

LEGISLATIVE COUNCIL

Monday 17 February 2003

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

MEMBER, SWEARING IN

The President produced a commission from Her Excellency the Governor authorising him to administer the affirmation to members of the Legislative Council.

The President produced a letter from the Clerk of the assembly of members informing that the assembly of members of both houses of parliament had elected Ms Kathryn Joy Reynolds to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Michael Elliott.

The Hon. Kathryn Reynolds, to whom the affirmation was administered by the President, took her seat in the Legislative Council.

The PRESIDENT: In welcoming the new member, I acknowledge the presence in the gallery today of the federal Leader of the Australian Democrats, Senator Andrew Bartlett. We welcome you to our parliament and hope that your stay with us is an enjoyable one. With the election of a new member, I am sure that we have started down that track.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 44, 46, 47, 51, 53, 55, 56, 62, 64, 65, 67, 68, 71 and 72.

SPEED CAMERAS

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

1. What is meant by '... realistic camera-testing regimes' as stated by the Minister for Transport in his parliamentary statement on 17 July 2002 that '... legalisation needs to be amended to establish realistic camera-testing regimes and to introduce new digital camera technologies'.

2. When will the regimes be introduced?

3. With regard to the 'new digital camera technologies'—

(a) How much will they each cost;

(b) How many of them will there be; and

(c) When will they be introduced?

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

The government introduced a bill on 16 October 2002 to amend the Road Traffic Act to implement a number of changes foreshadowed in the ministerial statement made by the honourable Minister for Transport on 17 July 2002.

1. *What is meant by '...realistic camera-testing regimes' as stated by the Minister for Transport in his parliamentary statement on 17 July 2002 that '...legislation needs to be amended to establish realistic camera-testing regimes and to introduce new digital camera technologies.'*

In order to allow for the use of speed cameras in fixed housings—for example at known accident black spots or at signalised intersections—the bill seeks to amend the Road Traffic Act to require that fixed housing speed cameras will be tested in the same way that red light cameras are tested and calibrated at present. If passed, the amendment will require that the cameras are tested every 7 days unless the film or electronic record is removed or the camera itself is moved. The Bill will also allow for the introduction of new digital camera technologies by a simple change to the definition of 'photograph' so that it includes images from an electronic record.

2. *When will the regimes be introduced?*

If the necessary legislative amendments are made, the changed testing regime will be introduced following proclamation of the legislation and the consequential regulations.

3. *With regard to the 'new digital camera technologies'—*

(a) *How much will they each cost;*

Digital red-light cameras, with speed capability, cost a similar amount to the current 'wet-film' cameras with similar capability, that is approximately \$80,000 each. There are some minor differences in installation costs.

(b) *How many of them will there be; and*

A final decision has not been made on the number or timing of digital camera purchases, or indeed any additional red-light/speed camera purchases. If the detailed costing proves appropriate, it is expected that the government will make a cautious approach to the new technology until its operating range and capability can be fully tested.

(c) *When will they be introduced?*

The timetable for introduction of any new red-light/speed cameras has not been determined. However, I am advised that the procurement and installation of the cameras may take several months from date of placing an order. The appropriate government procurement process will need to be observed before any order can be placed.

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

1. How much money in fines is generated by each speed camera on average per hour?

2. How many hours each week are each of the 18 speed cameras in use?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

For the 2001-02 year, the average revenue expiated through SAPOL per camera is estimated at \$828 for every hour in operation.

An average of 9 cameras are deployed per shift with two shifts per day. Speed cameras have an average operating time per week of 38.5 hours per camera.

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

1. (a) For the top 10 speed camera revenue sites in the period 1 July 2000 to 30 June 2001, how many fatality crashes, injury crashes and property damage only crashes occurred at each location during the periods—

(i) 1 July 1999 to 30 June 2000;

(ii) 1 July 2000 to 30 June 2001;

(iii) 1 July 2001 to 30 June 2002; and

(b) For all of these crashes, how many were primarily caused by excessive speed?

2. (a) For the top 10 speed camera revenue sites in the period 1 July 2001 to 30 June 2002, how many fatality crashes, injury crashes and property damage only crashes occurred at each location during the periods—

(i) 1 July 1999 to 30 June 2000;

(ii) 1 July 2000 to 30 June 2001;

(iii) 1 July 2001 to 30 June 2002; and

(b) For all of these crashes, how many were primarily caused by excessive speed?

3. For the periods 1 July 2000 to 30 June 2001, and 1 July 2001 to 30 June 2002, what were the worst/top 10 locations for—

(a) Fatality crashes;

(b) Injury crashes; and

(c) Property damage only crashes?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

In 2000, the state's road crash records show that at least 8.8 per cent (13) of the 147 fatal crashes were the result of excessive speed. When excessive speed is identified as a factor, there is also a likelihood of injury being suffered. In 2000, of the 218 crashes caused by excessive speed, 48% resulted in at least one person being killed or injured. As a comparison, only 18.8 per cent of the crashes from other causes resulted in deaths or injuries.

Response to question 1 and question 2—Top 10 Speed Camera Offence Revenue sites by fatal, casualty and property damage crashes for 1999-2000, 2000-2001 and 2001-2002 (to March 2002) financial years.

2000-01

Suburb	01/07/1999-30/06/2000				01/07/2000-30/06/2001				01/07/2001-31/3/2002			
	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)
Adelaide	5	546	2946	3	0	494	3077	0	1	407	2469	0
Morphett Vale	0	105	455	0	0	113	497	0	1	69	363	0
Blair Athol	0	32	155	0	0	26	128	0	0	19	121	0
Grange	0	12	64	0	0	14	64	0	0	9	56	0
Glenelg North	0	12	65	0	0	17	90	0	0	4	57	0
Happy Valley	0	31	153	0	0	31	134	0	2	24	115	0
Croydon Park	0	18	77	0	1	21	81	0	0	17	50	0
Seaton	1	43	173	1	0	50	179	0	0	32	143	0
O'Halloran Hill	1	20	98	1	0	23	122	0	0	20	97	0
Parafield Gardens	0	45	186	0	1	54	183	1	1	36	144	0

2001-02

Suburb	01/07/1999-30/06/2000				01/07/2000-30/06/2001				01/07/2001-31/03/2002			
	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)	Total Fatal Crashes	Total Casualty Crashes	Total Property Crashes	Attributed to Speed (fatal only)
Adelaide	5	546	2946	3	0	494	3077	0	1	407	2469	0
Seacliff Park	0	14	39	0	0	5	47	0	0	7	32	0
Blair Athol	0	32	155	0	0	26	128	0	0	19	121	0
Morphett Vale	0	105	455	0	0	113	497	0	1	69	363	0
North Adelaide	0	122	519	0	1	118	593	1	1	83	468	0
Gepps Cross	1	19	151	0	1	26	157	1	0	23	115	0
Reynella	0	43	243	0	0	50	231	0	0	24	159	0
Bolivar	0	15	42	0	0	10	45	0	1	5	18	1
Glenelg North	0	12	65	0	0	17	90	0	0	4	57	0
Grange	0	12	64	0	0	14	64	0	0	9	56	0

Response to question 3—Top 10 Locations for Casualty Crashes for the period 01/07/2000—30/06/2001 and 01/07/2001 to 31/03/2002*

* Not all data is currently available for the financial year ending 30/06/2002. Data current until 31/03/2002

2000-2001 Financial Year Top 10 Suburbs					2001-02 Financial Year* Top 10 Suburbs				
Suburb	Total No. of Property Damage Crashes	Total Number of C/Crashes	Total Injuries	Total Fatalities	Suburb	Total No. of Property Damage Crashes	Total Number of C/Crashes	Total Injuries	Total Fatalities
Adelaide	3077	494	654	0	Adelaide	3963	407	522	1
North Adelaide	593	118	153	1	North Adelaide	468	83	115	1
Morphett Vale	497	113	152	0	Morphett Vale	363	69	99	1
Mount Gambier	451	96	137	3	Norwood	375	60	78	1
Salisbury	1046	76	111	1	Pooraka	160	50	69	0
Norwood	475	75	96	1	Prospect	283	50	64	0
Murray Bridge	226	62	100	3	Mount Gambier	366	49	67	0
Prospect	358	61	85	0	Wingfield	185	49	68	0
Modbury	507	58	75	0	Salisbury	735	48	64	1
Pooraka	223	56	72	0	Murray Bridge	184	46	69	0

2000-2001 Financial Year
Top 10 Roads—Within the Top 10 Suburbs

Suburb	Total No of Property Damage Crashes	Total number of C/Crashes	Total Injuries	Total Fatals
King William St Adelaide	857	50	66	0
North Tce Adelaide	488	103	138	0
West Tce Adelaide	387	50	61	0
Pulteney St Adelaide	228	42	50	0
Salisbury Hwy Salisbury	154	21	37	0
Grenfell St Adelaide	136	29	37	0
Main Sth Rd Morphett	129	54	71	0
Prospect Rd Prospect	110	24	34	0
Main Nth Rd Pooraka	95	39	50	0
The Parade Norwood	37	27	32	0

2001-2002 Financial Year*
Top 10 Roads—Within the Top 10 Suburbs

Suburb	Total No of Property Damage Crashes	Total Number of C/Crashes	Total Injuries	Total Fatals
King William St Adelaide	183	41	52	0
North Tce Adelaide	379	79	104	1
West Tce Adelaide	290	41	56	0
Grenfell Rd Adelaide	97	24	27	0
Pulteney St Adelaide	138	25	28	0
Regency Rd Prospect	43	19	24	0
Main Sth Rd Morphett Vale	103	24	36	1
South Rd Wingfield	89	24	27	0
Main Nth Rd Pooraka	77	27	38	0
The Parade Norwood	44	22	31	1

GOVERNMENT OFFICES

51. **The Hon. A.J. REDFORD:**

1. Can the Minister for Administrative Services provide a list of all vacant government office space as at 6 March 2002?

2. Can the minister also provide a list of all vacant Government office space that currently exists?

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

1. Records indicate that the following government office accommodation space was vacant on 6 March 2002:

- EDS Centre, North Terrace, 472 m² of leased space;
- Elizabeth Street, Mount Gambier, 49 m² of government owned space;
- 77 Grenfell Street, Adelaide, 200 m² of leased space;
- Netley Commercial Park, 408 m² of government owned space; and
- 220 Victoria Square, Adelaide, 123 m² of government owned space.

