LEGISLATIVE COUNCIL

Thursday 1 May 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That Standing Orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

In committee.

(Continued from 30 April. Page 2176.)

Clause 15.

The Hon. SANDRA KANCK: I move:

Page 7, line 13—Leave out paragraph (b).

This is a preparatory clause in anticipation of the next amendment, which will allow us to have a range of penalties for second, third and subsequent offences for BAC of above .05 and below .08. At this point this amendment makes it clear that the status quo prevails for a first offence, that is, a fine and loss of demerit points.

The Hon. T.G. ROBERTS: The government supports the Democrat amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, lines 22 to 24—Leave out subparagraphs (i), (ii) and (iii) and insert:

(i) in the case of a second offence—3 months; or
(ii) in the case of a third offence—6 months; or
(iii) in the case of a subsequent offence—12 months;

This is the substantial part of my amendments. This provides a range of penalties for second, third and subsequent offences for driving with a blood alcohol content between .05 and .079, with three months loss of licence for a second offence, six months loss of licence for a third offence and 12 months for a fourth or any subsequent offence.

The Hon. T.G. ROBERTS: The government indicates that, for clarity, we will support this amendment.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment. However, I asked yesterday for some leniency to prepare another series of amendments which parliamentary counsel has prepared for me. The first of those is to be moved at clause 15, page 8 and we will require some time to put them on file. They are largely consequential.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, line 27—Leave out 'in the case of the expiation of a second or subsequent offence—'

This is consequential.

The Hon. DIANA LAIDLAW: I have a general question about the alcohol interlock scheme. Does the minister have advice about how many orders the court has applied since the introduction of the alcohol ignition scheme? I ask the question at this stage because the government has reinforced the value of the interlock device, both for enforcement and educative purposes, in various parts of this bill. Therefore, it would be excellent if we could have a report back at some point, if not immediately, on how the courts have applied the interlock scheme at this stage.

The Hon. T.G. ROBERTS: I will endeavour to report back during the progress of the committee.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 8, line 2—Leave out 'subsection (2)(c)' and insert 'subsection (2)'

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 8, line 6—Leave out 'subsection (2)(c) and insert 'subsection (2)'

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 8, line 11—Leave out 'subsection (2)(c)' and insert 'subsection (2)'

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 8, line 17—After 'second' insert ', third'

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 8, line 21—Leave out 'period of 5 years' and insert 'prescribed period'

I discussed this amendment yesterday with some of my colleagues in this place, and I indicated that its aim is to lower the period for which a person must not transgress from five years to three years. I thank parliamentary counsel for preparing some amendments for me in great haste. They have been trying to contact me this morning but I have been in another meeting, and I am advised that these amendments, although my intentions were quite simple, are in fact quite involved.

Under the newly accepted amendments, someone who tests at .05 or .049 will now, as a first offence, incur demerit points and a fine. Their second offence will incur a three-month loss of licence, and so on, to the fourth offence incurring a 12-month loss of licence. If a person who blows over .05 commits a second, third and fourth offence in a three-year period, they are an habitual drinker and fairly stupid as well. I almost wish it became a 12-month period, so that for someone who commits a first offence, that is, inadvertently and not habitually, and tests at .05, particularly if they are not transgressing any other road rules, it does not become cumulative. Therefore, if they do not commit a second offence within a three-year period, their offence should be written off. If they then blow over .05 in the fourth year, they get demerit points and a fine again rather than having to be blameless for five years.

That is my aim. Through no fault of their own, in the time given I do not think that parliamentary counsel have been able to accommodate that. I have moved the amendment, having made my intentions clear to this committee, knowing that this bill is substantially amended already and will go to another place, and in that time I hope that I will be able to discuss and make known what my intentions are. It is not my intention to encourage people to habitually drive while under the influence of alcohol. I do not believe, however, that they should be severely penalised for one transgression. I believe that, if they commit a second offence within that three-year period, they should lose their licence. However, if they

commit no offence within that three-year period, their demerit points should not be cumulative for five years.

Hopefully that has made my intention clear. I have no legal training and parliamentary counsel are looking quite perturbed, so I have moved this amendment in the knowledge that this can be addressed at another time.

The Hon. SANDRA KANCK: I indicate that the Democrats are amenable to this proposal. I think it is worth further consideration and obviously the House of Assembly may have a different view when it reaches that chamber, but we will support it at this point so the matter can be further discussed over the next day or week or so to see if something is possible.

The Hon. T.G. ROBERTS: As the honourable member points out, it is a complicating factor that perhaps needs to be addressed with more clarity. There would be a problem if, for instance, the pattern of offending is to commit a .08 offence, then a .05 offence and then another .08 offence. If the .08 occurs in the first year, does that mean you do not come back to square one for that, that it is only if it is .05?

The Hon. CAROLINE SCHAEFER: My understanding is that your amendment to the original legislation eliminates a .08 offence by making a .05 offence an immediate loss of licence. If that is not the case, obviously a .08 offence ensures automatic loss of licence regardless. You would not commit a .08 offence then a .05 offence and then a .08 offence as has been suggested because you would have already lost your licence when you committed the .08 offence.

The Hon. T.G. ROBERTS: If it does go through we may have to work on it a little with the time frames. If these offences occur in less than three years there is no problem, but if they occur over a long time frame the information I have is that magistrates may have difficulty determining the correct penalties. If we are to get a formula that gives clear direction without confusion we will not oppose it, but I would like to hear from the Independents. We will oppose it.

The Hon. SANDRA KANCK: Based on what the Hon. Caroline Schaefer has said, there is some justification for what she is proposing. Clearly there may be some confusion, however, in application and interpretation. If in the time period from when we pass the bill here to when it is considered in the House of Assembly the discussions that go on around it indicate that it is not workable, clearly the House of Assembly would amend it and we would get a message back here telling us that they are not supporting that. Under those circumstances, if that is the message that comes back that we cannot smooth this out, I indicate that at that point the Democrats would accept what the House of Assembly determines.

The Hon. CAROLINE SCHAEFER: I accept all that has been said. I cannot see what is so different about something that could be accommodated in a five year period now being accommodated in a three year period. If that requires changing a number of things, then that is what it requires. I would have thought that it was simple mathematics that, if you can do something and impose a series of fines or legislative disincentives in a five year period, it would be entirely possible to do the same in a three year period. I will seek more detailed advice when there is time to do so, but I am puzzled as to why something cannot be done in a shorter or longer time frame.

The Hon. T.G. ROBERTS: The government will oppose it and the advice the Hon. Sandra Kanck has given is that if another place wants to fix up the drafting we will look at it when it is returned.

The committee divided on the amendment:

AYES (12)

Cameron, T. G.	Dawkins, J. S. L.
Gilfillan, I.	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Schaefer, C. V. (teller)
Stefani, J. F.	Stephens, T. J.

NOES (7)

Evans, A.L.	Gago, G. E.
Gazzola, J.	Roberts, T. G. (teller)
Sneath, R. K.	Xenophon, N.
Zollo, C.	

PAIR(S)

Ridgway, D. W.	Holloway, P.

Majority of 5 for the ayes.

Amendment thus carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 8, after line 22—Insert new subsection as follows:

(8) For the purposes of subsection (7), the prescribed period is—

(a) in the case of a previous offence that is a category 1 offence—3 years;

(b) in any other case—5 years.

This amendment is consequential on the amendment we just voted on.

Amendment carried; clause as amended passed.

New clause 15A.

The Hon. CAROLINE SCHAEFER: I move:

Page 8, after line 22—Insert new clause as follows:

Section 96 of the principal act is amended by striking out subsection (1) and substituting the following subsections:

(1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence—

(a) must produce the licence forthwith to the member of the police force who made the request; or

(b) must—

(i) provide the member of the police force who made the request with a specimen of his or her signature; and

(ii) within 7 days after the making of the request, produce the licence at a police station conveniently located for the driver, specified by the member of the police force at the time of making the request.

Maximum penalty: $250.

(1a) The Commissioner of Police must ensure that a specimen signature provided to a member of the police force under this section is destroyed when the signature is no longer reasonably required for the purpose of investigating whether an offence has been committed under this act.

This amendment is about the duty of a driver to produce a driver's licence. At the moment, the process is that, if a member of the public is apprehended by a police officer and is asked to produce their licence, they have 48 hours in which to produce the licence at a nominated police station. This amendment has been moved because it is possible for a person to give a false name and produce someone else's licence within that period. Of course, that may not happen often but, if someone were on the maximum number of demerit points, for instance, it would be entirely possible to spread their demerit points around.

The amendment proposes to extend the time for producing a licence to seven days so that a person has a greater length of time to do so. However, when the person is pulled over to the side of the road, they will have to sign a document to say that they are who they say they are and then present their licence at the nominated police station. That document will then be forwarded to the police station. In other words, the person who is apprehended will be asked to identify them-

selves both at the side of the road and at the police station. It is the opposition's view that this will considerably lessen the likelihood of a false name being given at the side of the road and someone else's licence being used.

The Hon. DIANA LAIDLAW: Members may recall that a package of road safety measures introduced by the former government included this provision, and those amendments were passed by this place in 1991. The reason that they were passed then (with Labor support, as I recall) was that across Australia in road safety terms, and as part of the national road safety strategy, it was considered that there should be compulsory carriage of a licence by all people licensed to drive a vehicle. South Australia has never implemented that provision, and it is not being argued here that we should. However, if we resist that provision, we must ensure that we do not leave loopholes open for fraudulent practice.

Victoria has addressed this area very successfully and has found that the number of false identities presented at the roadside to the police reduced dramatically when the police stopped a person. If they did not have their licence, they simply signed a form, nominated a police station and presented themselves within seven days, as the Hon. Caroline Schaefer said, so that that person was double checked in terms of the photographic licence, the name and the signature.

It is important to recognise that, if we do not make it compulsory to carry a licence, we have to have a system with integrity operating in this state. The other argument I put very strongly to all members is that, since this parliament introduced the fine enforcement system, if one does not pay a fine for a multitude of offences in this state, one of the things that can happen is that you can lose your driver's licence. What has resulted from that in South Australia has been an increase in the number of people driving without a licence but, equally, an increase in the number of people that the police have found driving without a licence, who are not entitled to have a licence.

The Hon. T.G. Cameron: That's not evidence.

The Hon. DIANA LAIDLAW: Yes, it is evidence. I seek to have incorporated in *Hansard* two charts that have been prepared by Transport SA regarding unlicensed driving. The first refers to the number of drivers reported for driving without a current driver's licence, and the second refers to the number of clients subject to cessation of business that also had a licence expired during that period of cessation of business.

Leave granted.

Number of drivers reported for driving without a current driver's licence

Year	Count
3/1999-3/2000	6 117
3/2000-3/2001	7 357
3/2001-3/2002	8 582
3/2002-3/2003	9 196

Clients subject to COB and had licence expired during term of COB

Date	Count of expired licences subject to COB	Net increase/(decrease) in number of expired licences
30/11/2000	2 756	
31/3/2001	5 101	2 345
30/9/2001	9 171	4 070
31/3/2002	13 019	3 848
30/9/2002	16 839	3 820
31/3/2003		

The Hon. DIANA LAIDLAW: In South Australia, we have sought to deal with one issue—that is, fines enforcement—and achieve a more effective system. As a consequence of that, we have more people without a driver's licence and an increase in the number of people reported for driving without a current driver's licence. The first of the statistical charts that I have sought to incorporate in *Hansard* indicates that in the period 3 March 1999 to March 2002 the number of drivers reported for driving without a current driver's licence was 6 117. That has now increased by 3 000 in the period March 2002 to March 2003. As I say, this scheme, which was supported by this council in 2002, is based on a very successful scheme in Victoria. It addresses the very issue of false identity and, as a consequence, it has ensured that it is safer for all on the roads.

The Hon. T.G. CAMERON: I have a question for the minister, because I am not comfortable with this amendment: I like parts of it but do not like others. When the police pull a driver over and that driver does not have his driver's licence with him, do they ask the driver whether he has any other identification with him? Do they attempt to sight any other identification? A lot of people do not carry their driver's licence all the time, but they have other forms of identification on them. Do the police do that, or do they insist that the driver's licence be presented?

The Hon. T.G. ROBERTS: The driver's licence has to be sighted at some point, but I am informed that that is a police operational matter and that some may insist and some may not. I expect that they ask for some identification to line up with the seriousness of the offence. Although the mover of the amendment indicated that the government supported it in 1991, we are opposing it this time. So, we are not supporting the amendment on this occasion. It appears that, if someone is foolish enough to drive without a licence now, they would be foolish enough to do a 'no show' to cross-check a signature, and then you increase the penalties.

The Hon. DIANA LAIDLAW: With great respect, minister, that has not been the experience in Victoria. Certainly, research done by the former shadow minister with the Labor minister in Victoria gained support from that state for this provision. The licence to drive is an extremely important issue. We go through a range of practices, procedures and training to gain that licence. We cannot allow a loophole, which we know is there now, and condone a practice where we know false identity is given. It allows people, condones people, almost authorises them, to be able to say that they can get away with this. It is saying, 'You can drive without a licence,' even though the court may have removed that licence for a variety of good reasons, or someone may never have gained a licence, and that is even more scary in terms of what happens on our roads.

Because we have not moved in this state to make it compulsory to carry one's licence, I would argue very strongly that we must have a scheme that gives all other road users peace of mind and gives integrity to the scheme overall. We must not have loopholes where false identity can be given and people can, effectively, be encouraged to drive without a licence and not respect the law overall.

