be laid. We have all heard of the past being raked up against a man when it should have been forgotten long ago. Often it is done after a man has settled down to married life, and it causes disharmony between the man and his wife.

Once again, that is a somewhat quaint justification for granting an immunity of this kind. It was in 1985 that this anomaly was addressed, and the Criminal Law Consolidation Act was again amended by repealing the section that had been inserted in 1952. As the Hon. Andrew Evans mentioned, that repeal received bipartisan support. It provoked no debate or discussion as to whether or not the repeal would have any retrospective operation.

In 1989, the Court of Criminal Appeal in the case of R v Pinder had to consider the effect of the 1952 repeal followed by the 1985 amending act. In a judgment delivered by Chief Justice King and agreed in by the two remaining judges of the court, it was held in effect that offenders who had acquired immunity through the effluxion of the statutory three year period were entitled to keep it. Chief Justice King said:

> The 1985 amending act contains no provision as to whether it is to operate retrospectively. Guidance may be obtained from accepted cannons of construction and in particular from the provision in section 16 of the Acts Interpretation Act which so far as material is as follows:
>
> (1) Where an act is repealed or amended, or where an act or enactment expires then, unless the contrary intention appears, the repeal, amendment or expiry does not affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable, or any status or capacity existing prior to the repeal, amendment or expiry.

Based partly upon that provision and also upon other authority, the court reached the conclusion which it did—a conclusion which would in effect be reversed if the bill proposed by the Hon. Andrew Evans were to be enacted.

This matter has a long history. These days there is a widespread acceptance in our community that the sexual abuse of children occurs all too frequently. When revelations and allegations of such abuse first began to appear in large

detail—it must be 15 or 20 years ago now—the community was for quite some time in denial. Many people did not believe that abuse of this kind occurred. Many could not bring themselves to believe that children would be used in this way. However, as the evidence mounted, as proof accrued and as more and more victims came forward, what began as denial came to be an acceptance and an abhorrence of sexual abuse.

Accordingly, it is appropriate in the current climate of abhorrence or abuse and support for the victims of criminal activity that we examine whether or not what was enacted in 1985 should be allowed to stand. I welcome the minister's indication that the government will be supporting the establishment of a committee. I look forward to ensuring that that committee has a vibrant existence. I am sure that it will be supported by most if not all members of this parliament. I certainly indicate that the Liberal Party strongly supports the establishment of the committee and will participate fully in its activities.

The Hon. SANDRA KANCK: Next week is Child Protection Week, so it is fitting that we are addressing this question today. The renowned psychologist Erik Erikson said, 'The most deadly of all possible sins is the mutilation of a child's spirit'. For me, the crime of child abuse is the ultimate crime. The abuse perpetrated by an adult who is known to and initially trusted by a child is an abuse of trust and of seniority, as well as the physical act itself and the mental and emotional abuse that goes with all that. A couple of years ago I had some correspondence from Advocates for the Survivors of Child Abuse (ASCA). It sent me a document called 'Why can't I forget?' It begins by saying:

> Children are very trusting, and have a natural need for affection and approval. Children also have very little power over what happens in their lives—they are taught to obey adults and to look to them for guidance.
> SEXUAL ABUSE
> · is a misuse of adult power
> · is a betrayal of a child's trust and affection
> · is a denial of a child's right to feel safe and valued
> · is a violation of a child's personal boundaries and sense of self.

We know that so many of the convicted child abusers in our criminal justice system were themselves victims of child abuse. Child abuse creates child abusers and child abuse creates victims, and society is the loser. Victims may suffer poor self-esteem, preventing their functioning fully in our society; and, if their behaviour becomes dysfunctional, the costs rebound on society in terms of relationship breakdowns and criminal activities. Again, I refer to the document, 'Why Can't I Forget?' Under the heading 'Self-Esteem', it states:

> Being sexually abused—

and it is addressed to the survivors of child abuse—

> gave you the message that what you wanted or how you felt did not matter. The abuser may have blamed you for his behaviour or you may have felt responsible, even though you were powerless to stop the abuse. As an adult you may feel that:
> · you have no rights
> · you have no control in your life
> · you are a bad person.

Under the heading 'Your Body', the document states:

> The experience of sexual abuse produces confusing, frightening and possibly painful bodily sensations in a child. One way that children cope with this is by learning to go numb or by detaching themselves from what is happening physically.
> As an adult you may
> · be disconnected from bodily sensations
> · feel bad about your body
> · inflict pain or injury on yourself
> · abuse alcohol, drugs or food

Under the heading 'Sexuality', the document states:

> A child who has been sexually abused has had an adult's sexual knowledge and needs imposed upon her. She has been denied the opportunity to develop and explore her own sexuality. Sexual behaviour becomes linked with powerlessness and confusion. It may also be the only source of affection and approval the child experiences.
> As an adult you may
> · go numb during sex
> · avoid sex
> · seek sex to meet other emotional needs
> · be vulnerable to sexual exploitation.

This is the sort of dysfunctional behaviour that can emerge, and I think that some of those things even understate the case. Those victims who are able to get themselves to a point where they can call themselves survivors—rather than viewing themselves as victims—travel a long and hard road. Allowing abusers to remain unapprehended means that any chance of their behaviour being altered is not possible. If we allow the present flawed system to continue without reform, we effectively consent to this cycle of victims becoming perpetrators who in turn create more victims who in turn become perpetrators.

Provisions such as this one with which we are dealing and which applies to child sexual abuse would not be considered acceptable in the case of murder, so why then should we accept a statute of limitations when it comes to child sexual abuse? Two years ago ASCA began a campaign to remove this limitation. It presented petitions to the parliament, which I think it has been doing now over the last two years. As a consequence of the mail that I received, I wrote a letter to the then attorney-general, the Hon. Trevor Griffin. He wrote back in his usual non-emotional way and simply explained the arguments and the history, which the Hon. Mr Lawson has already put on record, and I want to quote from that letter. The former attorney-general explained what happened in 1985 and said that the parliament did what it did against a particular background. His letter states:

> As a matter of public policy and as a part of our legal and democratic tradition, parliament ought not to take away people's rights retrospectively however much we may be of the view that a particular case ought to be dealt with differently from what the law allows.

I recognise that, at that time, the Hon. Trevor Griffin was saying in this letter what the parliament was saying and thinking in 1985. However, my response to this issue of not taking away people's rights retrospectively is that I cannot see that there was ever a right to abuse a child. That fundamental right is there for me in this question. In his letter, the Hon. Trevor Griffin (again explaining the background to the 1985 decision) states:

> This is a principle of elemental justice which has stood the test of time for more than 40 or even 100 years.

Again, the question for me is: what about justice for those people who were abused? Surely that is elemental. I received a letter from a member of ASCA—a survivor of child abuse—who thanked me for the response that I had given him. His letter states:

> Most offenders molest many children many times during their lifetime. . . My perpetrator was 26 when he molested me dozens of times in 1962. He is still—

and he double underlines 'still'—

on the list of SA Police Child Exploitation Investigation Unit, 1 Angas Street. He travels a lot and I suspect he is still molesting children overseas and in Australia. He has no—

and 'no' is bold and double underlined—

criminal convictions. He is very good at silencing his victims and I was only able to take civil action as of course I was abused prior to 1982.

The issue, I understand, from 1985 when parliament was considering this was retrospectivity but, as a principle, it seems to me that retrospectively it was never legal to abuse a child. In his letter to me dated two years ago, the Hon. Trevor Griffin says that the survivors of child abuse who may be wishing to go down this path of wanting to take legal action may in fact find it very unsatisfactory. His letter states:

Cases involving disputes about the nature of memory and hence the truth of the allegation have become a battlefield of expert testimony.

He further states:

More likely, though, in cases where there is a long delay between the events alleged and the trial, the judge will direct the jury to take into consideration the difficulties created for the defence by the delay as well as the enhanced risk that the complainant's claimed recollections are unreliable. These directions are quite forceful and are emphasised on appeal from any conviction. In addition, there is the problem of which law to apply. It is clear that the substantive law, as at the date on which the offence is alleged to have occurred, is to be applied. That means that if, for example, the offence was alleged to have occurred in 1960, rape and carnal knowledge laws as they applied in 1960 would be applied to the trial. The status of evidentiary rules is not clear. The question would be whether any given rule substantially affected the rights of the accused. These are not simple questions and may result in the laws of another era operating unfavourably to the complainant.

I accept what the Hon. Trevor Griffin said in this letter, but I would like the right to make that choice, as to whether or not to take the legal action, to be left up to the survivors of child abuse. They may take legal advice and decide that, on the basis of that legal advice, they do not want to go down that path, but that decision should be their right. I received a faxed letter a few weeks ago in relation to the bill before us. The letter is effectively anonymous because the name was cut off in the process of the faxing. Whoever sent this letter to me wrote at the top, 'It has taken a great deal of courage for me to write this out publicly at all.' The letter states:

It is not so much that I would wish to prosecute this person/people in a court for the physical and sexual violence I witnessed and was subjected to as a child. But I want you to understand how that utter powerlessness as a child and vulnerability, fear and trauma is compounded knowing that I remain powerless as an adult too. . . Leaving the law as it is means I can only ever be a 'victim' in the eyes of the law, I can't act to prosecute at all.

This is wrong. I agree with what this person is saying. I believe this bill is an important initiative. However, I understand from what the Hon. Paul Holloway has said that, in order for this to be referred to a committee, the bill itself will have to be withdrawn. On the basis that it will go to a committee which will be allowed to effectively do its work—to take evidence from the many people who have been sexually abused and at the present time do not have a right to seek justice in our courts—I will support the government's move to withdraw the bill, but do so with the very strong position that this bill is much needed.

The Hon. G.E. GAGO: I intend to make a few brief comments concerning this motion. First, this government welcomes this bill and welcomes the opportunity to have a serious and informed debate about this issue. As parliamentarians, we have the enormous honour of representing the public of South Australia in this place. With that honour comes a significant responsibility. Among the most important of those responsibilities is to afford protection to those who cannot protect themselves and to ensure justice for those who have been wronged.

It is an unfortunate truth that there are many in our community who have been victims of abuse but who are unable to access justice through the court system because of the effects of prohibition against prosecution that the Hon. Andrew Evans' bill seeks to remove. This may be because, for instance, it may not have been until the child victim reached adulthood that he or she was able to report the offences themselves. Also, in pre-1982 cases there may not have been an adult who was able or willing to report the offence within three years of its occurrence and, in that case, the offence went unpunished.

But, as the Hon. Andrew Evans noted in his second reading speech, this parliament does not lightly create retrospective legislation, nor does it, nor should it, add to the burden borne by our prosecution service without carefully analysing and examining all of the issues concerned. As was pointed out by the Attorney-General in his press statement concerning this matter on Friday 21 June 2002:

With long delays in prosecution come difficulties of proof and there have been cases where the courts have stayed a number of long-delayed sexual abuse prosecutions on the basis that the accused cannot receive a fair trial.

These are significant—

The ACTING PRESIDENT (Hon. A.J. Redford): Order! There is far too much audible conversation.

The Hon. G.E. GAGO: These are significant and important issues which need to be examined from an informed and unemotional perspective. If changes are going to be made they should be done with a comprehensive understanding of all the consequences. I am advised that the Hon. Andrew Evans and the Attorney-General—

The ACTING PRESIDENT: Order! Again, there is far too much audible conversation. If you want to have a conversation, do it outside.

The Hon. G.E. GAGO: Thank you for your protection, Mr Acting President. I am advised that the Hon. Andrew Evans and the Attorney-General have met and discussed this issue on more than one occasion and have reached agreement on the appropriateness of a joint select committee of parliament to consider the matter and to report back to this parliament on the merits of this bill. The government thanks the Hon. Andrew Evans for his cooperation and looks forward to working with him to expedite the work of the joint select committee to ensure that this matter is addressed by this parliament as soon as practicable. I commend the motion to the council.

Motion carried; bill withdrawn.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: HILLS FACE ZONE

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

That the report of the committee concerning the hills face zone be noted.

(Continued from 21 August. Page 728.)

The Hon. DIANA LAIDLAW: I support the motion to note the report of the Environment, Resources and Develop-

ment Committee concerning the Hills Face Zone. This report is particularly important because people of Adelaide and beyond regard the Hills Face Zone as of great importance to our city and to our state. It is also an increasingly important issue across the state. It is prized as a natural backdrop to our city but it is also true, however, that the aspirations for the zone conflict in terms of the original objectives for the zone.

I am one who places a high regard on the fact that these aspirations have changed, and we have a very different set of circumstances to deal with today than we did when the zone was first gazetted in 1967. The principal reason for gazetting the zone all the way back to 1967 was to deal with infrastructure issues and the engineering and cost factors associated with taking water and sewerage services to the eastern boundary generally contained by the top ridge of the Mount Lofty Ranges visible from the Adelaide plains.

Today, the natural backdrop characteristics of the zone are highly important to people generally. Most people in this state do not understand that the area of the Adelaide hills face zone they see from the plains, particularly the more densely populated CBD area, is only a small portion of the hills face zone. That is why I so strongly support the recommendation for an education campaign in relation to the zone, which is one of the nine recommendations contained in the report.