In addition the following, classified as non marketable space because expenditures are required to refurbish and upgrade them to permit occupation, were also vacant:

- 293 St Vincent St, Port Adelaide, 5 002 m² of government owned space; and
- 220 Victoria Square, Adelaide, 1 177 m² of government owned space.

2. The current vacant government owned space is:

- EDS Centre, North Terrace, 541 m² of leased space;
- Elizabeth Street, Mount Gambier, 49 m² of government owned space;
- 77 Grenfell Street, Adelaide, 600 m² of leased space;
- Netley Commercial Park, 961 m² of government owned space; and
- 220 Victoria Square, Adelaide, 123 m² of government owned space.

In addition the following, classified as non marketable space because expenditures are required to refurbish and upgrade them to permit occupation, were also vacant:

- 293 St Vincent St, Port Adelaide, 5 002 m² of government owned space; and
- 220 Victoria Square, Adelaide, 1 177 m² of government owned space.

POLICE OFFICERS

53. **The Hon. A.J. REDFORD:** What was the total number of police officers employed in South Australia as at 13 March 2002?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

As at 13 March 2002, 3884 Police officers were employed by payment of a salary. This figure includes Community Constables and Cadets (in training). It does not include police officers on unpaid leave at that time (ie unpaid parental leave). The 3884 people occupied a total of 3,827.1 full time equivalent positions.

GOVERNMENT CREDIT CARDS

55. **The Hon. A.J. REDFORD:** What is the total amount of late payment fees incurred on government credit cards since 6 March 2002?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

Since 6 March 2002 there has been a total of \$47.33 interest charged relating to 3 different government agencies. A further agency was charged an interest penalty, of \$62.82, that was reversed when the card provider realised that they had deleted the particular agencies automatic direct-debit arrangements in error.

In each case penalties were incurred due to a breakdown in internal procedures. In two cases these breakdowns have been addressed. The third agency concerned will review procedures to ensure there is no reoccurrence.

The vast majority of government agencies have direct debit arrangements in place for payment of credit cards thereby avoiding the possibility of late payment.

COORONG COUNCIL DISTRICT

56. **The Hon. A.J. REDFORD:** Can the Minister for Transport explain the reasons why the Passenger Transport Board requires respondents to sign a confidentiality agreement prior to obtaining the request for proposal document to provide passenger transport services in the Coorong Council district?

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

Respondents to Passenger Transport Board requests for proposals for the provision of passenger transport services had been required to sign a confidentiality agreement prior to accessing documents. This was designed to ensure confidentiality throughout the tendering process.

The Passenger Transport Board has reconsidered this requirement. The PTB now only requires confidentiality after tenderers have lodged a proposal. Tenderers are required to maintain the confidentiality of the tender documents, their response and any information provided to them during the tender process.

SPEEDING OFFENCES

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

1. How many motorists were caught speeding in South Australia between 1 July 2002 and 30 September 2002 by—

- (a) speed cameras;
- (b) laser guns; and
- (c) other means;

for the following speed zones—

- 60-70 km/h;
- 70-80 km/h;
- 80-90 km/h;
- 90-100 km/h;
- 100-110 km/h;
- 110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—

- (a) speed cameras;
- (b) laser guns; and
- (c) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. Speeding offences issued and expiated between 1 July 2002 and 30 September 2002

Motorists caught speeding by:

Speed cameras	55,480
Laser guns	No separate data available
Other means	10,663

For the following speed categories (speed camera offences only, and relate to a variety of speed limits and speed zones):

60-69 km/h	601
70-79 km/h	41,164
80-89 km/h	3,412
90-99 km/h	1,423
110 km/h and over	1,429
Unknown	12

2. Revenue raised from:

Speed cameras	\$6,481,567
Laser guns	No separate data available
Other means	\$2,026,057

MUNDULLA YELLOWS

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

1. How serious is the new government taking the threat of Mundulla Yellows in South Australia?

2. Is the government committed to providing its share of the necessary funding for continued research into the cause and eradication of Mundulla Yellows?

3. If so, how much funding has been committed over the next 12 months?

4. Will the minister, as a matter of urgency, seek clarification from his federal government counterpart to ensure it continues to play its role in combating this highly infectious disease?

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised that:

1. The new government is taking the threat of Mundulla Yellows very seriously. A significant level of staff and financial resources has been allocated to this problem.

2. The South Australian government has been instrumental in establishing a number of initiatives to provide funding for research into the cause(s) and management of Mundulla Yellows.

3. The South Australian government has allocated \$95,000 and \$71,000 from the Commonwealth has been allocated for the next stage of research. Further funding will depend on recommendations from this stage of research.

4. This government has had no indication from its Federal counterpart that the partnership arrangements established to combat this problem are at risk of not continuing. The Department for Environment and Heritage is in regular communication with Environment Australia on these issues and is a member of the national working group established to inform and recommend future actions.

ROAD SAFETY STRATEGY

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

1. Will the South Australian Police undertake a bad crash profile and road safety audit of metropolitan roads in an attempt to curb the road toll, after having trialled the use of speed cameras targeting the State's most dangerous rural roads at peak crash times?

2. Will the police consider introducing a similar strategy for metropolitan roads and concentrate on using speed cameras at peak crash risk times and on those city road 'black spots' where people are being killed and injured?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. Regulating road use and preventing vehicle collisions is a core function of the South Australia Police (SAPOL).

A road safety initiative implemented by SAPOL during 1998-99 was the conduct of 21 audits of rural roads throughout South Australia. Those audits identified road safety engineering and enforcement issues associated with those 21 roads.

Upon completion all road audits were forwarded to Transport SA. This organisation now has the responsibility and accountability for road audits of all roads throughout the State (metropolitan and rural).

The information contained in the audits has been utilised in SAPOL's road safety intelligence areas.

SAPOL adopts a problem solving, intelligence led philosophy towards road safety with the aim of a reduction of crashes and associated injury and road trauma.

Collectively the following activities regularly take place:

Education includes school and community programs, media publicity and the on road cautioning of offending motorists by Police. School programs are aimed at all age groups, in particular, young drivers to help them better understand the risks, adopt safe driving behaviours and become responsible road users.

Enforcement is undertaken by the Police in association with the Justice System to ensure that drivers who do not wish to comply with community standards and requirements and create an unsafe environment on our roads are penalised for doing so.

Engineering is undertaken by the government to identify unsafe locations in our road system, which can be made safer through engineering practices.

Speeding is a major contributor to the cause of crashes in this state, however, it is not the only cause. It is important that motorists comply with all of the Australian Road Rules and be vigilant of the fatal five:

- speeding;
 - drink driving;
 - inattentive driving (fatigue, unsafe overtaking, dangerous driving and following too close);
 - failing to wear seat belts; and
 - vulnerable road users (pedestrians, motor cyclists and cyclists);
- which are all recognised as contributing to road crashes or being at risk groups on the road.

Speed cameras are deployed as part of the strategy to reduce excessive speed and to establish a firm base for long-term change in driver attitude to speeding. Achieving these aims will lead to a reduction in the general level of speed, with a corresponding reduction in the number and severity of road crashes.

Speed cameras are only deployed to locations that constitute a road safety risk. These include roads that have either a high crash history or the potential to contribute to collisions in response to speeding complaints or for safety reasons at locations where the use of other speed detection methods or equipment is not the preferred option.

2. Police will not be conducting road safety audits in the metropolitan area. The responsibility for road audits is with Transport SA.

Police will continue to utilise a problem solving, intelligence led process to identify areas where speed cameras are to be deployed to assist in the reduction of crashes, injury and road trauma.

MOTOR VEHICLES, SECOND-HAND

67. **The Hon. T.G. CAMERON:** How many motor vehicles in South Australia aged 10 years or more have changed owners during the years—

1. 2000-2001; and
2. 2001-2002?

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

1. 208,324; and
2. 206,412.

It should be noted that a particular vehicle may have changed ownership more than once during the timeframes specified. The figures shown represent the number of transfers which took place.

RAILWAY LINES

68. **The Hon. SANDRA KANCK:**

1. Is it legal for vehicles to queue across railway lines?

2. What is the penalty for drivers who queue across railway lines?

3. Which crossings in Adelaide metropolitan area are considered by police to be at risk of drivers queuing across railway lines?

4. How many drivers had been apprehended for queuing across the railway lines at the Salisbury location during the past 12 months, prior to the Salisbury train/bus/car crash?

5. Have any drivers of heavy vehicles been apprehended for queuing across any railway lines in the Adelaide metropolitan area in the past 12 months?

6. Will the four deaths at Salisbury be recorded as road fatalities or rail fatalities?

The Hon. T.G. ROBERTS: The Minister for Transport and the Minister for Police have provided the following:

1. It is an offence under rule 123(e) of the Australian road rules for a driver to enter a level crossing if the driver cannot drive through the crossing because the crossing, or the road beyond the crossing, is blocked.

2. A fine not exceeding \$1 250 can be imposed by a court for offences under the Australian Road Rules and this includes the offence of entering a level crossing when the crossing, or the road beyond the crossing, is blocked. An expiation fee of \$187 applies for this offence (includes \$7.00 victims of crime levy).

3. Police consider all level crossings in the state to be at risk for drivers who enter or drive through the crossings when warning lights or warning bells are ringing or when a gate or boom is closed.

4. During the period 1 July 2001 to 30 June 2002, two expiation notices were issued to drivers for entering Salisbury level crossing in contravention of Rule 123 of the Australian Road Rules.

5. During the period 1 July 2001 to 30 June 2002 86 expiation notices were issued to drivers in the metropolitan area in contravention of Rule 123 of the Australian Road Rules. Police are unable to identify the types of vehicles involved in these offences.