The Hon. CAROLINE SCHAEFER: I would like to point out to the minister that his excuse for not supporting this amendment this time, having supported it previously, is quite silly, because if people are going to do a no-show, as he puts it, within 48 hours, why would they not equally do a no-show within seven days, which is what we are requiring. This amendment seeks to minimise the number of people who can use false identification to produce a licence; and, so, if someone who is unlicensed is not going to show up at the

police station within 48 hours, equally they will not show up within seven days.

This amendment seeks to double check their identity to see that they are not producing a false ID when they do present to the police station.

The Hon. T.G. ROBERTS: The situation is that SAPOL believes that police will be put in a position where they have to become handwriting experts. They would need to be trained to do this. Currently, the Forensic Science Centre conducts any—

The Hon. Diana Laidlaw: If the Victorians can do it we can.

The Hon. T.G. ROBERTS: They could do a cursory analysis of handwriting. The point is also raised that there are difficulties in maintaining a chain of evidence on each specimen signature and that practical problems in getting the specimen signature to the nominated police station quickly enough exist. The majority of licence checks are conducted electronically by police in the metropolitan area, which probably did not happen in 1991, hence this part of the act is rarely used. It is used in rural areas, however.

The Hon. T.G. CAMERON: I thank the minister for his answer which, if I can interpret it, was that the police have discretion. That appeared to be what the minister was saying, either that or he does not know. Does a police officer have discretion in this regard? Is that what the minister is saying?

The Hon. T.G. ROBERTS: No, your other assessment is correct.

The Hon. T.G. CAMERON: I am wondering, with this wealth of statistical information that the Hon. Di Laidlaw has been keeping to herself, which I still have not seen—

The Hon. Caroline Schaefer interjecting:

The Hon. T.G. CAMERON: Well, I still have not seen it.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Yes, but you get this information minutes before you are expected to decide on the matter. The honourable member has been sitting on this valuable information. It would have been useful for us to get it—

The Hon. Diana Laidlaw: I received it from the minister 15 minutes ago.

The Hon. T.G. CAMERON: I said, if you did have it; it would have been helpful if we had got it earlier. In relation to signatures, I am not sure whether we are not creating a bit of a monster. I do not know whether any members have seen the new technology. I do not know whether South Australia has it, but when you sign your credit card the operator does not even bother to check your signature against the signature on your card: it is automatically done by the machine. The machine automatically checks the signature. I do not know how much these machines cost or whether, if this amendment were successful, it would be the state government's intention to get these machines.

I wonder what expertise these police officers have in determining whether the signatures are false or otherwise. I do not know whether the members of this council are the sorts of people for whom every time they sign their signature it is a carbon copy of every other signature they make. I am one of those people who are not necessarily in that position. I have a very flowery signature and it varies from signature to signature. On a number of occasions my slip has been passed back to me and I have been asked to sign again. I am wondering whether the Hon. Di Laidlaw could share her experiences with us as to whether or not this procedure has incurred those kinds of problems elsewhere.

I can see it as being bureaucratic, cumbersome and messy. It will create a lot of paperwork. I am not certain yet as to whether or not we really do have a problem. Would the minister be able to check to see what sort of problem we have in this state. In other words, how many convictions have there been of people attempting to rort the system, for instance, when they have, say, handed in their licence, or said, 'My name is Ron Roberts,' and the police officer has accepted that only to discover later that the person was lying. How many prosecutions in South Australia have we had for this offence?

If there are hundreds of them, if people are doing this all the time and there is a demonstrated need for us to introduce this cumbersome and bureaucratic measure, I would support it. At first blush, I would support the amendment's extending it from two to seven days, but it does seem to me that if someone is a crook and they have used someone else's name it could mean that we are extending the period from two to seven days to give them time to go out and get a false licence. They are about; you can buy them. At first sight it is pretty difficult to tell that it is not the real thing.

These false licences exist. There is a market for them. One of my sons told me they can be purchased for $200 or something. If you get caught without a licence and you want to get a dud one they will give you one. I am concerned about these two amendments. I can see my way clear to support the 'within seven days after making of the request', but unless someone can demonstrate to me that we have been catching people left, right and centre with the current system and we can point to convictions of people who have said, 'Yes, I have a licence,' and it was subsequently discovered that they did not have a licence I could be persuaded, but I have not heard any of that evidence so far during the debate.

The Hon. T.G. ROBERTS: Unfortunately, I do not have any of the figures that the honourable member requests to confirm his views, so he will have to take my contribution on trust. The opposition may have some figures from the Victorian government that might shed some light on this.

The Hon. DIANA LAIDLAW: I am not sure whether others wish to speak or give an indication of support, or whether I should spend more time responding to some of the concerns of the Hon. Terry Cameron. I indicate that it is no more cumbersome or burdensome than the current system, because the person has to produce a licence. What the police will find is that, with this system (as has been the practice in Victoria), if a person has to attend with their licence and the police already have the specimen signature signed at the roadside, it is easier for the police to check, otherwise they have to go through—and this was the Victorian experience because currently it is an offence prosecuted through the courts—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I am trying to help the honourable member. Because it is an offence which is prosecuted through the courts today, the police, if they are to pursue it and if they do not have the licence and they are not provided with a greater chance of proving that the person offending is the person with the licence, then—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It helps people clear their name, does it not?

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: A different person turns up—that is what is happening.

The Hon. T.G. Cameron: What good would it do to have the exact signature, if you look different?

The Hon. DIANA LAIDLAW: They will not. That is the whole point—it gets rid of that fraudulent practice. Today, for the police to prosecute a person who does not have a driver's licence or if they cannot present their licence, they have to seek a whole lot of additional identification papers. They either do that at great expense, and it is cumbersome, or they do not do it. People are getting away with it and know that they are getting away with it because of holes in the system. They feel that they do not need a licence to drive, and they are driving even if they have lost their licence or even if they have never had a licence, and both are appalling.

The Hon. NICK XENOPHON: I ask a question of either the Hon. Caroline Schaefer or the Hon. Diana Laidlaw. I am quite sympathetic to the amendment in terms of the arguments put forward in terms of reducing fraud, but I also understand some of the arguments raised by the Hon. Terry Cameron. I would like to know whether this has been in place in other jurisdictions—it does not mean that we necessarily follow other jurisdictions—and whether any problems have been reported in terms of abuse of police powers, because, as I understand it, that was a concern of the Hon. Terry Cameron. If either member could enlighten me or the committee on that, it would be useful.

The Hon. DIANA LAIDLAW: As Victoria, like South Australia, does not have the compulsory carriage of a driver's licence, it brought in this system about four or five years ago, and it has worked successfully. It is on that advice that the former government moved to introduce this system. As I said, it passed this council in 1991. It was not advanced further because the debate did not progress in the other place, but it has passed this parliament—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Sorry; it passed this place in 2001, yes. However, it was not progressed in the other place because debate was never started on that bill. In the meantime, as I say, the number of drivers caught by the police for driving without a licence to drive has increased by 3 000 a year.

The Hon. SANDRA KANCK: I vaguely recall when we debated this in 2001 putting on the record at that time that I spent the first 13½ years of my driving life on a New South Wales driver's licence. In New South Wales it was compulsory for you to have your driver's licence with you, and I was quite surprised when I came to South Australia at the end of 1980 to find that it is was not the case. However, those 13½ years of training have seen me, as a reflex action, always carrying my driver's licence with me when I drive.

I have no problems with this amendment: it is not something I will get excited about one way or the other. If you are the sort of person who will be fraudulent, you will be fraudulent anyway, and it does not matter whether you have two days, 10 days or a month, you will find a way to be fraudulent. If you are really not the person that you have signed to be, the chances are that you will probably be involved in other nefarious activities and skip the state, anyhow.

I must say that, from my driving experience in New South Wales, I never bothered to find out what was the penalty if I did not have my licence with me, but I suspect that, if I had been pulled over and did not have my licence with me, there must have been some provision somewhere that would allow the police to sight my licence somewhere down the track. I do not know what it was or what it is now, but certainly I do not think that, if I had been pulled over and found not to have my driver's licence with me, I would have been handcuffed and taken away in a paddy wagon and my vehicle impounded. As I say, I see no real problem with this amendment, but it is not something about which the Democrats will get wildly excited.

The Hon. T.G. CAMERON: I previously sought information and I will now put the question to the minister direct. Obviously the government does not have a concern that there is sufficient rorting by drivers who do not have a licence and who tell the police officer they have one, and subsequently the police find out that that is not the case. If the government is not concerned about this issue, I can only assume that it is because people are not being caught and being convicted for this offence. Do we have any figures available on how many people the police have pulled over who have given a false name and address because they do not have a licence, and subsequently the police have detected this and it has led to a prosecution? That is the real test as to whether or not this is a problem in this state.

The Hon. T.G. ROBERTS: Once again, I have to answer no. I did answer the question while the honourable member was engaged in other discussions. We do not have any figures from the police in answer to that question, but I can find out during the passage of this bill. Whether that makes any difference to the way in which the honourable member votes, or whether he wants to report progress or move on, that is up to him, but I do not have those figures. I think the point the former minister made was that, as demerit points become more important, there will be a new incentive to try to get around the system. I think the point made by the honourable member who has the conduct of the bill was that there would be an extra incentive to defraud, and that is the reason for the amendment. What the government is saying is that there is an electronic backup service through which metropolitan police can trace records, whereas that is not the case in the country because it is not immediately accessible—

The Hon. T.G. Cameron: Aren't all police officers fitted with on-board computers now? They can just walk back to the car, punch in the name and address and it will tell them whether or not the driver has a licence.

The Hon. T.G. ROBERTS: We do not have available a police officer to confirm that operational information but, just from personal information and knowledge, when traffic police who are metropolitan based travel to country areas they do have that sort of equipment, but in many cases not all country police officers have that equipment. There would be some that would and possibly some that would not. I am only giving you anecdotal evidence rather than police operations.

The Hon. T.G. CAMERON: I am concerned here; I do not recall the exact figure, but how many thousands do police pull over each year who are not carrying their licence? Some figures were put out earlier; or were they the figures that Hon. Di Laidlaw put out?

The Hon. Diana Laidlaw: That was not for people carrying a licence: it was for people not having a licence to drive.

The Hon. T.G. CAMERON: Do we have any idea of how many people are pulled over by the police who are not carrying their drivers licence on them and who subsequently have to go to the police station to hand it in? If we have caught 9 000 people without a current drivers licence, one can only assume that we must pull over tens of thousands of drivers who do not have their licence on them at the moment. It is a reasonable extrapolation from that figure that it would

be tens of thousands. Now what will happen is that every one of those individuals will have to sign a form. A form will have to be created, and it will have to be a standard form. The signatures will all have to go on an identical piece of paper. The police will have to carry these forms, and they will have to be signed and rerouted off to the station where that person wants to hand in their licence. You will have problems associated with these documents going astray, and that signature will have to be checked, with all the problems associated with the fact that some people's signatures are not the same, when in fact we will require them to bring in their licence and we will sight it. It is a hell of a lot more difficult to commit a fraud; if you go overseas most bank cards that are issued in many countries have your photo on the back of the bank card, because it is the only way they can reduce fraud.

The Hon. Diana Laidlaw: That's a great argument for compulsorily carrying a licence!

The Hon. T.G. CAMERON: That may well be, and I do not know that I do support compulsory carrying of identification, but what I am pointing to here is that you will create a bit of a paper nightmare. Then we go down and see that the commissioner must ensure that all these specimen signatures (nobody has told me how many tens of thousands of these there will be; perhaps that is why the government is not pushing this point) provided to a member of the police force under this section are destroyed. We will have people running around wanting to know whether their signatures have been destroyed. The police will get the specimen signature, they will have your original signature and I do not know what they will do with it. I do not know what they do with it in Victoria because, as I understand it, if this amendment is carried, the person has to come in in person and be sighted.

The Hon. Diana Laidlaw: They do now, in 48 hours.

The Hon. T.G. CAMERON: Where is the problem with the current system? Can somebody point to me where hundreds of people are slipping through the net, or is this just somebody's bright idea that we will have a double check and it will make it much safer and in the process inconvenience the hell out of police work? If there is one complaint that you constantly hear about the police these days it is that they spend too much time doing paperwork in the police station and not enough time doing work outside the police station on patrol, doing what some people would call 'real policing'.

That is not an argument I am mounting, but it seems to me that we will bind up our police officers in even more paperwork. How necessary is it? Can anybody convince me that the check that this amendment is proposing to install will make our roads safer to drive on because by having this specimen signature it will be a special second check that we can do? What will we do if somebody comes in and is told, 'You don't look like the person on this licence, Fred; we're going to check your signature now to make sure it's really you.' That is a bit of a nonsense. I think this is a sledgehammer to crack a walnut and I do not think we need it.

The committee divided on the new clause:

AYES (13)

Dawkins, J. S. L.	Gilfillan, I.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V. (teller)
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (8)

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

Majority of 5 for the ayes.

New clause thus inserted.

Clause 16 passed.

Clause 17.

The Hon. CAROLINE SCHAEFER: I move:

Page 8, after line 34—Insert new paragraph as follows:

(aa) by inserting after subsection (1a) the following subsection:

(1b) Demerit points are not incurred on conviction or expiation of an offence against section 79B(2) of the Road Traffic Act 1961 constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a speeding offence only.

This amendment is consistent with the position that the Liberal Party has endeavoured to take in that it puts a greater emphasis on penalties for reckless and dangerous driving and less of an emphasis on penalties for what may be a revenue-raising measure and a minor transgression.

