LEGISLATIVE COUNCIL

Tuesday 22 October 2002

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

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to the fact that today we have some very important young guests here from the Bordertown Primary School with their teacher, Mr Geoff Jarrett, and they are sponsored by the Hon. Mr Ridgway. I hope they find their visit to our parliament most interesting, informative and, above all, educational.

PAPERS TABLED

The following papers were laid on the table:

By the President—

City of Mitcham—Report on Outcome of Applications for Rebate of Rates

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Reports, 2001-2002—
- Department of Industry and Trade
- Department of Treasury and Finance
- Distribution Lessor Corporation
- Funds SA
- Generation Lessor Corporation
- Lands Management Corporation
- Lotteries Commission of South Australia
- Motor Accident Commission
- Resi Corporation
- Resi Gas Pty. Ltd
- SA Ambulance Service
- SAIIR—Office of the South Australian Independent Industry Regulator
- South Australian Asset Management Corporation
- South Australian Country Fire Service
- South Australian Forestry Corporation
- South Australian Government Financing Authority
- South Australian Motor Sport Board
- South Australian Parliamentary Superannuation Scheme
- South Australian Police
- South Australian Superannuation Board
- State Emergency Service
- The Industrial and Commercial Premises Corporation
- Transmission Lessor Corporation

Motor Accident Commission: Charter

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

Reports, 2001-2002—
- Administration of the State Records Act 1997
- Animal Welfare Advisory Committee
- Board of the Botanic Gardens and State Herbarium
- Department for Administrative and Information Services
- Freedom of Information Act
- General Reserves Trust
- Homestart Finance
- Libraries Board of South Australia
- Native Vegetation Council
- Privacy Committee of South Australia
- South Australian Aboriginal Housing Authority
- South Australian Community Housing Authority
- South Australian Housing Trust
- South Australian Youth Arts Board—Carclew Youth Arts Centre
- The Institution of Surveyors Australia, South Australian Division Inc

Regulations under the following Acts—
- Development Act 1993—Excavations, Other Activities
- Fisheries Act 1982—River Fish

By-laws—
- District Council—
  - Berri Barmera—
    - No. 5—Taxis.

TOTALISATOR AGENCY BOARD

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement made earlier today in another place by the Hon. Michael Wright on TABCorp.

QUESTION TIME

URANIUM MINING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about the report of the Independent Review of Report Procedures of the SA Uranium Mining Industry.

Leave granted.

The Hon. R.I. LUCAS: In the report brought down in the ministerial statement made by the minister last week, the minister referred to a number of recommendations. I particularly refer him to recommendation 7, which is as follows:

> If the Mining Act and the Radiation Protection Control Act continue to apply, public notification should be made of those incidents which cause or threaten to cause serious or material environmental harm through the Minister for Mineral Resources Development or the Office of Minerals and Energy Resources.

My question is: does the minister support that recommendation and, if so, what will be the process of implementation of that recommendation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): As the honourable member has read out, recommendation 7 of Hedley Bachmann's report states:

> If the Mining Act and the Radiation Protection Control Act continue to apply—

which they do, and the government has no plans to change that—

> public notification should be made of those incidents which cause or threaten to cause serious or material environmental harm through. . .

the coordination of me as the Minister for Mineral Resources Development. That is certainly something that the government will be implementing and, indeed, does. In fact, if one looks back since the change of government in March this year, the PIRSA web site, particularly the section relating to the Office of Minerals and Energy Resources, contains information relating to all incidents at South Australian uranium mines. That is what has been happening and will continue to happen under this government.

The Hon. R.I. LUCAS: As a supplementary question: given that the minister has indicated that he and the government support this recommendation, first, does he agree that it could mean that all spills that do not cause or threaten to cause serious or material or environmental harm, which is indeed a relatively high threshold, will not have to be publicly notified? Secondly, does the minister agree that a majority of spills over the past three to four years would not have been

of a nature that would have caused or threatened to cause serious or material environmental harm?

The Hon. P. HOLLOWAY: I think that one should read Mr Bachmann's report, taking into account his appendix to that report—I think it is Appendix D—where he sets out his recommended criteria and procedures for recording and reporting incidents at South Australian uranium mines. I point out that, under the general requirement, Mr Bachmann suggests:

> The following recording and reporting conditions are to be applied:
>
> (a) General requirements
>
> Report any defect due to design or malfunction discovered in the mill or plant, equipment or working procedure that is likely to cause a significant increase in radiation exposure, release or loss of control of radioactive process materials or liquids leading to the accidental exposure of a worker to radioactive materials through inhalation, ingestion or significant contact or unplanned dispersal of any radioactive process materials through fire, explosion or other events.

Mr Bachmann also recommends, in relation to the undisturbed environment, that there must be a report of any unplanned release of radioactive process materials or liquids. Also, the report states under 'Record':

> - Any unplanned release to the surface of more than 10 cubic metres of natural ground water.

Mr Bachmann is recommending that any unplanned release of radioactive process materials or liquids should be reported, but there has to be a record of any unplanned release to the surface of more than 10 cubic metres of natural ground water, even though that ground water would not contain any radioactive material. I think that it is important to understand that any unplanned release is required to be reported. Also, in relation to reporting, under 'Process Plant', Mr Bachmann recommends the reporting of:

> - Any release of uranium concentrate outside secondary containment.

I believe that, under those recommendations made by Mr Bachmann, adequate provision is made for the reporting of any spill. Remember that any reporting must be made on an approved incident report form. It is also proposed that:

> (a) The attached reporting procedure be applied as part of the radiation management plan for uranium mining operations. . .
>
> (b) The efficacy of the procedure should initially be reviewed within 12 months. The review will take account of any changes in mine operations, technical difficulties encountered, the interaction of these procedures with the requirement of other applicable acts and regulations, and the appropriateness of current recording and reporting levels. The procedure should be regularly reviewed thereafter.

As I have indicated, the government certainly supports the broad recommendation made by Mr Bachmann in recommendation 7 in relation to those details contained in appendix D. As I indicated in my statement the other day, the government will work through that with the relevant agencies—not just my agency but, obviously, that part of the Environment Protection Agency responsible for the Radiation Protection and Control Act. It will also need to be involved in the implementation of these particular procedures. cabinet has requested that I report back to cabinet by the end of this year in relation to the implementation of these particular reports.

As I have indicated in my broad response to the report, certainly we support the broad thrust of Mr Bachmann's recommendations, most of which have already been put in place. In relation to some of those specifics where more work needs to be done, clearly, that work will be undertaken.

The Hon. R.I. LUCAS: As a supplementary question, will the leader undertake to ask his officers the following question, and bring back a reply: how many of the spills in the last three years, in their judgment, would have met the threshold of having caused or threatened to cause serious or material environmental harm?

The Hon. P. HOLLOWAY: I think that, retrospectively, it may well be difficult to make that determination. I will see what information the department can provide. However, I would note that, as well as that reporting (which would need to be done within 24 hours), there are also requirements within Mr Bachmann's report for the recording of all incidents at uranium mines. If one looks at the other recommendations one can see that, in appendix E, an incident reporting form is required to be adopted by all regulatory agencies involved in the regulation of milling of uranium ore.

Lesser events will certainly be recorded. These events are normally reported at the three-monthly meetings when the three uranium mines operating in this state meet with the relevant officials from my department, from the EPA's Workplace Services Unit and from other units. All that information is assessed every three months. What we have in place now and what will continue to be in place are the two levels of reporting. Those events that are less serious will be recorded by the company and reported every three months. That information has been put on the PIRSA web site after that period of time. More serious events would be reported within 24 hours, and that is what happened in May or June this year when the government sent a team, including officers of my department and the EPA, to investigate that particular spill. Clearly, that was a more serious event. So, there is a threshold of events under this reporting procedure, and that will continue to apply.

ANANGU PITJANTJATJARA

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Anangu Pitjantjatjara.

Leave granted.

The Hon. R.D. LAWSON: Under the Pitjantjatjara Land Rights Act 1981, the body corporate Anangu Pitjantjatjara is established. The act provides that there shall be an executive board of Anangu Pitjantjatjara comprising a chairman and 10 other members elected at an annual general meeting of the Anangu Pitjantjatjara. I believe the next annual general meeting of that body will occur before Christmas this year. At the moment, a process is being undertaken on the Pitjantjatjara lands whereby visits are being made by an officer of the South Australian Electoral Office as well as persons associated with AP to ascertain the wishes of each individual community about the person they would wish to represent that community on the executive board. I am told that a number of communities have been visited, a number of elections have been held and a number of nominations have gone forward. Of course, the persons who are nominated by individual communities will have to be duly elected in accordance with the act at the annual general meeting. My questions to the minister are:

1. Does he support the proposition that individual communities across the lands should be represented on the executive board?

2. Does he welcome the fact that at least two women have been nominated as a result of the process currently being undertaken?

3. Does he support the process of ascertaining the wishes of individual communities?

4. Will he rule out rumours that he, the minister, is contemplating dispensing with the executive board and replacing it with some other form of administration?

The PRESIDENT: Part of that is hypothetical.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Thank you, Mr President, for pointing that out to me. I thank the honourable member for his very important question and remind him that he is on a select committee with me, looking at the act and in due course making recommendations on a whole number of aspects of governance and service delivery. Previous regimes—and I include not only previous Liberal governments—did not take into account the problems associated with isolation, distance and the ability of the communities to support and take part in the delivery of those services themselves.

The starting point for re-establishing a responsible network of representative bodies within the lands—that is, the election of the executive, which I understand will be held in November this year—and the representation that goes with the communities is the responsibility under the act of the communities themselves. My understanding of the act is that the annual general meeting is the place for the incoming executive to be elected. Earlier in the year I sat down with representatives of the AP Council and the Pitjantjatjara Council, who historically have delivered services in that region—

The Hon. A.J. Redford: Was that before or after Randall met with them?

The PRESIDENT: Order! Interjections are out of order.

The Hon. T.G. ROBERTS: I am not quite sure of the intention of the interjection, but I met with them to try to establish a process that included all the groups within the lands in a democratic way. It allowed for the communities to express their views and opinions on how services should be provided in those communities, and it sought to assist them to take ownership of the delivery of those services. We also tried to work towards a model of governance so that the state government, the commonwealth government and the local Anangu could have confidence that their form of governance is responsible and representative. The issues that we were able to identify in relation to the problems associated with petrol sniffing, malnutrition, neglect of small children, alcohol and drug abuse—all the problems associated with poverty and isolation—were going to be addressed.

As to the questions about what is going on in the lands at the moment, that is a process that is part of negotiations that I commenced earlier in the year. The formula by which we were to proceed, if agreement was going to be reached, was to include a form of governance, with models that were being drawn up at the time by Mr Chris Marshall, who was then the appointed Director of the AP Council. He was of the mind that he would proceed with a recommended structure without getting the agreement of the government on a formula that could be discussed by the government and the AP Council in tandem with the traditional owners and the communities.

That was to include the women's service providers who were, in some cases, the backbone of the service provisioning and who were also the avenue for women to make their voices heard within those communities. Unfortunately, we did not have agreement. I thought we had agreement on two occasions so we could move forward by consensus and include all groups on the lands. The state government, by way of cross-agency support, could provide services in an integrated way and we would be able to use a designated support program that the commonwealth had made available, and that was subject to the state and the local communities being able to avail themselves of that program. That was to be coordinated with the state government through the AP Council.

Unfortunately, we could not get agreement on a way to proceed, and the position as it stands now is that Chris Marshall, who is the Director of the AP Council, along with representatives of the AP Council, I understand, are going to the communities and putting forward a model of their own as to how they see the restructuring of the AP Council. My understanding of the act is that all members on the AP Council will be elected at the November meeting. Last November, my understanding is that 89 people turned up to the AP Council annual general meeting for the election of representatives and, in that case, if those numbers are correct, that is not a representative cross-section of the community. The Dodson report noted that the AP Council was not representative of the broader communities and that there needed to be some form of change to that process.

The process that has been put in place does not have the sanction of the government nor my sanction as minister, because I really do not know at this stage what process the AP Council has gone through, except that I have received a short phone call from Chris Marshall, who assures me that the democratic processes of inclusion and open meetings within communities are being upheld.