6. As the crash occurred on a road, the four deaths at Salisbury have been recorded as road fatalities.

COURTS, JUDGMENTS

71. **The Hon. A.J. REDFORD:**

1. Can the Attorney-General reveal if any judgments, in any court in South Australia, have been outstanding for more than six months?

2. If so, could the Attorney-General provide details of how long each judgment has been outstanding?

The Hon. T.G. ROBERTS: The Attorney General has provided the following information:

As of Friday 6 December, 2002, these judgments have been outstanding for more than six months in the Supreme Court:

Name of Matter	Date Reserved
Edwards & Ors v Olsen & Ors	4 October 2001
Scott v Williams & Ors	4 March 2002
The Shed People Pty Ltd v Frederick Turner & Ors	13 March 2002
Lines v Lines & Ors	13 May 2002

As of Friday 6 December, 2002, one judgment has been outstanding for more than six months in the District Court:

Name of Matter	Date Reserved
Elaura Enterprises Pty Ltd v Adrian Harnas & Anor	22 March 2002

This information is provided by the chief justice and by the chief judge by reference to the court's computerised case-management system. The information provided is accurate unless, owing to an incorrect entry being made in the system, the reserving of a judgment has not been recorded.

The Senior Judge of the Environment, Resources and Development Court says that there are no judgments outstanding for more than six months in that court as at 6 December, 2002.

The senior judge of the youth court says that there are no judgments outstanding more than six months as at 6 December, 2002, in that court.

The senior judge of the industrial court has provided a list of decisions of that court outstanding for more than six months.

103/00 Barton v RV Hodge T/as Tundooee Proprietors: 10.4.01
641/01 Mallon v Nursing Agency of Australia Pty Ltd T/as Nasansb: 9.5.01

835/01 Rawlings v The Cedars Montessori Pre-School: 10.5.01

4392/01 Siviour v RJ & EB Kerr: 7.8.01

2438/01 Nobbs v T Warhurst T/as Jogger's World: 8.8.01

7696/01 Police Association of South Australia Inc v South Australian Police Department: 31.8.01

7930/00 Egan v Riverland Regional Health Services: 13.9.01

265/01 Warwick & Fricker v Conroys Smallgoods Pty Ltd: 271/01 20.9.01

4200/01 Tsesmelis & Vidov v Michelle Fisheries Pty Ltd: 4198/01 12.10.01

5190/01 Scott v Blackwood Florist: 24.10.01
4814/01 Ho v S Kransnov & I Sing T/as Seido Hair: 4817/01 7.12.01

5760-5762 Carr, Hendermark & Dobie v Dairy Farmers: 12.12.01

8201/01 Walker v Maughan Thiem Motor Co Pty Ltd: 18.12.01-2—

8628/01 Jones v AQ Australia: 21.1.02

5111/01 Minagall v Alex Milne Plumbing: 24.1.02

119/02 Reid v Elaura Enterprises Pty Ltd T/as The Stables Restaurant: 18.2.02

7826/02 Taylor v NJ Arnold Pty Ltd: 20.2.02

1042/01 Maher & Lamb v ADI Limited Operations Group: 1044/01 12.4.02

6121/01 Lang v Peter Keliouris T/as Statewide Alarms: 16.4.02

2113/01 Drewniak v Airbags Australia Pty Ltd: 8.5.02

5144/01 Slater v George Weston Foods Ltd: 29.5.02

458/02 Fearn v M & H Dwyer T/as Lonsdale Lets Lunch: 8814/01 M & H Dwyer T/as Lonsdale Lets Lunch v Fearn: 19.6.02

The chief magistrate says that he has asked the Magistrates to inform him of any judgments reserved for more than six months. The Chief Magistrate says that none has been brought to his attention. I therefore assume there is none.

SCHOOLS, ENROLMENTS

72. **The Hon. R.I. LUCAS:** What is the saving assumed for enrolment decline and, in particular, what is the actual assumption of the reduction in the number of students enrolled and number of teachers employed under the Revised Budget Recovery Plan for the Department of Education and Children's Services approved by the Treasurer for the years—

1. 2002-2003;
2. 2003-2004;
3. 2004-2005; and
4. 2005-2006?

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

As the honourable member would be aware the budget recovery plan imposed by him when he was treasurer was already factored into the forward estimates when this government took office. This government recognised that there were significant aspects of the Budget Recovery Plan which were not viable or acceptable and Cabinet approved additional funding for 2001-02 so that the department was able to meet its commitments. Further, the government has set aside an amount in central provisions over the forward estimates in recognition that there is an underlying shortfall in education funding.

The estimated savings attributable to enrolment decline incorporated in the original budget recovery plan will be considered as part of a major exercise to rebase the DECS budget. This process will re-assess the enrolment projections with a view to establishing the most realistic position leading up to 2003-04 State budget deliberations.

LEGISLATIVE COUNCIL VACANCY

I lay on the table the minutes of the assembly of members of both houses held this day to fill the vacancy in the Legislative Council caused by the resignation of the Hon. M.J. Elliott.

Ordered to be printed.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 2001-02—

Electricity Industry Superannuation Scheme

Inquiry into electricity Standing Contract Process—Final Report and Determination—October 2002

Section 69 of the Public Service Management Act 1995—Appointment of all Ministers' Personal Staff

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

Reports, 2001-02—
 Arid Areas Catchment Water Management Board
 Chiropractors Board of South Australia
 Eyre Peninsula Catchment Water Management Board
 Institute of Medical and Veterinary Science
 Occupational Therapists Registration Board of South
 Australia
 Public and Environmental Health Act
 South Australian Psychological Board
 Section 20(4) of the Highways Act 1926—Lease of
 Properties—Transport SA.

CHILD PROTECTION REVIEW

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): On behalf of the Premier, I lay on the table a ministerial statement on the subject of child protection review.

MOTOR ACCIDENT COMMISSION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): On behalf of the Treasurer, I lay on the table a ministerial statement relating to tender for the management of the Motor Accident Commission's compulsory third party claims.

ASBESTOS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement relating to asbestos at Ascot Park Primary School made by the Hon. Jay Weatherill on 17 February 2003.

STANLEY REPORT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement relating to the standing report on workers compensation occupational health and welfare by the Hon. Michael Wright on 17 February 2003.

MUNDULLA YELLOWS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement relating to Mundulla Yellows research made by the Hon. John Hill on 17 February 2003.

SAME SEX RELATIONSHIPS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement relating to discrimination against same sex couples made by the Hon. Michael Atkinson on Monday 17 February 2003.

QUESTION TIME

STATE BUDGET

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation prior to asking the Leader of the Government a question about the subject of budget cut information.

Leave granted.

The Hon. R.I. LUCAS: Way back in July last year, Treasurer Kevin Foley was asked during a parliamentary

estimates committee meeting to provide details of actual budget cuts in each portfolio as part of the announced \$967 million budget cuts outlined in the state budget. Treasurer Foley's answer was as follows:

I am happy to answer that in detail. It will take until four o'clock tomorrow morning. However, I know that the member has more to her life than sitting here all day, so I will take that one on notice and get back to her with a detailed answer.

That answer makes clear that Treasurer Foley had those answers in July of last year but that time did not permit him to outline the answers to all the questions.

I am advised that there was further correspondence between the Treasurer's office and all ministers' offices, including Minister Holloway's office, between September and November 2002. Minister Holloway's office, like most others, prepared detailed further answers on budget cuts, and was told to send them to Mr Foley's ministerial office for checking and collating. As members would be aware, I think just two days before Christmas, Treasurer Foley and his officers released a doctored version of those answers which provided no details at all to specific program cuts, such as cuts to the Julia Farr Centre, the Intellectually Disabled Services Council and others which have leaked out over the past six months.

In January this year, the Liberal Party lodged 14 separate FOI requests to individual ministers' offices for the information that had been provided by their department to this parliamentary question, and a copy of the letter from each minister's office to the Treasurer's office. In February this year, the Rann government, through the various ministerial offices, started replying with a series of refusals based on information contained in a letter from Pat Jarrett, the freedom of information officer in Mr Holloway's ministerial office, as follows:

I refer to your request made under the FOI Act received on 13 January seeking the budget cut information. Having relied on the Freedom of Information Act, crown law advice and the intended purpose of the information, I determined to exempt the information from public disclosure. The information was prepared specifically for the privilege of parliament only. Furthermore, this determination is substantiated by virtue of clause 17c of the act which states, 'A document is an exempt document if it contains matter the public disclosure of which would, but for the immunity of the Crown, see infringe the privilege of parliament.'

In discussions I have had with people experienced in freedom of information legislation, it seems likely that this is the first occasion that any government, certainly in the history of South Australia and possibly Australia, has relied on the parliamentary privilege defence to refuse the answer to a question which was asked in the parliamentary estimates committees and to which the Treasurer of the state indicated he had answers but did not have the time to read them onto the public record. My questions to the Leader of the Government are:

1. Prior to the letter's being returned to me from Pat Jarrett in his office on 10 February, did the minister have any discussion at all with Pat Jarrett in relation to the answer that was to be provided to this particular freedom of information request?

2. How does the minister justify his claim and the claim of his Premier that this is an open and accountable government when he and other ministers have resorted to such lengths to prevent the release of budget cut information first outlined in the budget last year?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): First of all, in relation to the conversa-

tions that I have had with the freedom of information officer in my ministerial office, she simply informed me of the decision, because it would be quite improper for me under the Freedom of Information Act to instruct that officer in any way. I think that is one thing the council needs properly to understand. Under the changes to the Freedom of Information Act that were made in this parliament just before the last election at the end of 2001, one of those fundamental changes was to ensure that there not be government interference in relation to the processing of information such as we allegedly had in the office of the former premier.

We well recall the information we had in relation to Alex Kennedy and the allegations that were made in relation to her going through documents, allegedly for an FOI. It was partly in response to that that the deputy leader (the former Attorney-General) introduced amendments to the Freedom of Information Act, which I thought were widely supported by this parliament, to ensure that there was no inference in relation to processing those claims.