The zone is some 91 kilometres in length. Some 70 per cent of the land contained in the zone is privately owned. Much of it is in the Mount Lofty watershed area, which is particularly important for the metropolitan area because 60 per cent of our water comes from there. In addition, the topography across the hills face zone varies enormously from very steep land and gullies with a lot of native vegetation to more gentle slopes that have long been used for horticultural purposes.

I joined the Environment, Resources and Development Committee in May this year and, during the five short months that I have served as a member, I have really enjoyed my responsibilities and participation. I particularly record my thanks to the member for Giles and chair of our committee, Ms Lyn Breuer, for encouraging lively debate and, despite the diversity of opinions amongst the members of all political persuasions and the various interests of members, we have already proven that we are able to reach a united view on a report as sensitive as this one dealing with the hills face zone.

Our approach will be that any further outstanding differences of opinion between committee members can be aired by any member when speaking to a report in this parliament, and that is something I intend to do this evening. I would like to thank the Hon. John Gazzola for the thorough way he canvassed the background to the committee's nine recommendations.

I also highlight that I was very familiar with the issues addressed in this report, although I was not a committee member when the reference regarding the hills face zone was taken up by the committee. However, as the former minister for transport and urban planning, the former committee notified me on 10 October last year that, following an assessment of the hills face zone PAR, it intended to support the PAR but had various concerns of a broader strategic nature it wished to pursue.

I am confident that all nine recommendations will be particularly helpful to the current minister in addressing the issue of the hills face zone now and in the longer term. On the basis that the recommendations dealt with issues which were before me as the former minister, I was very aware—not only through representations to me and from the Conservation Council and a number of the nine councils with responsibility for planning and development issues within the zone but also from a longstanding interest in the zone—that we would have to deal with a number of inconsistencies in the zone in terms of planning applications and outcomes of assessment processes.

We also had to deal with a lot of outstanding issues. As the zone has developed a higher profile and become a more sensitive issue across the electorate there has been a tendency for governments and bureaucracies to develop a hands-off policy about some of the controversial issues for fear of criticism. So I appreciated the opportunity to be a member of this committee and advance issues that I had taken up with councils when I was minister.

I highlight initially one of the tasks I undertook to address my concerns—and those of Planning SA—about inconsistencies in some policies and the interpretation of them between councils, which were addressed at a meeting of councils on 7 December 2001. I subsequently wrote to councils proposing that the best method to deal with these issues was to use the new provisions in the Development Act relating to a regional advisory assessment panel.

Some 18 months ago, the parliament strongly adopted the need for regional planning across councils. Certainly, we have enjoyed in this state in more recent times the amalgamation of some councils. But, when you consider a sensitive area such as the hills face zone and acknowledge that nine councils have some degree of responsibility (some certainly more than others) for this zone, the provision for planning and assessment across zones would appear to be an ideal format for considering the difficulties that are of concern to the public and the government in terms of the hills face zone.

Accordingly, following that 7 December meeting last year, I wrote to the councils. I will read from my letter at that time where I highlighted, in part, the background to the issue. It states:

> Noting that the panel proposal has arisen from and formalises earlier discussions between the Mitcham, Burnside and Marion councils on a range of concerns about development in the hills face zone, including the nature of some policies and inconsistencies in interpretation of policies from one council to another. The government shares these concerns.
>
> Of course, one of the number of actions that can be taken is for the government to establish a delegated subcommittee of the Development Assessment Commission (DAC) with appropriate representation from councils. This is not my preferred path. In the first instance, I favour providing respective councils with the opportunity to act on the issues of shared concern and highlight that an ideal forum for this purpose is the Regional Development Assessment Panel initiative provided last year by amendments to section 34 of the Development Act 1993, (as part of the ongoing system improvement process). In advancing the establishment of a regional development panel, I consider that all nine councils with some responsibility for the Hills Face Zone should be invited to participate. It is not critical, however, if all councils do not choose to opt in and it may yet be resolved that only a core of councils in the central zone participate at this time.

In relation to the action plan and policy framework I said as follows:

> Overall, I emphasise that the panel proposal forms only one aspect of a comprehensive action plan for the Hills Face Zone that the government will advance over the next 18 months. Features of the plan included undertaking to review and update the policy framework for the zone and address 'viewscape issues'. Certainly the shared insights gained through the panel process would prove invaluable in processing this policy work. A broad community education and awareness program will also be a vital part of the action plan.

The next subheading was 'A Regional Assessment Panel Proposal', and I said:

> Generally, at this stage, it is proposed that the panel operate:
>
> 1. on an interim basis for a period up to 18 months.
> 2. with assessment powers relating essentially to the area of immediate concern—residential and allied development (for example, single-storey detached dwellings and additions to dwellings), large outbuildings and farming etc., (refer to the draft Memorandum of Understanding that is attached).
> 3. with the Presiding Member of the Development Assessment Commission as chair; and
> 4. with membership comprising one representative of each participating council, either an elected member or a senior officer nominated by the council.

I further went on to say:

> It is further proposed that individual councils continue to deal with horticulture (including viticulture), minor dwelling additions, small sheds/outbuildings, fences and minor extensions to existing uses.

Again I suggested that members of councils refer to the draft Memorandum of Understanding that was attached. I highlighted the following:

> The state government, through Planning SA, will provide an executive officer to serve the panel, plus administrative support, in order to alleviate resourcing issues for councils. Further funding, up to $20 000 per annum, will be provided for appeals deemed by the Executive Director of Planning SA to be of regional significance. During the operation of the panel, I also propose to seek advice from members regarding the most appropriate development assessment model for the hills face zone in the longer term, including the provision of additional assessment powers, beyond those currently administered individually by councils. In the meantime, the establishment of the proposed panel will require subsequent amendments to the Development Regulations 1993 in order to determine the following matters:
>
> 1. the kinds of developments to be assessed by the panel;
> 2. the number of members, criteria of the membership, procedures to be followed with respect to the appointment of members, terms of office of members, conditions of appointment of members and the appointment of deputy members;
> 3. the presiding member and the deputy presiding member;
> 4. procedures of the panel;
> 5. staffing and any other support issues relating to the operation of the panel;
> 6. any special accounting or financial issues;
> 7. reporting by the panel on its operations and discussions;
> 8. how the participating councils will meet responsibilities for costs associated with the panel, primarily in the areas of planning appeals and enforcement of decisions; and
> 9. An 18 month sunset clause.

I concluded by saying:

> I propose that the finer details of these issues be finalised in conjunction with the hills face zone councils pending in principle support for the panel.

I attached terms of reference and a Memorandum of Understanding, and then asked the councils to advise Planning SA of their decision by the end of January.

I highlight the letter at this time because, as I recall, the councils with major responsibility for the hills face zone did respond positively to this invitation—or perhaps challenge—from the government that, on a voluntary basis, they set up a regional development assessment panel. Certainly, not all councils did so. It will not surprise anybody in this place, from the comments I have made in the past, that Burnside did not agree to participate, and certainly Salisbury and, I think, Onkaparinga had really no reason to participate, because they have got about one square kilometre, if indeed as much as that, of the hills face zone within their council area. Most of the main players agreed: Burnside being an exception and I do not recall the response from Campbelltown.

What was disappointing to me was that there was not united support across councils recognising that if they did not take charge of the issues that were of concern to the government of the day—and, I suspect, the government today—and the general public about development in the hills face zone, others would make the decisions for those councils. I highlighted that in my letter. I said it was not my preferred position that the powers be taken away from councils for planning in the hills face zone by the formation of a subcommittee of the Development Assessment Commission, with appropriate representation from councils.

I stress today that it is still not my preferred position, but if councils do not lift their game, and do not think about the issues, not only within their own boundaries but beyond those boundaries and across the zone and take up the challenge to deal with it themselves, others will decide that these issues are so important that they will be dealt with in other ways. And there is a variety of other ways that the committee has highlighted and has asked the government to look at in terms of the recommendations in our report.

Certainly, as a committee we were united in our view that the government should investigate a number of options as the most effective legislative framework for addressing all issues relating to the hills face zone. We noted that they ranged from retention within the Development Act—which is my favoured position—to a specific hills face zone act, which I understand is government policy. But there are other options on the table. The National Trust of South Australia has proposed that the hills face zone should be state heritage listed. I find that suggestion completely out of the ballpark and it is something that I do not support, but what I fear is that if councils do not get on top of the issues themselves they will find that others, such as the Conservation Council and the National Trust, will, with increasing confidence, offer options. Councils may find that the whole area will be state heritage listed, notwithsanding the fact that some 75 per cent is held in private hands. The topography is so varied that the area extends for 91 kilometres. Blanket state heritage provisions would be inappropriate. They may be an option to be considered seriously by others if councils themselves do not take charge of affairs, not only within their council borders but also across the zone.

I am pleased that the committee has recommended that, in the meantime, the minister support the preparation and development of a single hills face zone PAR, incorporating policy areas to cater for specific land uses. I highlight that the Adelaide Hills council, in particular, has some very long-standing areas of horticulture, which should be dealt with in specialised policy areas across the hills face zone. I call on the minister to act promptly in relation to recommendation No. 7 of the committee's report, which I strongly support and which states:

> The minister initiate a policy review to ensure areas adjacent to the hills face zone relating to viewscape do not promote development that is inconsistent with the planning and development guidelines for the hills face zone.

At the present time, there is enormous confusion across the community that areas in the foothills of Adelaide are in the hills face zone. That is not the case, particularly in terms of this reference to viewscape. Areas adjacent to the hills face zone have a different policy agenda for development from those that apply one metre away if one is in the zone. There must be greater compatibility, understanding and sympathy in the policies, at the boundary of the zone and within the zone. Likewise, the committee has indicated that, as part of

the development of a single PAR, the government should look at minor boundary changes, which I think are necessary to the zone, recognising that it was established in 1967 for different purposes from what is understood today.

The committee dealt with a recommendation advocating improved enforcement of illegal development, a buyer beware campaign and a number of other factors which have application and which are important for not only the hills face zone but also the metropolitan area and more broadly. They are important for the hills face zone, and the minister, having gained bipartisan support for some difficult issues addressed by the committee in relation to the hills face zone, should take confidence from the committee's report and act on these recommendations with the knowledge that there is bipartisan support from this place for these actions.

In conclusion, I acknowledge my colleague the Hon. John Dawkins who was a member of the committee that took up a reference to look at the hills face zone from a more strategic perspective. Certainly, I was the beneficiary of his work on that committee, and I acknowledge his contribution. I also acknowledge the work of the secretary to the committee, and our research officer Stephen Yarwood. Stephen's contract recently expired and an interview process has been undertaken so that a new officer can be appointed. I thank Stephen for the work he undertook on behalf of the committee in the short period that I have served on the committee.

Finally, I ask the minister whether he plans to undertake, in addition to the recommendations in the committee's report, the eight-point action plan that Transport SA was poised to undertake when I was minister, as part of a broader look at issues relating to the hills face zone. I understand that he has not yet activated that eight-point plan, but I urge him urgently to do so because a number of matters in the eight-point action plan deal with issues that have been raised in the committee's nine recommendations. The minister should work through both areas, and we will get a very effective outcome now and in the future for the hills face zone. I support the motion and thank the Hon. John Gazzola for moving it—I think it is the first motion he has moved as a new member of this place—and commend him on the thoroughness with which he presented the committee's perspective on this issue.

The Hon. SANDRA KANCK secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (PRESIDING MEMBERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 35.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The government does not believe that this bill is necessary, but it will not oppose it. The bill was introduced early in the piece. Essentially, it was done as a piece of mischief by the Hon. Angus Redford. A constitutional convention has existed within the parliament for some years, whereby the chairs of certain committees come from one house and the chairs of other committees come from another house. That convention has prevailed since at least 1992 when the Parliamentary Committees Act was introduced. Earlier this year, there was discussion about whether or not that convention was valid, but ultimately that convention did prevail—and there were sound reasons for that. It raises the question about why it is necessary to try to enshrine in legislation a convention that has worked.

The Hon. R.I. Lucas: You tried to break that convention.

The Hon. P. HOLLOWAY: Well, it was not broken.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I said there was discussion about whether it should have been, but in fact it was not broken. I believe the Hon. Angus Redford in his speech in relation to this bill made a number of comments which were offensive and inaccurate in relation to a number of members, including my colleague the member for West Torrens. As I say, a convention has existed and that convention prevails.

The Hon. R.I. Lucas: Read the *Advertiser* tomorrow about the bloke who does not pay his debts.

An honourable member: Tom Koutsantonis!

The Hon. R.I. Lucas: That's the one—$50.

The PRESIDENT: Order! The Leader of the Opposition will come to order.

The Hon. P. HOLLOWAY: This bill is certainly not necessary, in my view. It was a bit of political whimsy by the Hon. Angus Redford. In relation to the future of parliamentary committees, a constitutional convention, which has been given plenty of publicity, will be established later this year.

I know that one of the member for Hammond's suggestions that should be put before a Constitutional Convention is that all committee members should be members of the upper house. I guess we can all have views on that position but, for my part, I think it will be a healthy thing if we have some debate in relation to particular committees, as to whether the structure we have at the moment is the appropriate one; whether the six we have is the right number; and whether they have the right number of members. Personally, I have had the view for some time that there could be some changes to those aspects. I certainly have no fear whatsoever if the whole question of parliamentary committees is considered at that Constitutional Convention, in which case, if suggestions along the lines of the member for Hammond's views were to be taken up, there would have to be changes in this area anyway.