Through this amendment, demerit points may not be gained as a result of speed camera offences. This is very important to me as a country driver because, under the government proposal, I believe that, while driving at 115 km/h or even 112 km/h on a main highway, I could lose my licence between Port Pirie and Adelaide without any knowledge that I had gained demerit points. We have no objection to demerit points for fixed cameras or for combined red light and speed camera offences. However, what we seek is an open and accountable system where, if people have gained demerit points, they need to be pulled over by the police involved and that indication be given to them in writing. Therefore, there is a disincentive to continue speeding.

Under this system of being able to conceal the camera and people not knowing that they have transgressed and that demerit points have been imposed, that could mean that a person who is a long distance driver and who is not driving in any way dangerously but is driving over the speed limit could lose their licence without having the knowledge that they have incurred demerit points.

There is a further problem with demerit points being attached to speed cameras and that is in identifying who the driver was at the time. A speed camera can identify the car, but it can rarely identify the driver, particularly in a company car situation where the identification of the driver could be extraordinarily difficult. Even in a family situation, it would not be impossible for one person in the family to have already incurred a number of demerit points, and simply to sign an affidavit that someone else was driving the car, so we could have demerit point swapping all over the place. Not only do I think it is wrong in principle to incur demerit points for this type of offence without knowing it but I think it is impractical to enforce.

The Hon. DIANA LAIDLAW: It is on this amendment that I part company with my party in terms of this bill. As minister, I long advocated that this was an important amendment. I did so publicly and I did so within my party. I never won the support of the majority of my party colleagues and therefore it was not pursued as a government initiative

between 1979 and 1982. I support it on this occasion on the same grounds that I have advocated in the past.

At present, as for many years, we have the one offence of speeding but we have two penalty systems based on the different cameras used. In the country, one can be fined and gain demerit points because of the laser camera system. With the speed camera system in the city, it is a fine not a demerit point. In fact, it is a harsher fine for speeding in the country with demerit points than it is in the city or where speed cameras operate. I think that is discriminatory. I have always argued that speed cameras are not used for revenue-raising purposes, but it is not an argument that some of my colleagues have endorsed with enthusiasm, but by providing for demerit points for this offence we will certainly provide a more equitable penalty, when comparing wealthier people with poorer people.

A lot of people have faster cars because they have more money so they can pay off a fine pretty easily. It is a greater lesson to them if they gain demerit points for this offence of speeding. Equally, demerit points give a strong message that the government is not just interested in fine revenue. In fact, it might be a great idea if the fine regime overall for this offence was reduced with the introduction of a demerit point penalty regime. That would certainly help some members appreciate (and undermine their argument) that it is a revenue-raising measure on behalf of the government. For those reasons and more with which I will not take up the committee's time today, I support the government's measure.

The Hon. SANDRA KANCK: I indicate that the Democrats will not support the opposition on this amendment. Effectively, the current situation, which the government is addressing in the context of this bill, is that we are saying that, if you get caught by one form of technology, you will get one set of penalties, and, if you get caught by another form of technology, you will get another set of penalties. That simply does not make sense. What the government is doing is appropriate.

The Hon. NICK XENOPHON: I support the government's position in this regard. It is consistent with a private member's bill that I introduced last year to bring South Australia into line with other jurisdictions. That in itself is not a reason to do something but I believe that the policy reasons behind it are sound and that it will act as a deterrent for people to speed. Having said that, I still believe that the arguments raised by the Hon. Terry Cameron as to where speed cameras are placed, which is another issue, are valid. It should be about reducing the road toll, not simply revenue raising.

In terms of consistency, I support the rationale of the Hon. Sandra Kanck that it does not make sense that, if you are speeding and there is a police officer, you lose points, but, if it is a speed camera and all the evidentiary requirements are fulfilled, you do not lose points. For those reasons, I support the government's position and I cannot support the opposition amendment.

The Hon. CAROLINE SCHAEFER: I can only argue that once again this amendment does not discriminate between reckless driving and someone who may be minimally in breach of the law. When I say 'minimally' I mean five to 10 km/h over the speed limit. That means that, after three offences if someone is detected speeding by means of a concealed camera, they will lose their driver's licence without their knowing that that has happened. They may well not know for another week. It discriminates against drivers who travel long distances and are therefore on the road more than anyone else, and above all it provides for penalty points swapping because, unless the person is presented with a form by a police officer, it will not be possible to identify the driver. Demerit points swapping will go on. This provision is not the disincentive required.

We have a number of amendments that seek to impose extremely severe penalties for reckless driving which, in our view, is 45 km/h over the speed limit. I maintain that there needs to be a division between that which is dangerous and reckless and that which is a revenue raising measure, and I contend that many of these provisions are revenue raising. As I understand it, when this provision was introduced in Victoria the revenue for speeding fines increased by some 30 per cent in the first year.

The Hon. T.G. CAMERON: Obviously the government in considering this provision, as I suppose the previous government did in considering a similar provision, looked at how many drivers will lose their driver's licence in the first two years of operation of the system. I cannot believe that the government would not have done a cursory check to determine the impact of this provision, and particularly the social impact. Hundreds of thousands of people are caught by speed cameras every year in South Australia, and the majority of those are for offences under 75 km/h. The main reason for that is that they are the people easiest to catch on the main arterial roads going to and from work.

I cannot recall the exact figures off hand, but I think that in excess of 75 per cent of people caught in the under 75 km/h bracket are travelling at between 68 and 72 km/h. Has the government conducted any study or survey or looked at what the previous government or minister did in relation to this? With hundreds of thousands of people being caught by speed cameras every year, which would amount to millions of demerit points in total, has the government estimated how many people are likely to lose their licence in both the first and second years of operation?

The Hon. T.G. ROBERTS: I am unaware of any work that made such projections as the honourable member suggests. The only action that will be taken in anticipation of the changes to the act is an advertising campaign to warn people so they are aware that when they break the law they will be notified. However, I do not have those figures for the honourable member.

The Hon. T.G. CAMERON: I do not think this matter should proceed until this committee is informed of the social impact. One of the reasons I support the opposition on this provision is not that I am not attracted by the arguments put forward by the Hon. Sandra Kanck and immediately supported by the Hon. Nick Xenophon but that the operation of speed cameras in this state is discriminatory. It is not applied equally across the board. I am attracted by the arguments the Hons Sandra Kanck and Nick Xenophon mounted, namely, that if you are caught speeding it should not necessarily be the method by which you are caught that determines the penalty you get.

If you are caught by a speed camera, it attracts a different penalty than if you are caught by a laser gun operator. Very few people are pulled over by the police these days and charged with speeding. From my recollection of the figures, significantly less than one per cent of the total number of people detected speeding in this state are caught by the police pulling them over. I understand there are three ways to get caught for speeding: first, by speed cameras; secondly, by laser gun; and, thirdly, by a police officer tailing you and pulling you over. I do not have exact figures on how many

people are caught like that because the police have steadfastly refused to provide them, as they have refused to provide certain details on the way they operate laser guns. I would have thought that the more open and transparent the police were about all of these processes, particularly about how they select sites, the more public confidence we would have in speed cameras as a legitimate means of reducing the road toll.

The overwhelming majority of people detected speeding in this state are caught by speed cameras—about 400 000. I do not have the exact figures with me, but if we debate this matter after lunch I will ensure that I have those figures with me. I think that well over 90 per cent of people are detected speeding in this state as a direct result of a speed camera, and something like 75 per cent are caught driving under 75 km/h, and 80 per cent are caught driving on a main arterial road here in Adelaide.

The Hon. J.F. Stefani: Correct.

The Hon. T.G. CAMERON: I know that the Hon. Julian Stefani has been watching these speed cameras and the way they are used for longer than I have. I argue that, if we support this provision, we will be supporting a system that significantly discriminates against city based drivers. Whether you like it or not, speed cameras are used mainly by the police here in metropolitan Adelaide—from memory, nearly 80 per cent of all people detected by speed cameras are caught here in metropolitan Adelaide. The overwhelming majority are caught between the hours people drive to work in the morning and when they drive home at night, and something like 80 per cent are caught on roads such as Port Road, Main North Road, South Road and so on, driving at speeds between 70 and 74 km/h. If anybody disputes the factuality of those statements, I ask them to come and see me and I will let them look at the answers to the more than 200 questions I have now asked in relation to speed cameras.

We are debating this provision before we have discussed how to ensure that speed cameras are used responsibly, that they are placed where accidents occur and are used to reduce the road toll rather than raise revenue. But that is not what you will do. Something like 76 per cent of all these demerit points will be loaded onto the backs of city based drivers, because that is where speed cameras generate their revenue. The statistics have not changed (and here I address my comment to the former minister) since we introduced the damned things back in the early nineties. The percentage goes up or down by a few per cent each year, but it has not changed in a decade or more, despite the fact that we have more cameras and more people are being caught by them . Roughly two-thirds of people killed in motor vehicle accidents are killed on country roads, where speed cameras, by and large, are not placed. When they are placed in the country, country folk—and I congratulate them for doing this—let each other know that the speed cameras are coming up or where they are, whether it be by word of mouth, the CB radio—

The Hon. J.F. Stefani: Pigeon carrier!

The Hon. T.G. CAMERON: —pigeon carrier, or whatever method those wonderful country folk use. I have seen it happen. I was following a driver from a distance (and I had better be careful what I say here). He was doing far in excess of the speed limit—

The Hon. Nick Xenophon: And you weren't.

The Hon. T.G. CAMERON: —and, of course, I was not: that is why he disappeared off into the distance. However, it did not take me long to catch him up. Subsequently, I discovered that he knew where the speed camera was long before I did. I knew it was there when I went through it. However, naturally, I was not caught, because I was not speeding. But this chap—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I have not been caught for a long time, if you want to check.

The Hon. Sandra Kanck: Not that you haven't been speeding but that you haven't been caught!

The Hon. T.G. CAMERON: They were the words I used. If the Hon. Sandra Kanck is going to sit there and tell me that she has not exceeded 60 km/h in her little car, zipping and zapping around the streets of Adelaide, I will never believe her again. So, maybe she has not been caught either.

Successive governments and ministers for police will not do anything about it, because I suspect that the Treasurer, or someone from his office, knocks on the door and says, 'We need this $30 million or $40 million a year revenue we are receiving. We can't do without it. What programs are you going to cut back if we do something here?'

We will support this regime of speed cameras, but any fair assessment of the factual evidence shows that they are quite clearly being directed towards drivers in the city, because that is where all the revenue is generated. It is a simple fact that, here in the city, these cameras will generate up to $10 000 an hour as people go by; however, put them out in the country, and you will be lucky to get $1 000 an hour. The police have worked out that if they were to focus these speed cameras where the majority of deaths are occurring—that is, out on our country South Australian roads—these revenue collectors would not be zapping away for 80 per cent of the time here in the city.

The fact is that speed cameras are predominantly used to catch people speeding between seven and 10 in the morning. It is no surprise that, as soon as people start getting off the roads at 9 o'clock, having arrived at work, the speed cameras start coming off the roads. When are they pushed back out onto the roads again? Between 3.30 and 4 o'clock in the afternoon!

The Hon. J.F. Stefani: Four to six.

The Hon. T.G. CAMERON: Yes, four to six.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: The evidence belies that statement. I have the evidence in my office if the honourable member wants to look at it.

The Hon. J.F. Stefani: There were 121 fines on Port Road.

The Hon. T.G. CAMERON: Yes, and when are they catching them?

The Hon. J.F. Stefani: Between four and six.

The Hon. T.G. CAMERON: Yes, between 4 and 6 o'clock. Julian has had a look at this, too. They are catching people between four and six at night and between about 7 and 9 o'clock in the morning.

The Hon. J.F. Stefani: And 121 times on Port Road!

The CHAIRMAN: Order!

The Hon. T.G. CAMERON: I acknowledge that. I have seen those figures, too, Mr Stefani, about where these cameras are placed on main roads, such as the Main North Road. They will catch hundreds of people an hour as they go through. They are better revenue raisers than poker machines. I am making the point that, because these machines are used to raise revenue—

The Hon. J.F. Stefani: They are like poker machines.

The Hon. T.G. CAMERON: —they are like poker machines. They are not being placed out in the country—

Members interjecting:

The CHAIRMAN: Order!

The Hon. T.G. CAMERON: —where the deaths are occurring. We will sanction a demerit point system which will impose something like 75 to 80 per cent of all the demerit points on city based drivers. I hope that all those drivers in marginal Labor-held seats who lose their licences over the next 12 months or two years think about their vote at the next election. Quite honestly, because of the way that these cameras are used, anybody who votes for this measure is sanctioning a system that clearly discriminates against city based drivers. You wait and see. In 12 months, or two or three years time, when the figures start to roll in, you will see. People will lose their licences because they have been picked up—

The Hon. J.F. Stefani: And their jobs.

The Hon. T.G. CAMERON: And their jobs. I thank the honourable member for reminding me. Public transport is such these days that a lot of people have no alternative but to drive their vehicle to and from work. There is no need for the former minister to get toey. I am not criticising the work that the previous government did for our rail and bus system. I think it did a good job in that area, but I have always disagreed with the way that it was prepared to belt the Christ out of motorists.

This measure will discriminate against city based motorists. Because of the way speed cameras are used, you are supporting the introduction of an essentially unfair and discriminatory scheme against city based drivers, because they are the people who will cop 75 to 80 per cent of these demerit points. Young kids and others will start to knock on your door because they have lost their drivers licence because they have been picked up.

I know that some will argue that it is only one point if you are caught driving between 70 km/h and 75 km/h, or two points for a higher speed. However, sometimes people make a mistake, and it is not deliberate and wilful negligence; red light cameras are an example. Earlier, the Hon. Julian Stefani interjected that it is a dreadful offence to deliberately drive through a red light, and I support the introduction of red light speed cameras for that reason. However, a lot of people are also being picked up who are doing left-hand turns; they cannot do so because the through traffic prevents them.