In relation to what information the government has provided in relation to budget cuts, it is my understanding that, certainly in relation to my department—and I believe most other departments, other than Treasury—the estimates committee's briefing notes were released to the opposition. It is my understanding that most of that information was in fact—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, presumably because his FOI officer took a different case. As much as the opposition would like to make claims, the decisions in relation to FOI under the new act are in the province of those particular officers of the department.

In relation to the provision of information on budget cuts, members who have been in this place for some time would be well aware that over the course of the eight years of the previous government there was a significant change in the amount of information provided by that Liberal government to the parliament and to the public in relation to its budget. In fact, it changed the method of reporting, which was something that I criticised on a number of occasions during the budget debates.

I notice that on 12 July 2000 the former treasurer made comments which are worth noting and which put the views of the previous Liberal government in relation to the provision of budget information; and it shows where we were coming from as a new government last year in terms of the processes that were available to the government. The Hon. Mr Lucas said:

With respect to the issues in relation to the budget papers raised by the Hon. Mr Holloway, as I have said, the government, in moving to output budgeting, acknowledges that it is an evolutionary process.

We welcome constructive criticism about the information that is made available in the document and, if the honourable member were prepared to provide further information, I certainly indicate that the government will at least consider that in future years. The pining for the days of more and more detailed information about just how much money is spent on which little bit of which particular department is, from the government's viewpoint (in some part, anyway), misguided. One problem with previous budget packages of documents is that we spent too much time providing information about that sort of detail and not much information about the quality of the services that are provided by government departments and agencies.

After all, our budget documents and our budget considerations ought not to be about, we believe, just how much money we are spending on which particular part of an agency so oppositions, the community or unions can say, 'Okay, we will judge the budget only on how much money you are spending here and there and how one year compares with the next.' Surely, it ought to be about the quality

of the service that is being delivered by the departments and agencies and, if they do not measure up in terms of an improvement in quality, they should be criticised for the quality of the service they are delivering or not delivering to the South Australian community.

The move to output budgeting and performance indicators is a genuine endeavour from the government, in an evolutionary way, to say, 'Let us try to apply some hard measures.' If one looks at the human services portfolio, the justice portfolio and some of the other portfolios, one can see that, for the first time, we are seeing genuine endeavours by agencies.

The honourable member then goes on to congratulate the former minister for transport as follows:

With respect to the transport portfolio, I take my hat off (if I had one) to the minister and her agency, which has been at the forefront in trying to develop some realistic performance indicators particularly with respect to the transport section of her large portfolio.

That ought to be encouraged by non-government members in this and the other chamber rather than members perpetually whining and bleating about what is not in the documents any more. As I said, this is an evolutionary process. I am prepared to look at those issues and take them up with the ministers. The days of relying just on budget documents which try to indicate how much money is spent this year compared to last year in this area down to the most minute detail, rather than looking in some genuine way at the quality of service, is misguided in terms of what budget documentation, discussion and consideration ought to be about.

Quite clearly, that government over the course of this thing dramatically reduced the amount of information in relation to what was available from its budget in relation to details. How hypocritical, then, of the Leader of the Opposition to be trying to seek that very information that he was saying a couple of years ago was completely irrelevant and outdated.

The Hon. R.I. LUCAS: I have a supplementary question. Given the leader's defence that it would be a breach of parliamentary privilege to provide an answer to the question asked in the estimates committee on budget cuts, can the minister explain why it was not a breach of parliamentary privilege, under the Freedom of Information Act provision, for his officers to provide a copy of the estimates briefing folder, which was a briefing folder outlining answers to questions for estimates?

The Hon. P. HOLLOWAY: I think the leader in his question indicated how the officer of the department had relied on crown law advice. It is a matter for the freedom of information officer and it is a matter for the crown law department. If the honourable member wishes to challenge it, there are ways in which that can be done. There are all sorts of appeal processes. If the honourable member wishes to challenge that, he can do it.

The Hon. R.I. Lucas: What is the difference?

The Hon. P. HOLLOWAY: It is not up to me to determine that; it is up to crown law and the relevant officers. It is not a government decision. What information is provided under the FOI act, I repeat, is a matter for the relevant freedom of information officers. If those officers choose to seek crown law advice in relation to the application of that, it is hardly surprising, given the quite unprecedented number of applications for FOI that they have received over the last 12 months from the present opposition.

The Hon. A.J. REDFORD: I have a supplementary question. In accepting the minister's answer, why is the Treasurer exempt from not speaking with or interfering with freedom of information officers? If it is improper for the minister to speak to FOI officers, why is it not improper for the Treasurer to do the opposite?

The Hon. P. HOLLOWAY: I do not believe that I said it was improper to speak to them. It would be improper to

instruct them, I think would be the correct way of saying it. Quite clearly, as I indicated in answer to the question, I do get from the department reports as to what is currently before the department and my own office in relation to FOI requests. We get progress reports on that. But the important thing is that those officers should not be instructed on how to behave, because I believe it is clearly prohibited under the act.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! There are too many interjections. People are too exuberant after their break. I make the observation that, if ministers would confine their answers, I think we would get through this a lot quicker. We have spent 16 minutes on one question so far. I ask for the cooperation of all members.

MOBILONG PRISON

The Hon. R.D. LAWSON: I seek leave to make an explanation before asking the minister for Correctional Services a question about Mobilong Prison.

Leave granted.

The Hon. R.D. LAWSON: The Minister for Correctional Services issued a media release on 11 January this year stating that the government's preferred site for the construction of 50 new prison beds was the Mobilong Prison at Murray Bridge. The minister is quoted as saying that a broad consultation process with stakeholders would begin immediately, with design, tender and construction expected to begin later this year. In the budget papers issued in July last year, mention was made, under the capital investment statement, of the construction of additional medium security prison beds at a total cost of \$3.8 million, \$2.8 million of which is to be expended in this current financial year, with completion due in August 2003—I emphasise that, 'completion due in August 2003'. My questions to the minister are:

1. How much of the \$2.8 million of proposed expenditure will, in fact, be incurred on this project in this current financial year?
2. When will construction begin?
3. What is the estimated date of completion?
4. What is the reason for the delay in this project?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question. The Department of Correctional Services has expressed concern at the high rate of remand and the impact that that has had on Correctional Services accommodation, particularly over the past two years. It is true that we have allocated \$3.8 million for the expansion of prison capacity by 50 medium security male prison beds, and that program is progressing. That is as much as I can report. The negotiations that we reported with stakeholders—that is, the community, local government, the Public Service unions and those people who have a direct interest in the prison being built—are continuing as we progress this program.

I have not been given an update on the commencement date. I acknowledge that there has been some delay in the formation of the project and that it will start somewhat later than expected because of those delays. However, we will be expending the main bulk of that money in this financial year, or that is the intention if the completion date is to be arrived at. I suspect that the completion date that the honourable member has mentioned will be extended. It is our intention to complete the project as soon as possible, to bring it in on or under budget and to add it to the other additions that we

are making to the prison system to accommodate the expected growth in prison numbers.

In addition, \$850 000 recurrent funding has been allocated for the ongoing management of this additional accommodation once the construction of the facility is completed. I have not answered the questions definitively in relation to the starting date, the completion date and how much of the allocated funds will be expended this financial year, but I will endeavour to obtain that information and bring back a reply.

DISTINGUISHED VISITOR

The PRESIDENT: I draw to honourable members' attention the presence of a distinguished guest in the President's Gallery. The Hon. Walter Jona AM (retired) from Victoria is present today. I extend him a warm welcome to our parliament on your behalf.

DAIRY INDUSTRY

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 dairy industry.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Lower Murray Flats Irrigation Scheme was an agreement between the federal government, the state government and the Lower Murray Irrigation Authority, representing the dairy industry in that region. The estimated cost under the Liberal government scheme was \$30 million, to be broken up as 40 per cent payment from the federal government, 40 per cent from the state government and 20 per cent from the dairy farmers. It provided for a clean-up of water as it re-entered the Murray and a reduction of 40 per cent in water use (approximately 70 gegalitres per annum).

Soon after it gained power, the Rann government re-announced this initiative with much fanfare, except that by that time the total amount of spending had reduced by \$10 million to \$20 million. At about the same time, and with equal fanfare, Premier Rann, assisted by Minister Holloway, launched the Dairy Industry Plan, which was to substantially increase both the volume and value of dairy products in this state over 10 years. Building on that assumption, and the assumption that the government meant what it said, National Dairies has invested considerable amounts of capital in upgrading its processing facilities at Murray Bridge and other, less large, boutique processors have also started up. The dairy industry is worth \$100 million to this state and the Lower Murray flats irrigation dairies provide 25 per cent by volume and most of the high quality cheese producing milk in South Australia.

A revised scheme was announced recently, which has cut funding now to \$18.6 million and has reassessed the percentage contribution by the state government—and therefore the federal government—to such an extent that dairy farmers will be asked to pay an average of \$8 000 per hectare, and many up to \$10 000 per hectare. These amounts would make them non-viable and unable to continue dairying. If a more equitable solution cannot be found, the collapse of the dairy industry in the Lower Murray irrigation area is imminent. One can assume that the collapse of the dairy industry and infrastructure within this state would follow closely behind. In turn this would mean that this vital rehabilitation project would not take place.

Minister Holloway, while no longer responsible for natural resource management, has a duty of care to represent primary producers in this state. My questions to the minister are:

1. What does he intend to do, or what has he already done, to represent Lower Murray dairy farmers, either within cabinet or in the public arena, to ensure they have a future within their industry?

2. If the minister intends to do nothing, when will he announce the collapse of the dairy industry to those vitally concerned?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I do not think that second question is very helpful. The dairy industry is a very important industry for this state and one the government intends to see grow, notwithstanding the difficulties that that industry currently faces as a consequence of the drought. What have I done in relation to the dairy industry in relation to those matters? A week or so ago I had a meeting with two of my ministerial colleagues: the Hon. Rory McEwen and the Hon. John Hill, the Minister for the River Murray and also responsible for the financing of this package. The purpose of that meeting was to get an update in relation to negotiations that had been going on for a long time and still are underway, on my understanding, in relation to this project.