That remains for the future. For now there is a constitutional convention which, as I said, has existed for the past decade, since the Parliamentary Committees Act prevailed. Presumably, under the previous committees, when they had different names and there were fewer of them, there was also some convention that related to the house that supported those committees. In conclusion, I do not think we need say much more about this bill. It is really just a bit of political trickery and we do not intend to waste any more time with it. We will not be opposing it.

The Hon. A.J. REDFORD: I thank all members for their strong support for this bill. I note that this was the first bill introduced in the term of this new government and I am grateful that it will be processed quickly this evening, given the initial delays. I will not look a gift horse in the mouth and will not respond in any detail to what the leader said except to say this: the honourable member says that this is an unnecessary piece of legislation and I have to say that, if I had to rely entirely upon the Leader of the Government, I would have to agree with him, because on issues such as this he does understand the traditions of this parliament and he does understand the conventions. Unfortunately, not all people are blessed with the intuitive understanding of the conventions that the Leader of the Government has, and I now have to return to a member I continually have to refer to,

and that is the member for West Torrens, because he was openly asserting that this was what was going to happen.

I know that he is not a member who is prone to listen to advice from some of the more experienced people around him but, if he took a bit more notice of the Hon. Paul Holloway, perhaps we would not have had to push this issue to the extent that we have. My advice to the Hon. Paul Holloway is that, whilst I agree with his sentiments based on the way he perceives this parliament operating, unfortunately there are some within his ranks who do not make statements in accordance with what he said. I might suggest that some of these younger members—and I am talking younger, not experienced, because some of them have been here for going on five years—need to have some of these important conventions explained to them so that they do not rollick around the corridors totally out of control. I will leave it at that, and I am sincerely grateful to the leader of the government for his support.

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

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion.)

(Continued from page 920.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): During the second reading stage the Leader of the Opposition asked me a series of questions and I have some very comprehensive answers, including a number of tables, which I seek leave to have incorporated in *Hansard*. I am very happy to have this very comprehensive and detailed answer included in *Hansard*.

Leave granted.

In reply to **Hon. R.I. LUCAS:**
The Hon. P. HOLLOWAY:

Item 1

Question: *Has the Treasurer been advised by his Treasury officers that a majority of the $350 million—forget about the $561 million at the moment because that takes in a fourth year of the forward estimates—claimed on 14 March to be cost pressures ignored by the former government was not advised to the former government prior to the election?*

Answer: The Hon. R.I. Lucas has referred to $350 million of cost pressures in the 14 March 2002 Budget update. Table 1 sets out the different figures presented in the 14 March 2002 Budget update. The $350 million referred to is the $348 million shown in italics in Table 1.

Table 2 presents more detail on the $436 million in cost pressures contained in the 14 March 2002 Budget update. Further detail on these cost pressures is set out in Table 3.

I am advised that the former treasurer was aware of the vast majority of these cost pressures as a result of bilateral briefings from portfolios, minutes, reports and submissions provided to the former Treasurer, or were specifically advised to the former Treasurer in the lead up to the mid year review.

The asterisk items in Table 3 were only identified subsequent to the mid-year review. These items account for only $27 million of the total $436 million of cost pressures.

Item 1—Table 1

Table 1—Figures presented in the 14 March 2002 Budget Update

	2001-02 $million	2002-03 $million	2003-04 $million	2004-05 $million	Total $ million
Revenue Adjustments	+32	+10	+32	+14	+88
Cost Pressures	-60	-89	-119	-168	-436
Total changes	-28	-79	-87	-154	-348

+ve denotes improvement, —ve denotes deterioration

Item 1—Table 2

Table 2—Cost Pressures

	2001-02 $million	2002-03 $million	2003-04 $million	2004-05 $million	Total $million
Human Services	14	25	25	17	81
DETE	43	51	85	121	300
Justice	-	1	2	3	6
Bus Fleet replacement	-	-	-	20	20
Tourism	6	7	3	3	19
Other	(3)	6	3	4	10
Total cost pressures	60	89	119	168	436

Item 1—Table 3

Table 3—Non commercial sector cost pressures

	2001-02 $m	2002-03 $m	2003-04 $m	2004-05 $m
Human Services				
—Hospital deficits	11	11	11	11
—Inability to achieve clawback	3	8	8	-
—Disability Services	-	6	6	6
Education, Training and Employment				
—Teachers' Enterprise Bargain (original)	-	19	42	72

Item 1—Table 3

Table 3—Non commercial sector cost pressures

	2001-02 $m	2002-03 $m	2003-04 $m	2004-05 $m
Human Services				
—Wage Parity Enterprise Bargain *	-	2	5	9
—Revised budget recovery plan	30	12	18	18
—Increased school leaving age	-	8	8	8
—User choice	12	8	10	12
—Transport Concessions *	1	1	1	1
—Employment Programs *	-	1	1	1
Justice	-	-	-	-
—SA Metropolitan Fire Service Enterprise Bargain	-	1	2	3
Transport, Urban Planning and the Arts				
—Bus Fleet Replacement Program	-	-	-	20
Premier and Cabinet—Tourism	6	7	3	3
Other				
—Regional Development Boards				1
—Electricity cost impacts across Government	-3	5	2	2
—Updated wage provisioning *	-	1	1	2
Total	60	89	119	168

(1) Figures in the table are rounded to the nearest $million

Item 2

Question: '*…how will the [2002-03] mid year budget review be conducted and what will be the rules for the Treasury officers?'*

Answer: It should be noted that the 14 March Minute was of necessity prepared without access to political guidance from a Treasurer, as it was essentially founded on work undertaken during the period up to the new Government taking office.

The Hon R.I. Lucas will be aware that the Government is proposing that a requirement of the Charter of Budget Honesty in the *Public Finance and Audit Act, 1987,* is that the Under Treasurer will be obliged to make the kind of judgements of which he is critical when issuing budget updates in the period immediately after an election is called. Similar requirements are imposed on Under Treasurers or their equivalents in other Australian jurisdictions. Clearly at other times it is the responsibility of the Treasurer of the day to make these judgements and to defend them if necessary. That is what the previous Treasurer did and it is what this Government intends to do.

In response to the particular question raised, the mid year budget review will be a publication of the Government. The contents of the mid year budget review will be decided by and signed off by the Treasurer.

The publication will contain forward estimates updated for Cabinet and Treasurer decisions and the Government's assessment of:

- Impacts of changes in economic conditions and other parameters outside the Government's control (eg revisions to taxation revenue, revisions to net interest expense and revisions to superannuation liability)
- Changes in Commonwealth funding
- Known, unavoidable cost pressures that have emerged since the presentation of the 2002-03 Budget.

Item 3

Question: *Why has the capital contingency for 2003-04 and 2004-05 been reduced from the level included in the 2001-02 Budget?*

Answer: As a matter of practice under the previous government, contingency amounts for a particular year were reduced as that year moved closer in time to the budget year. This is logical because there is less likelihood of unexpected demands emerging 1 or 2 years out from the budget year as compared to 3 or 4 years out, and also reflecting the fact that capital funding decisions are made which firm up capital commitments in the budget year and the following 1 or 2 years.

In the case of the 2002-03 budget, a capital contingency provision exists to meet unexpected or currently unplanned capital costs. The 2002-03 Budget contains significant allocations of funding to agency capital programs and reflects tighter discipline to be applied to access the contingency provision.

The level of capital contingency provision for 2003-04 and 2004-05 at the time of the 2001-02 Budget has been reduced to the levels stated in the 2002-03 Budget of $50 million for 2003-04, and $100 million for 2004-05, from the 2001-02 budget figures of $95 million for 2003-04 and $155 million for 2004-05.

This is because the 2002-03 Budget fully provides for capital expenditure on hospital redevelopments across the forward estimates and provides for capital expenditure programs in Transport and Education across the forward estimates.

Item 4

Question: *On page 67 of the estimates committee the following statement appears:*

The 2002-03 Budget is $152 million higher than this figure—relating to education—
representing a nominal growth rate of 8.4 percent and a real growth rate of 5.8 per cent.

The Treasurer went on to refer to:

. . . $42 million of additional expenditure that was approved by the current government and not the last government towards the end of the 2001-02 financial year for a number of cost pressures such as user choice and Partnerships 21.

I would like from the Treasurer a detailed breakdown of that $152 million: what were the individual components of that $152 million increased expenditure from one year to the next?

Answer: Details of the $152 million are set out in Table 4.

Item 4—Table 4

Table 4—DETE—Total expenditure
Budget 2001-02 to Budget 2002-03

	$'000
Total Expenditure—Budget 2001-02	1 803 285
Decisions prior to mid year review for 2001-02	4 500
Implied mid year review estimate of DETE expenditure	1 807 785
Total Expenditure—Budget 2002-03	1 959 767
Increase in Expenditure	151 982
Increase in Expenditure as follows:	
Cost Pressures	
Aboriginal Education—withdrawal of Cwth funds	637

ANTA growth fund—mainly user choice	6 868
Education system funding	23 750
English Language Tuition for Refugees	1 400
Increased fee for service activity in TAFE	26 148
Superannuation levy	6 500
Teachers EB—additional approval	30 000
Teachers EB—funding released from contingencies	13 300
Wages—base growth	20 509
Wage Parity	2 273
Total Cost Pressures	131 385
New Initiatives	
Absenteeism initiatives	500
Country teachers scholarships	500
Early years learning support	1 000
Early years speech pathology and behaviour management	800
Educating children about the risks of gambling	200
Facilities Maintenance	2 000
Increase School Leaving Age	4 100
IT Priority Schools	2 000
IT Teacher training	1 000
Primary School Counsellors	1 000
Professional development for teachers	1 000
Reduce class sizes	3 900
School Security	1 000
TAFE Fee Rebates	1 000
Youth Corps Conservation Program	500
Miscellaneous expenditure items	16 695
Total New Initiatives	37 195
Total Cost Pressures and New Initiatives	168 580
Other	2 470
Savings	-19 068
Total	151 982

Item 5

Question: *On page 69 of the estimates committee the following reference appears:*

Election commitment savings of $428 million fully fund the election spending commitments of $256 million.

Can the Treasurer provide a breakdown of the individual components of the $428 million and the $256 million referred to in that response.

Answer: Breakdowns of the $428 million and the $256 million for the period 2002-03 to 2005-06 are set out in Table 5.

Item 5—Table 5

Table 5—Election commitments

Election Commitment Savings	$m
Efficiency dividend	328
Reduction in consultancies	44
PTE contributions	56
	428
Election Commitment spending (a)	$m
Education	123
Health	96
FACS 13	
Environment	4
Arts and Other	19
	256

(a) Column does not add due to rounding

Item 6

Issue

The Hon. Rob Lucas notes the Treasurer was asked to confirm whether he could confirm that Treasury opposed some elements of the final teacher's EB package despite the Under Treasurer including the cost of those elements in the 13 March Update provided to the Government.

Answer: The advice was based on what Treasury thought was a preferable outcome. The costings were based on what the Under Treasurer thought was a likely outcome. If Treasury and Finance did budget predictions on the basis of what they thought was desirable the estimates would always show a surplus. Unfortunately they have to face reality like the rest of us.

Item 7

Question: *On page 72, there is a reference to the new government's commitment to establish a new hypothecated fund to which revenue from anti-speeding devices will be directed for road safety programs and policing.*

I seek from the Treasurer details on how much was actually spent on road safety and policing in 2001-02, and how much is being put into the fund in 2002-03?

Answer: The Budget paper includes $39.2 million of expenditure in 2001-02 for output class 'Police Traffic Services' described as—detection of road users' non-compliance with road laws, and investigation of road accidents, road safety and flow of traffic services. Expenditure on 'Police Traffic Services' in 2002-03 is anticipated to be $39.1 million. In addition, DTUP will spend at least $23.8 million in 2001-02 from the Highways Fund on road safety works and initiatives.

I have been advised that anti-speeding device revenues collected by SAPOL and the Courts Administration Authority is anticipated to be $46.9 million in 2001-02. This is anticipated to increase to $49.4 million in 2002-03. These revenues will be less than the total expenditure on road safety programs and policing. These revenues are currently paid into the Consolidated Account as general revenue. When established, monies collected from anti-speeding devices will be allocated to the fund.

Item 8

Question: *What is the number of positions within Treasury and Finance with a total employment cost package of greater than $100 000 as at 30 June 2001, as at 30 June 2002 and the estimate for 30 June 2003?*

Answer: I am advised that the number of positions within Treasury and Finance with a Total Employment Cost (TEC) of greater than $100 000 are set out in Table 6.

Item 8—Table 6

Table 6—Number of staff with Total Employment contracts exceeding $100 000.

30 June 2001 (actual)	30 June 2002 (actual)	30 June 2003 (estimated *)
28	35	35

*As at 23 August 2002, DTF did not anticipate employing additional staff on TEC's of over $100 000 during 2002-03.

Item 9

Question: *In relation to the Treasurer's contingency line what level of funding is included for 2002-03 and each of the forward estimate years?*

Answer: Table 7 details the level of funding for the Treasurer's contingency line included for 2002-03 and each of the forward estimate years.