I have had phone calls and correspondence from other people within the lands telling me that that is not the case, that the full communities are not being consulted, that meetings are being held within selected communities and that the numbers of people who are turning up to those meetings are not the cross-representative numbers of people who should be canvassed if there is going to be an election of that sort. I do not have a report from the electoral officer who is in attendance with Chris Marshall. I will be seeking a report from the Electoral Commissioner to find out the exact process being carried out.

If it is the intention of Mr Marshall to then take those representative nominations—which is all they can be—to a full meeting in November and then endorse those candidates, I am not too sure about that. In fact, the question was framed such that on the one hand under the act elections are held within communities to put forward names for endorsement as representatives of the executive if they are going to elect 10 or, on the other hand, are these people the elected nominees for the council for the full general meeting? I am not too sure about that. While that information is being gathered, I will hold in abeyance my support for the position the executive is pursuing at present.

With regard to the question of women being nominated, if women are being notified, consulted and engaged to take part in the electoral process with the endorsement of candidates in November—and there are a number of women on that final executive after the annual general meeting has been held—I will be pleased about that, because at the moment the women do not play a role on the AP executive. They are consulted as an adjunct to that process. I cannot give my support to the process, because a document has not been extended to me—although I understand it is being discussed on the lands. It has a formula for a structure that has not been discussed with government in relation to the funding regime in which the final outcome for the executive is looking for

endorsement, as well. I have been sent a copy of it, but it has not been given to me officially by the AP executive.

It is basically a funnel for commonwealth and state funds so that they go into the AP executive for use and distribution through service delivery. The government will support service delivery programs if they have ownership of the community, and it can be demonstrated that, in conjunction with state government support programs, these service delivery programs are urgent and save lives. It is a life-saving exercise. The putting together of these programs will treat and prevent any further deterioration of the conditions the people in the communities face.

The Hon. R.D. LAWSON: As a supplementary question, will the minister concede that, contrary to his assertion that Chris Marshall is the Executive Director of AP, Mr Rex Tjami is the Executive Director, and Mr Marshall is an officer of the council?

The Hon. T.G. ROBERTS: I stand corrected on the title. Chris Marshall was the Director. Anyone on the other side of politics who takes a position that makes light of the serious situation within the AP lands—and it is life and death, and I have said that on a number of occasions in this council—is not carrying out their responsibilities properly. I made a mistake in relation to the official classification of Rex, the Director at present. I certainly apologise for that.

Chris Marshall is, and has been, the director of AP and he is the person making the most phone calls. I suspect that it was not the director who informed the opposition in relation to the position occurring in the lands at the moment; it would have been a contact from Mr Marshall. I am not able to ask questions of people on the other side, but I do know that the people who are being contacted to highlight the fact that the government is not prepared to openly endorse the process that is going on at the moment are being contacted by Mr Chris Marshall.

PUBLIC SECTOR RESPONSIVENESS REPORT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a report made by the Premier in another place today on the Fahey report.

COUNTRY HOUR

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the *Country Hour*.

Leave granted.

The Hon. CAROLINE SCHAEFER: Mr President, as you would know, the ABC *Country Hour*, and what are colloquially known as the ABC breakfast sessions, have always been widely listened to by people in regional areas, particularly those involved in primary industries. It has long been recognised that they are, by far, the best method of disseminating information widely, quickly and accurately to people in isolated areas, particularly to, again, those in primary industries; and they have always presented this information fairly and without fear or favour.

Last week, in reply to a question from the Hon. Angus Redford, the minister said:

> I have not made any complaints to any media outlets although, having seen the treatment that I sometimes get on the ABC's *Country Hour*, perhaps I should about that program. I am disappointed that a body such as the ABC, set up on public charter, does not always appear to abide by that charter and provide me with the opportunity to speak on that program.

If I thought that allegation were true—and the minister did repeat it by way of interjection the following day—it would, indeed, be very serious. Can the minister give us a list of times and topics when he was prevented from speaking on the *Country Hour*, as he has suggested? Can he in fact give just one instance when bias was shown against him? Or, in fact, is the opposite the case, that is, that he has often refused to go on that program when invited to do so?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Certainly, the Hon. Caroline Schaefer is correct: the rural radio service of the ABC is a very fine service. There are, I guess, a range of people involved in that rural service on the ABC. Some of them, perhaps, are more helpful than others, depending on your political point of view but, by and large, I have the utmost respect for the ABC rural service and the news that it provides.

What happened last week was that the Hon. Angus Redford, who is not here at the moment, asked me a question alleging that members of the government had tried to interfere in the presentation of reports on various media outlets and, in answer to that allegation, I said, 'Well, no, I haven't done that.' But, given that I had just seen a report, I think it was the day before, on the *Country Hour* where there was an item reporting a cut of $5 million to the FarmBis program, which, as I have pointed out to this council on a number of occasions, I did not believe was a fair reflection. However, because that was on there without giving me the chance to respond, it was just as I was answering the question—

The Hon. Diana Laidlaw: Did you ring up and respond?

The Hon. P. HOLLOWAY: Well, no, I didn't seek to respond, as I said in answer to the question. The Hon. Diana Laidlaw asked me do I—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: No. I do not grizzle about these things. However, in relation to that matter—

Members interjecting:

The PRESIDENT: Order! The honourable minister has the call.

The Hon. P. HOLLOWAY: The people from the *Country Hour* had spoken to me in relation to that and I think we have resolved that issue to our satisfaction. I am very pleased to say that on Monday I was interviewed, along with the Hon. Ian Gilfillan, on the subject of GMOs on the *Country Hour* and today I was able to report on aspects in relation to the government's response to the drought in the past two days. I am very pleased that I have had the opportunity to address these issues on the *Country Hour* and I wish that program continued success.

The Hon. CAROLINE SCHAEFER: Will the minister therefore unequivocally apologise to the ABC *Country Hour* for his allegation of bias?

The Hon. P. HOLLOWAY: I think it is a bit rich: I am asked a question by members opposite, who were making allegations that somehow we were badgering these media outlets, with various members of parliament's offices hectoring them to get across a certain viewpoint. I said that that was not the case in relation to me, but I gave the example of one program that maybe I should have hectored. In relation to that the honourable member is now requesting that I apologise for answering the question asked by the honourable

member. ABC Rural Radio is an institution that I respect greatly: I certainly have no wish to offend those people on ABC Rural Radio, who do a very good job. I am sure that those people will not be particularly concerned about any comments I may make. I am sure they will continue to do their job professionally, as will I.

DROUGHT RELIEF

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the drought assistance package.

Leave granted.

The Hon. CARMEL ZOLLO: Last week the Premier announced details of a $5 million drought package recommended by the Premier's seasonal conditions task force. This task force was set up by the Premier subsequent to his visits with the Minister for Agriculture, Food and Fisheries to drought affected areas of the state. As part of that package, $1.5 million was allocated for business support grants to individual farm businesses and $150 000 was allocated for community projects. Is the minister able to explain to the council how these grants will operate?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the Hon. Carmel Zollo for her question on this important matter. As she pointed out, following the visit of the Premier and myself to drought affected regions of this state the Premier announced just over a week ago a $5 million package of support to areas of the state affected by drought. The Premier detailed a number of components of that $5 million package he detailed at that time. Of those, two of the important packages were the $1.5 million in business support grants and the $150 000 in community support grants. The Premier's adverse seasonal task force, which made the original recommendation in relation to this matter, has considered the details of that package and such details are now finalised and will be posted on the PIRSA web site this afternoon.

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: Indeed, it has been recorded on the *Country Hour* and I am grateful for its assistance in so doing. The basic details in relation to the individual business support grants are that up to $10 000 will be made available for those properties in areas suffering ongoing seasonal difficulties through last year and the current drought to assist them in re-establishing their business by either restocking or reseeding. The central north-east of South Australia, which involves the soil conservation districts of the northern Flinders Ranges, the north-east pastoral and the eastern districts soil conservation districts, will be particularly a target in that, and also, of course, the Murray Mallee, which was severely affected by frost in 2001. Those two areas will specifically be targeted by the government in relation to these grants.

To qualify, it is required that gross income in both 2001 and 2002 be at least 40 per cent below normal. So, clearly, it is required that there should be this significant impact because of drought in both the previous year and this year. A means test will also apply in relation to farm income and farm assets. Further, a hardship statement from the Rural Financial Council or the Financial and Rural Communities Adviser, which will be placed with the South Australian Farmers Federation, will be required to qualify for these business support grants. The government will be requesting that all applications for assistance under this program be received by 31 January next year so that advice can be given as early as possible as to the grant to be made.

It has been made clear that the government is costing its package of $1.5 million on the basis that it is likely that there will be 150 applicants for the maximum $10 000 grant. Clearly, we would like to receive applications by 31 January so that we can gauge the response by those people affected and offer them assistance accordingly. It is likely, of course, that those grants would be payable. Although the government can signify acceptance of those grants after 31 January next year, we would expect those grants to be taken up some time next year when those farmers are restocking or reseeding.

However, in recognition that there may be some need for emergency assistance in relation to domestic water carting, part of the package will involve up to $2 000 for water carting costs for domestic purposes, and this will reduce the total amount of $10 000 available for the reseeding and restocking. Those applications can be processed immediately on their receipt.

The other part of the grant will be community grants, where $150 000 will be made available for all South Australian drought-affected communities. Those grants will involve up to $5 000 to support other projects, to develop or support social infrastructure, such as maintaining young people in rural areas, maintaining the functions of key community organisations and maintaining the morale and resilience of the community. They will also be available to enable rural community groups to learn better mechanisms for managing drought conditions. Those grants will be available up until 30 June 2003.

After this afternoon, I will be pleased to make available on the PIRSA web site www.pir.sa.gov.au\drought information in relation to the individual business support grants and the community support grants. Inquiries can also be made through the toll free hotline on 1800 999 209. These grants will be processed through the Rural Finance and Development Division of Primary Industries and Resources SA. Anyone with any inquiries should contact the department on those numbers for further information. I thank the honourable member for her question.

The Hon. DIANA LAIDLAW: As a supplementary question: further to the ministerial statement in relation to the drought made last week, will the minister explain why the South Australian government has donated $200 000 to the national Farmhand Foundation appeal for drought affected farmers? Has that amount been given on the basis that the money is to be spent in South Australia, or can it be spent across Australia? Why would that money not have been retained by the government for the government to distribute, as required, to drought-affected farmers or to augment the other programs outlined to which the minister has allocated funds? Finally, has the $50 000 allocated for road maintenance in the central north-east been given to the council or to Transport SA to spend as they wish?

The PRESIDENT: The honourable member has asked three or four questions, which is hardly a supplementary question. The minister can answer or not.

The Hon. P. HOLLOWAY: In my answer earlier I should have referred to the fact that the Premier's adverse seasonal task force comprised representatives, from not just the South Australian Farmers Federation (John Lush and Michael McBride) but also Merv Lewis from the Advisory Bureau on Agriculture and Kevin Burdett (Mayor of

Karoonda East Murray), together with members of key government agencies. The composition of the task force was fairly broad. I assume that the additional road maintenance is to be made available through local communities, but I am sure that my department will be seeking the advice of Transport SA in relation to that matter. What was the first part of the question?

The Hon. Diana Laidlaw: I asked about the $200 000.

The Hon. P. HOLLOWAY: Yes, the money given to Farmhand. I hope that all members of this place would welcome the initiative that has been taken by News Limited in setting up its Farmhand Appeal. As I understand it, it is an Australia-wide appeal. It is also my understanding that a local group has been established to assess donations within this state. I believe it was very appropriate for the government to make a donation under that scheme to encourage other South Australians who may wish to contribute in this area and, given that there is to be a local task force to manage the fund within the state, the obvious expectation is that the money provided here would be made available to other—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: That particular grant was announced by the Premier. It was, I guess, negotiated by officers through my department. I will seek advice about that. However, I believe that it would be awfully churlish for anyone to say that the state government should not be providing money to this important appeal, which the *Advertiser* newspaper is strongly supporting, and I welcome its doing that. I think that it is very community spirited and, I believe, it should provide significant assistance to drought-affected farmers. Clearly, this drought will have a very severe impact on the rural communities of this state.