The overall aim of the project I understand is that the amount of land under irrigation within the Lower Murray irrigation area, if this plan is ultimately successful, will reduce by about 20 per cent. However, the output and efficiency of the area should increase considerably so that the Lower Murray irrigation area will still make up a significant proportion of the dairy industry in this state. The honourable member used 25 per cent as the figure: I do not believe it is quite as high as that, but nevertheless I thought it was just below 20 per cent. The figure is really not that important.

However, it is important that this project succeeds in relation to improving the irrigation on those flats, which is important for a number of reasons, first, because this state has often been the target of criticism from upstream states in relation to the practices currently undertaken in relation to dairying in the Lower Murray irrigation area. It is important that we get them up to best practice so that we are immune to criticism from other states in relation to the sort of irrigation being undertaken there. Second, it is also important (and this is part of the dairy plan) that those remaining farms in the area be efficient so that they will be able to produce at least the same volume of milk from a smaller area and a smaller number of farms.

Part of that productivity will be to do with the better irrigation techniques that this project is to fund. As I understand it, negotiations are still currently under way under the leadership of my colleague the minister and his Department of Water, Land and Biodiversity Conservation, through which I will seek more information on where it is at. Given that there are negotiations under way at the moment, it is probably not surprising that as part of that negotiation there should be statements in the press that might be pushing one case or another. What is important is that the ultimate outcome from those negotiations be a good one for the dairy industry and for this state. I will obtain an update on those negotiations from my colleague.

The Hon. CAROLINE SCHAEFER: As a supplementary question, if the minister has already had talks, as he has just said, with the two other ministers involved in this issue, why can he not tell us the results of that meeting now, rather than having to ask the minister whether he already knows?

The Hon. P. HOLLOWAY: The meeting that I had with my colleagues was really an update on where negotiations are, and those negotiations are ongoing. The fact is that the negotiations have not yet been finalised. Let us wait until those discussions are completed. The other thing I would point out is that with the Lower Murray irrigation area there are a significant number of irrigation areas. The area near Jervois is obviously one of the larger areas, but within this plan there are a number of irrigation clusters, if I can call them that, along a stretch of the river that goes north of Murray Bridge, some of which may have only four or five farmers attached to them, so there are different issues in each of those different groups. Bringing this all together is fairly complicated, because there are a number of different issues.

DROUGHT RELIEF

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about drought risk management.

Leave granted.

The Hon. R.K. SNEATH: In recent months there has been a lot of discussion about farmers needing to learn to plan ahead for the bad times as well as maximise the benefits of the good times. It has been widely reported that the current drought has caused a great deal of financial hardship for South Australian grain growers. Will the minister indicate what PIRSA (and, in particular, SARDI) is doing to assist growers to deal with the inevitable problems that occur from time to time as a result of the seasonal conditions?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his ongoing interest in the agricultural industries of this state. The SARDI Climate Risk Management Unit is about to commercialise a service which has been under development for some seven years, and which has been researched with grain growers, called Climate Risk Information Management Email Service (CRIMES). Grain growers will be able to maximise their profits in the good years and minimise their losses in the bad years. This is done by supporting decisions such as how much crop area should be sown, what variety should be sown and how much nitrogen should be applied, and on which date to sow. Many farmers have benefited from this service.

For example, in 2002 a 3 500 hectare property owner cut back his crop area and sowed only one-third of his land. Normally, it would cost him \$280 000 to sow his whole farm. His variable input costs are \$80 per hectare. This year he saved \$186 000 as he sowed only a third of his land, obviously understanding the benefit of that prediction in relation to climate. Those who subscribe to this service will receive property-specific information including stored soil water; rainfall deciles in season; analog years; potential yield; the flowering dates for crops; frost risk; high temperature risk; the optimum rates of nitrogen based on the season; and the economic probabilities for nitrogen application.

Subscribers will also receive district-specific forecasts and yield-forecast information. The service cost is around \$700 per farmer. However, the state government has released some of its drought assistance package money (part of the \$5 million announced by the Premier last year) to subsidise the cost to grain growers. The SARDI Climate Risk Management Unit is also researching ways to better assist wool producers, and will have similar assistance available to them in trial form for 2003. Furthermore, any primary producer can

attend one of SARDI's climate risk management workshops. These workshops assist growers to become better informed to manage climate extremes, allowing all producers to familiarise themselves with the tools that help them to maximise profits in the good years and minimise losses in the bad years.

PORT LINCOLN HEALTH SERVICE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the Port Lincoln Health Service.

Leave granted.

The Hon. SANDRA KANCK: On 3 December, Ms Roxanne Ramsey, executive director, social justice and country division of the Department of Human Services, and Ms Lyn Poole, director, country health, visited Port Lincoln. I understand that, while there, they attended a meeting of the board of the Port Lincoln Health Service. Subsequent to that meeting, a unanimous decision was made by the board to direct the chief executive officer, Mr Ken Goodall, to stand aside from that position.

When the story finally broke a month later, Ms Ramsey was quoted in the *Advertiser* of 10 January as saying that '... the department have not intervened in the staffing issues at Port Lincoln', which then begs the question as to why Ms Ramsey and Ms Poole were in Port Lincoln on the day of the board's decision. Two days after the removal of the CEO, the director, medical services, Port Lincoln Health Service, Dr Sue Baillie, resigned from her position. The hospital now has an acting CEO and no medical director. My questions to the minister are:

1. Were Ms Roxanne Ramsey and Ms Lyn Poole in Port Lincoln on 3 December 2002 as part of their DHS roles? If so, what was the purpose of their visit?

2. Did Ms Ramsey and Ms Poole attend and participate in a meeting of the board of the Port Lincoln Health Service, or in any way brief the chairman of the board, the regional general manager or the acting regional general manager? If so, was the board meeting convened at the behest of Ms Ramsey, or did the board request her attendance? If so, when?

3. Is it correct that Ms Ramsey told the board that the department had lost confidence in the ability of the CEO to manage Port Lincoln Health Service? If so, when did Ms Ramsey advise the minister of this, and what was the minister's response to her advice?

4. Was the minister given advice of Ms Ramsey's plans to attend the Port Lincoln Health Service board meeting on 3 December or advice of Ms Ramsey's intentions for that meeting?

5. Is it correct that Port Lincoln Health Service has been the subject of five administrative inquiries since 1997, has had a complete turnover of the board and three board chairpersons since 1997, and that the fourth CEO since 2000 will now have to be appointed? In the light of this, does the minister consider that the situation in Port Lincoln ranks with the problems of Mount Gambier Hospital, and that her urgent intervention is needed to restore some sanity to the situation at Port Lincoln?

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

ELECTRICITY SUPPLY

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Government Enterprises, a question about power subsidy for pensioners.

Leave granted.

The Hon. A.L. EVANS: I recently received a letter from an elderly member of our community which states:

Dear Mr Evans, my wife and I are pensioners. We are concerned about the very large increase in power charges we will pay this year. These increases will put pressure on our finely balanced budget. Some basic living expenses may have to be traded off against the increased power costs.

The former state government, by introducing deregulation, caused this significant strain on our budget. Therefore, I believe that the state government should provide some relief. A realistic power subsidy for pensioners would provide welcome relief. Other groups have requested subsidies for pensioners. Late last year, welfare groups, the opposition and the electricity industry watchdog called for the government to introduce a subsidy because pensioners will be the hardest hit under the new regime.

Subsidies for pensioners have not increased for over a decade, so their case is valid. My questions to the minister are as follows:

1. Will the government introduce a power subsidy for those in our state who are on age pensions? If not, why not?

2. Does the government have any strategy to assist pensioners who are struggling with the price increases?

3. Will the government consider providing a subsidy upon proof by individual pensioners of exceptional circumstances that justify assistance?

4. Will the government consider providing a subsidy by way of increments?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Minister for Energy for his response.

MURRAY RIVER FISHERY

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

Leave granted.

The Hon. T.J. STEPHENS: Justice Williams' decision regarding gill net fishing handed down on Friday clearly outlines the fact that the minister failed to consult with key stakeholders in this industry, as the opposition called for at length last year, and, as we suggested, the compensation levels offered to those hard working small business people was neither fair nor equitable. Justice Williams' judgment states:

The government offers do not represent fair compensation for the following reasons... Mr Brenton Ellery, an expert forensic accountant, has provided an opinion that upon his investigation there is no discernible principle underlying the offers.

The Crown has supplied an expert report in reply which challenges Mr Ellery's assumptions but not his basic method. My questions are:

1. Will the minister now commit to involving these people in order to determine a fair and equitable compensation package?

2. If not, can the minister explain why the government will continue to persecute 30 innocent families and why he is committing the state and these families to more unnecessary expenditure by appealing Justice Williams' decision?

3. How much has the court case cost the government to date?

4. Does the minister agree with the learned judge's comment that the offers of compensation do not appear to be based on a principled approach?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): One of the interesting things about Justice Williams' judgment last Friday is that the three grounds sought by the barrister for the Murray River fishers were not accepted by Justice Williams. Rather, Justice Williams actually made his determination based on section 39 of the Acts Interpretation Act, which refers to the power of governments to revoke or vary regulations. Obviously, Justice Williams has made his decisions on fairly technical legal grounds rather than on the grounds sought by the fishers. He did find that the decision was not unreasonable (as was sought by the lawyers for the river fishers) and he did not find it was sought for improper purpose. Rather, clause 154 of his judgment states:

It seems to me that by exercising power to put in place the regulatory regime of August 1997—

which is when the now Leader of the Opposition in another place (then the minister responsible for this area) restructured the fishery and the number of fishers was reduced from 39 to 30. Incidentally, those nine fishers were paid \$270 000 in total as a result of that compensation, which amounted to \$30 000 each. So, \$30 000 was the value placed on the licences at that time. The judgment states:

It seems to me that by exercising power to put in place the regulatory regime of August 1997 with its intended grant of long term rights in the fishery the Governor in Council was acting under the express authority of the Fisheries Act so as pro tanto to reduce power available to a later government.