The provision forms part of the funding appropriated to Administered Items for the Department of Treasury and Finance. The Treasurer may approve funds be applied from this provision to meet any unexpected costs or initiatives at his discretion.

When adding 2005-06 as an additional year, the amount included was equal to $548000 inflated for CPI (2.5%).

All ongoing commitments previously made from this provision have been allocated to agencies (ie they are made from elsewhere in the Budget).

Item 9—Table 7

Table 7—Level of Funding for the Treasurer's Contingency Line Included for 2002-03 and each of the Forward Estimate Years

2002-03	$109 000
2003-04	$548 000
2004-05	$548 000
2005-06	$563 000

Item 10

Question: *Budget Paper 3, page 3.20, states that, during 2001, 2175 full-time employees were identified as surplus and, under the ETVSP scheme, 1476 employees were separated.*

Will the Treasurer provide a breakdown, by portfolio, of the 1476 employees who were separated and the 699 employees identified as surplus and not separated?

Answer: Details by portfolio are included in Table 8.

The approved separations were a subset of the surplus employees identified in the workforce restructuring plans submitted by public sector agencies for the consideration of the Commissioner for Public Employment as part of the ETVSP scheme in 2001.

Item 10—Table 8

Table 8—Outcome from the ETVSP Scheme—19 March 2001 to 19 December 2001

Portfolio	Approved separations No.	Separations actual No.	Surplus and not separated No.
DAIS	287	93	194
DEH	55	54	1
DETE	805	731	74
DHS	364	259	105
DIT	7	4	3
DPC	13	11	2
DTUPA	424	150	274
DTF	2	2	0
DWR	9	9	0
Justice	116	98	18
PIRSA	90	60	30
Unattached	5	5	0
Total	2175	1476	699

Item 11

Question: *Has the government decided on the terms of any separation package and will they be similar to the pre-2001 TVSP scheme or the enhanced TVSP which was on offer in 2001?*

Answer: The terms of the new scheme have been decided and are contained within the "PSM Act Determination 4—Targeted Voluntary Separation Package Scheme" issued 9 August 2002.

The new TVSP scheme provides for a payment of 8 weeks salary plus an additional 3 weeks for every completed year of service to a maximum of 104 weeks. This compares to the ETVSP scheme, which provided for 20 weeks salary plus an additional 3 weeks for every completed year of service to a maximum of 116 weeks.

Item 12

Question: *With reference to Budget Paper 3, 3.4, will the Treasurer provide a detailed breakdown of how the extra funding to DTF for public-private partnerships will be expended ?*

Answer: The Public-Private Partnerships (PPP) Unit budget is based upon the following assumptions:

Staffing

1. The unit will on average be working on 10 PPP projects over the planning period and will have a more active participation in project development than previously. Based upon an average project lifecycle of 18 months and an expected average time allocation of 50%—60% of total project time, the unit's FTE requirement for project management work is as follows:

Annualised PPP Unit months per project	6.5
Required project management staff:	
Total project months pa for 10 projects	65
FTE requirement specifically for projects	6
plus support staff for the unit (incl 1 Graduate)	2

2. A more direct participation in project development by the Unit requires that the skill level in the unit be improved by the employment of more senior staff than presently allocated. Consequently, it is proposed that the ASO6 position (currently vacant) is reclassified as an ASO8, and an additional ASO8 employed. The FTE requirement is therefore:

	Level	No.
Director	EXB	1
Deputy director	EXA	2
Consultants/Financial analyst	ASO8	3
Graduate		1
Administrative assistant	ASO3	1
FTE Total		8

Of the $3.3 million allocated to the PPP initiative, approximately $300,000 will be expended on new staff, office accommodation, training, equipment and other costs.

Consultants

3. A panel of consultants was engaged by DAIS in 2001-02 to complete the business cases for a number of PPPs announced by the former government, the fees of which were funded from the Treasurer's contingency fund. This budget assumes that the unit will assume responsibility for the management of that panel.

4. Based upon the consultancy cost data from the development of the business cases for the women's prison and the science and aquatic centres, it is estimated that consultants' time will comprise roundly one third of total project time. Based on this, a provision is made for consultancy costs of $3.0m per annum for 10 projects.

5. The project work completed on the PPP projects announced by the former government was undertaken almost entirely by consultants, which did not facilitate any meaningful transfer of PPP procurement skills to the SA public sector. While it is intended that Treasury and agencies become less reliant on consultants over time, realistically a significant reduction in consultants' time will not be achievable in the short term. This is particularly so where some projects lack precedents and therefore require a significant level of scoping work and complex financial analysis in the early stages of the projects' development. An improvement of PPP procurement skills in the public sector should however reduce reliance on consultants going forward.

6. Over a four-year time frame, it can therefore reasonably be expected that dependence on consultants can be materially reduced. A saving of 20% per annum is therefore factored into the consultancy line over the planning period. The forward estimate of PPP consultancy costs is in table 9.

Item 12—Table 9

Table 9—Forward Estimates of PPP Consultancy Costs

Year	2002-03	2003-04	2004-05	2005-06
$m	3.0	2.4	1.9	1.5

Item 13

Question: *Will the Treasurer outline which specific projects are being considered by the PPP Unit in conjunction with departmental staff?*

Answer: The Major Projects and Infrastructure Committee recently reviewed a number of projects in the three-year capital investment program that are potentially deliverable under the PPP approach.

The project list included the projects announced by the former government, such as the Cavan juvenile detention facility, the women's prison, the Genelg Trams project, a State aquatic centre and regional police stations. The Committee decided that the women's prison and Cavan facility are to be progressed by the PPP Unit and relevant agencies as a matter of priority, and to provide advice as soon as possible.

In regard to other PPP projects, it would not be appropriate at this stage to make any formal announcement regarding their status as PPPs. The PPP Unit and agencies will be continuing with their scoping work, and announcements will be made if and when Cabinet decides that it is appropriate to do so.

Item 14

Question: *In respect of the distribution from the TAB to the government, the Hon Rob Lucas asked 'Can the Treasurer reconcile these figures, which show a variance of $5 million in 2002-03, reducing to just over $3 million in 2004-05, with the claim from government ministers of an on-going loss of $8 million per year to taxpayers from the sale of the TAB.'*

Answer: As Ministers have stated, the sale of the TAB is estimated to result in an on-going loss to the Budget of around $8 million in revenue and $6 million in total per annum.

As stated in the question a comparison of the estimated gambling taxation revenue in the 2001-02 Budget Statement with the corresponding line in the 2002-03 Budget Statement shows a loss of $5.0 million per annum in 2002-03, $5.3 million in 2003-04 and $3.5 million in 2004-05. This comparison does not however reflect the full impact of the TAB sale on government revenue.

In addition to the impact on taxation revenue, the government will also no longer receive income tax equivalent payments from the TAB, TAB unclaimed dividend revenue (the government formerly received 50% of unclaimed dividends) and other smaller contributions to the budget through the Recreation and Sport Fund, and the net impact of the TAB accounts on government revenue.

The smaller difference in the estimates for 2004-05 reflects the commencement in that year of the temporary additional duty contribution from the TAB (which it in turn recovers through a lower product fee payment to the racing industry). This additional component of duty applies until 1 July 2016.

The estimated on-going revenue impact from the sale of the TAB is $7.3 million in 2002-03, $7.6 million in 2003-04 and $7.8 million in 2004-05.

The difference between the estimated around $8 million on-going revenue loss and $6 million on-going total budget impact of the TAB sale is explained by the saving of a $2 million per annum appropriation formerly provided to the racing industry for the breeders

incentive scheme. Funding for that scheme is now a matter for the racing industry.

The Budget also included additional costs on the government from the sale of the TAB of:

- Provision of an interest rate subsidy until 2012 to outstanding loans of the racing industry;
- Payments to the TAB to underwrite the initial 3 years product fee payable to the racing industry in excess of 39% of net wagering revenue; and
- Remaining human resource redundancy costs.

At the time of the Budget the full impact of the sale was an estimated loss of $28.6 million over the three years from 2002-03 to 2004-05 (refer Budget Paper 3, page 7.14), $15.4 million greater than that allowed for in the 2001-02 Budget forward estimates.

Item 15

Question: *Budget paper 4, page 2.18 indicates expenses for employee entitlements. The budget of 2002-03 lists $32.7 million; the estimated result for 2001-02 was $670.9 million. Why are employee entitlements reducing by $638 million this year?*

Answer: This item mainly reflects superannuation expenses and central provisions for wage increases. The $670.9 million estimated result for 2001-02 (up from $37.3 million in the 2001-02 budget) is the reflection of the following main factors:

- A once off increase in superannuation expense of approximately $566 million from the 2001-02 budget to the 2001-02 estimated result, arising from the revaluation of the government's unfunded superannuation liabilities (refer below);
- Superannuation and pension provision expense in relation to ETSA superannuation schemes higher than budget by approximately $55 million. This was offset by an equal increase in the revenue received for superannuation and pension provisions.

The decrease in expense of $638.2 million from the 2001-02 estimated result to the 2002-03 budget is the reflection of the following main factors:

- The once off increase in superannuation expense of approximately $566 million in 2001-02 arising from the revaluation of the government's unfunded superannuation liabilities is not expected to be repeated in 2002-03;
- The decrease in the central provision for wage increases of $12 million.
- Superannuation and pension provisions in relation to the ETSA Superannuation Scheme as per 2001-02 not being repeated in 2002-03.

This increase in employee entitlements is predominantly due to revaluations and therefore has no impact on the 2001-02 GFS based budget presentation. The full budget impact of the increase in superannuation liabilities, in excess of $30 million per annum on an accrual basis and in excess of $20 million per annum on a cash basis, has been included in the 2002-03 budget and forward estimates.

Unfunded Superannuation Liability

This component of superannuation expense reflects the revaluation of the government's unfunded superannuation liability. The expense in 2001-02 is expected to be $566 million higher than budgeted. This is primarily the result of:

- A once off increase in liability of $410 million as a result of the budget time estimated earnings rate of minus 4% by Funds SA in 2001-02;
- A once-off increase of $66 million from the incorporation of current membership data into actuarial modelling, including latest salary growth, pension increases and membership mortality experience;
- A once off increase in liability of $39 million from the reflection of half yearly indexation of pensions approved in May 2001 by the former Cabinet;
- An opening balance adjustment of $50 million arising from the incorrect allocation of total superannuation expenses between entities on consolidation of the 2000-01 budget result.

Items 16 & 17

Question: *Budget paper 3, pages 7.4 and 7.5—SA Water. In 2001-02 the operating profit was $220.6 million and the contribution to government was $206.4 million or 93.6 per cent of operating profits.*

In 2002-03 the operating profit is estimated to be $232 million whilst the contribution to government will be $239.9 million or 103.4 per cent of operating profit.

Is this level of 103.4 percent of operating profit that is being taken out of SA Water consistent with the agreement reached between Treasury and the SA Water board two or three years ago about the level of contribution to government that could reasonably be sustained by SA Water?

As a result of this decision has SA Water had to reduce its capital expenditure program for 2002-03?

Answer: The budgeted contribution to government from SA Water in 2002-03 of $239.9 million includes proceeds from the sale of land at Barcoo outlet of $5.055 million and at Happy Valley of $9.5 million during 2001-02. To compare the 2001-02 contribution as a proportion of operating profit, these land disposal proceeds need to be deducted from the budgeted contribution for 2002-03. The adjusted contribution from operating profits in 2002-03 is $225.3 million or 97.1 per cent of budgeted operating profit of $232 million (against 93.6 per cent for 2001-02). The increase in the ratio reflects the efficiency contribution of $10 million required by the government in 2002-03. This additional contribution is anticipated to be sourced from increased profits.

The agreement reached between the government and the SA Water Board on contribution levels is based on EBITDA (earnings before income tax, depreciation and amortisation). This is set at 55% and has not changed. The budgeted contribution from SA Water in 2002-03 has not led to a reduction in the capital investment program.

Item 18

Question: *Budget Paper 3, page 4.8—When was the initial modelling referred to here undertaken and by whom? Who was responsible for the mistakes in the modelling referred to in this section? Will the Treasurer provide a copy of the modelling that has been done on the impact of emergency services levy changes on residential properties? Can the Treasurer outline the maximum increases that some householders will face as a result of these changes to the emergency services levy?*

Answer: By law, ESL bills are based on the capital value of land ownerships as determined by the Valuer-General as at 1 July in the financial year to which the levy relates. In 2002-03, ESL bills will be based on capital values as at 1 July 2002.

The initial ESL modelling was undertaken in the period from March to May 2002 by the Revenue and Economics Branch of Treasury and Finance and was based on capital value data provided by the Valuer-General's office in late March. The Valuer-General's database was incomplete at that time in terms of the annual updating of property values for the entire State and in terms of property ownership changes.

Modelling needs to commence as early as March in order to comply with legislative requirements including reporting to the Economic and Finance Committee of Parliament which then has 21 days to consider that report before ESL rates can be gazetted by 30 June at the latest.

The capital value data provided by the Valuer-General is not available by ESL assessment categories. This necessitates a conversion of unit record data for almost 700,000 properties into the appropriate ESL land use and regional area categories.

Because of the late Budget this year it was possible to re-estimate ESL collections based on a later data set.