It will not affect just the farmers. They will be hit in the first instance but, as their incomes are affected, local businesses in country communities will also be affected, it will flow on through the whole community and eventually it will be felt in Adelaide. You cannot take $1 billion of income from a grain industry without its having a significant impact on the economy of this state or this country as a whole. I think that the campaign being run by the *Advertiser* deserves the full support of all Australians. Certainly the government is providing its support to people in rural communities.

Clearly, the $1.5 million is relative to the $1 billion lost in wheat production alone compared to last year. A big hole will be left and I welcome any other contribution that the Farmhand Appeal can make to fill that huge hole.

The Hon. DIANA LAIDLAW: As a supplementary question, as the minister did not know how to answer my questions, will he refer them to the Premier and, in doing so, will he refer the Premier to the fact that in making his ministerial statement the Premier said that it was a $5 million drought package for South Australian farmers in rural communities? It is therefore reasonable to ask that this national Farmhand Foundation be dedicated to the South Australian community and not spread Australia-wide.

The PRESIDENT: The question is: is the minister prepared to refer the question to the Premier?

The Hon. P. HOLLOWAY: I am sure that the Farmhand Appeal will return to South Australian communities a lot more than $200 000, and I am really surprised that the honourable member is churlish about that.

EYRE PENINSULA AQUACULTURE ZONE

The Hon. IAN GILFILLAN: I hope that my question is a good deal shorter than the average of 11 minutes that has been taken on the questions to date.

The PRESIDENT: I am well aware of the average and I am concerned about that.

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the—

The Hon. T.G. Cameron: You still hold the record.

The PRESIDENT: Order! The Hon. Mr Gilfillan has the call.

The Hon. IAN GILFILLAN: —Minister for Agriculture, Food and Fisheries a question about the Eyre Peninsula aquaculture zone.

Leave granted.

The Hon. IAN GILFILLAN: On 12 September this year the Minister for Urban Development and Planning released a plan amendment report for the Lower Eyre Peninsula aquaculture zone. On the same day the government declared that the PAR came into operation on an interim basis pursuant to section 28 of the Development Act 1993.

This established the first aquaculture zone in South Australian waters, without any public consultation. The result of this is that any applications that are lodged for aquaculture developments within the aquaculture fin fish Port Lincoln zone do not require public consultation, and there is no right of public appeal. In other words, it is a category 1 development, the lowest category available, with the least amount of scrutiny. It is my understanding that a number of aquaculture developments that had been operating under temporary licence have already made application under the new PAR.

Amongst the general concern there is another concern within the community that this zone will allow tuna farming far too close to a local sealion colony. In answer to a question from my colleague the Hon. Mike Elliot just the other day, the environment minister indicated that the Environment Protection Agency would be recouping funds from PIRSA for two full-time officers to undertake development assessments on behalf of the authority for aquaculture developments. My questions to the minister are:

1. Where is the supposed transparency and accountability which was so trumpeted by the Labor Party before it entered government?

2. Where is the consistency in appointing two full-time aquaculture assessors from the EPA at the same time as allowing aquaculture projects to proceed without any public consultation or appeal?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The aquaculture zone that the honourable member is talking about is a PAR under the Development Act. In relation to the new Aquaculture Act that applies, I think the honourable member would be aware that, under the changes that were approved by parliament last year, PIRSA is the key agency, but all applications have to go through the Environment Protection Agency. That is where the funding has come from for those two officers in the EPA to help with the assessment of those programs.

A number of aquaculture zones have been released in this state for many years, and there will be more to come. I would think that if we are to have proper aquaculture planning in this state, we clearly need those zones. As well as the actual zoning and the PARs, all applications must respond to the procedures of the Aquaculture Act. I think those procedures

will certainly be very adequate in the consideration of all relevant issues in relation to aquaculture.

POLICE, MOTORCYCLE NUMBERPLATES

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, a question about numberplates on police motorbikes.

Leave granted.

The Hon. T.G. CAMERON: Information has come to my attention that SAPOL has trialled vinyl sticker numberplates on police motorcycles, even though this is currently in breach of the Motor Vehicles Act and contrary to state law. I understand that Mr Wainwright from the Police Complaints Authority has been pursuing the matter of illegal police numberplates since January and has been and is still being ignored by SAPOL. I am informed that Mr Wainwright from the PCA wrote to the Police Commissioner on 16 September about the use of vinyl sticker numberplates on police motorcycles. In that letter he stated:

> In my assessment, pursuant to section 34(1)(a)(i)(A) of the Police Complaints and Disciplinary Procedures Act the conduct of a member of the Police Force if driving or causing to stand on a road a motorcycle with one of these stickers attached is contrary to law. I therefore recommend, pursuant to section 34(1)(b)(2) of the act, that the stickers be removed from the front of all police motorcycles.

As of 4 October the Police Commissioner had not yet advised the Police Complaints Authority what he proposes to do. My questions to the minister are:

1. Is it not true that SAPOL is in flagrant breach of section 47D(1) of the Motor Vehicles Act 1959 which plainly states that any colourable imitation of a numberplate is illegal?
2. Is it not further true that SAPOL conducted a recent campaign in which fines of up to $250 were applied to people found with numberplates which were not perfect according to the act, for example, the vinyl stickers the police are using?
3. Will the police minister respond to the recommendations of the Police Complaints Authority and will the vinyl sticker numberplates be removed from police motorcycles as soon as possible so that they can conform with the law?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): As someone who used to be a motorcyclist many years ago, in the days when numberplates were required on bikes, I have to say that there was some safety issue about having a sharp metal numberplate on a front mudguard. There was evidence that it could cause injury to individuals, and that is essentially why they were removed. One can only assume that the reason the police are trying vinyl, stick-on numberplates is so that the question of identification can be addressed without causing any harm. I am frankly surprised that there is so much concern about the police trialling vinyl stick-on numberplates on the front of their bikes. However, given that the honourable member has raised the question, I will refer it to the Minister for Police for his response.

DUKES HIGHWAY

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Regional Affairs, representing the Minister for Transport, a question on the Dukes Highway.

Leave granted.

The Hon. D.W. RIDGWAY: The Minister for Regional Affairs is the only cabinet minister in this government who comes from outside the metropolitan area and I am fully aware of the minister's passion for his portfolio. However, it appears that his government is refusing to take responsibility for the Dukes Highway. I quote from the answer given in the other place yesterday by the minister, the Hon. M.J. Wright, as follows:

> The Dukes Highway is an important national highway. Because it is a national highway it is the responsibility of the federal government.

The Dukes Highway is the major interstate highway for South Australia. It is a tourist gateway for the state. The government is extremely fortunate that we have not had a wet winter, given the impact that the water—

The Hon. P. Holloway: I wish we had had a wet winter, actually!

The Hon. D.W. RIDGWAY: The only reason we are fortunate we have not had a wet winter is that the road would have deteriorated more, and because we have not had a big grain harvest there will not be a lot of grain traffic on it. Yesterday the local road safety committee recommended that the road limit be set at 80 km/h.

The Hon. Diana Laidlaw interjecting:

The Hon. D.W. RIDGWAY: It was reduced to 100 km/h some three weeks ago and the local road safety committee asked for the limit to be set at 80 km/h as a way of tackling the ongoing safety and road damage issue associated with trucks. During the estimates hearing, the Minister for Regional Affairs said:

> As Minister for Regional Affairs I must explain to my constituents how the decision will impact on regional areas.

This is also a school bus route. Can the minister explain why his government is refusing to take responsibility for this road?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I agree with the local road safety committee lowering speed limits in areas where the highways are not capable of safely coping with those speeds. Certainly where school buses are involved that is a responsible way to go. I understand the honourable member's frustration in relation to the importance of that artery from Victoria to South Australia and, like him, I used to travel quite regularly on that road, but I am now avoiding it because of the tarmac condition in some sections and because of the number of B-doubles and the speed with which some of them hoick along there. I am sure that some of them are not sticking to the limits that have been posted, whether they be 100 or 80. A lot of truck drivers drive responsibly on our national highways, but there are those who do not. I will report the situation as outlined to the Minister for Transport in another place and bring back a reply.

The Hon. D.W. RIDGWAY: I have a supplementary question. Can the minister give this council an assurance that the government will not pass the buck and will work with the federal government to have this road rebuilt to a satisfactory standard in an appropriate time frame?

The Hon. T.G. ROBERTS: I will refer that important question to the minister and bring back a reply.

PLASTIC SHOPPING BAGS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation a question about plastic shopping bags.

Leave granted.

The Hon. T.G. Roberts: I thought you still used a string bag?

The Hon. DIANA LAIDLAW: Well, I tried to the other day but I bought too much and had to use a plastic one as well! I make brief reference to the conference of environment ministers on 11 October and the decision to establish a national working party on alternative packaging, and I commend the Minister for Environment for raising this matter.

However, it is not clear to me exactly what the working party is to address, because I note the minister, the federal minister and interstate ministers continue to talk about plastic bags in our supermarkets and not the use of plastic generally. At the supermarket on the weekend, it was quite clear that, whether one shopped at the fruit shop, dry cleaner, chemist or the bread shop, or whether one received their *Advertiser* and the *Australian* rolled in plastic, there is a very broad use of plastic for shopping and wrapping purposes. Therefore, I seek clarification from the minister whether this working party is looking just at supermarket shopping bags, shopping bags generally or also the plastic wrap used by the *Advertiser*, the *Australian* and supermarkets and for general packaging purposes.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): One of my first campaigns was to try to get supermarkets to hold on to paper bags, as South Australia had one of the few places in Australia that made a quality paper that was strong enough to be used by supermarket outlets and shopping centres—Cellulose Australia Ltd, a company that the honourable member's parents probably had shares in, a South Australian owned and registered company.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: It went out of business because it did not keep up with the changes in technology that were occurring in the container industry, including plastic wrapping. I will take those important questions to the Minister for Environment and Conservation and bring back a reply.

MULTIPLE CHEMICAL SENSITIVITY

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 Health, a question about multiple chemical sensitivity.

Leave granted.

The Hon. A.L. EVANS: I recently spoke to a constituent who was suffering from multiple chemical sensitivity. I will read an email he sent to me, outlining his concerns. He writes:

> People with multiple chemical sensitivity are made unwell by exposure to many common chemicals found in products such as pesticides, paint, new carpets, cleaning products, perfumes, etc., and are often denied access to basic services due to chemical barriers, ignorance and discrimination. In recognition of the special needs of people with MCS, I have been informed that the Department of Human Services is currently looking closely at developing a hospital policy for catering for people with MCS.

My questions to the minister are:

1. What action will be taken to develop policy to allow people with MCS access to other services such as public housing, education and employment?

2. Will the minister consider changes to provide people with MCS with reasonable disability access to buildings, public transport and other public services and spaces and, if not, why not?

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

CROC FESTIVAL

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Croc Festival 2002.

Leave granted.

The Hon. G.E. GAGO: I am aware that there was a Croc Festival held in Port Augusta recently, with indigenous and non-indigenous students from rural and remote schools participating in these performances. However, it is my understanding that the Croc Festival is much more than just singing and dancing. I understand that it was declared to be a very snappy event. Given that the minister attended the Croc Festival, will the minister inform the council of all the activities involved with the Croc Festival and what outcomes it achieved?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for the her question. For those members who have not attended a Croc Fest at Port Augusta, they should do so because it is something to see and there is a lot of broad-based participation. It is held at the central oval and there are activities in and around the township.

Port Augusta is a regional city that has worked hard—and is working hard—to come to terms with many of the problems associated with its central importance to indigenous people and to its constituents, and it is doing many things in respect of reconciliation; this being one of them. The Croc Fest has been a huge success with young indigenous people and indigenous students, and with the community joining in. There must have been four thousand people at the central oval on the night that I attended, and the music was heard all over the township because of the way it was presented. Not only did the young people participate but also people from remote and regional areas. It did a lot for the self esteem of those young individuals, and it did a lot for the morale of Port Augusta and its surrounds.

The PRESIDENT: Before calling on the business of the day, I wish to make an observation. I ask ministers, in particular, to pay attention to the length of their answers. Some members who are utilising the standing orders to ask supplementary questions are going into explanations with the questions. Tomorrow, I ask that both sides of the chamber pay particular attention to the way they address their questions and the length of the answers. In particular, with respect to supplementary questions, I will be insisting that they be questions, with no debate being entered into.

REPLY TO QUESTION

SUPERANNUATION CHOICE

In reply to **Hon. A.J. REDFORD** (26 August).