One excellent example is if you want to do a left-hand turn early in the morning on the corner of King William Street and North Terrace. The Adelaide City Council allows commercial vehicles to park on the street at the intersection. Buses accumulate there and often traffic builds up when people want to turn left. People walk through the red lights and do not obey the 'walk' signals. I have seen people duck around to the left and go through the red light, but they do not present any danger whatsoever. I want to contrast this with the issue to which the honourable member is referring—that is, people ripping through at 100 km/h. People often become frustrated, they zap around the corner and you hear 'click, click'. Another $300 or $400 for the government!

In relation to speed cameras, the public does not have any confidence that they are being used for the purposes for which governments claim they are being used, and now you are going to introduce a regime of penalty points for these speed cameras which could see tens of thousands of people lose their licence because city drivers are targeted three quarters of the time, despite the fact that that is not where the deaths are occurring. I suppose that some members who live in the country would not agree with me. I can think of a couple of members who live in the country who are probably quite supportive of the way speed cameras are currently being used. They do not want them used in the country. They would support their being used in the city for 80 per cent of the time and used in the country only as a token demonstration, so that they can say, 'Well, we do use speed cameras out here. That rotten Cameron has been complaining about their placement and that rotten Julian Stefani has been complaining about speed cameras again. We had better take them out to the country.' At the moment, when they are used in country areas it is almost like a circus act: everyone and his dog in town knows when they are coming, let alone when they are due to arrive. This scheme is unfair. It penalises city drivers unfairly compared to country drivers, because the very regime which awards these demerit points discriminates against city-based drivers. That is what members are supporting—discrimination.

The Hon. J.F. STEFANI: I was not going to get involved in this debate, but I am compelled to do so because I support the comments of the Hon. Terry Cameron. In fact, I am fully versed with what he said and can back up some of his comments by indicating that the majority of motorists who are caught by speed cameras and other detection devices, such as laser guns, are, in fact, travelling between 70 and 79 km/h. To confirm the honourable member's views and statements on that issue, I place on the public record that 44 929 motorists were caught between 4 p.m. and 6 p.m., which certainly backs up the honourable member's statements about the timing of speed cameras and their placement.

Again, to confirm the honourable member's statement about their location, speed cameras were used along Port Road, Adelaide, 121 times. Over a three-month period that netted $418 533 from 2 779 motorists. Other locations include Main North Road, Blair Athol; Port Road, Thebarton; Wakefield Road, Adelaide; Dequetteville Terrace, Adelaide; King William Road, Adelaide; Unley Road, Adelaide; South Terrace, Adelaide; Hackney Road, Adelaide and West Terrace, Adelaide. These are locations where the flow of traffic is most dense and involves motorists in great numbers. They are therefore the obvious places where the most revenue can be raised.

Speed cameras have been used in other locations and, I must say, the roads I have just mentioned are classified as the top 10 revenue-raising roads. Other locations in the suburbs where speed cameras are used include Ocean Road Boulevard, Seacliff Park; Wakefield Road, Adelaide (I think I mentioned that); Grand Junction Road, Gepps Cross and Park Terrace, North Adelaide. I think that most of us have travelled on these roads, and they are not roads where major fatal accidents have occurred at any given time.

Those roads are not listed as killer roads—the roadways that are most prone to road accident fatalities. They are just ordinary carriageways that carry a lot of traffic. Therefore, it is true to say that, if we are going to impose a law that will, by its definition, capture the majority of motorists who are going about their business travelling to and from work—certainly exceeding the speed limit for various reasons but, perhaps, not intentionally—and at the same time discriminate against the bulk of the motorists using these roadways, we are creating a faulty and discriminatory law.

Under those circumstances I think that members of this chamber should carefully think about the consequences of such a provision. I do not personally condone speeding motorists. I admit that I have been caught at 71 km/h on a number of occasions—not many, but I have. I certainly have

modified my driving since and, touch wood, I have not been caught for a good number of years now but, at the same time, I think that we need to create laws that are at least equitable in terms of their application.

The Hon. A.L. EVANS: After listening to two very impressive speeches, I am convinced that the Liberal opposition is putting forward a case and, so, Family First will be supporting it.

The Hon. T.G. CAMERON: Another point that an honourable member brought to my attention, which I think does require just outlining to the committee (and I had forgotten about it until it was brought to my attention), relates to the placement of these speed cameras. Members should be aware that different regimes operate in terms of notifying people of the location of speed cameras in the city, or where speed cameras will be placed in the country. As I understand it, we are advised on the television and on the radio about where speed cameras will be sited the next day in the metropolitan area.

I think that the three commercial television stations and the radio stations advise motorists of speed camera locations for the next day. However, that privilege is not provided to people in the country. In fact, during discussions I found that one honourable member in this place was unaware that country people are advised by an advertisement placed in the *Advertiser*. I do not know whether that is still the case, but I have seen advertisements advising country people that speed cameras will be going to an area. I am going to move that we report progress. I want to do that before we have a vote on this because I would like members to be aware of the impact this provision will have out in the real world.

How many drivers will lose their licence over the next two or three years as a result of these demerit points being introduced under this inequitable regime? If the committee reports progress now, the minister should be able to come back with an answer after question time. If he cannot come back with an answer, I will be asking why the government has not undertaken this research to find out just what the social impact might be in South Australia, and whether or not any research is available from interstate in relation to when they introduced it and the number of people who lost their licences. To give the government an opportunity to look at that measure and report after lunch, I move:

That progress be reported.

The committee divided on the motion:

AYES (15)

Cameron, T. G. (teller)	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (6)

Gago, G. E.	Gazzola, J.
Holloway, P.	Roberts, T. G. (teller)
Sneath, R. K.	Zollo, C.

Majority of 9 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

[Sitting suspended from 12.58 to 2.15 p.m.]

RECONCILIATION FERRY

A petition signed by 73 residents of South Australia, concerning the reconciliation ferry proposal and praying that the council will provide its full support to the ferry relocation proposal, prioritise the ferry service on its merits as a transport, tourism, reconciliation, regional development and employment project and call for the urgent support of the Premier, requesting that he engage as soon as possible with the Ngarrindjeri community to see this exciting and creative initiative become reality, was presented by the Hon. Sandra Kanck.

Petition received.

RADIOACTIVE WASTE

A petition signed by 37 residents of South Australia, concerning the transport and storage of radioactive waste in South Australia and praying that the council will do all in its power to ensure that South Australia does not become the dumping ground for Australia's or the world's nuclear waste, was presented by the Hon. Sandra Kanck.

Petition received.

LUCAS HEIGHTS NUCLEAR REACTOR

A petition signed by 10 residents of South Australia, concerning a new nuclear reactor at Lucas Heights and praying that the council will call on the federal government to halt the new nuclear reactor project and urgently seek alternative sources for medical isotopes, and resist at every turn the plan to make South Australia the nation's nuclear waste dumping ground, was presented by the Hon. Sandra Kanck.

Petition received.

QUESTION ON NOTICE

The PRESIDENT: I direct that the following written answer to question No. 48 be distributed and printed in *Hansard*.

ESSENTIAL SERVICES COMMISSION

48. **The Hon. A.J. REDFORD:** Can the Premier advise what the cost implications are of changing the 'Office of the South Australian Independent Industry Regulator' to the 'Essential Services Commission of SA'?

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

The object of the Essential Services Commission of South Australia (ESCOSA) is to consolidate the regulatory functions carried out by the former South Australian Independent Industry Regulator (SAIIR), the South Australian Independent Pricing and Access Regulator and some of the functions of the Office of the Technical Regulator; into one regulatory body. It is anticipated that this consolidation will result in administrative costs savings, greater symmetry and lower costs of regulation in the long term.

The process of transition will incur some once off costs related directly to the change of name and functions of the former SAIIR. ESCOSA has advised that, based on actual costs and quotations for work yet to be undertaken, the total cost of transition will be in the vicinity of $12 000. This figure includes costs for changes to stationery, signage, the web site, a review of organisational structure and some legal advice.

It should be noted that the former SAIIR and ESCOSA are predominantly funded by license fees levied on industry participants.

It should also be noted that additional appropriations to ESCOSA in the 2002-2003 budget relate to the implementation of Full Retail Contestability (FRC) and would have been incurred regardless of the transition to the ESCOSA.

PAPER TABLED

The following paper was laid on the table:

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

Adelaide Cemeteries Authority—Report, 2001-2002.

LASER INJURY

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement on the potential danger of entertainment laser lights made by the Minister for Environment and Conservation.

QUESTION TIME

MINISTERIAL CODE OF CONDUCT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Premier a question on the subject of the ministerial code of conduct.

Leave granted.

The Hon. R.I. LUCAS: The ministerial code of conduct, under section 4.8, Employment of Relatives, states:

> Ministers should not appoint close business associates or relatives to positions in their offices.
>
> A minister's spouse, domestic partner and/or children should not be appointed to any position in an agency within the minister's own portfolio unless the appointment is first approved by the Premier or cabinet.

I do not have to refer to the detail because it is already on the public record, but yesterday I detailed the circumstances of the appointment of Ms Melissa Bailey and Ms Tania Drewer to various ministers' offices in the current Rann cabinet. My questions are:

1. Does the Premier support the organised appointment by ministers of spouses and domestic partners in other ministers' offices?

2. Does the Premier agree that the appointment of spouses and domestic partners by minister Conlon and other factional colleagues is a clear attempt to subvert the intention of the ministerial code of conduct?

3. Will the Premier investigate these appointments and also review the ministerial code of conduct as it relates to the employment of spouses and domestic partners in ministerial offices and agencies?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think it is rather sad that the Leader of the Opposition, who has been in parliament for more than 20 years, has nothing better to offer in his first question in question time than to continue the slurs of yesterday in his debate in relation to the—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is quite clear that there has been no breach of any ministerial conduct, that the staff who have been appointed by the ministers in this government are appointed according to their merits. If that is the best the Leader of the Opposition can do, I think it is time he retired. It is time the Leader of the Opposition, the former treasurer, retired to make way for someone in the Liberal Party who has something positive to offer.

CORRECTIONAL SERVICES, WORKPLACE CONDITIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question on the subject of workplace conditions.

Leave granted.

Members interjecting:

The PRESIDENT: Order! There is an unusual atmosphere in the chamber today and it is lowering the dignity of the council. I ask all members to pay respect to the person who is on their feet and to hear their questions in silence.

The Hon. R.D. LAWSON: A recent decision was handed down by a workplace relations tribunal in South Australia concerning officers in the Department of Correctional Services. The tribunal found that the department had failed to include meal breaks in daily rosters for officers employed in prison workshops across the state. That contravened the public sector salaried employees interim award. The PSA described this decision as a major victory which established an industrial standard not only for South Australia but also for Australia. The department has appealed against the decision and, not surprisingly, the PSA has described that appeal as unprincipled and unfair. My questions to the minister are:

1. What will be the annual cost to the budget of the Department of Correctional Services to comply with the decision of the tribunal?

2. Did the minister authorise the lodgment of an appeal against the decision?

3. Does this decision have wider ramifications across the whole of the public sector and, if so, could he provide the council with an estimate of the costs to government of complying with this new decision?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his very important question. The situation in relation to meal breaks ran over a number of years. It was a decision made by local management at Mobilong that brought about a situation that challenged what appears to be an agreement. I make no pronouncement on that on the basis that the decision is being appealed, but an agreement on site locally has been appealed by the PSA in relation to award conditions. The honourable member is right: it has gone to the commission; it has made a decision and there is an appeal pending. It is an industrial relations matter, and I understand the decision to appeal has been made by the Minister for Industrial Relations, perhaps in consultation with the justice department. I will obtain a reply.

As to the annual cost of compliance to the budget, I do not have those figures. If the appeal is unsuccessful and compliance has to be built into the forward estimates for the future payment of wages to staff, I will try to bring back that information to the council. As to whether this decision has implications for the future, I am sure it will if the decision is based on a retrospective assessment, in which case I am sure there will be budget implications for staffing matters in relation to coverage for those lunch breaks in future. Again I have no figures on that and will attempt to bring back answers to those questions also.

BRANCHED BROOMRAPE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for

Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about branched broomrape.

Leave granted.

The Hon. CAROLINE SCHAEFER: A recent article in the *Stock Journal*, which included graphic pictures of environmental damage done as a result of fumigating land to eradicate branched broomrape, included a particularly heart-rending account from one of the farm women in that area who pointed out that the combined effects of fumigation, which denudes the land of all growth, and drought have left their farm absolutely devastated.

In its compact with the Speaker (Mr Peter Lewis), this government committed to fumigating all branched broomrape outbreaks and totally eradicating that pest plant. According to that article, the federal government has recently increased funding by $6.2 million to provide total joint funding of $12.7 million. In the meantime, Mr Lewis has reaffirmed his commitment to eradication. As I say, he has always been committed to eradication by fumigation by 1 November 2005. In the meantime, soil is being ripped out of paddocks by this method of eliminating branched broomrape. My questions are:

1. Is the government still committed to total eradication of branched broomrape by fumigation, or does it now concede that control by spraying is more environmentally and economically sound?

2. How does the current funding arrangement vary from the government's budgeted position?

3. Will the government commit to some form of funding or in-kind support for rehabilitation of land degraded by the fumigation process, both on farm and, particularly, in council areas on roadsides?

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

The Hon. Caroline Schaefer: You don't want to hazard a guess?

The Hon. T.G. ROBERTS: No, I would not like to hazard a guess.