To gauge the extent of valuation data changes in the intervening period between March and May, aggregate growth in capital values for each ESL land use category using the March data was compared to the Valuer-General's aggregate data on land use categories as at May. This revealed lower growth in capital values, particularly for commercial and industrial land, than had been apparent from the data used in March.

Proposed levy rates net of remissions did not change as a result of the revised modelling. Levy rates net of remissions to apply in 2002-03 remain unchanged from 2001-02 levels as advised to the Economic and Finance Committee. The prescribed levy rate which determines the amount to be contributed by Government through remissions has increased from 2001-02 but also did not change from that advised to the Economic and Finance Committee as a result of the revised capital value data.

The effect of the downward revision to capital values that became apparent based on May data was to reduce the level of revenue that would be raised in 2002-03 from the rates proposed to apply to fixed and mobile property from $156 million to $153.9 million. The

government therefore undertook to supplement any funding shortfall below $156 million through additional appropriation from Consolidated Account.

Table 10 shows the impact on each land use category of the revision to capital values and ESL levy proceeds between the initial modelling based on March data and the revised estimate based on May data. There is no increase in ESL bills as a result of changes to ESL rates because levy rates (net of remissions) have not changed from 2001-02 nor from that advised to the Economic and Finance Committee.

Item 18. Table 10

Table 10—ESL on fixed property
Private (and Local Government) property

		Initial capital value estimates (March 2002)			Revised capital value estimates (May 2002)		
Whole of State	No. of Assessments	Capital Value	ESL payable Private[1]	ESL payable Remissions[2]	Capital Value	ESL payable Private[1]	ESL payable Remissions[2]
		$	$	$	$	$	$
Land Use Category							
Residential	528,559	81,763,649,254	34,216,647	39,722,824	81,484,799,594	34,212,474	39,712,173
Commercial	25,117	13,341,801,999	14,003,501	6,965,691	12,199,091,427	12,906,848	6,373,831
Industrial	7,214	2,698,822,599	4,648,314	777,335	2,647,944,789	4,587,595	767,316
Other	13,807	3,533,193,096	817,625	2,166,648	3,069,069,358	757,533	1,868,774
Rural (Primary Production)	69,393	16,171,934,833	3,718,622	3,935,094	16,183,977,069	3,725,189	3,954,055
Vacant Land	45,608	2,317,655,734	1,930,223	860,926	2,290,560,352	1,926,194	846,623
Special Community Use	4,858	1,649,348,374	149,561	1,266,805	1,649,348,374	149,561	1,267,145
			-1,991,150[3]	798,000[4]		-1,991,150[3]	798,000[4]
Totals	694,556	121,476,405,890	57,493,343	56,493,324	119,524,790,963	56,274,244	55,587,918

* State Government property is not included in the above table but is estimated to contribute $4.8 million ($2.1 million as direct contribution and $2.7 million as remissions). The capital value growth rates applicable to State Government property were not changed between the initial modelling (March 2002) and the revised modelling (May 2002).

(1) Amounts payable by levy payers (ie. net of remissions).

(2) Payable by Government.

(3) Adjustment to reflect that only one $50 flat fee applies to contiguous land holdings and single farm enterprises and that the levy applying to property values in Regional Area 2 with capital values below $1,000 receive a full remission.

(4) Cost to Government of providing concessions for non-contiguous land held by a single farm enterprise and for property values in Regional Area 2 with capital values below $1,000.

Item 19

Question: *Budget paper 3, page 3.21—table 3.19 highlights current grant transfers of $207 million in 2004-05 and $564 million in 2005-06.*

What is the explanation for the $357 million increase in this budget line?

Answer: The $357 million increase in the current grant transfers line is almost entirely offset by the $329 million reduction to the "subsidy payments to other" line in the same table. This primarily reflects reclassification of amounts between these lines with the net increase to total expenditure of $28 million in the 2005-06 year.

Item 20

Question: *Budget paper 3, page 1.2 states:*

The capital investment program maintains the three year program to 2003-04 already in place and allocates $395 million in additional funds to priority areas to replace and upgrade infrastructure over four years to 2005-06....

Given some of the cuts or deferrals already announced of school projects which had been approved in last year's budget, does the Treasurer still claim 'the three year program to 2003-04 already in place' has been maintained and how much of the claimed additional $395 million is to be spent in 2004-05 and 2005-06?

Answer: I am advised that the total level of the Three-Year capital program is unchanged. In regards to the DECS component of the Three-Year Capital program, the total over the three years to 2003-04 inclusive is unchanged from that approved in the May 2001 Budget. There have been movements of DECS capital funding between financial years, and there has been reprioritisation of projects within each year, but this has not affected the total Three-Year program level.

The breakdown of the $395 million is included on page 3.3 of the Budget Statement. $288.5 million of the $395 million is to be spent in 2004-05 and 2005-06.

Item 21

Question: *Budget paper 3, page 4.16 states that the TAFE fees budget for last year was $44.3 million and the estimated result for last year was $71.2 million. What was the reason for the $26.9 million increase in TAFE fees last year and who was responsible for the original estimate of $44.3 million?*

Answer: The $26.9 million increase in TAFE fees is as a result of increased fee for service activities in TAFE institutes. It must be noted that there has been a commensurate increase in expenditure required to generate this additional funding. These increases were reflected in the 2001-02 estimated result and 2002-03 budget. There is no net impact on the budget.

Item 22

Question: *Budget Paper 3, page 4.17—table 4.15: other state own source revenue. The budget for last year was $89 million; the estimated result was $136.9 million. What are the reasons for the $48 million increase in this budget line?*

Answer: Classification changes explain most of the increase against budget in 'Other State Own-Source Revenue'. Almost $33 million of grants for health units, comprising sponsorship, research and other grants from the private sector, were incorrectly classified in the 2001-02 Budget as Commonwealth grants instead of as State source revenues from the private sector.

The remaining increase against budget of $15 million reflects variations in a very large range of individual revenue items across all government agencies.

Item 23

Question: *Budget paper 3, page 4.20 states: . . . national concession scheme for low alcohol beer from 1 July 2002. Excise rates for low alcohol beer are to reduce from 1 July 2002 enabling the termination of State subsidy schemes for low alcohol beer.*

Will there be any budget impact of these changes on this year's budget and the forward estimates years?

Answer: The implementation by the commonwealth government of a national concession scheme for low alcohol beer and subsequent termination of the State subsidy scheme for low alcohol beer will have no net budget impact in 2002-03 or future years until such time as the State ceases to receive budget balancing assistance. From that date, there will be a net budgetary benefit from the termination of low alcohol beer subsidies.

The expenditure saving for South Australia from the termination of low alcohol beer subsidies is offset by a provision in the Guaranteed Minimum Amount (GMA) for a financial contribution to the Commonwealth of an equivalent amount. The financial contribution to the Commonwealth reduces the GMA by an amount equivalent to the amount saved by South Australia, thereby resulting in no net budgetary impact. This arrangement is reflected in Table 4.18 in Budget Paper 3.

The financial contribution will be required from South Australia as long as the State is in receipt of budget balancing assistance, thereafter the Commonwealth will fully fund the national concession scheme. Until such time as South Australia ceases to receive budget balancing assistance there will be no net budgetary saving. However once budget balancing assistance is no longer required and the Commonwealth fully funds the national scheme, South Australia will benefit from the expenditure saving.

The expenditure saving from the termination of the State subsidy scheme for low alcohol beer is reflected in a decrease in the estimated cost of liquor subsidies in 2002-03 for the Department of Justice, as shown in Budget Paper 4, volume 1, page 5.69.

Item 24

Question

Budget paper 3, page 4.11 states: Grants from the private sector (eg funds provided to health units for medical research and education) were incorrectly classified in the 2001-02 budget as commonwealth grants rather than state grants. Can the Treasurer provide greater detail on this error and who was responsible for the error?

Answer: During the 2002-03 Budget development process the Department of Human Services, supported by Treasury and Finance, realigned internal management reporting to reflect more closely its department-wide budget. The error referred to in budget paper 3, page 4.11 was discovered in this process.

As stated in budget paper 3, the error was one of misclassification whereby grants received by health units from the private sector were incorrectly classified as Commonwealth grants. The amount of the reclassification was around $35 million for the budget and each year of the forward estimates.

Item 25

Question: *Budget paper 3, page 2.6 states that the government is committed to the following fiscal principle:*

To ensure non-financial corporations will only be able to borrow where they can demonstrate that investment programs are consistent with commercial returns (including budget funding).

Can the Treasurer outline in practice what this principle will mean for an agency like TransAdelaide or the Passenger Transport Board for investment in buses or trams?

Answer: The policy is a statement of principle and operational details are still being finalised. The intention is to provide a greater degree of accountability and transparency to these investments than is the case under existing arrangements. This is consistent with this government's overall commitment to budget honesty.

Item 26

Question: *Budget Paper 3, page 6.6 refers to contingent liabilities as follows:*

'*Estimated 2002 data is not yet available*

Can the Treasurer undertake to provide this detail to the Parliament when it becomes available?

Answer: Contingent liabilities as at 30 June 2002 will be reported in the Budget Results 2001-02 document due for presentation to Parliament later in 2002.

The Hon. P. HOLLOWAY: I also have answers to a number of questions that were asked by the Hon. Diana Laidlaw on the Appropriation Bill in relation to transport, which I seek leave to have included in *Hansard* without my reading them.

Leave granted.

In reply to **Hon. DIANA LAIDLAW.**

The Hon. P. HOLLOWAY:

$4.8m Budget Savings

In relation to Transport SA, the minister (Hon. Michael Wright) said, during the estimates committee, that there had been a $4.8 million reduction between 2001-02 and 2002-03, which will be met entirely from cost efficiencies being applied within the department. Specifically, I would like a list of all the areas, projects and/or programs that have been cut, and the amount in each instance, to meet this cost efficiency requirement of $4.8 million. (Page 1)

The $4.8 million of cost efficiencies between 2001-02 and 2002-03 will be achieved through:

- A review in the way support services are delivered through Transport SA. These refer to finance, human resources and administrative services ($2 million)
- Adopting a more strategic approach to the procurement of works, goods and services ($2.1 million)
- The conversion of contractors to PSM Act employees ($0.7 million)

The cost efficiencies will arise in support of activities across the Agency. They will not impact on the delivery of outputs to the community, other than providing the same level of outputs for a cheaper cost.

The government has announced its intention to conduct a comprehensive review of expenditure in all portfolios during 2002-03. This review will ensure that public sector resources are used in the most effective way to address high priority needs. The 2002-03 budget makes no allowance [I emphasise 'no allowance'] for any savings that will arise from these expenditure reviews. (Page 4)

To date, there has been no expenditure reviews by Department of Treasury and Finance.

Outback Roads

In relation to Hon Diana Laidlaw's comments on outback roads funding the following is a suggested response: (Pages 1 2)

This government was elected on a platform of road safety. Our commitment to this is demonstrated by the $20 million allocated in the Budget for the Safer Roads Program, comprising $15 million for existing safety driven investments and $5.4 million for new investments.

At the same time we are committed to responsible financial management and the redressing of poor budget management of the previous government. In this climate of overall budgetary restraint, we can ensure priority road safety initiatives are actioned only through the re-allocation of existing road funding.

As a result, a portion of Transport SA's investment in regional and outback roads has been redirected into making the State's arterial roads safer given that 73 per cent of serious crashes occur on these roads. Around two thirds of these new safety investments will be spent in regional South Australia.

For the first time, the State will fund a Black Spot Program, of which half will be spent in regional areas, with an increase to the State's Shoulder Sealing Program.

All shoulder sealing projects funded this financial year will be in regional South Australia. In addition, the Government's investment in this State's regional roads network will increase by $2.6 million next financial year, $5.1 million the following year and by $5.6 million in 2005-06.

With respect to the 10 000kms of outback roads let me first clarify how road maintenance services are delivered. Transport SA's outback roads services are primarily delivered by eight maintenance patrols and four larger-scale gangs focused on long-term maintenance of the unsealed road network. Maintenance patrols are responsible for grading deteriorated sections of road while the larger gangs deliver construction projects and large-scale resheeting work.

Two-thirds of the outback roads budget impact resulted from the completion of the Flinders Ranges Tourist Roads Upgrade Program. This program has run for seven years and reached completion in August 2002 with the $2.3 million upgrade of the Balcanoona to Arkaroola Road.

Contrary to the Hon Laidlaw's comments, the previous government was not so committed to the outback that they would provide for an extension of the Flinders Ranges Program. Having reached its natural end the Program's funding has been allocated to priority road safety works.

The further redirection of $1 million from the Outback Roads Program will not adversely impact on the day-to-day maintenance of the unsealed road network. That is, Transport SA's existing eight maintenance patrols will not be reduced in number and the initial four resheeting gangs will be restructured into two.

Indeed, I am confident that beyond these immediate changes we will see more flexible patrols and gangs able to more readily respond to demands across the outback road network.

Overall the changes to Transport SA's outback road gangs have reduced the need for contractors by 15 positions, not the 26 as stated and, Transport SA will continue to employ contract staff for outback road projects as required.

I add that there have been reports that drought conditions and high visitor numbers in the Far North are placing considerable strain on the road network. Such fluctuations lead to varying road conditions and have always been a part of the operating environment in the Far North. Transport SA has advised that they are monitoring road conditions and directing maintenance effort to address the most needy parts of the network, protect public safety and support regional development such as tourism.