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

The commonwealth's proposal to legislate that employees have a choice of superannuation fund is really about ensuring that employees in accumulation schemes have choice as to the investment

strategy to be applied to their superannuation money. The state government fully endorses employees having access to choice in relation to how their funds are invested.

The state government already provides those government employees who are members of the Triple S accumulation scheme with the ability to select the investment strategy desired for their money. Those members in the defined benefit schemes also have the ability to switch over to the Triple S scheme if they want investment choice.

If the commonwealth's fund choice legislation is passed, the state government will not be bound by that law but would need to give consideration to the issue of whether employees should not only have investment choice but the ability to choose between a scheme established and administered by the state government, or a public offer fund.

There are a number of important issues that would need to be considered before the government or any other employer should simply endorse the commonwealth's proposal of scheme choice. This is why the proposal has met with considerable opposition from the superannuation industry and employers. Issues for responsible employers and state governments include the issue of the employer wishing to be satisfied that the employee has an appropriate level of insurance cover for invalidity and death. This cannot be guaranteed of course if the employee has elected to have their employer superannuation money directed to an outside fund of their choice. There are possible issues for the employer where under a choice of scheme regime, the employee elects for an outside scheme and no basic death and invalidity insurance.

In relation to the question of the state government moving to provide choice of fund irrespective of the outcome of the legislation in the federal parliament, the state government is not aware of any pressure from employees or the unions for fund choice to be implemented. Members are interested in investment choice not fund choice, and the Triple S scheme already provides this as an option for members of that scheme.

BARTON ROAD

The Hon. DIANA LAIDLAW: I seek leave to make a personal explanation on Barton Road.

Leave granted.

The PRESIDENT: Is this a supplementary question in respect of something that was addressed to you incorrectly?

The Hon. DIANA LAIDLAW: No. I must correct two references that I made in a question which I asked on 9 July this year regarding Lefevre Terrace. On that occasion, I made reference to opening Barton Road to all vehicles—not only bicycles and cars but also trucks. Today, I received a handwritten letter, dated yesterday, from the Hon. Michael Atkinson, the Attorney-General, who points out to me that I have erred in referring to all vehicles, including trucks, and stating that he has never advocated that Barton Road be opened to commercial vehicles.

CRIMINAL LAW CONSOLIDATION (OFFENCES OF DISHONESTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1081.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I rise to thank honourable members for their support of this significant reforming measure. I will now address some of the questions raised in the course of the debate. The shadow attorney-general, in his well researched and learned contribution, raised the often argued point about the meaning of dishonesty. He did that well over a fair length of time with a lot of research; a lot of work went into it. A number of points can be made about the debate.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: I did not say that. First, the series of confused and confusing Victorian cases to which the honourable member referred is not now relevant. The Victorian parliament enacted a version of the UK Theft Act, which contained a very partial definition of dishonesty but left the core meaning of the word at large. The Victorian courts therefore had little to go on and were left to flounder, and flounder they did. We have not made the same mistake. The bill defines the core meaning of dishonesty. The honourable member is right to point out that academics and, occasionally, courts have criticised the sort of jury based definition proposed in the bill. However, it must be pointed out that the definition proposal was formulated by the courts. The UK decisions of Feeley and Ghosh were used by courts in Australia in conspiracy to defraud cases for many years.

The second point to be made is that the critics have not been able to come up with a suitable alternative. The honourable member quite rightly pointed to the decision of the High Court in Peters in this regard and equally rightly pointed out that the High Court was unable to come to a principled and rational conclusion on the subject. That is why the bill establishes statutory codification of the test. Despite all the criticism, and despite the fears of inconsistent decisions, the proposed test has been in law in England for nearly 30 years and those fears have been proven unfounded.

Both the shadow attorney-general and the Hon. Ian Gilfillan raised two matters of concern coming from the Law Society. The first concerns proposed section 138(2). It is conceded that this offence is a very considerable expansion of money laundering. The offence was proposed as a result of strong representation by the National Crime Authority. The NCA pointed out that there had been few or no prosecutions for money laundering in South Australia because of problems of proving intention or knowledge. The NCA also pointed out that every other jurisdiction in Australia has this offence except New South Wales. Having considered these arguments, it was decided to put the proposed offence in the bill.

The Law Society has raised concerns about the impact of the reform on Aboriginal offenders and it is very hard to see precisely how Aboriginal offenders will be particularly disadvantaged by the proposal. There was a general concern at the raising of the theft maximum penalty from five to 10 years, but that maximum is consistent with the maximum in other jurisdictions, for example, Victoria. It is impossible to say that an increase in the maximum will impact differentially on Aboriginal people. Again I thank honourable members for their contributions and commend the bill to the council.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.D. LAWSON: This clause contains proposed section 134, dealing with theft and receiving, and provides that a person intends to make a serious encroachment on an owner's proprietary rights if the person, among other things, deals with the property in a way that creates a substantial risk that the owner either will not get it back or when the owner gets it back its value will be substantially impaired. I ask a question in relation to the application of that provision in relation to the taking or illegal use of motor vehicles. Section 371A of the criminal code of Western Australia provides that a person who unlawfully uses a motor vehicle or takes a

motor vehicle for the purpose of using it, or drives or otherwise assumes control of a motor vehicle without the consent of the owner, is said to steal the motor vehicle. My question to the minister is: did the government give consideration to adopting a provision of that kind in this act; in other words, did the government consider calling the illegal use of a motor vehicle stealing of a motor vehicle and, if so, why did it not adopt that solution?

The Hon. T.G. ROBERTS: I am advised that consideration was given to a different definition, but the government came down on the side of the provision contained in new subsection (2)(b) of division 2 to make sure that our act comes down on the side of a broader definition than the Western Australian provision where a different name is used for the offence. We have extended it beyond 'lawful use' through the provision of section 86A of the Criminal Law Consolidation Act. We also considered it necessary to define it in this way because the act also contains a number of consequential provisions, including young offenders orders.

The Hon. R.D. LAWSON: Section 73(14) of the Victorian Crimes Act provides:

> For stealing a motor vehicle that the person charged took or in any manner used the motor vehicle without the consent of the owner in lawful possession thereof shall be conclusive evidence that the person charged intended to permanently deprive the owner of it.

Did the government also consider adopting that method of ensuring that one who takes a motor vehicle can be charged with theft, but, having considered it, rejected that methodology?

The Hon. T.G. ROBERTS: Consideration was given to the Victorian act, but the Model Criminal Code Officers Committee felt that the Theft Act Consistency Code was as far as it was prepared to take it.

The Hon. R.D. LAWSON: New section 134(2) provides, 'A person intends to make a serious encroachment on an owner's propriety rights. . . ' if certain conditions are satisfied. Can the minister indicate whether his advice is that the intention to which this new subsection is referring is one which must be held by a person charged at the time the property is taken rather than at some later stage?

The Hon. T.G. ROBERTS: I am advised that the answer is yes.

The Hon. R.D. LAWSON: Can the minister indicate whether new section 144 is intended to apply to the following situations: making off from a service station, having taken petrol but not paying for it; leaving a taxi without paying; and leaving a restaurant or other similar establishment having ordered and consumed food but not having paid the bill?

The Hon. T.G. ROBERTS: The answer to all those questions is in the affirmative.

Clause passed.

Remaining clauses (5 to 19), schedules and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (TERRITORIAL APPLICATION OF THE CRIMINAL LAW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1082.)

The Hon. IAN GILFILLAN: This bill is a result of changes to the Model Criminal Code to address certain jurisdictional problems where offences cross state and territory borders. The current legislation allows the prosecution of offences where a territorial nexus in South Australia can be demonstrated.

That is where an element of the offence occurred within South Australia, whether it is that the offence occurred in our state or the offenders were in our state at the time of the offence. However, in instances where the offenders are not in South Australia and nor is the offence committed in South Australia there seems to be no recourse for us to prosecute the offence. This, of course, is not a problem where the offence bears no relation to our state. However, when the victims reside in South Australia there is an interest in pursuing the offenders.

This is as in the case of Lipohar, in the year 2000, where the only South Australian connection to a conspiracy to defraud was that the victim company was registered in South Australia and there was a fax to the victim's solicitors, which in itself was not illegal. The effect of the bill is that South Australia would have extended jurisdiction over a number of offences aimed at addressing this problem. The Democrats support the passage of this bill.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank members for their contributions.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: The second reading explanation and the debate in relation to this matter have relied heavily on the decision of the High Court in Lipohar, which was decided in the year 2000. I ask the minister to confirm—no doubt after taking advice—that there has been no more recent consideration by the High Court of section 5C of the existing Criminal Law Consolidation Act, which is to be replaced by these new provisions.

The Hon. T.G. ROBERTS: The answer to this question is in the negative.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1093.)

The Hon. T.G. CAMERON: This bill seeks to make amendments to the Computer Games Act 1995 and is complementary to the commonwealth act of the same name. Its primary concern as stated by the government is improving the enforcement of the legislation and making illegal content on the internet illegal off-line. This bill was introduced by the previous attorney-general. The bill adds an amendment so that unclassified films seized do not need to be classified for prosecution purposes if the defendant agrees with the proposed classification by the prosecution. This would circumvent the cost of classification, which ranges from $100 to $2 590.

The bill also includes a new forfeiture provision which allows all items to be seized at the time of an offence where multiple offences have occurred. Any material which is not illegal can be returned if the defendant can prove that it would not have been classified as illegal. It provides for non-conviction expiation notices for less grave offences and technical breaches, which notices can be issued by a community liaison officer. It also converts penalties from divisional to maximum penalties. It clarifies the power of the classification panel to enable it to stipulate a specific time by which a person must provide information to it.

Currently a parent or guardian can take minors to an MA15+ film, leave them and return to collect them. This bill specifies that a parent or guardian can leave a cinema only to use facilities provided on the premises. The bill also reduces the number of copies of an RC (Refused Classification) or X-rated publication that are possessed to prove intent to sell from 10 to three and to extend this to both maker and seller. Similar amendments are provided for video games. It also provides that it is a defence if the person had reason to believe that the item for sale was not illegal to sell, placing the burden of proof on the defendant.

The other major amendment is to make material on-line illegal, as if it were illegal if it was left in a public place. The bill also proposes that any X or RC material is illegal on-line, and R-rated material is legal if it is protected by an approved protection system such as a password or PIN number. The aim is to catch the content provider, not the service provider. These provisions do not apply to emails.

Although SA First supports all provisions of this bill, we have questions about the viability of enforcing the internet portion. It seems to be hard for the police and hard to prosecute, as it requires tip-offs and seeks to prevent the uploading of adult material within the state rather than restricting children's access to adult material world-wide. Whilst I support the provisions in the bill, I must say that it is difficult to come to the conclusion that any government, whether it be the current government or a Liberal government, will actually do anything or take any action against people who sell and rent X-rated videos. I find it somewhat ironic—if that is the right word—that here we are passing a bill to tighten up the legislation in relation to the classification of publications, films and computer games, yet, as I speak, tens of thousands of X-rated videos are available for sale, some within throwing distance of this parliament, and I understand that there are some 20 or so stores sited around Adelaide.

It seems rather silly to me that on the one hand here we are debating and passing legislation to tighten up the classification, yet, on the other hand, even in areas where we have laws in relation to the publication, sale or rental of this type of equipment, the law is being widely ignored not only by those who are selling and renting this material but also by the police. It seems unbelievable to me that the South Australian police force is not aware that at the moment thousands and thousands of banned videos are being displayed openly to the public in stores all around the state that are in conflict with current laws, yet we are introducing more laws. That is one of the reasons why I am so suspicious and wary about whether the public will be bothered to observe any of these laws that we pass here today or, even worse, whether they will be enforced by the police.

The Hon. J. GAZZOLA secured the adjournment of the debate.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1064.)

The Hon. CAROLINE SCHAEFER: I indicate that the opposition supports this bill, but with considerable reservations, particularly in my case. This bill has been a long time in the preparation. Certainly, when we were in government I was involved in a lot of long and exhaustive meetings between the back bench and the minister at the time preparing this bill. I am sure we would all agree with much of its content; however, I have some personal reservations, and the opposition will not support some parts of the bill. The bill seeks to make numerous amendments to the Native Vegetation Act, the principle of which is to enshrine a total ban on the broadacre clearance of native vegetation. There has been no opposition to this and, given that this has been the practice since the inception of the Native Vegetation Act, I doubt that there will be significant opposition now. However, this is an opportunity to raise some of the issues which have been raised with me over the years.