SEVERE ACUTE RESPIRATORY SYNDROME

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement about severe acute respiratory syndrome made earlier today in another place by the Minister for Health.

WHEAT STREAK MOSAIC VIRUS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about wheat streak mosaic virus.

Leave granted.

The Hon. J. GAZZOLA: The minister advised the council by ministerial statement on Monday 28 April that the Waite Precinct at Urrbrae had been placed under quarantine as a result of confirmation from the CSIRO that a sample of wheat from an experimental planting at Waite had tested positive for wheat streak mosaic virus. Is the minister able to provide any further information regarding this issue and how it is being managed?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. Wheat streak mosaic virus is an important and widely distributed disease of wheat in a number of overseas countries, particularly North America, eastern Europe and parts of the former Soviet Union. It is particularly important in winter cereal crops, but it also occurs in spring cereals, including wheat, barley, corn, rye and oats.

The wheat streak mosaic virus is one of two diseases that is spread by the wheat curl mite. This mite is believed to be widespread across Australia's wheat production areas. However, until this recent detection, wheat streak mosaic virus had not been able to be confirmed within Australia. WSMV (to use the shorthand) is principally spread by the mite vector but has also been reported to be seed transmitted at a very low rate—one in 10 000 in wheat and corn maize.

On 24 April 2003, PIRSA received confirmation from CSIRO Plant Industries that the test for WSMV was positive for one of the Waite samples. In response to this, a local management group, including representatives from PIRSA, SARDI and the University of Adelaide, was formed and met later that day to plan a suitable containment and response strategy at the Waite Precinct.

An incident management team was also formed and has met regularly to oversee the containment and response activities. Under the provisions of the Fruit and Plant Protections Act quarantine orders have been established at the Waite site to assist in the containment. Hosts of WSMV (plants and plant material, including seed) are required to remain on site. The area from which the positive sample was detected has been secured and appropriate miticide treatment has been applied.

Following this detection and the required official notification to the Chief Plant Protection Officer, the national consultative committee on wheat streak mosaic virus has reconvened to consider the situation and decide upon a suitable and agreed response. A national survey program at cereal breeding sites across Australia is currently being fast-tracked following the detection at the Waite. Sampling is also being undertaken at other sites within the state. This extensive sampling program will target those areas where the vector of the virus—the wheat curl mite—is expected to be present all year. While there is no evidence that the virus has been discovered outside of the Waite precinct and the two CSIRO sites, sampling is being undertaken as a precaution. At this stage the origin of the infections is still unknown.

MATERNITY SERVICES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Health, a question about maternity services available for health care consumers living in the Adelaide Hills area.

Leave granted.

The Hon. SANDRA KANCK: The Strathalbyn hospital maternity service was closed some years ago and last year we saw the closure of maternity services at the Stirling District Hospital. As a consequence of these closures, demand for maternity services at the Mount Barker District Soldiers' Memorial Hospital now far outstrips supply. Population has increased significantly within the Adelaide Hills in the last two decades. ABS statistics confirm that the population grew from 15 769 persons in 1986 to 23 000 persons in 2003 within the District Council of Mount Barker. That population is expected to exceed 30 000 by 2011.

Expectant mothers in the Adelaide Hills are being placed on lengthy waiting lists to use the service and are now finding themselves having to utilise metropolitan hospital services. Further, many new mothers are having to be admitted to the general ward of the Mount Barker District Soldiers' Memorial Hospital. I understand that the hospital has been lobbying the government for a new delivery suite for some time. My questions to the minister are:

1. Given the closures in recent years of two maternity units in the Adelaide Hills, does he deem adequate the maternity services currently available to hills' consumers?

2. Does the minister acknowledge the importance of new mothers in the Adelaide Hills being able to access maternity services within their area?

3. Does the minister agree that, given the sharp population rise in the Mount Barker District Council area, extra funding is needed just to maintain current levels of maternity services to the area and its surroundings?

4. Will the minister commit to the provision of a new delivery suite for the Mount Barker District Soldiers' Memorial Hospital?

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

SEX EDUCATION

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 Education and Children's Services, a question about sex education in schools.

Leave granted.

The Hon. A.L. EVANS: I table a document concerning a relationships and sexual health curriculum resource for teachers of middle school students entitled 'Teach it like it is'. On 24 March 2003 I put a number of questions to the minister concerning sex education programs being introduced in 14 South Australian high schools for years eight to 10. This program was designed by SHine SA and the Department of Education and Children's Services and it has been funded by the Department of Human Services. On this issue yesterday I attended an information session that had been arranged by the Hon. Kate Reynolds. The session was arranged to give SHine SA the opportunity to present information on the sex education program to interested members of parliament. I appreciated the chance to ask SHine questions, particularly concerning the teachers manual. I think the forum has helped to clarify some of the concerns that I and a number of members also had. However, a number of questions remain unanswered. My questions are:

1. Will the delivery of the program for the 14 schools be monitored and scrutinised?

2. If yes, who will scrutinise it and who will participate in the monitoring of the program?

3. What are the levels of consultation undertaken by SHine SA and the department in the development of the teachers' guide with the Aboriginal and Muslim communities?

4. What other interest groups were consulted in the development of the program?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to my colleague the Minister for Education and Children's Services and bring back a response.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about WorkCover appointments.

Leave granted.

The Hon. A.J. REDFORD: Last Tuesday, I asked a series of questions concerning the recent appointment of Ms Patterson as Executive Director of Workplace Services. They have not yet been answered. There is more, as I understand now there has been considerable delay in the appointment of a new CEO to WorkCover. This is at a time when there has been a $384 million blow-out in the unfunded liability of WorkCover. I have now been told that four candidates for the CEO position were put by the board to the minister, who rejected them all. He has to be consulted pursuant to section 5 of the act. I have also been told that the minister then discussed the matter with Ms Patterson and she advised the minister that a Mr Rod McInnes, the Assistant General Manager of Insurance at WorkCover, New South Wales, should be appointed.

Mr McInnes is a former colleague of Ms Patterson at WorkCover. Mr McInnes is in charge of the insurance at a time when the WorkCover blow-out in New South Wales has gone from $1.6 billion to some $3 billion. My source tells me that she strongly complained to the minister that Mr McInnes should be appointed and the minister should instruct the WorkCover board to interview him. I understand the board interviewed Mr McInnes and advised the minister that Mr McInnes is not a suitable candidate, and, as a consequence, there has been a lengthy stand-off. In the light of that, my questions are:

1. Will the minister explain why the CEO position for WorkCover has not been filled since Mr Brown's notice was given in October last year, more than six months ago?

2. Will the minister confirm that there is a stand-off between himself and the WorkCover board regarding Mr Keith Brown's replacement?

3. Will the minister table all minutes and correspondence regarding the appointment process concerning the CEO of WorkCover?

5. Will the minister confirm that Ms Patterson has demanded the appointment of her former colleague Mr McInnes to the position of CEO at WorkCover?

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

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the council whether he has directed the board in any way, shape or form in relation to this matter?

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

CITY OF ADELAIDE WARDS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Tourism, a question about the City of Adelaide wards.

Leave granted.

The Hon. DIANA LAIDLAW: Section 20(2) of the City of Adelaide Act 1998 provides that members of the council holding office pursuant to subsection (1) will be representatives of the area of the council as a whole. The first election on which members were elected as a council of the whole and not on a ward structure was in 2000. The *City Messenger* on 2 April called for the revival of the ward structure across the City of Adelaide area. This week I notice in the *City Messenger* that of the 28 candidates standing for the eight positions in the council 17 are calling without qualification for the reintroduction of wards.

Two indicate that they would support what the residents want, so I think you can say that 19 of the 28 are in favour of the reintroduction of wards. Six said no and three indicated no preference or that they were undecided. I ask the minister and local member whether she supports the call by the North Adelaide Society and the majority of candidates seeking election that wards should be reintroduced across the Adelaide City Council area thereby requiring an amendment to the act? If so, does she intend to lobby her Labor colleagues for an amendment to the act and, if not, why not?

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

The Hon. J.F. STEFANI: I have a supplementary question. Will the Minister for Tourism and member for Adelaide indicate whether she agrees with the Attorney-General's proposal to re-open Barton Road?

The Hon. T.G. ROBERTS: I will refer that much debated question to the minister in another place and bring back a reply.

PRISONS, PORT LINCOLN

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about Port Lincoln prison.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that the minister recently visited Port Lincoln prison to officially open the new low security visitors facility that has been built entirely by prisoners. Such a project would seem to have the dual benefits of providing a useful new facility to Port Lincoln prison and also possibly providing prisoners with the opportunity to learn new skills. Will the minister provide details about the prisoners' involvement in this project and outline how prisoners and their families will benefit from the new visitor facility?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for her question and her interest in matters regional and correctional. I did visit Port Lincoln prison recently, on 23 April, and not only opened the visitors facility but also visited the prison. The new visitors facility that has been built consists of a well lawned area with a gazebo for shade, tables, umbrellas, plants and barbecues and has provided training programs for prisoners. There is a prisoner in Port Lincoln prison who is a very able artist and who it appears can paint on any material at all, because he paints not just on canvas but on anything that is stationary. It has certainly made the area very pleasant for visitors and prisoners to meet in. It provides a stark contrast to the traditional prison environment and has facilities especially for children.

An area that has probably been neglected in prisons for some time is an environment where partners and children of prisoners can mix. The facility is a credit to the prisoners and the managers of the prison in the area. I understand that prisoners individually donated money to buy the equipment scattered around the area and built the garden beds in a way that professionals would have been proud of. It was a good opportunity to visit a regional prison, talk to the prison officers, the management and prisoners themselves and familiarise myself with many of the issues in relation to visiting rights that particularly metropolitan based prisoners have when they are posted out into regional areas.

Yesterday I was asked some questions to which I indicated I would get replies in relation to the suspension of a prison community corrections officer. I have those answers here with me now. In relation to the suspension of officers, I can report that if the current investigation uncovers evidence that warrants it the officer will be suspended. That answers one question that was put to me. The other officer who is referred to at the end of the article is currently suspended pending formal hearings. I was also asked when I was informed of this matter and, because I did not have the exact date, I did not want to give an answer without further reference. In answer to that question now, I can say that I am regularly updated on issues of importance by the Chief Executive of the department as incidents occur and at our regular meetings.

I was first verbally informed by my department of the bribes issue by the former chief executive of corrections, so that makes it probably about four weeks ago. In relation to the other matter referred to in the article, I was first verbally informed of that late last year. Both these matters are ongoing so I will not make any further comment on them as they are being handled by an internal inquiry. I hope that that answers the questions that were asked of me yesterday and I apologise for not having the answers with me at the time.

LOITERING

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question regarding the offence of loitering.

Leave granted.

The Hon. IAN GILFILLAN: We are noticing that public space is continually being eroded and that areas are marked out in some way by a business. Typically these are pedestrian or park areas that become an extension of a nearby cafe so that paying customers and paying customers only may have the benefit or the utility of that space. We are also reminded of our concern when the legislation concerning loitering was introduced because it gave arbitrary powers to police who could subjectively use the legislation to discriminate against people whom they regarded as being undesirable, and we have profound concern about the effect of that offence generally. It was with particular interest that I saw a sign erected in the forecourt of the cinema complex on the Parade stating, 'Loiterers will be prosecuted'.

This is somewhat confusing because section 18 of the Summary Offences Act is quite clear on the subject of loitering. In relatively plain English, it provides for a police officer to instruct a person or persons to move on or disperse if the police officer has reasonable grounds or an apprehension that one of four things has occurred or were about to

occur. Those things include the commission of an offence, a breach of the peace or the obstruction of traffic or pedestrians or the safety of a person who may be in danger. If and only if a police officer feels that one of these things has happened and the officer asks someone to move and disperse, and that person does not comply with the request, then and only then has the offence of loitering been committed.

I also acknowledge that the Hon. Robert Lawson has introduced a bill that would add an extra clause to that, namely, that, if a person is likely to create distress or fear of harassment in a reasonable person within sight or hearing of the person or group, an offence may be committed. That may or may not eventually apply. However, it is clear that it is an arbitrary decision made by a police officer. In light of that analysis of the offence of loitering, my questions are:

1. Does the Attorney-General agree that the proprietor of business premises cannot prosecute as it is only the police that can do so?

2. Does the Attorney-General agree that the offence of loitering occurs only on refusal to comply with a police officer's request to move on?

3. Does the minister agree that notices such as 'Loiterers will be prosecuted' are inaccurate and misleading? I ask the Attorney-General to take necessary steps to have these notices removed from public places.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Attorney-General and bring back a reply. It is a bit like the sign that says 'Bill posters will be prosecuted'. Bill has never been prosecuted in all the time that I have seen those notices!

GAMBLING RELATED CRIME

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about gambling related crime.

Leave granted.

The Hon. NICK XENOPHON: Available research in Australia and overseas shows there is a clear link between gambling and crime. In 1996, research carried out by Prof. Alex Blaszczynski and others in Sydney found, after surveying 115 pathological gambling patients, that 58.3 per cent of the group admitted to a gambling related offence, and 22.6 per cent had been convicted or charged with such an offence. Some four years ago I asked the then attorney-general a question in relation to whether any definitive research had be carried out by the Attorney-General's Department on the link between gambling and crime in South Australia, including the costs to the criminal justice system in dealing with such matters.

I also asked the then attorney-general whether he would consider a process of consultation with the Courts Administration Authority to ensure that reliable statistics on gambling related crime are kept. The response from the then attorney-general on 25 May 1999 indicated that there was no definitive research on the link between gambling and crime in South Australia, that a qualitative study may be feasible but a quantitative study would be difficult because, in part, official crime statistics provide no relevant information on gambling related offences and focus only on the actual offending involved and not on the person's motivation for offending.