Finally, this government will continue to provide safe passage for locals and visitors in the State's far north and remains committed to the development of the region's sealed and unsealed road network.

Bus Lease Arrangements

What are the current lease terms between the Passenger Transport Board and the various operators for the buses that are owned by Transport SA and leased through its unit PTAMS to the contracted operators, what are PTAMS maintenance costs. (Page 4)

The Passenger Transport Asset Management Section (PTAMS) of Transport SA receives income from the Passenger Transport Board for the lease rates of the buses, which are set on a commercial basis. The buses are leased by PTAMS directly to the Operators. The Operators are responsible for servicing and maintaining the buses, however PTAMS spends approximately $2 500 per bus per year on major repairs, including rust rectification.

The Hon. P. HOLLOWAY: Unfortunately, there has been some delay in relation to the arts questions, so if the honourable member is happy I will include those during the committee stage tomorrow. There are some comments in relation to my own portfolio, which I might read, as they are a much lesser number, in relation to remarks made by the Hon. Caroline Schaefer.

She raised several issues in her response which I would like to comment on. As has been well documented, on coming to power, the Labor government found itself facing a budgetary position that was much worse than had been previously disclosed to the public. In relation to the PIRSA portfolio, there was no forward funding for such fundamental programs as TEISA, aquaculture, FarmBis and fisheries compliance officers. The honourable member referred to a cut of $18.2 million. This is not the case. The actual reduction in PIRSA's operating expenditure is $17 million (that is $154.4 million budgeted in 2002-03 down from $171.4 million in 2001-02 estimated at the time of the budget). That is the total.

Of the $17 million reduction, some $15 million relates to issues that are not a part of this budget; $8 million relates to reduced funding left to us by the previous government (examples include TEISA and aquaculture); and $7 million relates to the impact of lower carryovers between the financial years. The impact of this government's budget in 2002-03 on PIRSA's operating expenditure is additional funds of $3.1 million in new initiatives (that is, animal disease, TEISA, aquaculture and a review of energy market directions), $0.5 million funding for cost pressures, gas and electricity full retail contestability, offset by savings of $5.8 million. That nets to an impact of $2.2 million, not $22 million.

The honourable member refers to the cut in FarmBis of $5 million, yet $4 million of that was not provided in funding by the previous government. FarmBis has been highly successful, with enrolments exceeding expectations and economic benefits accruing to farmers. It was always intended that farmers would eventually take over the funding for their own training. I would have much preferred the situation where the forward estimates had adequate provision for FarmBis so that we could continue that funding at the full level. However, the fact is that the majority of forward funding was not there.

The FarmBis State Planning Group has examined the FarmBis program guidelines and has recommended some changes to the system to ensure that we get the most strategic return from the available funding over the remaining two years, rather than an abrupt end in 2003-04. The State Planning Group members believe that the revised guidelines will continue to achieve the best outcomes for South Australian producers.

In relation to the fisheries compliance officers, the honourable member refers to the issue of continuing funding. I can confirm that the previous government did not provide funding beyond 2003-04. We will have to address this problem in the 2004-05 year. In the interim, we are continuing with our compliance effort, matching up deployment of compliance officers with areas assessed as high risk. A risk assessment process has highlighted the areas where levels of non-compliance with fisheries legislation is most serious. Compliance effort includes the Fishwatch program, the Fishcare volunteer program and compliance with new limits introduced from 1 July 2001.

The honourable member refers to a cut in incident response of $4 million. This is not correct. Base level funding for incident response services Biosecurity has not been subject to any budget reduction and, as such, remains at the same level as provided by the previous government. If, however, funding allocated for Biosecurity incidents during the year proves to be inadequate, additional funding will be sought from cabinet. This is consistent with the approach adopted by the previous government.

Finally, the honourable member refers to a $7 million loss of budget in PIRSA in regard to the state's livestock industries. This government has provided a major injection of new funds to help protect the state from outbreaks of livestock disease. An additional $7 million has been provided over four years, and $2 million ongoing, to introduce a range of strategies for early detection of foot and mouth and BSE (or mad cow disease). The previous government did not provide any funding in this area.

During the speech, there was a considerable amount of rhetoric. If it had not been such a long day today (and with such a long day ahead of us tomorrow), I would happily respond to much of that rhetoric. But, at this stage of the night, I am sure all members will appreciate some rest so that we can continue trying to pass all the legislation that is on the *Notice Paper* for tomorrow. I commend the Appropriation Bill to the council.

Bill read a second time.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

The idea that only a judge (or a court) can impose a sentence is central to our idea of the rule of law. Where the other organs of the State, the legislature or the executive, try, in effect, to impose a sentence, there is a lack of legitimacy and moral stature that is felt by the community at large. One important way of expressing this idea is by referring to the separation of powers as part of the unwritten

constitutional structure of the State. It was precisely this idea which led the High Court in *Kable* (1996) 189 CLR 51 to strike down legislation which purported to require a State court to impose a sentence upon a named individual as being contrary to the implied doctrine of the separation of powers inherent in Chapter III of the Commonwealth Constitution.

Although the sentencing of offenders is a very clear exercise of the judicial power, that does not mean that neither the Parliament nor the executive has a role in determining punishment. Both do. Parliament may prescribe such penalty as it thinks fit for the offence and may even fix an absolute penalty. It has been undisputed for a very long time that Parliament has had the power to fix a mandatory life sentence for murder. That does not mean that Parliament could make all sentences mandatory nor does it imply that, for example, Parliament could make grossly disproportionate sentences for a crime or crimes mandatory. The limits of the principle are currently jurisprudential and political rather than legal.

The executive, in its prosecutorial function, importantly through the Director of Public Prosecutions (the DPP), also plays a role, albeit a more minor one, in the sentencing process considered as a whole. The prosecution decides whether to bring charges, what charges to bring, what sentence it seeks and whether it will appeal a sentence on the grounds of inadequacy. None of this is improper or unusual. The role of the executive in corrections is more controversial. Correctional Services (or its equivalent) affects the sentence imposed on a prisoner by, for example, provisions in relation to prisoners dealing with administrative leave, home detention and temporary leave.

It is commonly thought that the 'old' model of 'judge-centred sentencing' was (and, perhaps, still is) completely individualistic. That is, the judge hears the case, hears whatever is put to him or her on sentence, considers the myriad of conflicting facts and objectives of sentencing, weighs up the considerations of deterrence, rehabilitation, desert, and retribution, and then delphically pronounces the result of this mystic process. This has been called 'instinctive synthesis'. Indeed, the more analytical the sentencing judge is, the more likely he or she is to be taken on appeal. Some of this is, of course, true. But a great deal of it is not. It is, however, important to note that, not only does the public (including the media) think that it is true but also that many of those who would defend the current system do so by characterising the current system in this general way and then defending that idea.

The *Criminal Law (Sentencing) Act 1988* (the principal Act) treats the process in this way. It sets out a notoriously long list of what the judge should take into account. Deterrence, rehabilitation, desert, and retribution (among many others) are important and pull in different directions in any given case. But it is not true that there are no rules at all to which the judge must give heed when arriving at what seems to be an impossible conclusion. For example, one of the most significant principles to which the judge is subject is the principle of proportionality. This principle says that an offender should not be sentenced to punishment which is more than proportionate to his or her degree of offending in the range contemplated by the offence and the punishment set by statute.

The more specific principles of sentencing, such as the proportionality principle, are not to be found in any statute. They are to be found in the course of judicial decision making. In general terms, once it was conceded (as it was quite some time ago) that granting a right of appeal against sentence to the DPP was not a violation of the rule against double jeopardy, the way was opened for appellate control of individual sentencing judges. This control was (obviously) capable of being exercised in the individual case but also more generally. It became possible for appellate courts to give guidance to sentencing judges by setting out not only general principles of sentencing but also what became known in the legal profession as 'tariffs'. These tariffs (although the term was recently disapproved by the Court of Criminal Appeal in *Place* [2002] SASC 101) often approximated the proportionate sentence which could then be tailored by the sentencing judge to fit the circumstances of the particular case.

Taking the individualistic notion of the judge-centred model at its highest, which is what the public does, there are 3 major problems—or groups of problems—which, depending on one's point of view, exist to a greater or lesser extent in the sentencing system.

The Irrationality Problem

This problem is well known to participants in the criminal justice system. It does not mean that sentences are inappropriate or improper. It means that some sentences appear to lack any expressable rationale. The conflicting aims of punishment require information that a sentencing judge simply does not have. Some of these questions are as follows.

What constitutes effective deterrence?
What kinds of offenders are deterred?
What kinds of offenders can be rehabilitated?
What kinds of offenders are likely to commit more offences?
What are the treatment options available and are they able to cope?

There is a vast amount of theoretical and practical information on these, and other related, questions. Judges hear little or none of it. Instead, judges make a rough intuitive guess about what seems right for this offender and this case. This usually involves some sort of comparison with what other judges have done in the past. But it is impossible, on a case by case analysis, to give an understandable and systematic reason why one particular sentence is chosen rather than another. There is no objective, or even partially objective, basis to test the validity or integrity of intuitive judgments. Typically, all that can be said is that a commentator has to know all the facts and hear all the arguments—that is, an appeal to intuition. Hence, one finds recourse to the notion that sentencing is an art and not a science. The community and the media are not convinced.

The Disparity Problem

Even assuming that a coherent and understandable rationale for each sentence could be stated, there is still a disparity problem. Judge A may rationally believe that it is best to take a rehabilitative approach based on harm minimisation principles to drug offenders and Judge B may rationally believe that it is best to take a deterrent approach to drug offenders based on principles about the reduction of supply and demand. The result will be that Judge A and Judge B will give quite different sentences for the same offence. There is nothing surprising about this. Intelligent and thoughtful people differ on these issues constantly. But such disparities are unfair to the public interest because they depend, in the end, on the rule of the individual and not the rule of law. Here, justification depends on the degree to which one shares the point of view of the sentencing judge. Offending is controversial. That is why the public will disagree about a sentence based on these grounds. There is plenty of evidence for disparity.

The Transparency Problem

The problem here is to ensure that the sentence imposed by the court is transparent. It used not to be the case. People used to see that offender X was sentenced to 10 years in prison and later find out that he or she would be out after 5 years. The sentence imposed was not the one that the offender served. This undermined the credibility of the courts, sometimes distorted sentencing patterns and undermined the deterrent message.

Transparency was addressed by Australian Governments across the country in the 1990s by the use of what may generally be called 'truth in sentencing' legislation. In general terms, truth-in-sentencing legislation did not eliminate parole and other forms of discretionary release but, to a large extent, made the courts announce the release date so that the true sentence was transparent. The truth-in-sentencing legislation largely did the job that it was supposed to do in addressing transparency. That, in turn, leaves the other problems to be addressed.

The modern solution to these problems is guideline sentencing, which has been most effectively pioneered in New South Wales. In 1998, the NSW Court of Criminal Appeal handed down its judgment in *Jurisic* (1998) 45 NSWLR 201. Jurisic pleaded guilty to 3 counts of dangerous driving causing grievous bodily harm arising out of an incident involving 3 victims. He was effectively sentenced to 18 months home detention with a minimum period of 9 months in home detention, plus a bond. The Crown appealed against sentence. The Court of Criminal Appeal allowed the appeal and sentenced the offender to 2 years imprisonment with a non-parole period of 1 year. The 'guidelines' handed down in the course of the judgment read as follows:

(1) A non-custodial sentence for an offence against s 52A should be exceptional and almost invariably confined to cases involving momentary inattention or misjudgement.

(2) With a plea of guilty, wherever there is present to a material degree any aggravating factor involving the conduct of the offender, a custodial sentence (minimum plus additional or fixed term) of less than three years (in the case of dangerous driving causing death) and less than two years (in the case of dangerous driving causing grievous bodily harm) should be exceptional.

It can be seen at once that this guideline is just that—it is something rather less than a fixed determination or a mandatory minimum. As Spigelman CJ said: 'Guideline judgments are a

mechanism for structuring discretion, rather than restricting discretion.'.

The NSW Court of Criminal Appeal has gone on to give guideline judgments in cases of armed robbery, drug importation and discounts for pleas of guilty. In *Attorney General's Application (No 1) under section 26 of the Criminal Appeal Act (Ponfield and others)* [1999] NSWCCA 435 the Court declined to deliver a quantitative guideline for the offence of break, enter and steal because of the great diversity of circumstances in which that offence is committed and also the fact that the overwhelming majority of such cases are prosecuted, with the consent of the DPP, in the Local Court where the maximum sentence is only 2 years. However, a guideline was delivered in relation to the relevant sentencing considerations.

The NSW guideline system appears to have been a resounding success. The NSW Government took the path with respect to guidelines suggested by the judiciary followed by a great deal of favourable publicity which increased public confidence in the sentencing process. Although the measure attracted unfavourable attention from some parties (including the DPP and the NSW Law Society and Bar Association), the NSW Government enacted the *Criminal Procedure (Sentencing Guidelines) Act 1998*. The most important provision of that measure states that the Attorney General may make an application to the Court of Criminal Appeal in relation to the sentencing of persons found guilty of a specified indictable offence or category of indictable offences and make submissions about the framing of guidelines.