Effectively, Justice Williams is saying that by using section 39 of the Acts Interpretation Act the current government was constrained as a consequence of the earlier restructuring decision. Justice Williams in his judgment states that this is a new use and that this consideration of section 39 of the Acts Interpretation Act has not been considered before. I think for that reason it is appropriate that the impact of Justice Williams' decision be considered in the first instance by crown law officers—who are now doing that.

Justice Williams will be making his orders on Wednesday. The government will make a decision before Wednesday in relation to an appeal. Given the fact that this is the first time this construct has been given to that section of the Acts Interpretation Act, it is highly likely that the government will appeal against this decision—if for no other reason than to clarify the particular implications of this construct of section 39. That indicates the government's current position in relation to the decision of Justice Williams. I hope that the process can be completed as soon as possible so that this matter can be brought to a conclusion.

Let me say that, contrary to a number of reports, a number of those fishers have been continuing to fish during the past 12 months using other methods available to them, such as drum nets. Anecdotal reports indicate that some of them have caught considerable numbers of Murray Cod and callop with those drum nets. As I have indicated on a number of occasions, the statistics show that a significant number of river fishers did not use gill nets as a significant portion of their catch. Those facts are on the record: at least half the fishers have caught the majority of their catch using means other than gill nets, in other words, using drum nets.

All those matters are irrelevant in relation to the decision. Some important legal principles are at stake here and it is important that they be explored. When that decision is finally completed, the government will review its position.

The Hon. A.J. REDFORD: I have a supplementary question. Why did the minister not follow the advice of his corporate executive director that 'due process must be followed, including independent assessment of licence value to avoid judicial review', as given to him in May last year?

The Hon. P. HOLLOWAY: In fact, a comprehensive process was undertaken in relation to this. Mr Julian Morrison, an independent analyst, was employed to make such an assessment. As I said, in relation to the restructure that happened back in 1997, the value of those licences was given at \$30 000 each. The offer I made was a minimum of \$60 000—and that was for the lowest licence. In relation to the incomes received, for the lowest six of those licence holders the declared taxable income was \$60 a year. The offer I made was at least 800 years of income in relation to those matters. How does one assess what is a fair and just income? I would have thought those methods were—

An honourable member interjecting:

The Hon. P. HOLLOWAY: I guess it was not the justice's role to suggest a fair value, but I point out it is important that I be fair to the taxpayers of this state who will have to pay for it. After all, if I spend money in relation to compensation, where will it come from? It will come from schools, hospitals, police and other areas. We have to be fair to the fishers, but we also have to be fair to the taxpayers who ultimately will foot the bill. Again, I make the point that the previous government in its budget bilateral bid set aside an amount similar to this in its forward estimates proposals. It was not locked in but it was part of their proposal. Their number one budget bilateral claim was a similar amount, so obviously the advisers had assessed an amount similar to what I offered as a reasonable claim.

But let the court process proceed. We need to have an assessment of this use of section 39 of the Acts Interpretation Act. It will be important, I gather, that we understand that for any future government decisions. When that legal process is completed, I will consider the options in relation to where we go from here.

The Hon. A.J. REDFORD: I have further supplementary questions. First, in the light of that answer, how does the minister explain that his professional consultant, Dr Morrison, was engaged and specifically instructed that 'recommendations on a fair and reasonable package of assistance are not requested from the analyst'? Secondly, does the minister agree with the judge's comment that the question of putting citizens out of business without proper compensation strikes at the heart of government in South Australia and also undermines public confidence in government dealings?

The Hon. P. HOLLOWAY: As I indicated, not all those fishers by any means were put out of business. Incidentally, two of them did accept the compensation offer I made as fair and reasonable, and to this day some of the other 28 continue to fish by means of other equipment.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Dr Morrison was asked to do a job, and I believe that he did it very well.

The Hon. J.F. STEFANI: I have a supplementary question. In view of the government's action, which caused the freezing of the fishers' incomes, can the minister advise the council what provisions the government is making in terms of calculating the potential loss and compensation package to which the families would be entitled in view of the loss of income that they have incurred over this transient period?

The Hon. P. HOLLOWAY: In relation to the loss of income to the bottom six fishers, I think the average income was something like \$60 per annum. So, the answer to the latter question would be: not very significant, in relation to any loss of income that might have been incurred based on those previous figures. But I think that, at this stage, it is premature to speculate on those matters. I think that we need to wait until the legal processes are completed and, when we have the final outcome of that process, we can then deal with those matters.

MOUNT GAMBIER HEALTH SERVICE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the Mount Gambier Health Service.

Leave granted.

The Hon. D.W. RIDGWAY: Following a large number of differing views in relation to the ongoing dispute in the Mount Gambier region, a public forum of nearly 500 people was held last week. Unfortunately, the minister was either unable or unwilling to attend that meeting. My questions are:

1. Can the minister please confirm, as of 17 February 2003, how many medical specialists have finalised negotiations with the regional board?
2. How many medical specialists are still to complete negotiations with the South-East Regional Health Board?
3. When does the minister expect to deliver a satisfactory outcome for the residents of Mount Gambier and the South-East region?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): There was a large turnout at the public meeting that was held in Mount Gambier and—

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, I was not able to attend: I had other pressing matters. The community is concerned and wishes to have the problem solved. I will refer that important question to the Minister for Health and bring back a reply.

ADELAIDE WOMEN'S PRISON

The Hon. J. GAZZOLA: I seek leave to make a brief statement before asking the Minister for Correctional Services a question about an information day held at the Adelaide Women's Prison.

Leave granted.

The Hon. J. GAZZOLA: I understand that a special information day aimed at helping those prisoners about to be released back into the community was held at the Adelaide Women's Prison on Friday 14 February. Will the minister outline what was involved with respect to the information day and the benefit that this provided to the prisoners?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question

and his ongoing concern about the prison system in this state. There are a number of opportunities that governments can place before women (and men) exiting prison. Some programs do not cost a lot of money, but many do. Rehabilitation programs within prisons are a priority of this government in relation to trying to change—

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: The honourable member, who has had a long interest in the rehabilitation of prisoners within this state, understands that the amount of funds available to Correctional Services over the years has not been generous. I think that the managers of the correctional system in this state do a very good job in relation to any comparison that one makes with interstate prisons. They do a very good job in very difficult circumstances. As minister, I certainly would like to see more funds allocated to rehabilitation and assessment programs on entry, but I have to wrestle with the Treasurer and the rest of the government prioritisation for programming, and we have to make sure that those funds that we have allocated to us are used wisely. In the case of the information day, I think it is a good use of funds in relation to women exiting prison.

The information day took place last Friday at the women's prison, and it was designed to assist prisoners and to reduce the level of anxiety over difficulties that can be faced by some prisoners when they are about to be released back into the community. A total of 14 agencies, involving some 20 experts in various fields, were represented at the information day. The information provided included legal resources, health issues, financial matters, issues with respect to children that exiting prisoners—mothers—potentially will face. The information provided also covered accommodation needs. In many cases, if prisoners are released without adequate accommodation and without a comfort factor built in, they could quite easily end up back in the same circumstances in which they found themselves before they were charged and accommodated in prison.

In providing the information day, a lot of information is exchanged both ways—that is, from the prisoners to the cross agency experts and private, or non-profit, organisation providers. A lot of issues can be resolved that lead to a better climate for exiting prisoners, when they start to acknowledge their responsibilities once they leave the prison and, hopefully, a solution can be found to some of the problems that many of these prisoners face on release. There are also problems associated with exiting prisoners going back into potentially dangerous domestic violence scenes and, in many cases, exiting prisoners find themselves back in a climate of drugs and alcohol when they return to their peers.

The representatives of the agencies involved are people whom the prisoners will be able to contact for such services when they are released. Prisoners will be able to directly receive information in relation to their personal circumstances when they are released. Approximately 50 women from the mainstream area of the prison were involved. Receiving the appropriate support once a prisoner is released not only benefits the prisoner personally but it also reduces the chance of them re-offending, and that benefits the whole of the community. I think that governments should do all they can to minimise some of the potential dangers that face exiting prisoners if they return to a climate that might increase their chances of recidivism. If we can do it by personal contact and information sharing, I think that is a wise use of the small number of dollars that we have in prisons in relation to rehabilitation.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Certainly, I take the honourable member's interjection seriously. We would like to have more funds available for running programs within prisons. However, as I say, we are competing with priorities in other areas of government, but we try to maximise our returns by using non-profit organisations and volunteer bodies, individuals and groups that take an interest in rehabilitation programs. Assessment on entry is another area in which we can try to improve the recidivism rate within the state.

PRIVATISATION

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Leader of the Government in this place, representing the Minister for Government Enterprises, a question about privatisation.

Leave granted.

The Hon. IAN GILFILLAN: I remind the council of the South Australian branch of the Australian Labor Party's published policies prior to the last state election entitled 'No more privatisation: Labor's plan to stop the sell-offs'. Many members will be familiar with the following statement within this document:

It's time to end the uncertainty for the community and for public sector workers.

A further quote states:

A Rann Labor government will: appoint a high-level cabinet committee, consisting of the Treasurer (Hon. Kevin Foley), the Minister for Government Enterprises (Hon. Pat Conlon), and the Attorney-General (Hon. Michael Atkinson), to examine every government privatisation, lease or outsourcing contract. That committee will advise the cabinet on how to make sure every clause, every contracted promise, is being adhered to and delivered.

I also refer this place to an article of Tuesday 14 January this year in the *Australian*, where the Treasurer announced that the present \$600 million contract for the provision of information and communication technologies with the information and communications technology outsourcing company, EDS, would be increased to a \$1 billion open tender at the end of the contract period. With those two contributions as a brief explanation, I invite the leader, who may well be competent to answer—as long as he is listening, that is—to answer these questions:

1. Has the cabinet committee been formed and examined every government privatisation, lease or outsourcing contract? If not, why not?
2. Assuming that the cabinet committee has been formed, when are we to see the result of that scrutiny which demonstrates how every clause and every contracted promise are being adhered to and delivered?
3. How does a further \$400 million in outsourcing reduce uncertainty for South Australia's public servants and match up to the promise of no more privatisation?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Not being a member of that committee, I cannot provide too many details. However, I am aware that the committee has done some work, and I will seek to obtain that information for the honourable member.