While well intentioned, when the legislation was originally introduced it was done with little understanding or forethought. The very threat of a ban on broadacre clearance precipitated panic clearance. This saw hundreds, if not thousands, of hectares cleared which under a more rational scheme would probably still be standing. As I drive around the state I am constantly reminded by what I see that the oldest parts of the state are the most over-cleared. This was due to ignorance, not malice, on the part of the pioneers. Eyre Peninsula, on the other hand, still has some 30 per cent of its area under native vegetation. Consequently, the farmers on Eyre Peninsula, a comparatively new farming area, have been the most disadvantaged by land clearance legislation. I saw an example just last week of a farmer who has been condemned to live in poverty for the remainder of his life, his only mistake being that he purchased a scrub block just a year before the legislation was introduced and passed and about a year before he could raise the capital to clear. His land is no different from that of his neighbours, who have cleared blocks, but he cannot farm adequately while they can.

No thought was given at that time to the clearance of fertile land while leaving strips of native vegetation. There was no thought of judicial clearance and compulsory shelter strips to prevent drift and erosion. There was no thought of farming and land capability and soil type, just a blanket ban, no more broad acre clearance, and after a certain time no more regrowth clearance. So we are left with areas that should never have been cleared and would never have been cleared except for the panic that set in, and other parts that will now remain forever uncleared where people could have viable farms. I am fully aware that we cannot turn back the clock, but we need to learn the lesson for posterity that simple blanket solutions rarely work.

The leaving of vast tracts of the same type of land while doing very little about revegetation in others does not contribute to the ecosystem in the way people imagine, but it has contributed to considerable human misery. Perhaps there will come a time when those who are forced to be custodians of native vegetation will be compensated by those who live in the cities, who talk much of environmental matters but never have to implement them, but it will not be

in this bill. Sadly, it will take a huge change in public perception to ever happen.

As well as the suffering brought about by blanket clearance bans, I have also been privy on a number of occasions to the standover tactics of native vegetation officers, and I have one instance to relate where the behaviour of officers was, and I believe is, little short of blackmail. They applied rules to their interpretation of the letter of the law with little commonsense, no tact and no compassion. I sincerely hope there are no such officers still working in the department and that it is a culture long dead, and I hope that members will understand why I and some of my colleagues have a high degree of scepticism about giving authorised officers unfettered or even additional powers, and why I will be looking very hard at the regulations, where most of the stings in the tail of this particular scorpion appear to be. For instance, under this legislation, authorised officers will have powers far in excess of the powers of an average policeman. As I understand it, they will be able to enter a property without a warrant to inspect machinery or any other particular plant matter or soil that they believe may assist them in a case against an illegal clearance.

I will also be opposing some of the proposed amendments, such as the raising of the maximum fine from $40 000, which it is now, to more than double—to $100 000. The opposition was prepared to raise this maximum fine to $50 000, but it is not prepared to raise it to $100 000. However, I believe that any clearance approval being subject to a net environmental gain is a step in the right direction. Both the opposition and the government agree with this, although the method of achieving that net environmental gain differs somewhat.

The opposition evolved a system of environmental credits, whereas the government will accept direct payment into a native vegetation fund. I prefer the environmental credits scheme because it gives positive encouragement to land-holders to revegetate on their property, as opposed to somewhere in their area or somewhere directed by the government through the fund. However, in the end the on-ground results will be similar, I believe.

I am also sceptical about a user pays system when it means that the applicant must foot the bill for all data collection, even though they may not be granted clearance permission. The opposition is strongly opposed to the hearing of appeals in the specialist ERD Court, and on principle we support any hearing being under the jurisdiction of the District Court. This has the effect of preventing a third party from participating in an appeal, which we believe should take place between the land-holder and the Native Vegetation Council. My personal belief is that it would also be desirable to see a continuation of a conciliation process where that is appropriate. However, I am advised that this conciliation process has had little success in the past, and I am very willing to look at various other methods, as long as a system of realistic appeals is available to landowners.

As I have previously stated, I have real concerns about the powers of an authorised officer and I flag that we will be moving to amend some clauses. I am also concerned about possible implications to other overlapping legislation. In particular, as I understand it, not only in this legislation is the maximum fine to be raised by about 60 per cent to $100 000 but the Environment Protection Authority legislation, which is in another place, allows for a maximum fine of $2 million for someone who has committed a serious environmental breach. I would have thought that one or the other of this system of fines would be sufficient.

One of the things that we all have difficulty with is that, when someone talks about native vegetation clearance, we all have a different image in our mind as to what we are talking about. To me it means the broad acre clearance that occurred on Eyre Peninsula in great panic prior to the original legislation. To others it means the removal of remnant vegetation. To others it means nothing more than ripping up some mallee trees to get at boxthorn and rabbit burrows, which I suggest is environmentally advantageous. To some it means the removal of remnant vegetation to set up vineyards, and I recognise that there are a couple of quite famous cases where very large companies ripped out trees without the permission of the Native Vegetation Council and were prepared to pay the maximum fine because they knew they could make more money out of the vines they could put in.

None of us supports that sort of thumbing of the nose at the obvious desires of the majority of South Australians, including myself, to retain a valid ecosystem. However, I think that those are exceptional cases and, in the sort of incidents that I am talking about, the thought of a $100 000 fine or even a $40 000 fine, let alone a $2 million fine on top of that, would mean that people were fined considerably more than they were worth. We need to take into account some of those matters when we move into committee on this legislation.

I am also concerned about the definition of 'land', which includes land submerged by water, because I do not think that many people have considered the implications that that may have on, particularly, a fledgling seaweed collection industry in the state, which is subject to an aquaculture licence. I am just concerned that we are going down a path where there are several methods of preventing people from causing environmental problems without necessarily enshrining them in several lots of legislation, all of which carry very heavy penalties.

However, as I have said, there has been bipartisan agreement both in the preparation of this legislation and during debate. I also understand that there has been considerable cooperation since the debate in the lower house between minister Hill and the Hon. Iain Evans and Mr Graham Gunn, who, as members can imagine, has been very vocal on this matter, and I believe that compromise has been reached on many of the regulations that caused our backbench group great concerns. As I said, we will be moving amendments on a number of the matters that I have raised but, in general, we will support the bill.

The Hon. M.J. ELLIOTT: This bill has been some time in coming. The previous government moved a bill to which this bill will make some useful changes. I will make some comments about things I would have liked to see, and I look forward to the government's responses at the end of the second reading. I have already had a briefing with government officers and made some suggestions for some amendments. I look forward to seeing whether or not some of these suggestions have been picked up. If they have not, I will be seeking to have amendments drafted.

We see the introduction of a user pays system to cover the cost of data collection. That is something the Democrats have sought for a long time, and they are supportive of it. There is also a move to provide that wherever clearance approval is granted there must be a significant biodiversity gain. There is already such a measure in relation to isolated trees. Where the clearance of isolated trees is allowed there is a require-

ment that compensatory plantings be made. That is a section I inserted into the act some years ago now.

I recognised that there were some grounds for the removal of isolated trees. As I saw it, they should be fairly limited, and probably those grounds have unfortunately been abused. I recognise that in some cases clearance can be justified, even though, perhaps, the trees may still have some significant environmental value. It seems to me that if there were compensatory plantings, perhaps of a species in an area where it was fairly rare or in a place where it was contiguous with other vegetation, there may be a net benefit for the environment.

As I drive through the South-East now—particularly in the Coonawarra area—I note that there have been a lot of plantings. There is no doubt that that came about as a direct consequence of the insertion of that amendment some years ago. As I said, there were some times when the interpretation in terms of what was allowed to be cleared and the number of isolated trees that were allowed to be cleared went over the top. In a number of cases landowners—practising farmers—were very upset by what they saw happening in a couple of cases in the lower South-East. I will not go into those cases further, but they are cases that people who have been in this place for a while would well remember.

Now that this is applying more generally it is important that the fact that there can be compensatory planting should not be a justification to allow clearance to occur. It should be more a matter of if a clearance is to occur there should be a quid pro quo—or more than a quid pro quo; several quids pro quo—so that we have those compensatory plantings occurring. There is no question that there are many places in this state where the amount of clearance has gone too far. It is a good thing that we have in place the Native Vegetation Act. Other states are still lagging well behind us. The simple fact is that South Australia achieved far more clearance in some parts of the state than has been achieved in other states—even today, many years later.

As a kid growing up in the South-East, I used to go for drives from Mount Gambier to Portland. No matter which route you took, you hit the border and suddenly you were in bush. At the time, I used to think, 'The poor old Victorians—they are so primitive and far behind. We've cleared all our stuff.' I must say that, since then, a lot of the stuff on the other side of the border went down, and a lot of radiata pine, among other things—

An honourable member: And blue gums.

The Hon. M.J. ELLIOTT: —and blue gums more recently have gone in. However, the fact is that our early settlers were pretty efficient tree fellers, particularly in the South-East and in much of the Mount Lofty Ranges. In some areas we have as little as 1 per cent of remnant vegetation. Most people agree that you need between 8 and 10 per cent of vegetation remnant to have any chance of sustaining species in the long term. Work done in the Mount Lofty Ranges suggests that we will eventually lose as many as half of our bird species. The small pockets of vegetation that remain there mean that the population will decline bit by bit.

A case was reported late last year of a bird species just recently disappearing from Belair National Park. Belair National Park itself was not big enough to sustain that species. It makes the point that you often need quite significant amounts of continuous, contiguous vegetation to allow the gene pool to remain healthy and to enable a species to survive. Anything that leads to extra plantings rather than clearance, or limited clearance with extra plantings, would generally be a good thing.

The level of public consultation is to pick up, and there is now an opportunity for representations to be made to the Native Vegetation Council. So, it is now possible for people who are seeking clearance and people who are opposing clearance to appear before the council. The question I asked of the people giving the briefing was: why are the hearings not open—not during the decision making stages but while evidence is being given? It is only fair that the person who is seeking clearance should hear what is being said by the people who are opposing it and vice versa. I hope that will be looked on favourably by the government. If it is not, I will move an amendment in that area.

There is improved enforcement capability in relation to unauthorised clearance and ineffective enforcement powers. As I understand it, there will be some changes. There was the old excuse: 'I cut down the tree for a fence post'—and there were very few fence posts and a very big tree sometimes—'or firewood.' Again, quite large blue and red gums were brought down on the excuse of getting firewood, when everybody knows it was just the use of—

The Hon. A.J. Redford interjecting:

The ACTING PRESIDENT (Hon. R.K. Sneath): Order!

The Hon. M.J. ELLIOTT: I'm telling you that is the excuse that was used. People were felling large trees and using a loophole in the Native Vegetation Act to say they felled them for firewood or fence posts.

The Hon. A.J. Redford: It is a poor excuse.

The Hon. M.J. ELLIOTT: It is a poor excuse, but unfortunately it used to hold up. There is also the provision now for 'make good' orders. I know that conservation groups have been seeking for a while the possibility of quarantining any land that was cleared so that it could not be used for the purpose for which it was cleared. That has not been picked up by the government and I would like to take a closer look at that before this bill is passed.

The next important matter is the appeal rights that have been given to landowners who have sought clearance. However, those appeal rights relate not to the decision itself but to process. A court cannot overturn a decision of the Native Vegetation Council but may send it back for further consideration. There has been something of a quid pro quo, though. As I understand it now third party appeal rights have also been granted so that third parties may go to the courts, although they can do so only if the Native Vegetation Council itself makes a decision not to proceed. That prevents the possibility of somebody going to court, there being an inadequate prosecution and then the person not being able to be prosecuted a second time. The Democrats support the second reading. I still want to see a couple of matters addressed. I am waiting to see whether the government will do so; if not, the Democrats will move amendments.

The Hon. T.G. CAMERON: In 1998, a review of the Native Vegetation Act was conducted by the Native Vegetation Council, the Crown Solicitor's Office and the Department for Environment and Heritage. A review of the regulations was conducted by agricultural, conservation and environmental law experts. This bill was passed by the House of Assembly in the previous parliament but lapsed due to the proroguing of parliament when the state election was called. I understand the bill also includes some additional provisions to highlight the current government's concerns. The key measures of the bill include clarification of the act within its

broadacre clearance. This is just a clarification that intact areas of native vegetation will not be cleared. It provides for a significant biodiversity gain in return for clearance approval.