The then attorney-general indicated an alternative approach: to conduct interviews with randomly selected individuals. He also indicated a difficulty with the Courts Administration Authority in identifying whether gambling was or was not a motivating factor. However, he indicated an alternative approach to the details of those cases where it became clear that gambling was a motivating factor, although he expressed concern as to its reliability. My questions to the Attorney are as follows:

1. Has any definitive research been carried out by the Attorney-General's Department on the link between gambling and crime in South Australia, including the cost to the criminal justice system and the corrections system, in dealing with such matters or, alternatively, is such research planned and, if so, when?

2. Will the Attorney consider a process of consultation with the Courts Administration Authority to ensure that reliable statistics on gambling related crime are kept?

3. What involvement has the Attorney's department had in relation to a major study on gambling and crime by the Independent Gambling Authority announced on 5 May 2002 by the then minister for gambling?

4. Given that official crime statistics only focus on the actual offending involved and not on the motivation for offending, will the Attorney urgently review that focus so that his government's tough on crime policies also incorporate being tough on the causes of crime?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will pass on those important questions to the Attorney-General and bring back a reply.

ROAD SAFETY FUNDING

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about police and road safety funding.

Leave granted.

The Hon. J.F. STEFANI: On 19 February 2003 the Minister for Police (Hon. Patrick Conlon) publicly announced that $8.5 million was raised from 1 July to 30 September 2002 from motorists caught speeding by speed cameras and other detection devices. During that period, 66 143 motorists were caught speeding, the majority by speed camera; and 41 164 offences involved motorists travelling at a speed between 70 and 79 km/h. Speed cameras raised $6 491 567 in this three month period, and another $2 026 057 was raised from motorists detected by other means.

The minister revealed that the police are operating two shifts per day, deploying nine speed cameras per shift with each camera operating for an average of 38.5 hours per week. In 2001-02, each speed camera used by police has raised an average of $828 per hour. During the last election campaign in 'My pledge to you' card, signed by the then Leader of the Opposition, the Hon. Mike Rann pledged that proceeds from all speeding fines would go to police and road safety. The Labor leader urged recipients of the 'My pledge to you' card to 'keep this card as a check that I keep my pledges'. I have kept his card, and now I am checking to see whether the Premier has kept his pledges. My questions are:

1. Will the minister advise the total amount raised from all speeding fines for the period 1 July 2002 to 31 March 2003?

2. Will the minister inform the parliament of the exact amount allocated to the police from all speeding fines collected during the above period, as pledged by the Hon. Mike Rann?

3. Can the minister give specific details of the expenditure in the police budget for 2002-03 covered by the money allocated from the speeding fines collected during the previously mentioned nine-month period?

4. Will the minister confirm the specific details of the amounts allocated to road safety from all speeding fines collected for this period and provide details of the road safety programs funded by the amount so allocated?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will obtain that considerable amount of detail from the Minister for Police and bring back a reply.

BRIGHTON RAILWAY STATION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the lack of wheelchair access at the new upgraded Brighton Railway Station.

Leave granted.

The Hon. T.G. CAMERON: Transport SA has recently upgraded the Brighton train station and surrounds. The bus bays, the car parks and the gardens were all upgraded. However, safe wheelchair access to the station seems to have been overlooked, because no kerb ramp has been included. Passengers using wheelchairs can access the station only via the driveway into the station's car park. They then have to take their chances with cars exiting and entering. This danger is increased by bus bays, which can hold up to three buses at a time.

The only other ramp on the sea side of the station is at the corner of Cedars and Edward Street, which is narrow and partly concealed by shrubs. A sign is located in the middle of the footpath, which makes it difficult for wheelchairs to manoeuvre. A local resident, Mrs Marian Wallace, whose daughter Linda requires wheelchair access to the station, says that the situation is making life for her daughter both difficult and dangerous. The upgraded station was designed by Transport SA for the Passenger Transport Board. My questions to the minister are:

1. Why was wheelchair accessibility not taken into consideration when the Brighton Railway Station was redesigned by Transport SA?

2. Will the minister ask the Passenger Transport Board to make any necessary changes so that it is accessible by wheelchairs?

3. Have any wheelchair accessibility studies been conducted on Adelaide's metropolitan railway system? If so, how many stations are currently up to standard? If not, will the PTB undertake such a study and implement its findings?

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

ABORIGINAL PORTRAIT PAINTINGS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for the Arts, a question about Aboriginal portrait paintings.

Leave granted.

The Hon. SANDRA KANCK: In today's *Advertiser*, a story on page 3 raises concerns about a number of 19th century watercolour paintings by George French Angas. These paintings (12 in number) are of Aboriginal tribal people at that time. According to this article, they are very distinctive paintings because they show these Aboriginal people as individuals. The Art Gallery's curator of Australian art, Ms Sarah Thomas, says:

> Later on in the 19th century artists began to generalise in their portraits of Aborigines, and they became, in some instances, quite derogatory images. But these were very dignified people.

The *Advertiser* article reveals that the Art Gallery had attempted to secure the works before they were moved on to Christies' auction houses in Melbourne but was not able to raise the necessary funds, which could be up to $300 000. My questions are:

1. When did the minister become aware that the Art Gallery was seeking to buy these particular watercolours?

2. Will the government provide money—if not all of it, at least a substantial contribution—for the purchase of these watercolours so that they are not lost to South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question and I will refer it to the Premier for his response. Obviously, the honourable member asked some specific questions. Certainly, I can understand her interest in the paintings of that particular artist. I remember, probably 15 years ago, at least, an exhibition of the works of George French Angas at the Art Gallery, which had collected a number of his paintings of the goldfields of Victoria where, I think, he subsequently moved after being resident in South Australia in those early years. He is certainly a significant artist to this state.

The Hon. Diana Laidlaw: The arts community is looking for a new arts minister and you are sounding good.

The Hon. P. HOLLOWAY: As I said, I think that somewhere in my collection of books at home I have reproductions of the paintings that were presented at that particular exhibition.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: That might be stretching it a bit.

The Hon. T.G. Cameron: I am pleased to hear it.

The Hon. P. HOLLOWAY: Well, I notice that the Art Gallery has called for some contributions from members of the public. The Art Gallery of South Australia has been very fortunate to have had a number of very generous benefactors who have been responsible for its having one of the best collections in the country. I just hope that, in this case, it is able to raise the money from other benefactors to purchase those particular paintings. From a personal view, I would certainly like to see them here in South Australia.

REGIONAL FACILITATION GROUPS

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

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that a framework for facilitating and improving regional coordination has been developed by the Office of the Commissioner for Public Employment. The framework is a process to bring together Public Service managers with regional responsibility to facilitate and improve the administration of public services at a regional level. The focus of each group is to ensure that, from a whole of government perspective, the opportunities

to maximise service delivery outcomes in a particular region are achieved.

Six regional facilitation groups have now been established across the state, each sponsored by a senior executive and chaired by a senior regional government employee. Each group will make reports to senior management councils through the Office of the Commissioner for Public Employment. This regional facilitation framework will allow regional issues to be actively considered by relevant agencies within the pertinent region and for issues affecting more than one region to be brought to the attention of and addressed by senior management council.

The groups have been established in the Murraylands, the West Coast, the Mid North, the South-East and the Spencer and Riverland regions. The development of the framework for facilitating improved regional coordination follows recommendations made by the Regional Development Task Force, which was initiated by the previous government. The concept was strongly endorsed by the former Regional Development Council and the former Regional Development Issues Group, both of which supported the running of a regional coordination trial in the Riverland. I congratulate the government for taking up this concept and moving to establish these groups. However, recently I was concerned to learn that the six regional facilitation groups would meet only on a quarterly basis. My questions are:

1. Given the government's often stated commitment to improve relations with regional stakeholders and to facilitate government work and cooperation at a regional level, has the Commissioner of Public Employment consulted with the regional communities consultative council about the frequency of regional facilitation group meetings?

2. Will the Premier take action to ensure that important regions' specific issues can be addressed at a cross agency level on a more timely basis?

3. How often will each regional facilitation group report to the senior management council?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): They are fairly specific questions which I will refer to the Premier and bring back a response.

SPEAKER'S COMMENTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking you, Mr President, a question about parliamentary conduct.

Leave granted.

The Hon. A.J. REDFORD: Shortly before question time in another place today, the Speaker made a number of comments concerning the conduct of business in this place, as follows:

> . . . I will use my best endeavours, with the honourable President of the other place, to ensure that the foul abuse directed at members of this chamber by the Hon. Robert Lucas, and others, ceases forthwith. This institution of parliament cannot within its conventions and standing orders continue to tolerate such behaviour where the remarks made are not in consequence of and in support of a substantive motion.

In the light of that, my questions are:

1. Do you have any comment?

2. Did the Speaker do you the courtesy of raising the matter with you before his outburst in the House of Assembly today?

The PRESIDENT: I do not know that I actually thank the member for his question, but I accept his question. A couple of issues are involved. I was apprised of the comments and the ruling by the Speaker in which he expressed concern about charges that were made by the Hon. Robert Lucas and suggested that they could be made only as a consequence of and in support of a substantive motion. Members would remember that the contribution made yesterday by the Hon. Mr Lucas was indeed on a substantive motion. Whilst it is always disconcerting—and I draw members' attention to this matter while I am on my feet—it has been lore in both houses of parliament to desist from attacking the families of members of parliament—we are all fair game—and I have drawn that to members' attention in the past.

In his comments yesterday, the Hon. Mr Lucas—and I do not intend to debate this—mentioned certain appointments. He made no reference to the quality or qualities of the candidates. He made some remarks about their associations with other members of the parliament. Clearly that is within the standing orders of this parliament. If members remember, on one occasion when the Hon. Mr Lucas referred to another member in another chamber I drew to his attention to the fact that it had nothing to do with the substantive motion and I called him to order, and indeed I threatened to sit him down. That will always occur.

In relation to the second part of the question asked by the Hon. Mr Redford, it is somewhat disappointing to me that I am unable to report that the matter was raised with me prior to its being raised in parliament. However, in respect of the standing orders of the Legislative Council and the conduct of business in this council, I point out to all concerned that that is the business of the Legislative Council and that, if I err in any way, the procedures are before all members to direct me to come back to the standing orders.

The Hon. J.F. STEFANI: I have a supplementary question, Mr President. Will you reaffirm and assure this chamber that you will be not be influenced in any way, shape or form by the Speaker of the House of Assembly in relation to the conduct of this council?

The PRESIDENT: We are dealing with two houses of parliament with equal powers, and the suggestion that one house would direct the other house in either direction is beyond my comprehension. As I said in my previous answer, I operate according to the procedures of this council.

WATER SUPPLY, EYRE PENINSULA

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

Leave granted.

The Hon. D.W. RIDGWAY: At the recent Economic Growth Summit the government made various claims including increasing economic activity in this state, increasing productivity and tripling exports. As the Hon. Caroline Schaefer pointed out yesterday, it was interesting to note that there was no mention at this summit of the enormous contribution that primary industries make to our economy. I have serious doubts as to the capacity of this government to deliver on its promises of increasing economic activity and productivity and tripling exports when the backbone of our economy and the people who sustain these industries that make up this backbone are so grossly and consistently overlooked. Let me provide an example. The Eyre Peninsula Natural Resource Management Group has recently written to

minister Hill seeking the retraction of a decision of the Department of Water, Land and Biodiversity Conservation to withdraw the only water related position, that of the catchment management officer, from the Eyre Peninsula region.

Given that the Eyre region currently faces water related issues, including illegal access to ground water, inappropriate surface water damming, growing salinity of potable surface and ground water reserves, unsustainable pressure on the public water supply and recent water restrictions, this growing workload led the current officer to request additional personnel for some time. The decision to remove knowledge and the locally based person in this position from the community seems to be illogical and counterproductive. Given the government's publicly stated aims to increase the economic productivity and create a more sustainable use of our river and water resources, how will these objectives be met when regional communities have issues ignored and key personnel axed without consultation? My questions are:

1. Is the minister aware of the current situation related to the water catchment management officer's position on Eyre Peninsula?

2. Will the minister guarantee the reinstatement of this current officer as a demonstration of the government's commitment to genuine economic productivity and sustainability of water resources?

3. How will he ensure that other regional communities will not suffer the same retraction of their locally based catchment management officers?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question. I will pass that on to my colleague in another place, the minister for the environment, and bring back a reply.

COOBER PEDY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Local Government, a question about Coober Pedy.

Leave granted.

The Hon. T.J. STEPHENS: The Coober Pedy council has recently had significant electricity supply problems. In order to rectify this it approached the state government asking for financial assistance to lease replacement generators. These generators supply the town of Coober Pedy with its electricity. The government has refused to give that assistance unless the council agrees to impose a tariff of 10 per cent on power prices, and the council is now on the verge of bankruptcy. The government apparently said at one stage that it was not in the business of power generation. Subsequently, other vital council services may well be threatened by the government's actions. My questions to the minister are:

1. What is the state of negotiations at present?

2. Why will the government fulfil its obligations and help rectify the problems of the power supply to Coober Pedy?

3. Given the government's supposed commitment to lower electricity prices, why has it demanded that a 10 per cent tariff be imposed?

4. What steps is the government taking to ensure that the council remains solvent and able to provide the services that people expect from a local council?

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

The Hon. J.F. STEFANI: As a supplementary question: will the minister advise the council what action he intends to take if the council becomes bankrupt and therefore the electricity supply to the local school and local hospital are suspended?