The basis for opposition to such legislation was both theoretical and practical. The theoretical objection was that it reposed the relevant discretion to make an application in the Attorney-General rather than in the DPP. The practical objection was that (unlike cases which were true appeals in which there was an adversarial situation) who, in an application by the Attorney-General, would make the arguments for other points of view and from what position? The NSW Attorney-General thought that the second criticism could be answered in that State by use of the Public Defender. There is no Public Defender in this State. However, an equivalent may be found. The role in question can and should be undertaken by the Legal Services Commission.Guideline judgments are used in a variety of shapes and sizes in Canada and New Zealand. However, this Government has decided to follow the successful NSW system. The provisions proposed are procedural, not substantive. They will allow the Full Court of the Supreme Court (known as the Court of Criminal Appeal when sitting in the criminal jurisdiction) to set guideline judgments on its own motion or on the application of the Attorney-General, the DPP or the Legal Services Commission. The Attorney-General, the Legal Services Commission and the DPP may become parties to any proceedings in which a guideline judgment is proposed to be set. The general discretion of the court is preserved and the court may inform itself in any way that it sees fit.

One other matter of central importance in this area of law remains to be mentioned. On 15 November 2001, the High Court delivered judgment in *Wong*. The decision was at first thought to cast severe doubt upon the NSW sentencing guidelines system. However, the actual decision in *Wong* was that the NSW sentencing guidelines were inconsistent with the legislative structure for sentencing set out in the Commonwealth *Crimes Act*. In addition, though, 3 of the judges in *Wong* (Gaudron, Gummow and Hayne JJ) went out of their way to cast doubt on the common practice in this State and others of granting a fixed range of sentence discount for an early guilty plea and/or co-operation with the authorities. As a result, a Full Bench of the South Australian Supreme Court of five judges convened to hear argument on that question in an appeal; *Place* [2002] SASC 101. Judgment was handed down on 26 March 2002. The Court of Criminal Appeal unanimously decided both that the decision in *Wong* did not have the effect of precluding the setting of sentencing guidelines generally and did not have the effect of delegitimising the practice of granting a discount for an early plea of guilty and co-operation with authorities. The proposed legislation will provide statutory support for that decision.

This Bill proposes to implement a Labor election policy. At the last election, Labor promised guideline sentencing.

Criminal sentencing must be consistent. The Attorney-General may reflect public concern about sentencing for a particular crime by asking the Court of Criminal Appeal to hand down sentencing guidelines for a particular offence next time that particular offence comes before the court on appeal. The Court should nominate what the common sentence for that crime should be and list the mitigating and aggravating elements. This system has been introduced in New South Wales and it is effective because judges are able to indicate a typical sentence for a particular crime. This means there will be less room for the discretion of individual judges and more consistency across the legal system.

I commend the Bill to the House.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 27—Service on guardian

This amendment is to correct an incorrect reference. The reference to "an application under this section" should be a reference to "an application under this Division".

Clause 4: Insertion of Part 2 Division 4

New Division 4 is to be inserted in Part 2 of the principal Act immediately after section 29. Part 2 is headed "General Sentencing Provisions" and contains Division 1 (Procedural Provisions), Division 2 (General Sentencing Powers) and Division 3 (Sentences of Indeterminate Duration).

New Division 4 (Sentencing Guidelines) (comprising sections 29A, 29B and 29C) is procedural in nature and provides that the Full Court may give judgments establishing sentencing guidelines. These guidelines are to guide sentencing courts in determining sentences for offences generally or a particular class of offences, or for offenders generally or a particular class of offenders. Sentencing courts are not bound to follow a particular guideline if, in the circumstances of the case, there are good reasons for not doing so.

Sentencing guidelines may be established or reviewed—

- on the Full Court's own initiative; or
- on application by the Director of Public Prosecutions, the Attorney-General or the Legal Services Commission.

Each of the following is entitled to appear and be heard in sentencing guideline proceedings:

- the Director of Public Prosecutions;
- the Attorney-General;
- the Legal Services Commission;
- the Aboriginal Legal Rights Movement Inc.;
- an organisation representing the interests of offenders or victims of crime that has, in the opinion of the Full Court, a proper interest in the proceedings.

If the Full Court thinks it appropriate, it may establish or review sentencing guidelines in the course of proceedings arising from an appeal against sentence. The exception to this is if sentencing guidelines are to be established or reviewed on the application of the Attorney-General. In that case, the proceedings must be separate from any other proceedings in the Full Court.

The Full Court may inform itself in any way it thinks fit on any question affecting the formulation or revision of sentencing guidelines and is not bound by the rules of evidence. However, if evidence relevant to the formulation or revision of sentencing guidelines is considered by the Full Court in the course of appellate proceedings, that evidence must not be used as a basis for increasing the sentence imposed on the offender unless the evidence was before the court that imposed the sentence in the first instance.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

This bill was previously before the Parliament and is reintroduced. It would insert into the Act provisions dealing with on-line content. These are based on the model on-line content provisions devised at national level to complement the 1999 amendments to the Commonwealth *Broadcasting Services Act 1992*, dealing with on-line services. Similar provisions passed the New South Wales

Parliament last year, although they have not been brought into effect pending the report of a Parliamentary Committee, which is expected in June 2002. Victoria, the Northern Territory and Western Australia have previously enacted provisions of their own dealing with unlawful internet content.

The aim of these provisions is to deter or punish the making available on the internet of material which is objectionable, and the making available to children of material which is unsuitable for children. What is objectionable or unsuitable is determined by reference to the national classification Code and the guidelines for the classification of films and of computer games. Thus, "objectionable matter" is internet content consisting of a film or computer game which is or would be classified X or RC. This could include, for example, sexually explicit material, child pornography, or material instructing in crime or inciting criminal acts. Similarly, "matter unsuitable for minors" is material which does not fall into the X or RC category but is nevertheless appropriate to be legally restricted to adults and is or would be classified R. In the case of the former, the material must not be made available or supplied at all. In the case of the latter, the material may be made available or supplied only if protected by an approved restricted access system, that is, a system which restricts who may access the material, for example by means of a password or personal identification number.

These provisions aim to catch the content provider, but not the internet service provider, which merely provides the carriage service through which the material is accessed, nor the content host who provides the means by which the content is made available. These entities will not usually have the relevant mental element of knowledge or recklessness in relation to content carried by their services. Instead, these are regulated by means of the Commonwealth *Broadcasting Services Act*. Under that Act, anyone may report offensive material found on the internet to the Australian Broadcasting Authority, which can arrange for the site to be classified. If the site content proves to be illegal, and the site is hosted in Australia, the Authority can require the ISP to remove access to the site. The two sets of provisions are therefore intended to be complementary.

It should be noted that the provisions do not catch material which is not stored and not generally available. Hence, they do not apply to ordinary e-mail which is only made available to its designated recipient, or to real time internet relay chat, which is ephemeral and is limited to the participants in the group at the time. However, if the content of the email or chat were stored and later uploaded so as to be generally available, then it would be caught.

When this bill was introduced by the former Government, it proved somewhat controversial. As a result it was examined by a Select Committee of the Legislative Council in 2001. The Committee advertised nationally and received submissions from 16 individuals and organisations, including representatives of the internet industry, legal practitioners, private individuals and organisations concerned for one reason or another with internet content. The Committee took evidence from four organisations, one being a peak body representing various internet industry organisations. It published its Report, analysing the various issues raised in submissions and in evidence. The Report recommended, by majority, that the bill pass with amendments, which are incorporated into the present bill.

The Government believes that many South Australians are concerned about the availability of objectionable material on the internet. While no South Australian law can, on its own, provide a complete solution to the problem of offensive or illegal internet content, much of which is made available from outside South Australia, it is nonetheless appropriate that South Australia do what it can to address the problem of offensive content which originates here. This bill forms part of a complementary national scheme designed to address such content, and I commend it to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of Part

This clause inserts a new Part in the principal Act as follows:

PART 7A

ON-LINE SERVICES

75A. Interpretation

This clause defines certain terms used in the Part (consistently with the Commonwealth Broadcasting Act).

75B. Application of Part

The Part applies to on-line services other than those prescribed by regulation. The provision makes it clear that a person is not guilty of an offence under this Part by reason only of the person owning, or having the control and management of the operation of, an on-line service (which is defined to include a bulletin board) or facilitating access to or from an on-line service by means of transmission, down-loading, intermediate storage, access software or similar capabilities.

75C. Making available or supplying objectionable matter on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person objectionable matter. The maximum penalty is a fine of $10 000.

75D. Making available or supplying matter unsuitable for minors on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person any matter unsuitable for minors. The maximum penalty is a fine of $10 000.

It is, however, a defence for the defendant to prove that an approved restricted access system operated, at the time of the offence, in relation to access by means of the on-line service to the matter or that the defendant intended, and had taken reasonable steps to ensure, that such a system would so operate and any failure of the system to so operate did not result from an act or omission of the defendant.

75E. Recklessness

This clause defines the concept of recklessness for the purposes of the Part.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without amendment.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) BILL

Received from the House of Assembly and read a first time.

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 897.)

The Hon. R.I. LUCAS (Leader of the Opposition): As the shadow attorney-general has indicated, the opposition will not oppose this measure. One of the joys of being in this chamber for a while is seeing that what goes around comes around. That is an old expression, and those with long memories sometimes have the opportunity to remind members of the inconsistency—or some might even say the hypocrisy—of the approach people adopt in relation to either certain legislative measures or other issues that are debated in the parliamentary arena. Indeed, this provision is just one such example.

I want to consider some of the comments that were made in a grossly unfair fashion during the 1997 debate on parliamentary secretaries, by members both in this chamber and in another chamber, about the proposal of the then Liberal government. I want to particularly address the grossly unfair and unfortunate comments—and in some cases the malicious and offensive comments—made by some members about my parliamentary colleague the Hon. Julian Stefani. For a number of years prior to that time, he had served in an

unpaid parliamentary secretary's position on behalf of the Liberal Party. As I have indicated before on the public record, he had a magnificent record of service to the South Australian community, and in particular to the multicultural communities in South Australia he worked so effectively for and with at that time.

The Hon. T.G. Roberts: We were concerned he was getting exploited.

The Hon. R.I. LUCAS: If that was his concern, they were not the sorts of comments being made.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts distances himself from the comments by some Labor members during that time. I will not refer to any comments made by the Hon. Terry Roberts. When he hears the comments, he may well be pleased that he has distanced himself from some of the offensive and malicious comments made by people such as the now Premier and the now Attorney-General about Julian Stefani and the notion of parliamentary secretaries. I am pleased that the Hon. Terry Roberts has distanced himself on the public record from those comments made by his leader and the Attorney-General—and some others, too, I might say.

Not only were the criticisms of the Hon. Mr Stefani unfair but also it was said that the Hon. Mr Stefani was going to take the position. All members will note that in the end the Hon. Mr Stefani did not take up the position. Therefore, he did not at any stage accept a paid position as parliamentary secretary. All the work he undertook was in the position of unpaid parliamentary secretary.

The Hon. Carmel Zollo: This is slightly different. There are two of us. You can't have one paid and one not paid.

The Hon. R.I. LUCAS: One could have just one parliamentary secretary; that would be a simple solution.

The Hon. Carmel Zollo: Well there are two.

The Hon. R.I. LUCAS: The Hon. Carmel Zollo says there are two.

The Hon. Carmel Zollo: I think your comparison is a bit weak, quite frankly.

The Hon. R.I. LUCAS: I am sure that the Hon. Carmel Zollo can defend herself, and we look forward to her contribution to this debate. Before one goes back to 1997, let us explore why we have this bill before us. It was introduced because the now Premier made a series of promises to the factions, the faction bosses and the faction leaders in terms of ministerial, parliamentary and committee positions. He made the promises, and they handed out the goodies. However, then they realised that, having handed out the goodies, not being able to choose between the member for Wright (Jennifer Rankine) and the right faction (not right meaning correct but right in terms of political leaning) Labor unity said, 'We want the Hon. Carmel Zollo to have a position or a guernsey.' So the promise was made to the faction bosses that the Hon. Carmel Zollo and the member for Wright would get positions.

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

The Hon. R.I. LUCAS: My colleague the Hon. Mr Dawkins did advise me at the time, and he reminds me again, that the member for Wright was very excited by all this. Of course, she had been a hard working electorate assistant for the member for Ramsay or Salisbury—I stand corrected; it could be both. She had been promised a parliamentary secretary's position—and the paid one, I might add; she was a bit sharper than the rest. The Hon. Carmel Zollo was also promised a position of parliamentary secretary, but that one could not be paid under the Constitution Act. Given the choice between the Hon. Carmel Zollo and his former electorate assistant, the Premier obviously chose the member for Wright to get the paid position. Of course, that set off ructions within the factions. It is almost alliterative. I cannot say it is alliterative, but it has a nice sound to it. There were ructions within the factions.

An honourable member interjecting:

The Hon. R.I. LUCAS: Friction within the factions as well, because the Hon. Carmel Zollo said, 'No way in the world. I was promised this parliamentary secretary's position and I will not settle for anything less than that.' She told the faction bosses, 'You go back and tell that bloke I want a paid position. I'm not going to be a parliamentary secretary and not be paid. We will have to have legislation. I'm not working for nothing.' The Hon. Julian Stefani has worked for years and years in these communities.