This adds a provision that clearance approvals will be accompanied by a requirement. There will be a significant net environmental development, for example, through revegetation etc., and I support that. The environmental credit scheme that was introduced in the previous bill has been taken out of this bill while the system is studied in other jurisdictions. I was partial to the environmental credit scheme and I encourage the government to have a look at it.

It will also introduce a user-pays system to cover the cost of data collection. This will be based on the reasonable cost of preparing the report provided for by the regulations.I can only emphasise that the fees should be reasonable. The minister may vary or remit this fee for applicants in financial difficulty.

The Native Vegetation Council must maintain a public register of applications to clear native vegetation; written representations may be made by any person within a reasonable period, on application. The bill introduces a judicial appeals process and provides an improved enforcement capability. A breach of a heritage agreement will be taken to be a breach of the act. The regulations will feature exemptions which have been tightened to prevent misuse. The crown will be bound for new works. There will be greater flexibility in respect of reasonable clearance. Large dead trees that may be a habitat to native life will be protected. I heard the concerns expressed by the Hon. Caroline Schaefer and the Hon. Mike Elliott but, in order to assist them, I indicate that my position on this bill is to support it as it is.

The Hon. J. GAZZOLA secured the adjournment of the debate.

STATUTES AMENDMENT (BUSHFIRES) BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1105.)

The Hon. T.G. CAMERON: This bill amends the Criminal Law Consolidation Act and the Criminal Law (Sentencing) Act with respect to bushfires to reflect community concern and the danger of such offences. The bill inserts a special provision into part 4 of the Criminal Law Consolidation Act, the property section dealing with bushfires.

A person who intentionally or recklessly causes a bushfire is guilty of an offence and will be liable for imprisonment for 20 years. The key words are whether it was intentional or reckless. The bushfire offence will not apply if only land owned by the person who committed the offence is damaged, or if the damage was caused as part of operations designed to prevent, extinguish or control a bushfire.

The bill also inserts a provision into the Criminal Law (Sentencing) Act setting out another matter that the court should have regard to when sentencing for a bushfire or arson offence, that is, bringing home the gravity of the offence to the offender and, to the maximum extent possible, extract reparation from the offender for harm caused to the community. Again, I fully support that provision. The bill extracts the offence of recklessly or intentionally causing a bushfire from the general law of arson and places it in a category of its own. It allows the community to express its concern and condemnation of arsonists who light bushfires. SA First supports the bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

LEGISLATION REVISION AND PUBLICATION BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1067.)

The Hon. T.G. CAMERON: Since 1993 all state public acts and, since 1995, all state public regulations have been kept up-to-date in a consolidated form. This bill replaces the Acts Republication Act and provisions of the Subordinate Legislation Act and provides for a Commissioner for Legislation Revision and Publication to oversee the consolidation scheme. It also provides a basis for access to official electronically stored copies of the acts and regulations. This program is due for completion by the end of 2003. The bill updates the provisions of the consolidation for the electronic age, and SA First supports the bill.

The Hon. R.D. LAWSON: I rise to indicate the support of the Liberal opposition for the second reading of this bill. The bill will update the law relating to the revision and publication of South Australian acts of parliament, and also our regulations. The current law is contained in the Acts Republication Act (in relation to legislation) and the Subordinate Legislation Act (in relation to regulations).

These days, we have come to appreciate and expect online availability and the continuous updating of legislation. These things are taken for granted but, of course, it was not always the case. It is worth noting that the first consolidation of South Australian legislation was not undertaken until the late 1930s. Acts of parliament had been annually passed through the South Australian parliament for some 90 years, but no consolidation was made of the acts. Therefore, it was extremely difficult to find your way through the South Australian acts, as anyone who has recently had to undertake that historical exercise would know.

It was hoped that a consolidation would occur for South Australia's Centenary, which occurred in 1936. The Acts Republication Act was passed in 1934, but the consolidation was not available until 1937. A further consolidation of the statutes of our state was published in 1975, almost 40 years after the first, and six years after it was mandated by the Acts Republication Act 1967.

At that time, consolidated copies of the more popular acts were prepared by the government printer for sale in pamphlet form, but that applied only to the more popular acts. Very often, in those days, when one wished to obtain an up-to-date copy of legislation, one received the original act as passed, together with a series of amendments, and one had to undertake the update oneself.

Today, all acts of general application are reprinted and kept up-to-date on a fortnightly basis. Some consolidated regulations are reprinted and some are made available only as an electronic version. That system works efficiently, although it must be said that there is the possibility of deprivation for those citizens who do not have ready access to computers and the capacity to obtain an electronic version of regulations. When I was minister for the ageing, the

regulations under the Retirement Villages Act were not consolidated and were extremely difficult to compile.

The bill retains the office of Commissioner for Legislation Revision and Publication; not a commissioner who is well-known in the wider community, I would suggest. No such office exists in Victoria or New South Wales and the justification provided in the second reading explanation for the continuance of this commissionership is the fact that in Queensland, Tasmania and the Australian Capital Territory there is a similar office holder. One might legitimately query why this responsibility is not conferred on the Attorney-General as it is possible for an officer in the Attorney's department to be designated as commissioner. The provisions of this bill are uncontroversial and we support them.

One feature of our statutes that usefully could be removed is the Latin regnal year, which appears on the title of each act as it passed through this parliament. By way of example, and looking at last year's acts, the title page of the Hairdressers (Miscellaneous) Amendment Act 2001 contains, below the royal coat of arms, the words and figures 'Anno Quinquagesima Elizabeth II Reginae A.D. 2001'.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: It is very handy for people to know that that act was passed in 2001 AD, for any who might think it was passed in 2001 BC. It is interesting to know that it was passed in the fiftieth year of the reign of Queen Elizabeth II. The commonwealth and most other states have abandoned Latin regnal dating, and during the committee stage of this bill I will explore whether we ought to amend this legislation to do away with that particular relic, which I understand has not always been a feature of South Australian legislation.

The Hon. J. GAZZOLA secured the adjournment of the debate.

STATUTES AMENDMENT (STAMP DUTIES AND OTHER MEASURES) BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 1130.)

The Hon. T.G. CAMERON: This bill makes changes, updates and clarifications for the provision of grants, exemptions and concessions in the state's tax laws. The provisions implement the commonwealth-state agreements on changes to the first home owner's grants. From 9 October 2001, the requirement for the grant extends the time limit for building a new house from 16 weeks to 26 weeks after the signing of the contract and extends the maximum building completion date from one year to 18 months—both sensible provisions.

In Hills Industries v the Commissioner for State Taxation, the Supreme Court found that the treatment of superannuation contributions did not constitute wages liable for pay-roll tax. This went against the widely held opinion that they were liable and this bill gives express legislative force to this view. It also amends the employment agent provisions of payroll tax to confirm that, where services of a natural person are provided by a subcontractor, those payments are still liable to payroll tax. This was the original intention in the 1991 amendment bill, as some people were using the loophole to avoid payroll tax. I note that the provisions are to be retrospective and I have some concerns about that and may come back to that in committee.

In relation to petroleum products, there has been some problem in the proper administration and reporting of the Petroleum Products Regulation Act. This is because the confidentiality provisions are significantly tighter than those under the Taxation Administration Act. Whereas the Taxation Administration Act allows the disclosure of information that does not identify a particular taxpayer, the Petroleum Products Regulation Act does not allow the disclosure of any information gained in the administration of the act. The bill repeals this provision and substitutes it with confidentiality provisions similar to those under the Taxation Administration Act.

As to the Stamp Duties Act, currently there is a one year limit on refunds of stamp duties on registered instruments under the Real Property Act that have been annulled or rescinded. This bill increases the time limit on these to five years to bring it into line with the general refund provisions of the Taxation Administration Act. The bill removes the legislative barriers to collecting stamp duty and internet transactions with Revenue SA. Some first home buyers have been denied a refund of stamp duties because the completion of their homes took longer than the one year limit. This bill extends the maximum time of completion to two years in terms of eligibility for a stamp duty refund.

Viable farming properties with houses and immediate surrounding residential lands that are valued at less than $130 000 have been included under the first home owner's grant by Revenue SA. This bill gives legislative force to those provisions. It also closes a loophole that denies exemptions on transfer of rural properties to some because of the form in which their advisers have documented the transactions.

It was recently suggested that the transfer of businesses between authorised deposit-taking institutions made under the complimentary commonwealth and state financial sector legislation may not be subject to stamp duty. This measure amends the legislation to ensure that stamp duty can be collected on such transactions and exempts credit unions from the duty. It also provides that such duties may be waived by an agreement between the institution and the Treasurer whereby a sum of money is paid in lieu of the calculated taxes and charges in complex cases. When there is a transfer of property, where the transfer has been made purely to correct an error on a previous fully paid transfer, only a nominal duty may be charged under this bill to prevent double dipping or double duty being paid. Greater flexibility is provided in regard to forms under the bill by changing the prescribed form requirements to forms approved by the Commissioner of State Taxation.

Time limits for applying for a refund of excess taxation previously available at the discretion of the minister or the Supreme Court are now fixed at a maximum of 12 months from the date of notice of a decision of the commissioner or service of assessment on a taxpayer or an appeal to the Supreme Court no longer than 12 months from the determination of the minister. SA First supports this bill.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1078.)

The Hon. DIANA LAIDLAW: This bill, with one exception, is identical to one that I introduced in this place in October a year ago when I was Minister for Transport and Urban Planning. It was passed in this place and went to the House of Assembly but its passage did not continue at that time as parliament was prorogued for the last election. It is what one would normally call a rats and mice bill in that it is a collection of amendments to a wide range of acts for which the Minister for Transport is responsible, ranging from the Civil Aviation (Carriers Liability) Act to the Motor Vehicles Act, the Road Traffic Act and the Harbors and Navigation Act. However, because it is what is known as a 'rats and mice' bill and covers a broad range of amendments to four acts, a number of very important provisions are contained in this bill, and I want to refer to some of them.

In terms of defect notices, it is proposed that section 160 of the Road Traffic Act be amended to provide a more effective and new definition of 'deficiencies' when a police officer or Transport SA inspector is concerned that a vehicle does not comply with vehicle standards; or it is not maintained in a condition that enables it to be driven or towed safely; or it does not have an emission control system fitted to it of the kind fitted to it when it was built; or when the emission control system fitted has not been maintained in a condition which ensures the system continues operating essentially in accordance with the system's original design.

The trouble with the current definition is that it is a combination of various factors. It requires various conditions—not alternative conditions—to be met. For instance, the act requires that a defect notice can be issued only when the vehicle does not comply with the vehicle standards and—and I emphasise the word 'and'—would constitute a safety risk.

This bill removes the word 'and' and puts down a number of conditions. Any number of those conditions, but not a required combination, can apply for a defect notice to be issued. I think that this is particularly important for South Australia where we have the oldest age of vehicles in Australia on our roads per head of population. I also understand that we have the oldest age of vehicles in OECD countries. We do not have in this state compulsory annual inspections of vehicles after four years of manufacture, as is the case in New South Wales. Nor do we have, as the Victorian Road Safety Committee has recommended, compulsory inspections at the change of ownership.

So without those provisions, I think it is particularly important that we tidy up some of the deficiencies in the way defect notices can be issued in South Australia to vehicles that are not being maintained in a safe condition or cannot be towed in a safe condition or do not comply with vehicle standards or with emission control systems.

This is also important in relation to smoky vehicles. When I was minister for transport, we announced a two-phase smoky vehicle program, which included the dobbing in of a driver. I notice that this government has deferred the introduction of that scheme. I would strongly urge it to progress that matter with the EPA and the police.

The Hon. T.G. Cameron: We do not want to encourage dobbers.

The Hon. DIANA LAIDLAW: The Hon. Mr Cameron interjects. I am not sure whether he is for or against a dobbing in scheme. What happens if we do not have—

The Hon. T.G. Cameron: I am against a system which encourages the population to dob in each other.