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

VOLUNTEERS

The Hon. KATE REYNOLDS: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about costs to volunteers.

Leave granted.

The Hon. KATE REYNOLDS: This government has on numerous occasions stated its commitment to supporting not for profit organisations that provide essential services to their local communities. Our office has been contacted by organisations and individual volunteers who are concerned about the impact of driver accreditation schemes on volunteers providing community transport services. What action is being taken to assist volunteers and volunteer organisations to meet the costs of police checks, medicals and driver training?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will obtain a reply for the honourable member from my colleague in another place.

REPLIES TO QUESTIONS

The Hon. DIANA LAIDLAW: I direct my question to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, regarding answers to questions. Does the minister recall that on behalf of all ministers the Premier gave an undertaking that questions asked without notice would be answered within six sitting days? If so, why have I not received answers to the following questions, well outside the six sitting day time frame, with two answers outstanding for almost 12 months? The following questions were asked:

- Regional Development, 7 May 2002;
- Access Cab Service, 29 May 2002;
- Transport Ticketing System, 4 December 2002;
- Transport SA, Ministerial Instruction, 2 February 2003;
- Murray River Ferries, 24 March 2003;
- Bicycles on Trains, 26 March 2003;

and, in relation to supplementary questions:

- Regional Airlines, 27 May 2002;
- Port Stanvac Deep Sea Port, 26 August 2002;
- Industrial Relations, 18 November 2002;
- Ministerial Responsibility, 20 November 2002.

Could I please have these answers before I retire from the Legislative Council on 6 June?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will endeavour to pose those questions to the relevant ministers in another place and, if you do not get them in the time you are here, we will make sure they are forwarded to you in the post.

REPLIES TO QUESTIONS

FRUIT FLY

In reply to **Hon J.S.L. DAWKINS** (1 April).

The Hon. P. HOLLOWAY: The Department of Primary Industries and Resources SA (PIRSA) maintain a total of four fruit disposal bins at the Adelaide Airport Domestic Terminal. These bins are positioned in the pre-arrivals walkway and within the arrivals hall for both Qantas and Virgin Blue carriers.

PIRSA staff monitor the bins on a weekly basis in conjunction with the collection and disposal of the bin contents. During the period 1 July 2002 to 28 February 2003 a total of 2.45 tonnes of produce had been deposited in these disposal bins.

In relation to random checks of passengers arriving at the domestic terminal, PIRSA contract the detector dog teams from the Australian Quarantine and Inspection Service to undertake random checks of arriving passengers. As an example, during February 121 flights were screened by the teams. During the screening, a total of 34.9 kilograms of produce was intercepted during seizures from a total of 74 passengers.

LIBERAL BUDGET 2001-02

In reply to **Hon. R.I. LUCAS** (21 March).

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

1. I refer the honourable member to the budget results 2001-02, table 2.5 which provides a reconciliation between the 2001-02 estimated result of—$62 million and the 2001-02 actual result of $22 million.

The reasons for this variance, which were unforeseeable at the time of preparing the 2001-02 estimated cash result, are adequately explained in this table.

2. I refer the honourable member to the budget results 2001-02, table 2.1 which provides a reconciliation between the 2001-02 estimated result of—$396 million and the 2001-02 actual result of—$124 million.

The reasons for this variance, which were unforeseeable at the time of preparing the 2001-02 estimated accrual result, are adequately explained in this table.

3. As the former treasurer would appreciate, the state budget is handed down each year based on the best available information in existence at the time. During the course of any one year there will inevitably be unexpected pressures and improvements that will impact on the budget bottom line.

Again, I refer the honourable member to tables 2.1 and 2.5 of the budget results 2001-02 document that provide a complete reconciliation of both the cash and accrual results.

OPEN GOVERNMENT

In reply to **Hon. A.J. REDFORD** (28 November 2002).

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

There are two parts to question 1. Firstly, How does the Treasurer or his FOI officers interpret the meaning of the term 'work generated involves fees and charges involving more than $350'?

The Treasurer or the Department of Treasury and Finance interprets the term in accordance to the Act.

The second part to the question is: Does that include time spent in providing the sort of advice I received this morning in that letter?

No, that information was provided out of courtesy.

Question 2: Why is it that the Treasurer will not transfer applications to statutory authorities for which he is responsible and, in particular, the Office of Economic Development and his office of industry, investment and trade?

It is not the case. I will transfer in appropriate circumstances.

There are also two parts to question 3. Firstly, In what case does the act, in his view, contemplate a separate application to an agency and in what case will section 16, which requires an application to be forwarded on, be used? I am advised that the correct interpretation is that the Act contemplates that in all cases.

The second part to the question is: Does the treasurer believe that the Office of Economic Development does not have a separate policy on motor vehicle use?

I have been advised that the Office of Economic Development does have a separate policy on motor vehicle use.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

In committee (resumed on motion).

(Continued from page 2202.)

Clause 17.

The Hon. CAROLINE SCHAEFER: Before we put the matter to the vote, my understanding was that the Hon. Terry Cameron had some questions that he requested the minister answer. I can see that the minister is busy at the moment, but I would like to give him the opportunity to answer those questions before we vote.

The Hon. T.G. ROBERTS: A request was made for material that I did not have. I now have further information, but it is certainly not of the statistical nature required by the honourable member. However, I can indicate that there are 1 004 504 licensed drivers in South Australia, just a tad over a million. That is the total number of drivers. There are 840 600 licensed drivers who have no points against them. Earlier this year—I do not have a date—there were 4 053 drivers who had nine points or more against them. If you are good at stats and figures you might be able to extrapolate out of that some sort of percentage. It is difficult to put forward a progression on those for a number of reasons. Different issues come into play depending on each individual. You could extrapolate out using natural figures, but there are a lot of human frailties and, in some cases, strengths that come into play that are hard to measure. That is the best I can do with the question that I was asked by the honourable member.

Other questions may be raised in relation to the bill as we progress that will be awkward for me to answer definitively. The bill has been around for some considerable time and there have been offers of briefings to everyone ad nauseam. The bill was drafted back in the days of the Liberal government, and most of the issues that have been picked up by the Labor government were being pursued by the previous government and, just as we are, they were doing it in uniformity with other states' laws. The fact is that South Australia's road safety record was one of the best on the mainland, but a tougher approach was needed in dealing with road safety in this state, and there seemed to be a general consensus across the major parties as to how we should proceed with that.

At this late committee stage, I find that a whole range of details are being requested, and they are difficult to supply. In fact, if we took some of those questions back to the police department or to the other agencies where road safety figures are calculated, we would have to suspend the bill for some time before we got the answers that are required. With those statements, I hope that we can proceed in an orderly way to get a position on the bill, whether it is by amendment by individuals or whether it is by voting down the government's position. That is up to each Independent member and to the major parties. They have arrows in the armoury to deal with it.

The Hon. T.G. CAMERON: I thank the minister for his answers, not that they were terribly informative. Did the government have a look at what the experiences were in other states that introduced demerit points for speed camera offences? If so, what is the result of that examination?

The Hon. T.G. ROBERTS: Not that we are aware of, I am informed. It was driven mainly by the state's experience. A number of the reforms have been introduced in the other

states only recently, so there would not be a lot of information from those states in relation to the changes that we are making.

The Hon. T.G. CAMERON: I am not sure how you would know, having just admitted that you did not look.

The Hon. T.G. Roberts: Not the detail.

The Hon. T.G. CAMERON: The devil is always in the detail. When the infringement notices for these speed camera offences are forwarded, they will set out in writing how many demerit points each individual has accrued. When these notices are sent out, motorists are advised that they have been caught speeding, the amount of their fine and the number of demerit points they have attracted. Could the government devise a computer program so that, when people get the notice, they are advised how many points they have accumulated? As I understand it, when people get to nine points they receive some notification from the government, but people will be accumulating demerit points much more quickly and will be less able to keep proper track. I would see it as being useful for people if, when they get their fine which shows the number of points that they have incurred, they could be advised of their total accumulated demerit points.

The Hon. T.G. ROBERTS: The government is willing to look at a progress system, as long as it is not an administrative nightmare and as long as it does not cost an arm and a leg. The idea that the honourable member proffers is a good one.

The Hon. T.G. CAMERON: Would you consider giving me a few minutes to prepare an amendment along those lines, to test the view of the committee on it?

The Hon. T.G. ROBERTS: We would be unable to cost any program that you put forward by way of amendment.

The Hon. T.G. CAMERON: Since you have been in government, you have not been very forthcoming on providing the costs of your various measures. What would it matter if the will of the committee is that it would be advantageous for people to be advised of their current accumulation of points? It would assist people. The committee might be prepared to support it. If we cannot do it now, I suppose I can go away and prepare an amendment and reintroduce it, but that would be awfully time consuming.

The Hon. T.G. ROBERTS: Either in this place or in another place we would consider an amendment so drafted.

The committee divided on the amendment:

AYES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Schaefer, C. V. (teller)
Stefani, J. F.	Stephens, T. J.

NOES (11)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Xenophon, N.
Zollo, C.	

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Clause 18.

The Hon. T.G. ROBERTS: I move:

Page 9, lines 26 and 27—Leave out subparagraph (i).

This measure is the focus of the government's interest relating to people waiting two weeks between practical driving tests. It is not the government's intention to stipulate a minimum period of time between learners theory tests. Following concerns expressed in another place, the Minister for Transport undertook to have another look at this matter and the provision to allow a minimum period of time to be set between learners theory tests was incorporated in the bill during drafting. The government will therefore be moving an amendment to have this provision removed from the bill.

We will, however, continue to seek a change that allows a minimum period to be stipulated between practical driving tests. People often retake a driving test immediately after failing a test, even on the same day, in the hope of passing the second time. This means that they have not obtained additional supervised driving experience. At present a learner driver who fails a vehicle on-road test or report can book another test on the same day in the hope of passing that test. This effectively amounts to exploitation of the testing system and means that a person can do a second test without further instruction. The intention of stipulating a period between tests is that the learner will have the opportunity for further driving experience under supervision by a fully licensed driver, including the possibility of further professional driving lessons, if that is what the learner wants.

Alternatively, the learner may choose to change to the competency based training (CBT) course where they will be assessed on competency across all driving skills before graduating. In electing for the CBT course after failing, an applicant will require significant further professional tuition and supervised practice before completing the competency based test.

The Hon. CAROLINE SCHAEFER: Can the minister inform me of the process at the moment? I am a little confused as it seems that the minister's amendment achieves that which our amendment seeks, namely, no time delay for people applying for their theory test at 16 years, or whenever they choose to do their theory test only. I understand that there is no driving test until a minimum period of time has elapsed after gaining the theory test and before gaining P-plates. Is there any change to the act as it currently operates?

The Hon. T.G. ROBERTS: The government's position is that this amendment provides a compulsory waiting period between the failure of the driving test and the taking of the next practical test. It is the theory test only, but there will be a waiting period between the failure and the next test.

The Hon. CAROLINE SCHAEFER: I understand that. I want to know how that varies from the act as it operates at the moment.

The Hon. T.G. ROBERTS: There is nothing to prevent somebody from taking another test on the same day.

The Hon. Caroline Schaefer: Now?

The Hon. T.G. ROBERTS: Yes, now.

The Hon. Caroline Schaefer: So, this maintains the status quo.

The Hon. T.G. ROBERTS: Our amendment has a waiting period included. What can happen now is that you can fail a test, and you can sit the test again on the same day. We are preventing that with our amendment, which provides for a period of time in which you have to build up your practical skills between the failure and the retest.

The Hon. CAROLINE SCHAEFER: What period of time do you suggest?

The Hon. T.G. ROBERTS: I am told that the reason for the confusion is that we are debating the theory test only, and the practical test is in the body of the bill in clause 18.

The Hon. CAROLINE SCHAEFER: If that is the case, the government's amendment mirrors the opposition's amendment, and we will support it.

The Hon. T.G. CAMERON: At the moment, if somebody fails the theory test, they can resit the test the same day. Is that the effect of your amendment?

The Hon. T.G. ROBERTS: Yes, the theory test only.

The Hon. T.G. CAMERON: Yes, theory only. So, people will be able to resit their test the same day?

The Hon. T.G. ROBERTS: Yes.

The Hon. T.G. CAMERON: I indicate support for the amendment.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I believe that the government's amendment covers that required by us, and I will not proceed with my amendment.

Clause as amended passed.

Clauses 19 and 20 passed.

New clauses 20A, 20B and 20C.

The Hon. CAROLINE SCHAEFER: I move:

Page 10, after line 20—Insert new clauses as follows:

Amendment of s.45—Negligent or careless driving

20A. Section 45 of the principal act is amended—

(a) by inserting 'negligently or' after 'vehicle';

(b) by inserting at the foot of the section the following penalty provision:

Penalty: If the driving causes the death of another—

(a) for a first offence—$5 000 or imprisonment for 1 year; and

(b) for a subsequent offence—$7 500 or imprisonment for 18 months.

If the driving causes grievous bodily harm to another—

(a) for a first offence—$2 500 or imprisonment for 6 months; and

(b) for a subsequent offence—$5 000 or imprisonment for 1 year.

If the driving does not cause the death of another or grievous bodily harm to another—$1 250;

(c) by inserting after its present contents, as amended (now to be designated as subsection (1)) the following subsections:

(2) In considering whether an offence has been committed under this section, the court must have regard to—

(a) the nature, condition and use of the road on which the offence is alleged to have been committed; and

(b) the amount of traffic on the road at the time of the offence; and

(c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and

(d) all other relevant circumstances, whether of the same nature as those mentioned or not.