An honourable member: He is totally exploited.

The Hon. R.I. LUCAS: He is not exploited, because the Hon. Mr Stefani accepts that being paid almost $100 000 a year in a parliamentary salary is recompense enough for the sort of work he is prepared to do for those communities. However, the Hon. Carmel Zollo said that $100 000 plus a $20 000 electorate allowance plus all the other expenses she is going to get is not enough for her to work in these areas as parliament secretary. She wanted more money from the taxpayers. She wanted another 20 per cent—another $20 000 or so.

The approach of the Hon. Carmel Zollo was, 'I'm not going to work in these areas unless you give me the money.' As she said by way of interjection tonight, 'I looked at it, but why should one be paid and the other one unpaid?' That is the reason for this legislation. That is the sort of approach being adopted by the Hon. Carmel Zollo and the Labor Party. They will not work in these communities and they will work with these people unless the parliamentary secretary's position is paid. Anyone who is working in the community—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Sneath defends the Hon. Carmel Zollo and says that she is not prepared to work for nothing.

The PRESIDENT: Order! Members will not interject when someone is debating in an orderly manner. I am a little worried about the orderly debating at the present moment. I would ask members on both sides of the chamber to come to order.

The Hon. R.I. LUCAS: The Hon. Mr Sneath was interjecting in a most unsavoury way during my contribution. I was offended and fearful for my safety. I ask the honourable member to speak with the people with whom he used to work and ask them whether if a person is being paid almost $100 000 a year and getting an electorate allowance of $20 000, together with other payments as whip and president or chair of a committee, that is not a reasonable remuneration package to go out and do all the jobs that one might be expected to do as a member of parliament and as a parliamentary secretary. Go and speak to the workers and ask them what they think about that sort of remuneration package. What would they think of someone who says, 'I'm not going to do this work unless I get more money—unless I'm going to get another $20 000 or $25 000 over and above that as a paid—

The Hon. R.K. Sneath: You know nothing about workers. You should not be talking about workers. You know nothing about it.

The PRESIDENT: Order! There is an opportunity for the Hon. Mr Sneath to make a contribution, if necessary. The Leader of the Opposition has the floor. He will debate in an orderly fashion and he should not be diverted.

The Hon. R.I. LUCAS: It is hard to hear myself think at the moment through the incessant interjections from the Hon. Mr Sneath and others. That is the background to this piece of legislation, as members of the Labor caucus would well understand. I know that some people within the Labor caucus—because they have expressed the view to me privately—have said that they are embarrassed by this legislation. They were saying that times were tough but that they wanted to introduce a legislative package with the budget, including increases in stamp duty and hammering the poor, working-class families in areas such as Port Adelaide and Croydon.

As I pointed out last night, they wanted to introduce increases in taxation in a number of other areas, such as gaming taxes, government duties and charges right across the board, and they had to introduce, as part of their budget package—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, and crown leases as well. They had to introduce, as part of their budget package, this bill to give the Hon. Carmel Zollo an extra $20 000 or so to work in the position of parliamentary secretary. One or two—not many I have to say—members of the Labor caucus with a bit of a conscience said, 'Hey, look, really, does this make too much sense? Here we are trying to introduce a tough budget and we are introducing a bill because Mike Rann and the factional heavies—

The PRESIDENT: The Hon. Mike Rann.

The Hon. R.I. LUCAS: —the Hon. Mike Rann and the factional heavies—the honourable factional heavies? No, maybe not. The Hon. Mike Rann and the factional heavies promised two people the one paid position of parliamentary secretary that was available, and they had to therefore find a way of cleaning up the mess they had created. I want to go back to that debate in 1997. As I said, credit to the Hon. Terry Roberts tonight who has distanced himself from his own Premier and Attorney-General in relation to the statements they made in 1997. I want to remind members of some of the things that were said at that time.

The then leader of the opposition, the now Premier, in relation to this position of parliamentary secretary said:

> . . . it is about rewarding a couple of members of parliament for factional loyalty; and it is about rewarding another for her disloyalty to the former premier.

He then said:

> . . . the hapless Julian Stefani, as parliamentary secretary, will receive a 20 per cent pay rise.

As I have indicated, that is incorrect as, indeed, were many of the statements made by the then leader of the opposition. He further states:

> This bill contains absolutely no detail about how many offices, extra staff, cars, perks or travel expenses will be applied, particularly in the case of Julian Stefani. I feel a bit sorry for Julian. He is always not really the bridesmaid but the flower girl in terms of never being given the position that he has wanted.

I am pretty confident in saying that I do not think that the Hon. Julian Stefani has ever been a flower girl, but I am not sure about the then leader of the opposition, the now Premier, who may have been a pageboy at the Hon. Mr Paolo Nocella's wedding. I remind you, Mr President, of that infamous headline in 1996, I think it was, where Mr Nocella proudly showed to the *Advertiser* (I think it was to Jill Pengelley, the journalist) a lovely little note that the Hon. Mr Nocella had received from the then leader of the opposition, which read:

> Looking forward to our honeymoon in Rome. Congratulations, Mike Rann.

The Hon. Mr Nocella was very proud of that note that he received from Mike Rann. Indeed, there is a photograph in the *Advertiser* with a very happy Mike Rann and a very happy Mr Nocella and, in between the two of them, I assume a very happy Mrs Nocella. I do not think she went under the name of Mrs Nocella. No, the caption reads, 'Leonie—

The Hon. Caroline Schaefer interjecting:

The Hon. R.I. LUCAS: I cannot see it here at all. It just says, 'and his wife Leonie', but I think that she did have a different maiden name. That was the sort of criticism that was being delivered to the Hon. Julian Stefani from the then leader of the opposition. The Hon. Mike Rann then said:

> But he goes to lots of functions, and one of his principal roles, apart from meddling in the internal political affairs of ethnic groups, is to threaten ethnic groups not to allow the Leader of the Opposition to speak at functions in case he upstages the Premier of the day.

I am sure that if the Hon. Julian Stefani was providing any advice to groups about the then leader of the opposition he would not have been worried about his upstaging the then premier of the day. I can assure the Hon. Mr Rann that that would not have been the driving influence for the Hon. Mr Stefani during those occasions. The Hon. Mr Rann further said:

> He has even gone so far as telling people that they will not be considered well for grants and so on, and various communities have rung me and asked, 'What will we do about this?' I have always laughed and said, 'Put the ethnic group first, because we want to achieve and support multiculturalism.' Does this not tell you something about this government and about how grubby it can get? Of course, we are seeing a 20 per cent pay increase for Julian to at least make him feel he has something going for him, even if he is not quite up to being a kiddie minister.

I note also that the then leader of the opposition went on to criticise the Hon. Mr Stefani, and said:

> I understand that the Hon. Mr Stefani, who is getting a 20 per cent pay increase, has always refused to answer questions on multicultural and ethnic affairs when they have been asked of him in the upper house. This is this open government having more ministers, yet it is the same government which, during the election campaign, gagged its existing ministers.

Mr President, you might have some recollection of that; my memory is dimming—

The PRESIDENT: I rather think that I asked some of the questions.

The Hon. R.I. LUCAS: I was not going to suggest that; but someone very close to your chair was asking those questions of the Hon. Mr Stefani, and the then leader of the opposition was very critical that the parliamentary secretary would not answer questions. I am assuming that the Premier—to be consistent with the views that he has outlined—will ensure that the two parliamentary secretaries, the member for Wright and the Hon. Carmel Zollo, will be standing there, making themselves available for questioning during question time consistent with the views of their parliamentary leader.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, you would hope so. That is the view that the Premier has put. We look forward to the passage of the legislation so that on the front bench we will be able to question two ministers and the Hon. Carmel Zollo.

The Hon. A.J. Redford: What sort of questions do you think we might ask them?

The Hon. R.I. LUCAS: I am sure the President might be able to suggest the type of questions that should be directed to a parliamentary secretary, but I am sure that we will think of questions that are appropriate to the parliamentary secretary's role and responsibilities.

I return to the criticisms made—again, I think most unfairly—of the Hon. Mr Stefani by the member for Spence, the now Attorney-General, Mr Atkinson, who said:

> As yet, the government has been unable to supply the opposition with a job description or job specification for the office of paid parliamentary secretary to the Premier for Multicultural and Ethnic Affairs.

Mr President, I can feel my wallet filling at the moment. I will open it on the bench.

The PRESIDENT: Order! Honourable members are well aware of their responsibilities to people in the gallery and to their colleagues on the floor.

The Hon. R.I. LUCAS: I do not know who is in the gallery, Mr President. I will continue with the contribution from the member for Spence.

The Hon. R.K. Sneath: Have you got a photograph of yourself in that wallet?

The Hon. R.I. LUCAS: No, I have Mike Rann's pledge card—the one that promises cheaper power.

The Hon. R.K. Sneath: You are getting it, too.

The Hon. R.I. LUCAS: That's the one: it promises cheaper power. 'And keep this card because I want to keep my promises', he said. That's the one. I return to the very eloquent contribution of the member for Spence and the now Attorney-General, who said:

> As yet, the government has been unable to supply the opposition with a job description or job specification for the office of paid parliamentary secretary to the Premier for Multicultural and Ethnic Affairs.

We look forward to the Premier providing all members with a job specification and job description of the two parliamentary secretary positions that will be approved through this legislation. The member for Spence went on and said:

> We suspect the real job description is 'attending functions and continuing to support the Premier in internal party ballots'.

How apt is that! The now Attorney-General nailed it in one. He defined the job description of a parliamentary secretary as supporting the Premier in internal party ballots. That was the Attorney-General's job description for parliamentary secretaries. The member for Spence went on in his contribution with some frank confessions and said:

> I read a great deal of Karl Marx because I was enrolled in two units of modern revolutions in my history course and was taught by Communists. The first book I read after becoming a member of parliament was *The Cavalier Parliament and The Reconstruction of the Old Regime, 1661-1667*.

The Hon. A.J. Redford: Do you reckon he's got to the 16th century yet?

The Hon. R.I. LUCAS: No, he is still living in the past. He then went on without—

The Hon. R.K. Sneath: He's not paying the wages of the past like you blokes, though. He is not still paying workers 1956 wages like you people would like to.

The Hon. R.I. LUCAS: Go and speak to the workers and find out whether they think $100 000 plus a $20 000 electoral allowance and all of the other perks that the Hon. Carmel Zollo has is not a fair package for the job of a member of parliament. See what they think.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath is overexerting himself.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: We do it for the love of it. The member for Spence, having read a lot of Karl Marx in his two units of modern revolutions, went on to say:

> But in a parliament as small as South Australia's, a small increase in the number of ministers and the creation of paid parliamentary secretaries will soon lead to the loss of even the pretence of parliamentary control of the executive.

That was for one parliamentary secretary position: heaven forbid what the Attorney-General thinks now, given that we are doubling that to two paid parliamentary secretary positions. He further said:

> This is why we should scrutinise most jealously any increase in the number of ministries and the creation of paid parliamentary secretary positions. An effective working parliament depends on it.
>
> To prevent sordid outcomes, such as the Liberal Party room ballot for Speaker on Monday 1 December. . .

He went on to warn:

> We ought to be most careful. Parliament's traditional function is already sufficiently undermined by party government through the executive without introducing the means for the executive to buy off the party room.

He means by rewarding those who will support the Premier in internal party ballots. This is the description of the now Attorney-General.

There are a number of other contributions from other members, and there is a particularly interesting one from the then member for Ross Smith, Mr Ralph Clarke. It will not surprise members that it has many references to 'trotters in the trough', 'snouts' and a number of other very unflattering references to parliamentary secretaries. When one reads the 1997 debates, I think it is a fair indication of what Labor Party members of parliament were allowed to get away with in terms of an interpretation of injurious reflection on other members compared to what is allowed by the now opposition in relation to many of these issues. I will not go through the detail of the contributions of all the other members and, in particular, the commentary from the member for Ross Smith.

The Hon. A.J. Redford: Did the member for West Torrens say anything?

The Hon. R.I. LUCAS: All I know about the member for West Torrens is that his favourite footballer is Scottie Welsh, who plays for the Crows. He told me that. And he is my favourite footballer, because he plays for West Adelaide.

The Hon. A.J. Redford: Not because he doesn't pay?

The Hon. R.I. LUCAS: Not because he does not pay, no. He is a very good footballer. I conclude by indicating, as I said at the outset, that the Liberal Party will not be churlish about this in terms of opposing the legislation. Suffice to say, as I said at the outset of my contribution, that what goes around comes around in politics, and the comments of the now Premier and the now Attorney-General are back on the public record. I conclude by saying that I pay credit to the Hon. Terry Roberts, who immediately distanced himself from the comments of his colleagues, the now Premier (his own leader) and the Attorney-General, within this particular cabinet.

The Hon. A.J. REDFORD secured the adjournment of the debate.

GAMING MACHINES (GAMING TAX) AMENDMENT

Received from the House of Assembly and read a first time.

TAFE FINANCES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to TAFE finances made by the Hon. Jane Lomax-Smith today.

Leave granted.

ADJOURNMENT

At 11.56 p.m. the council adjourned until Thursday 29 August at 11 a.m.