The Hon. DIANA LAIDLAW: I would certainly hope that the introduction of the scheme would not see a need to dob in motorists, but that the education program planned by the then government ensured that people maintained their vehicles in a safe condition, particularly in terms of emissions because of all the debate about Kyoto and the like and the contributions by light and heavy vehicles to air pollution.

If education alone does not work, and because we do not have compulsory inspection, either annually or on change of ownership, at a certain age of a vehicle, other measures have to be introduced. I think it is important that they are introduced. This bill provides for a much more effective system for issuing defect notices by the police and/or motor vehicle TSA inspectors.

Another important measure is provided in the amendments to the Motor Vehicles Act 1959 and relates to the retention of images of licensed drivers. I have to declare that, many years ago, I was a member of the committee when the federal government sought to introduce an ID card, and I fought fiercely against the national introduction of an ID card.

I can hardly believe some of the issues debated today—from DNA testing to credit card access to exchange of information and personal details in so many senses. It was only a little more than a decade ago that this nation threw out the notion of an ID card. Technology is changing that situation rapidly and legislation is unable to keep up with advances in those technologies.

At the time when photographs were introduced for drivers' licences, I was certainly insistent in the Liberal Party—and this was applied by the government of the day—that the photograph as well as the signature were not both retained on government records through the Registrar of Motor Vehicles after a certain period of time because of the potential abuse. That was extended further when digital photography and the digital application of a person's signature was undertaken.

The policy applied by the former Liberal government was that Transport SA and the vehicle manufacturer had to destroy all photographic images after some 60 days. Since that policy position there has been an awareness across Australia of an increase in fraudulently obtained licences. I am aware, having been alerted last year by a mother of a 16 year old, that her child, who did not even have her L-plates, was able to obtain a fraudulent L-plate licence, the showing of which enabled her to get into pubs and a whole range of places. It was an important identification card, although it was fraudulently obtained.

A New South Wales legal case also confirmed that the inability of the Registrar of Motor Vehicles in that state to check signature against photograph had seen the fraudulent use of paperwork for rebirthing of motor vehicles and a range of other illegal practices. So, progressively over the past two years, Australian states, starting with New South Wales, Western Australia, the Northern Territory and South Australia—with the bill I introduced last year, which is before us today—gives the South Australian Registrar of Motor Vehicles the ability and legal right to retain on record both the digital photographic image and digital signature.

However, in making this change, various provisions in the bill seek to ensure the confidentiality of the images and to prescribe narrowly the circumstances under which they may be used. I strongly support those provisions and earnestly hope that they are effective in stopping fraudulent and potential misuse through the government records system, and that they effectively deal with issues of fraudulent use by the wider community of a driver's licence, registration and a

range of other papers. There are important issues in relation to the nominal defendant's ability to recover money from the driver or owner of an uninsured vehicle.

At present the Motor Accident Commission can recover money from drivers of motor vehicles only where bodily injury or death has occurred and the driver has insurance and has behaved recklessly or was under the influence of a drug or intoxicating liquor. There is an anomaly here, because the nominal defendant has no opportunity now to recover money from drivers where the vehicle is uninsured. The bill seeks to redress that anomaly, and I am particularly pleased to be part of this initiative. The Civil Aviation (Carriers' Liability) Act amendments relate to insurance claims and are an important provision as part of an Australia-wide reform.

Also, there are provisions related to the Harbors and Navigation Act and the issuing of expiation notices for a variety of offences. Last, but far from least, is the important initiative relating to an amendment that seeks to prohibit a probationary licence holder from acting as a qualified passenger. At present the driver accompanying, in a supervised way, a learner driver can be a probationary driver. That probationary driver may well have lost their licence for a variety of reasons, had it returned but not been entrusted with a full driver's licence. In such circumstances, and more broadly, a probationary licensee who is still learning and has tougher conditions to meet (in terms of retention of their licence) should not be the qualified licensee accompanying a learner driver.

This is an important measure in terms of the Road Traffic Act to provide more thorough, considered and careful supervised training for learner drivers on our roads. On behalf of the Liberal Party, I indicate our support for the second reading and the passage of this bill.

The Hon. T.G. CAMERON: I thought that the previous speaker was going to make only a few comments on this bill. I would hate to see her make a fully-fledged speech on one of these matters. It so happens that the honourable member has covered most of the ground that I was going to cover, but I will make a few observations. All but one of the provisions of this legislation, as the previous speaker said, were introduced by the previous government, and the bill lapsed due to the—

The Hon. Diana Laidlaw: Would you speak to the one I forgot?

The Hon. T.G. CAMERON: I did not want to speak for quite as long as the honourable member did. I support all the provisions outlined in the bill, as the previous speaker has said. The bill tidies up a number of provisions ranging from probationary drivers to licensed driving instructors, and it allows authorised people to issue expiation notices under the Harbors and Navigation Act, etc. I will make just one comment in relation to the issuing of defect notices with respect to motor vehicles that are not roadworthy. In the good old days, when I was a young driver, if you were speeding, if a brake light was not working or if smoke was pouring out of your muffler, you could be pretty—

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: I had a few old bombs like that, too, until I upgraded to Jaguars. However, back in those days you could be pretty damned sure that, if you had a broken tail-light, your brake light was not working or excess smoke was coming out of the back of your car, give it a week or so and you would be pulled over by a police officer. They were pretty good. They would usually give you a warning, tell you they would keep an eye on you and instruct you to get your car repaired. If the problem related to a brake light not working or something that might have involved or created a dangerous situation for the driver, they would defect the vehicle and off you would go to get it fixed.

I have three sons who love their motor vehicles and, from time to time, I have observed them and their friends driving around in a vehicle with the right brake light inoperative for five months. No-one picks it up and, I guess, you must ask why. I do not support the system the Hon. Di Laidlaw is pushing forward, because it involves dobbing in people. I think that part of the problem—

The Hon. Diana Laidlaw: Smoky vehicles.

The Hon. T.G. CAMERON: Yes, dobbing in people for having a smoky vehicle. I guess it would be the same if we introduced a law that said we are going to stop people from smoking whilst they are driving. We then encourage people to dob in anyone they see smoking in a vehicle, whether or not they are driving. I would not like to encourage people to go down that path. I would have thought there were other ways of dealing with smoky vehicles and, at the end of the day, they do contribute a very small percentage of the overall level of carbon monoxide.

The Hon. Diana Laidlaw: If you are a bike rider or a pedestrian, it is foul.

The Hon. T.G. CAMERON: If you were riding a push bike down Anzac Highway and you were sitting behind a semi-trailer that was gushing out smoke, it would be a problem. I suppose that the honourable member is riding her bike more these days than she was this time last year, so I do have some sympathy for her in that situation. However, I believe there are better ways of controlling smoky vehicles than introducing a regime of dobbing in people. I can recall occasions when we encouraged people to dob in those who were growing marijuana. A team of police turned up at my house one night because someone had dobbed me in. Apparently I had two acres of it growing there. They did not fine anyone—

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: No, it had already been cultivated. They got there very early in the season but, as is the wont of the police, they knew when to call. They called at about 3.30 on the evening of the 1993 state election. They had had the complaint for six weeks. They could not tell me who had made it. This whole area of encouraging people to ring up and dob in their neighbours and telling them, 'Yes, you will have anonymity if you do it. Don't worry, we will encourage you to be a dobber. You won't get caught' does not sit comfortably with me, and that is why I interjected.

With a higher police presence on the road and less reliance on speed cameras, more police on the road could be dealing with not just smoky vehicles but also matters such as unregistered vehicles. I could not work out why one young lad I noticed drove his car around for six months unregistered. I said to one of my sons, 'You want to be careful if you have an accident with that car; he's got no insurance. I've noticed it has been unregistered for six months.' My son said, 'That's okay Dad; he's been driving unregistered cars for two years. You've just got to make sure you don't get caught speeding.' A higher police presence would do something about the 2 or 3 per cent of unregistered vehicles we have on our roads and up to 5 per cent of vehicles five years and older that could be defected because of a current fault. As I understand it we have—

The Hon. Diana Laidlaw: Bald tyres.

The Hon. T.G. CAMERON: Bald tyres are an excellent example. With one bald tyre on the rear, it does not matter how good a driver you are, a little bit of oil or a smooth section and you can lose control of your vehicle. I had better not go on for too long after what I said about the Hon. Diana Laidlaw. I would like to see roadworthiness checks and a higher police presence on our roads. I am being told we now have more unlicensed drivers on our roads as a percentage of overall drivers than we have ever had at any time in the past. I keep looking at the Hon. Diana Laidlaw as if she were still the minister, but she is not. There is one thing I would really like to bring to the attention of this government and that is when police pull drivers over for speeding or to defect a vehicle or what have you. One young lad I know had his vehicle defected, but he was not in possession of a licence at the time.

The Hon. Diana Laidlaw: They didn't ask for it?

The Hon. T.G. CAMERON: They did not ask for it. I fail to understand why police do not routinely check the car registration and motor vehicle licence. It should be mandatory. I was pulled over by a laser gun about eight years ago, but I was not asked for my drivers licence, nor was the registration on the vehicle checked. They should be mandatory. If people knew that their vehicles were going to be checked, it would encourage self compliance, just as you see vehicles getting around that should be put off the road, given the smoke coming out of the back of them. You have to ask yourself why these people continue to drive them and then go and get them reregistered. The answer is fairly straightforward: they do it in the knowledge that they will not get caught. I would hate to think that we would introduce some kind of regime that said, 'Be careful; you will be caught, because it might be your neighbour or the man across the road or even your own family who dobs you in.' There are better ways of handling it. Having got that off my mind, SA First supports this bill.

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

HOLIDAYS (ADELAIDE CUP AND VOLUNTEERS DAY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 October. Page 1110.)

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Redford has the call.

The Hon. A.J. REDFORD: The opposition supports this bill and congratulates the government and the member for Mount Gambier on their role in its introduction. The bill amends the Holidays Act 1910 and is to my knowledge the only positive measure that this government has initiated as far as the regions are concerned. This bill seeks to enable that part of the state which falls in the District Council of Grant and the City of Mount Gambier areas to celebrate a public holiday for the Mount Gambier Gold Cup thoroughbred race meeting.

The bill also tidies up an anomaly in relation to Anzac Day and special holidays. This bill has the strong support of the relevant councils and the Mount Gambier Racing Club. Those three bodies have all lobbied this government and the former government with the support of their local member and my support for many years now. In fact, my involvement extends back to early 1998, when I took a paper to the Liberal parliamentary party room. The party room asked the then minister, the Hon. Michael Armitage, to prepare a paper for its consideration, and that paper was presented to the party room in August 1999.

I raised the issue again with the new minister, the Hon. Robert Lawson, on 24 March 2000, and I again raised the matter after approaching the then member for Gordon, Rory McEwen, who, I might say, instantly supported my position. We again wrote jointly to the minister in September 2000. Subsequent to that the party considered it further. In mid 2001 a letter writing campaign was commenced by the then President of the Mount Gambier Racing Club Incorporated, Graham Savage. At this juncture I must say that, without his persistent and consistent raising of this issue on every occasion with every MP he spoke to, I suspect we would not be seeing this bill today.

In his extensive efforts he secured the support of the Mount Gambier Chamber of Commerce. He wrote in June this year supporting the prospect of a public holiday for the Mount Gambier Gold Cup in lieu of the Adelaide Cup. He also secured the support of Steve Errock, the Secretary of the South-East Trades and Labor Council. Mr Errock and I do not share many views in a political sense, but we certainly have two things in common: one is that we were both members of the same zonal state board of Apex, and the second is our strong support for the creation of a public holiday for the Mount Gambier Gold Cup. In his letter to the Minister for Racing on 19 June last year he said:

> The Adelaide Cup is a holiday for all of South Australia, despite the event not being a significant feature in our district. The delegates of the South East Trades and Labor Council believe that the ability for our district to utilise this public holiday for our own event would contribute significantly to the local economy. Being close to the Melbourne border, we are well aware that the Melbourne Cup public holiday is just for the greater Melbourne area. Local districts in Victoria are able to hold the equivalent of that public holiday to coincide with their own Cup Day.

He concluded by saying:

> On behalf of the SE Trades and Labor Council, I commend the movement of the Adelaide Cup holiday to the day of the Mount Gambier Gold Cup for the benefit of the local district.

The Hon. T.G. Roberts: They take both in Victoria.