I point out that one of the contracts that this government has had cause to examine was that in relation to the electricity sale. Unfortunately, as part of that process, we have discovered that the previous government not only had to sell Flinders Power for \$121 million less than market value to

allow for losses with the ATCO contract but it also appears that the previous government was able to lose that money twice. So, not only did it lose it the first time around, when it sold it, but it also appears that it did not get the reduction of the liability correct.

I think that underlines the fact that the contracts undertaken by the previous government have some problems (even where it paid literally in excess of \$100 million for advice as part of the sale process), which is exactly why those contracts need to be examined. So, that is just one example. However, in relation to the specifics of the honourable member's questions, I will seek more information from the members of that committee or the Minister for Government Enterprises.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 21 November. Page 1451.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That this order of the day be adjourned to the next day of sitting.

The Hon. A.J. REDFORD: We oppose the adjournment. The council divided on the motion:

AYES (12)

Cameron, T. G.	Evans, A. L.
Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P. (teller)
Kanck, S. M.	Reynolds, K.J.
Roberts, T. G.	Sneath, R. K.
Xenophon, N.	Zollo, C.

NOES (7)

Dawkins, J. S. L.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Redford, A. J. (teller)	Schaefer, C. V.
Stefani, J. F.	

Majority of 5 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 1733.)

The Hon. CARMEL ZOLLO: I welcome this legislation as road safety impacts on everyone in the community, not just politicians or governments. Everyone is a road user, be it as a pedestrian, cyclist, motorist or public transport commuter. I am sure we all have in common a desire to see our road safety improve and thereby reduce death, injury and property damage. I also welcome and was pleased to see the campaign conducted last year in the *Advertiser*—the Survive 2002 Safety Campaign—which served to highlight the sad state of affairs in relation to our road toll, not just fatalities but also the injuries, many long-term, and their effect on our society.

I took special note because it is an area I am interested in and have been for a long time. I had intended do a matter of

interest speech on this subject, but the opportunity did not arise. It would be fair to say that from the time the assembly line motor vehicle was invented until recent times the safety of drivers, passengers and pedestrians was rarely taken into consideration by manufacturers. Horrific death tolls and injuries were suffered in the United States in particular in the 1950s and 1960s, until the weight of public opinion and governments forced researchers and manufacturers to design vehicles and roads that would help reduce the number of deaths and injuries as a result of crashes.

I note that in 1970—22 years after Ben Chifley rolled the first Holden off the production lines in Melbourne—the Australian national road toll was a staggering 3 798 people. To put it into perspective, that is more than seven times the number of Australians killed in the Vietnam war. Today we have not only much safer vehicles and roads but many road safety programs which have helped to decrease the road toll. Despite these improvements and the reduction in the number of fatalities and injuries, the road toll is still too high. There really is no acceptable level in respect of the number of deaths on our roads. One death is one too many.

I notice that the last time we addressed this legislation there was some debate about whether they are really accidents or crashes. Most so-called accidents on our roads are not really accidents and most are preventable. We seem to accept the unnecessary deaths and injuries as part of the enormous benefits motor vehicles contribute to our everyday lives. It appears to make most people and the media feel better to refer to them as accidents rather than as crashes.

Last year all members would have been informed that the Australian Transport Council had released the new national road safety strategy 2001 '2010' and the action plan 2001-02. The new national strategy aims to dramatically reduce death and injury on Australian roads by 2010. It has adopted the target of a 40 per cent reduction in road fatalities from 9.3 fatalities per 100 000 population in 1999 to no more than 5.6 in 2010. This target is a major challenge not just for South Australia but for all Australian states and territories.

In South Australia we hope to see an approximate halving of the number of road crash fatalities from the 1996-2000 average of 164 per year to not more than 86 in 2010. An article in the *Australian* last month highlighted our unacceptable road toll and the need to contribute to the work of education, legislation and enforcement. It talked about speed, alcohol, fatigue, not wearing a seat belt and the 'it could not happen to me' complacency, which remain the biggest killers on the roads.

The article also compared Australian statistics with those of other countries. We are not the worst, but we are not the best, either. Interestingly, the UK has one of the best records with only six fatalities per 100 000 population, whereas Australia's record is 9.5 fatalities. Whilst it is true that the road toll has improved enormously when compared with the tragic losses between 1950 and 1974, we seem to have reached a level in South Australia hovering between 150 to 200 a year, or an average of three to four deaths per week—a level which should still be totally unacceptable.

The main reason for the decline in the road toll over the past 20 years has been an attitudinal change in the community, particularly with regard to drink driving. If we want to further reduce the carnage on our roads, we need to continue with that attitudinal change and we need to believe and accept that most road crashes are not accidents in that they can be prevented. Drink driving and dangerous driving are crimes, as is driving at excessive speed. Avoiding red

light cameras and speed cameras is not a game, and they were not introduced by government to raise revenue.

Many road safety programs and initiatives have assisted in reducing the road toll and continue to do so. They include the compulsory fitting and use of seat belts and child restraints, improved roads, initiatives against drink driving, including random breath testing, vehicle safety enhancements, improved speed enforcement and public education supporting enforcement. The legislation before us is an attempt to further assist with road safety initiatives.

As parents we all dread the teenage years and beyond. Statistics tell us that the most vulnerable ages are between 16 and 24 years. I still have one in that category and, now that I am older, I get more tired and manage to fall asleep after midnight, which stops the worry. My husband has taken on the responsibility. We all dread the knock on the door. Most of us know families where it has happened. It has happened in my extended family, and not only did it change the life of the young person involved but, given his injuries, it affected many other people in his family, and obviously many adjustments were needed at so many levels for the rest of their lives.

The statistics are pretty frightening when you consider that 21 per cent of all drivers involved in crashes are aged from 16 to 24 years, whereas 16 to 24 year olds comprise only 14 per cent of the total number of licensed drivers. The toughest measures in the legislation before us relate to those for drink driving, running red lights and speeding—measures designed to help further reduce the number of people being killed or maimed on our roads. Our 16 to 24 year olds are also the largest of all age groups in all speed and alcohol offences.

More than 5 per cent of 16 to 24 year olds are involved in crashes, compared with only 2 per cent of other age groups. Approximately one thousand 16 to 24 year old males were detected drink driving in 1995 compared with fewer than two hundred 50 to 60 year old males. These statistics may be a bit dated but, nonetheless, I think they do tell a story. The legislation before us introduces several measures aimed at establishing better driver behaviour in the young and reflect laws already enacted in other states. Many years ago now, as a high school student, I attended student driver education at Adelaide High School during one of the holidays. The message that has stuck with me since was learning the skill of defensive driving: always expect the worst of other drivers and drive making allowances for that certainty; it could possibly save your life and other lives.

Perhaps that should be a message to those people who indulge in road rage: perhaps they should have such a message drilled into them. In the end, our road laws have to go hand in hand with lifelong education. Breaking road laws should be taken as seriously as breaking any other laws. It appears to be a societal attitude that, whilst some things are entirely wrong or immoral, on our roads it is perhaps more a case of what we can get away with. I am certain that most of us would be guilty of such action: I know I certainly am. I have never lost demerit points and have been random breath tested twice in the last few years without problems, but I would be a liar if I said that I have never used excess speed, concentrated 100 per cent, etc. Of course, I would tell myself that it was all done with very good reason.

As already placed on record by the minister, this legislation makes amendments to the Harbours and Navigation Act 1993, the Road Traffic Act 1961, and the Motor Vehicles Act 1959, to implement road safety measures. It implements the introduction of loss of licence for drivers who commit an

offence of exceeding the prescribed concentration of alcohol of more than 0.05 and less than 0.079; the introduction of mobile random breath testing; the use of red light cameras to detect speeding offences; the allocation of demerit points for camera-detected speeding offences; sanctions for breaches of road traffic laws by holders of either a learner's permit or provisional licence; the strengthening of both theoretical and practical testing of learner drivers; and an increase in the minimum period for which persons are to hold a learner's permit and provisional licence.

In addition to these changes, some others will be dealt with by regulation, including the lowering of the state urban default speed limit to 50 km/h from 1 March (and I am sure that members received their package from the minister last week). The reduction of the open road speed limit to 100 km/h can also be dealt with administratively. The speed limit on our rural roads is one that leads to a great deal of debate. At holiday time, in particular, our rural roads receive special attention. It is a debate that brings out strong feelings in people, because many people believe that they are capable of driving well at particular speeds when it is safe to do so. And perhaps they are, if they are the only ones on the road.

But that is not what the statistics tell us. In a recent media report the 2002 statistics revealed that 1 010 people were killed on roads outside the capital cities of New South Wales, Victoria, Queensland, Western Australia and South Australia. Apparently, figures collected from the five states show that fatalities outside capital cities accounted for 60 per cent of the total toll. The article pointed out that this is disproportionate to the population spread, with only 35 per cent of Australians living outside capital cities. In South Australia last year, 99 of the total of 154 deaths were on rural roads.

As is to be expected, the legislation makes provision for some significant changes in the manner in which drink driving offences are dealt with. It brings South Australia into line with other states by providing for mandatory loss of licence for persons caught driving a motor vehicle with a blood alcohol concentration of between 0.05 and 0.079. The first offence will involve a loss of licence for three months, the second for six months and the third for 12 months. I am pleased to see that the maximum fine of \$700 will remain unchanged and will apply to all three offences.

As the minister pointed out, governments are often accused of using road safety measures just as a grab for money. To stop the perception that red light cameras operating as speed cameras are being used as revenue raisers rather than being used to achieve road safety outcomes, the legislation also provides for the minister to determine at which sites the combined red light and speed detection functions will operate and for these sites to be notified in the *Government Gazette*. The federal government announced in January that it will hold a national inquiry into the cause of holiday road deaths. The Christmas and New Year road toll was 70. The Australian Transport Safety Bureau has been asked to undertake the study.