The Hon. A.J. REDFORD: The honourable member interjects, and I am happy to correct him on that. I am happy to read out the provision of the act, because I am pretty well across this issue. In fact, you can only get your half or full day holiday in Victoria in lieu of the Melbourne Cup day. I note that the minister receives that news with some degree of surprise, but I can give him a complete assurance that the regional holidays are not additional holidays in Victoria, and I suggest that, if he takes his diary out of his pocket, he will see that the notation for Melbourne Cup day is metropolitan area only. I am sorry to digress on such an uninformed interjection. The District Council of Grant wrote to the Hon. Robert Lawson in June last year, stating:

> This carnival—

that is, the Mount Gambier Gold Cup Carnival—

> is a drawcard to the area in particular Mount Gambier and Council believes as it has in the past, that this important event deserves recognition.

Limestone Coast Tourism, through the Regional Manager, Mr Ian Waller, wrote to Graham Savage on 21 June last year, saying:

> Limestone Coast Tourism are pleased to support the endeavours of the Mount Gambier Racing Club to have the Friday of the Mount Gambier Gold Cup Meeting gazetted as a Public Holiday for the South East region of South Australia, replacing the holiday we currently acknowledge on the day of the Adelaide Cup.

There is also a letter written to Mr Trevor Little, who was the Zone Delegate of the Eastern Zone of the South Australian Racing Clubs' Council. In that letter, Mr Chris Biggs said to Mr Trevor Little (who I am sure is well known to the minister opposite, and I note he has ceased interjecting):

> The Council Members have asked me to advise you that they endorse the initiative and that they believe this action should lead to a significant increase in the local support for the meeting. At the same time, the opportunity should also be available to other country regions to celebrate their feature Cup Meeting.

That is no small endorsement, bearing in mind that it has a responsibility in relation to the Adelaide Cup, as well. Another letter addressed to Mr Trevor Little from the Port Lincoln Racing Club, dated 19 June last year, states:

> The Port Lincoln Racing Club would like to add its full support to the Mount Gambier Racing Club in its pursuit to apply for a public holiday to coincide with the staging of the Mount Gambier Cup Carnival in lieu of the Adelaide Cup long weekend. . .

It went on and talked about the enormous benefits for tourism and the financial returns to the racing club and the City of Mount Gambier should there be a change to the law. The letter went on to point out that the Port Lincoln Racing Club was also anxious to secure a similar result in terms of its own race day.

Not satisfied, and suggesting that it is not just a simple exercise in votes, Mr Graham Savage also approached the Warrnambool Racing Club and its Chief Executive, Mr Chris Nolan. Having been to the Warrnambool Cup, I can say that it is one of the best country race meetings that one can possibly attend.

The Hon. T.G. Cameron: You get around to these country race meetings, don't you?

The Hon. A.J. REDFORD: I am getting older, so I have time to do these things. Some of us travel further than that, but I will not go into that. The letter states:

> The Warrnambool Racing Club has had for a period in excess of twenty years a half-day holiday for our Cup day. This holiday is granted by the Warrnambool City Council under the Public Holidays Act and gazetted by the council as such. Approval must be sought from the City Council who has the power to grant a specific number of holidays within their boundaries.
>
> The benefits of the holiday play an integral part in the success of our Carnival. The business sector of the town fully supports the holiday, even though it is not compulsory to close their doors. The positive networking of the business sector is testimony to the fact that this holiday has been granted for so long without complication. I also acknowledge the economic benefits that flow in their direction from our club for the full twelve months of the year, not just that day.

The Mount Gambier Racing Club, following that mountain of support, wrote to the then premier, the Hon. John Olsen, seeking his support following an indication from minister Robert Lawson that he would be taking that request to cabinet for its approval and seeking his support. I know that when I spoke to the then premier as part of that campaign, he indicated that he personally supported this measure. In any event, following that sustained campaign, and I suspect a reaction similar to that of a surprise attack, that is, the joint approach from the then member for Gordon (Rory McEwen) and myself, which was not a common occurrence in the last parliament, the cracks started to appear in what little opposition there might have been to the suggestion that there be a regional holiday.

In October last year a paper was issued by then minister Lawson entitled 'Regional public holidays for South Australia'. It sought submissions from throughout South Australia in relation to a proposal to create a holiday of this type. The foreword in that paper states:

> The purpose of this paper is to seek community feedback on a proposal that the Holidays Act be amended to allow regional areas in South Australia to substitute another day for the public holiday known as the Adelaide Cup Carnival and Volunteers Day.

The paper went on and referred to comparable interstate legislation and, in particular, pointed to the situation that exists in Victoria, which has regional holidays, and also in Western Australia, where public holiday substitution is possible under their state's act, and in that respect they have selected the Queen's birthday, in a move that I might say belies the result of the recent referendum on the monarchy. In Western Australia, state government approval can be sought to celebrate a public holiday on an alternative day, and it has been used for local racing days, agricultural shows, regional events, games events, and others.

The Hon. T.G. Roberts: All in celebration of the monarchy?

The Hon. A.J. REDFORD: I cannot help but remind the honourable member who interjects that, apart from South Australia, Western Australia had the strongest result against the republic in the recent referendum, so perhaps for those monarchists amongst us—and I know that the honourable member is not one of them—a change or a substitution of the Queen's birthday in lieu of Adelaide Cup might enhance the monarchy. If he is of that mind, I look forward to seeing his amendment. In any event, some of the issues that the paper alluded to that needed consideration included the economic impact. In that respect the paper states:

> No attempt has yet been made to quantify the extent of economic gain in regional centres from the adoption of this proposal or the extent of losses (if any) which might be suffered by those businesses and organisations which presently derive benefit from the Adelaide Cup Carnival. Comment on these important issues is invited.

It also alluded to what generally speaking is a raw nerve in the government's armoury, and that is industrial relations and the effect on industrial awards. In that respect, it states:

> Some South Australian industrial awards have provisions that could impact on any alteration to public holidays at a regional level. For example, clause 31 of the Hotels and Clubs Award provides for additional public holidays but not the substitution of public holidays. It could be argued that unless there were specific amendments to the Act, employees working in a region where a public holiday was substituted would have to be paid if they did not work or paid penalties rates if they did work for both holidays.

In that respect, I would invite the minister representing the minister in another place to explain whether or not any measures have been taken to ensure that that anomaly does not arise and whether there is some provision in the awards that will enable a smooth application of this legislation following its passage.

In any event, the bill has been introduced some four years after I first raised it. At the end of the day, the moral of the story—at least from my perspective and that of the Mount Gambier Racing Club—is never give up. The bill implements the proposal through a two-year trial, and I support the proposal in this form. Indeed, this proposal has two important aspects: first, it promotes regional autonomy; and, secondly, it promotes racing. This parliament is to be congratulated on both those scores. The three features of the bill are: first, it is a trial; secondly, it celebrates racing; and, thirdly, it promotes regional autonomy and diversity. Indeed, that is

encapsulated when one looks at the circulars that are issued by the Victorian government regarding how one area might apply for its own regional holiday. In that circular, under the heading 'Local cup day public holidays,' it states:

> One of the more effective weapons in the marketing armoury of many Country Racing Clubs has been the grant of local public holidays to coincide with the running of their cup meetings. Clubs such as Geelong, Kyneton, Bendigo, Ballarat and Warrnambool have, for many years, enjoyed the benefits associated with having the collective attention of their local communities focused upon their cup meetings, by virtue of the grant of a local public holiday.

Mr President, I know you would endorse that this is of enormous benefit to the racing industry.

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: Indeed, the Hon. Bob Sneath, in an unusually pertinent interjection, refers to the holiday for the Geelong cup on Friday. So, with that in mind, the opposition, with the encouragement and support of the member for Flinders, Elizabeth Penfold (who, I point out, received 70 per cent of her electorate's support earlier this year), sought to extend the effect of this bill to the West Coast area for the purposes of the Port Lincoln cup. In support of that extension—and the opposition will be moving an amendment to enable that extension to take place—she pointed to the following important factors: first, the Port Lincoln cup is a special regional event; secondly, currently some 6 000 to 7 000 people attend that event; thirdly, it generates some $4.9 million into the regional economy and supports some 350 jobs; fourthly, the Adelaide Cup day has no direct relevance in general terms to the West Coast; finally, she points out—quite rightly—that the Port Lincoln area, the West Coast area, is a very strong and important breeding ground both in terms of people and in terms of bloodstock for metropolitan and national racing.

The minister—I must say to my great surprise—opposed the extension of the trial. I suspect he did not take the issue to caucus, because I know that you, Mr President, would have supported the extension and, as is normally the case, your ALP colleagues would have listened to you, and I am sure to the Hon. Terry Roberts who would have supported it. Unfortunately, despite this government's pre-election policies, this minister is not all that good at consulting. However, in stating his opposition, he asked this:

> Why pick Port Lincoln as opposed to another area?

One might say that that question could equally be put in so far as the Mount Gambier area is concerned. One might say that, if we are to have a proper trial, the broader the trial and, after two years, the more likely we are to make a long-term informed decision. The minister also said that there was a need for the local area to demonstrate its case.

I will not bore members with a long dissertation about what the member for Flinders (Liz Penfold) said. However, in her usual style, she made a contribution packed full of facts and substance in support of this amendment. Indeed, the 70 per cent support she got from her electorate as late as February this year would indicate that she is a member of parliament who is well in touch with her electorate. It is said that we are going into uncharted waters. Perhaps the minister might care to look at my speech and that of the member for Flinders. I suggest that, if we are going into uncharted waters—and I would say that we are not—I would see no reason why we should distinguish between the Mount Gambier and Port Lincoln areas.

However, I will just put the minister's mind to rest, because I know he would be having sleepless nights worrying about this trial. He need only trouble himself on one of his rare visits to the South-East to slip over the border into Victoria and talk to a few people there, and they will explain to him how it all works, how well it works, and I am sure would disabuse him of the view that we are entering into uncharted waters. Then he went on—and I must say on the face of it in an act of some desperation in support of his position—and said that there was a need for a degree of consistency of support. The Port Lincoln Racing Club strongly supports it, and the member for Flinders (Liz Penfold) strongly supports it. Notwithstanding that, there are occasions when ministers might have more information than that which is possessed by us mere members of the opposition.

So, having regard to the fact that the former government issued this discussion paper in October last year, with a closing date of 14 December last year, the minister would be in possession of submissions in relation to the creation of a regional public holiday, generally. I ask the minister in this place, first, to provide for us a summary of the reaction to this proposal from all the submissions from the West Coast; and, secondly, will he table all letters and correspondence which does not support the creation of a regional public holiday in the West Coast area from any one in the West Coast? Then we and members on the crossbenches can judge the level of opposition to the creation of a regional holiday on its merits and look behind the minister's rather broad assertion that there was a lack of consistency of support in relation to the creation of a public holiday.

The Hon. R.K. Sneath: There might be other organisations in Port Lincoln that applied for holidays, not just racing.

The Hon. A.J. REDFORD: In relation to that context all I am asking for is the minister to table the correspondence that supports his assertion in another place that there was a lack of consistency of support. Far be it from me to question the minister's veracity on this. I just have a sneaking suspicion that there was not one single letter to the minister or one single response to the discussion paper which opposed the creation of a regional public holiday in the West Coast area. I am sure that, when we get the letters as we go through the committee process and we vote on our amendment, we will be able to judge the minister's word on what documents are brought before us so that we can all make an informed decision.

Indeed, even if the proposed amendment, which will be the same as that which was moved in another place, is successful, ultimately the minister still has some work to do. If he is overwhelmed by opposition, the way in which this bill is constructed, he cannot proclaim a local area public holiday in the West Coast area. So, all that this parliament and the opposition are seeking to do is to facilitate and give the minister the authority to create such a holiday.

In closing, I am also interested to see what, if any, general response there is to the discussion paper that was issued, and I would be grateful if the minister could table some details of the response to that paper. With those few comments, and with the qualified praise of this government in bringing in this legislation, I would urge all members to support this bill and, indeed, urge all members to support the well-thought-out amendment filed by the opposition in relation to this matter.

The Hon. G.E. GAGO secured the adjournment of the debate.

ADJOURNMENT

At 5.37 p.m. the council adjourned until Wednesday 23 October at 2.15 p.m.