In the end, we all recognise that this is all about education and changing individual behaviour. The *Advertiser* reported some conflicting community attitudes put forward in a survey conducted by the Australian Transport Safety Bureau. Apparently, it found that about 60 per cent of South Australians think that speeding fines are mainly intended to raise revenue. Most people also believe that speed is the most common cause of crashes, and yet do not support the enforcement of speed limits. In South Australia we are apparently the most tolerant of speeding. I noted in particular

that support for the enforcement of the 100 kilometre speed limit is also the lowest in the country. Like all members, I am certain, I welcome this legislation and hope that it will assist in cutting our road toll.

The Hon. R.D. LAWSON secured the adjournment of the debate.

CHICKEN MEAT INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 1681.)

The Hon. IAN GILFILLAN: I indicate energetic support by the Democrats for the second reading and, I hope, the prompt passage of this bill. I do not want to damn it with faint praise, but it is a reasonable attempt by the government to level the playing field for the growers of chicken meat in this state. The current playing field is very lopsided: it has been a source of discontent and, I think, justified complaint for many years. The present situation, in our opinion, strongly favours chicken meat processors, who are able to stitch up the growers into reprehensible contracts—reprehensible from the view of the growers, who have very little bargaining strength to create contracts that are, in their opinion, reasonable for them.

The growers in this case are the 'meat in the sandwich,' trapped between the inexorable rise in costs and the rapacious, in their opinion, producers who are unwilling to pay a reasonable price for the growers' efforts. As the Hon. Paul Holloway explained in his second reading explanation, the growers have little choice in these contracts, as they can grow only for processors within two hours' transportation distance, this being an animal welfare consideration and one that is unavoidable.

Once they have committed themselves to the investment in chicken shedding, they cannot switch to another product without virtually abandoning their entire investment. Ms Laura Fell, chair of the South Australian Farmers Federation chicken meat group, advised me that this leaves the growers in a very vulnerable position where they cannot even control the number of birds placed in their own facilities.

It has been put to me that a producer can actually limit the number of birds that are available to a grower to maybe only a quarter or a third of their capacity. As any member in this place who can understand the simple mathematics of that would realise, if it is not a recipe for no profit, if it is carried on it may well be the sort of blackmail that pushes the grower to take terms virtually without any power to negotiate.

We compare our legislation to serious disadvantage when we look at the Victorian legislation which currently actually requires processors to pay higher rates where they place smaller numbers than the capacity of the birds into any particular farm. This is actually provided in legislation, so there is no wriggling out of it by the processors as they can do here in South Australia.

This bill does allow the grower to negotiate its groups. That is a major reform, and should bring more transparency into the current process. This is coupled with a sound arbitration process to a mediator, which would enable the arbitration of contested terms of settlement for price and other conditions. If that results in an unsatisfactory resolution, it can then be referred to the registrar for final determination. This is an innovation for which I congratulate the govern-

ment. At last a government is listening constructively to the complaints of the people at the bottom end of the bargaining scale—in this case the growers. We feel that this is the first step.

There are other measures which should be brought in to further increase the bargaining power and prosperity of the growers in this state, and it will be our intention to encourage the government, indicating that we would support those further measures. If the government itself is reluctant to move, we will give an undertaking to the chicken meat producers in this state that we will introduce a private member's bill to do so. We think they have suffered for far too long in a very unfair trading arrangement, and their very articulate and justified complaints that have been brought to all political parties in this place have gone unheeded for too long. I indicate again the Democrats' enthusiastic support for this bill and reiterate that it is not the end of the line for them. We hope that the government will look for further amendments in this current session.

The Hon. CARMEL ZOLLO: I add my support to this legislation. I know that the industry has waited a long time to see this legislation come before us. As the minister has already outlined, it provides regulation to the industry with the main feature being the engaging of collective negotiations between the growers and the industry processors—regulation which brings with it some security to those within the industry. There has been wide consultation in the industry with both the processors and the growers. Both sides have concerns which they have wanted addressed.

The legislation before us is the product of many years of discussion between both parties, but even at this late stage down the track, negotiations are still continuing seeking amendments on behalf of the processors. Some of those concerns have been expressed since the minister's second reading speech, so I will not try to preempt those amendments, if any, but speak generally to the bill.

The growers certainly see this legislation as desirable and long-awaited. They see the compulsory mediation and arbitration as fair and balanced. There are some 100 growers in South Australia of different sized businesses with two significant larger growers, one being a national operator. The bill also provides a register of growers. It has been put to me that the growers feel aggrieved because of the high cost of running their businesses, ranging from infrastructure to shedding, electricity—which will become an even more important issue, litter, gas and waste. Growers are charged for bird loss. The sheds need to be cleaned and empty for a certain length of time before taking on new chicks, which is time without production.

As to be expected, growers cannot use their sheds for other types of animal husbandry. At the same time, because of the vertical integration of processors' activities, including the ownership of breeding stock and the fact that the industry has long-term tied contracts, growers feel they are being treated more like employees rather than independent contractors. The growers appreciate that the economies of scale involved in the industry would preclude them from accessing the wholesale market. It is interesting that this imbalance of power between the two parties, the processors and growers, is one that is common throughout the world.

This is legislation which the previous government also tried to grapple with. I was working in state politics in 1996 at the time of the defeat of the Poultry Meat Act 1969 and remember the amount of lobbying that occurred at that time.

I understand that the aftermath of that was that the authorisation from the ACCC provided the two principal processors to collectively negotiate and supply contracts with their growers for a five year period, which has now expired. One of those processors, Inghams Enterprises Pty Ltd, sought a new authorisation with the ACCC and was granted interim approval.

The South Australian government is obliged to conduct a legislative review of the 1969 act as part of the competition principles agreement which, of course, is one of the national competition policy intergovernment agreements. There are basics of the 1969 act that are considered not to meet the scrutiny of the national competition council.

Both sides of this industry have their point of view. The growers that fall within the ACCC authorisation still feel that they have little advantage, even though they are able to engage in collective negotiations with Inghams. They believe that the nature of the negotiations favours Inghams and not them. On the other hand, the processors are of the view that the scheme put forward in this legislation is unnecessary, and if it becomes law it will increase costs to the industry and produce a subsequent decline in processing in South Australia and thus also in the growing sector.

They also object to the compulsory arbitration as they believe it will force them to deal with some growers with whom they are no longer interested in dealing. In their November 2002 submission, the growers described compulsory arbitration as '... losing the ultimate right to determine the strict conditions they need in place to protect their interests and to keep driving down costs.' The government does not share their view. We believe that this legislation enables both sides of the industry, not just processors, to have that fair opportunity to negotiate appropriate growing contracts, supported by the discipline provided by the prospect of compulsory mediation and arbitration.

Whilst there are differing points of view as to the best way to achieve a fair balance between the interests of both processors and growers, all would agree that some structural changes need to be addressed. The industry itself has changed. Where traditionally South Australian growers have had small farms of between two and three sheds, now the preferred size is between four and 10 sheds. The sheds are larger, so the facilities required to service those sheds will naturally also be more expensive.

Prior to the drafting of this legislation, both PIRSA and the Attorney-General's Department have been examining means of achieving both fair negotiations and compliance with national competition policy. In my discussions with one of the growers, the point was also made that the farms need an appropriate water supply, three-phase power, etc. So whilst they cannot be situated on high-value land, they need to be situated on land that is suitable for that industry and need to be in some proximity to the processor.

Our planning and zoning regulations are continuously being modified to reflect the encroaching buffer zones and urban spread. Some sheds in what used to be the beginning of the rural fringes are now in our hobby farm areas or the outer urban fringes and are being challenged by their localities, as they may prove to be no longer environmentally sustainable.

For the sake of the long-term health of the industry, efficient growers need to be given the security of contracts for a reasonable number of years and be secure in the knowledge that, if they continue to perform efficiently and deliver to their processor the required level of growing

services, the relationship will continue so that the grower's investment will be protected. For the processors' part, it is recognised that there should be no hindrance to their establishing their 'home farms' if this is their preferred option. There should also be no hindrance to their being able to contract with new growers, even if it does mean it would occur at the expense of those growers who are found to be inefficient. What no-one wants to see is unreasonable and subjective refusal to deal with a grower who is considered to be efficient, especially when there is a need for a level of growing services that can accommodate that grower. It stands to reason that only the least efficient of growers would be at risk.

The intent of the legislation before us is to establish a scheme that does achieve the outcomes that I have just mentioned. The need to promote best practice and fair and equitable conditions in the chicken meat industry, and the need to be dynamic and commercially viable, must be taken into account. The government does not share the view predicted by processors that this scheme will cause an increase in costs to the industry. Given the changes in the industry, the government does accept that there will be structural changes—it is always part of change. As the minister pointed out, this bill does not stand in the way of change in the industry.

In line with national competition policy, the government believes that if the industry in South Australia is to remain healthy in the long term then it must be dynamic and both parties must be subject to competitive pressures. These pressures include those provided by new entrants in the industry and, of course, there is always the requirement to adopt new improved standards, which are consumer and industry driven, as well as new technology.

The consultation process and the bill before us are intended to be compliant with the Trade Practices Act and the

national competition policy. It is important to note that the legislation also has the approval of the South Australian Farmers Federation. The bill before us has also attracted a great deal of attention from other states in that it is considered to be an innovative approach to addressing what is considered to be a power imbalance between the growers and the processors. It is recognised that this degree of regulation does not exist elsewhere in the industry. However, it is important to spell out that the bill mandates a code of practice, strengthens collective negotiation and creates a chicken meat industry committee that oversees the industry without any price fixing power or any ability to impose barriers to entry into the market.

Laura Fell, the Chair of the Chicken Meat Section Executive of the South Australian Farmers Federation was one of our government bursary recipients who attended the Third World Rural Women's Congress in Madrid last year. I had the opportunity to discuss the legislation with her and, whilst she was a strong advocate for her industry, I found her views to be measured and reasonable. I have not had the opportunity to speak personally with other interests in the industry, but I have seen some correspondence and, similarly, there does appear to be a certain level of commitment to work towards the future. I add my support to this legislation because it does deliver a fair balance to both major parties involved in the industry, and I urge all other members to do the same.

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

ADJOURNMENT

At 4.25 p.m. the council adjourned until Tuesday 18 February at 2.15 p.m.