(3) In determining whether an offence is a first or subsequent offence for the purposes of this section, only the following offences will be taken into account:

(a) a previous offence against subsection (1) which resulted in the death of another or grievous bodily harm to another and for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed;

(b) a previous offence against section 46 of this act or section 19A of the Criminal Law Consolidation Act 1935 for which the defendant has been convicted that was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

Insertion of s.45A

20B. The following section is inserted after section 45 of the principal act:

Exceeding speed limit by 45 kilometres per hour or more

45A.(1) A person who drives a vehicle at a speed that exceeds, by 45 kilometres per hour or more, the applicable speed limit is guilty of an offence.

Penalty: A fine of not less than $300 and not more than $600.

(2) Where a court convicts a person of an offence against subsection (1), the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 3 months, as the court thinks fit;

(b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

Amendment of s.46—Reckless and dangerous driving

20C. Section 46 of the principal act is amended by inserting after paragraph (b) of subsection (3) the following paragraph:

(c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

I believe that this amendment, in principle, stands for what the Liberal Party has been trying to achieve with a road safety amendment bill, in that it imposes significant heavy penalties, including imprisonment for people who drive recklessly—that is, who drive at speeds greater than 45 km/h and who, in particular, endanger other lives or, in some cases, have the effect of killing someone by dangerous driving.

This amendment puts into a place a fine of $5 000 or imprisonment for one year for a first offence; for a subsequent offence, a fine of $7 500 or imprisonment for 18 months—that is, if a person is killed because of negligent driving. If a person is caused grievous bodily harm because of a negligent driver, for a first offence the negligent driver receives a fine of $2 500 or imprisonment for six months and for a subsequent offence, a fine of $5 000 and imprisonment for one year, and so on through a sliding scale.

The shadow minister in another place made the point that it is not a right to have a driver's licence: it is a privilege. We know that we are driving a lethal weapon and, by law, we require a licence to handle that car. We are expected to drive in a manner that does not endanger other people. So, whilst the opposition may be perceived to be lenient for what I believe to be minor breaches, on the other hand we very strongly believe that negligent and dangerous driving should receive the full wrath of the law.

Much has been said today about speed being responsible for many of the fatalities, particularly on country roads. However, because of my involvement with the transport backbench during our time in government, I have taken some notice of the statistics. Almost without exception, those fatal accidents that occur on country roads occur at speeds well in excess of 110 km/h and, indeed, very often at speeds of 30, 40 or 50 km/h above the speed limit. There is no doubt in my mind that that becomes dangerous driving. Certainly, if it precipitates injury to another person, we believe that these strong punishments in fact send a signal that we will not be tolerant of practices that endanger life.

The Hon. DIANA LAIDLAW: Honourable members may recall that this matter passed this place back in 1991. It arose from a lot of work that had been done by the Hon. Terry Cameron following the death of a schoolgirl in the Portrush Road area.

The Hon. T.G. Roberts: 2001.

The Hon. DIANA LAIDLAW: It was 2001, thank you. Following advice from the Director of Public Prosecutions, the government framed this amendment to distinguish different forms of driving practice. The Hon. Nick Xenophon supported the amendment at that time, too. I remind honourable members of the background—namely, that a schoolgirl died having been hit by a heavy vehicle on Portrush Road.

We passed this amendment in exactly the same form in 2002 in this place. The bill did not progress.

We are now introducing this amendment believing that the reasons are as justified for advancing this measure as they were in 2002, not only in respect of the family and school-friends of the dead schoolgirl but of people generally. Should similar circumstances arise in the future, it will be easier and clearer in terms of the manner of driving in prosecuting the offence.

The Hon. CAROLINE SCHAEFER: Further to that, I note that the response of the minister in another place was that the government would be introducing a second phase of the road safety package, and that it would consider this penalty at that time. This government has been in power now for 14 months. We have chewed over and regurgitated road safety measures for a long time, including before this government came into power. I find it quite perplexing that, before we have even passed one bill, we are talking about amendments and changes to the act. I fail to see (particularly since we had the period between Christmas and when we came back in about March) why the minister has not addressed a number of these issues. I fail to see why he has been unable to do so and that we must again go through this whole machination.

The Hon. NICK XENOPHON: I indicate my support for the opposition's amendments. I know that the government may be looking at this down the track; however, I think it is a very important issue. Let us just deal with it now. I think that it will allow for anomalous situations where a death has been caused. We know there will be a penalty in those very severe circumstances and, accordingly, I will be supporting the opposition.

The Hon. SANDRA KANCK: I note what the minister has said. However, I think that we have a piece of legislation before us that provides an opportunity to deal with this issue. I understand that the government is looking at it in terms of introducing something at a later stage, but I think the opportunity presents now and that we should seize it, otherwise we could be waiting quite some time before we have another opportunity to address it.

The Hon. T.G. CAMERON: I indicate that another one of those rare occasions has occurred where the Hon. Sandra Kanck and I are in complete accord. I will be supporting the opposition's amendment for the same reasons that she is.

The Hon. T.G. ROBERTS: This clause deals only with the negligent driving aspects of the bill. I can feel the rainbow coalition forming. There is a warm fuzzy feeling in the air and, if it does something to convert the Hon. Mr Cameron, who am I to stand in its way? Bearing in mind that it takes in only one half of the indicated position, we would certainly prefer the circumstances to be separated out: the negligent, the reckless and the mistakes. They are judgmental positions that must be made at a particular time. It is not easy. Everyone has compassion for those people who make mistakes and who must live with them for the rest of their life.

It is not easy sometimes to differentiate between a moment of negligence or recklessness and intent. I do not think that anyone intends for something unfortunate to happen, but I know that the intention of each member is to try to send a message to prevent recklessness and negligence from creeping into driving, resulting in the loss of life. I am sympathetic. I am also sympathetic in that I know how the numbers work. I just thought that I had better state the government's position.

New clauses inserted.

Clause 21.

The Hon. CAROLINE SCHAEFER: I move:

Page 10, line 27—Leave out 'period of five years' and insert:

This amendment is consequential to the amendment passed earlier with regard to the period of time for which demerit points apply.

Amendment carried; clause as amended passed.

Clause 22.

The Hon. CAROLINE SCHAEFER: I move:

Page 11, after line 11—Insert new subsection as follows:

(3) For the purposes of sections 47(4), 47E(7) and 47I(14b), the prescribed period is—

(a) in the case of a previous offence that is a category 1 offence—three years;

(b) in any other case—five years.

Again, this amendment is consequential.

Amendment carried; clause as amended passed.

Clause 23.

The Hon. SANDRA KANCK: I move:

Page 11, after line 13—Insert new paragraph as follows:

(a) by inserting 'third or' before 'subsequent' in the penalty provision at the foot of subsection (1);

This amendment relates to the earlier successful amendments I moved in respect of blood alcohol content between .05 and .07.

Amendment carried.

The Hon. CAROLINE SCHAEFER: My next amendment (page 11, lines 14 to 35) is consequential, but it has been superseded by the amendment of the Hon. Sandra Kanck.

The CHAIRMAN: Do you wish to proceed?

The Hon. CAROLINE SCHAEFER: I seek your advice, sir, but I think that I am not proceeding.

The CHAIRMAN: I think that would be the best way to go. We will deal with the Hon. Ms Kanck's amendment.

The Hon. CAROLINE SCHAEFER: I will not proceed with my amendment.

The Hon. SANDRA KANCK: I move:

Page 11, line 15—After 'subsection (1)' insert:

(other than a category 1 offence that is a first offence)

I believe that this amendment is consequential.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 11, lines 19 to 35 and page 12, lines 1 to 4—Leave out subparagraphs (i), (ii) and (iii) and insert:

(i) in the case of a first offence—

(A) being a category 2 offence—for such period, being not less than six months, as the court thinks fit;

(B) being a category 3 offence—for such period, being not less than 12 months, as the court thinks fit;

(ii) in the case of a second offence—

(A) being a category 1 offence—for such period, being not less than three months, as the court thinks fit;

(B) being a category 2 offence—for such period, being not less than 12 months, as the court thinks fit;

(C) being a category 3 offence—for such period, being not less than three years, as the court thinks fit;

(iii) in the case of a third offence—

(A) being a category 1 offence—for such period, being not less than six months, as the court thinks fit;

(B) being a category 2 offence—for such period, being not less than two years, as the court thinks fit;

(C) being a category 3 offence—for such period, being not less than three years, as the court thinks fit;

(iv) in the case of a subsequent offence—

(A) being a category 1 offence—for such period, being not less than 12 months, as the court thinks fit;

(B) being a category 2 offence—for such period, being not less than two years, as the court thinks fit;

(C) being a category 3 offence—for such period, being not less than three years, as the court thinks fit,;

This amendment also relates to the amendments that I moved when we were dealing with clause 15. It provides the penalties associated with the particular offences. I think that the amendment speaks for itself.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 12, line 6—After 'second' insert:
, third

I believe that this amendment is also consequential.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 12, line 9—Leave out 'period of five years' and insert:
prescribed period

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 24.

The Hon. CAROLINE SCHAEFER: The opposition is opposed to this clause. This clause deals with the repeal of section 47DA of the principal act. This particular section allows for the police to establish breath testing. The government is amending section 47E and is proposing that random breath testing be allowed throughout the state. The opposition has long held the view that it is more appropriate that random breath testing occur at specific times of the year—at times of highest accident risk—and that those particular days be nominated by the minister at the time, and so our amendment is consistent with my party's position.

The Hon. NICK XENOPHON: I indicate that I support the government's position in relation to mobile breath testing stations, but I understand that the opposition's amendment will have the effect of limiting them. My preference is that they be allowed 365 days a year. In all circumstances, as a safety move, it is important to give the police those powers, but of course it is important to monitor how those powers are exercised and that they are exercised responsibly.

The Hon. SANDRA KANCK: I indicate the Democrats oppose this clause, along with the opposition. This removes section 47DA from the act in anticipation of amending section 47E in clause 25 of the bill. We prefer that section 47DA remains as is in the act in preference to what the government is proposing. However, we will be supporting the opposition, because it is putting some more stringent requirements on the application of the new section the government will put in place; but we will remain opposed to the whole concept overall.

The Hon. DIANA LAIDLAW: I am keen to support my colleague the Hon. Caroline Schaefer in moving this amendment. It is in exactly the same form as amendments passed by this place to the former government's bill on road safety in 2001, and provides a compromise position between the carte blanche operation of mobile random breath tests across the state and their restricted operation. I know that mobile random breath tests in other states can apply without restriction, but in this state a compromise has always been seen to be the best approach. Therefore the former government gained support for a modified approach, with mobile random breath tests applying on holidays and certain other nominated days with very strict conditions being advertised and applied by the police commissioner. I note that the Australian Democrats opposed the compromise measures in 2001 and have been consistent with this, but we do appreciate their support; if they are not able to knock out the application of mobile random breath tests altogether in this state, they will at least support a modified application as is provided for in the amendments to be moved by the Hon. Caroline Schaefer.

The Hon. T.G. ROBERTS: The government indicates that the stationary or the traditional RBT stations are not effective in some circumstances. They have certainly sent shivers up many people's spines and they have changed their methods of recreational drinking, binge drinking, to some effect. As I said in a previous contribution, a cultural change is developing in South Australia and in Australia generally in relation to the macho approach that was taken, or the light-hearted approach that was part of our culture in which drinking and driving had equal weighting; that is, if you drank you had to drive, if you drove you had to drink. Some roads were measured in how many stubbies it took to go from one place to another.

I notice the honourable member from the country shaking his head. I think some of that behaviour is starting to change and people are starting to recognise that people going about their business on the roads do not have to be harassed by drunk drivers or drivers who are affected by drink. I think the RBTs have had some effect on that. They have been effective in some circumstances on lightly trafficked roads, some rural roads and in cities, but the bush telegraph often signals well ahead, and by the time they put their stands down to balance up the RBT stations, the word has gone around the local community that the RBTs are in town and the stationary random breath stations are places to avoid.

They have then worked out that you have to move the stationary RBTs around the place to achieve the effect that you require, and so that the bush telegraph does not work as effectively. The presence of RBTs interstate is much higher than it is in South Australia. We would like to be able to use mobile RBTs so that they are more effective in catching drink drivers. Legal concentrations of alcohol are involved in about 30 per cent of fatal road crashes in South Australia, and the likelihood of having a crash doubles for every 0.05 increase in the blood alcohol amount. What is proposed in South Australia is to increase the penalty in the 0.05 to 0.079 blood alcohol concentration range in concert with mobile RBTs and a general increase in the incidence of stationary RBTs.

In effect, what this means is that the measures will stand together to give drivers the message that if they drink they are taking a significant risk in putting themselves over the legal limit and being caught. They then may change the way in which they drive to functions at which they expect to be celebratory and have a few drinks. They may nominate a driver who does not drink or use other ways of avoiding being on the roads, such as staying at motels or staying at friends' places. The RBTs exist in all other states. Mobile random breath testing is used in all other Australian jurisdictions and has shown to be an efficient and effective tool in combating drink driving offences, and when used in conjunction with ordinary RBTs will address the traffic management issues.

The government is insistent upon its position. I understand the intentions of the amendment being put forward by those who oppose the government's position, but we will be seeking to divide on this issue if we lose the vote on the voices.

The committee divided on the clause:

AYES (8)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Holloway, P.

AYES (cont.)

Roberts, T. G. (teller)	Sneath, R. K.
Xenophon, N.	Zollo, C.

NOES (13)

Cameron, T. G.	Dawkins, J. S. L.
Gilfillan, I.	Kanck, S. M.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V. (teller)	Stefani, J. F.
Stephens, T. J.	

Majority of 5 for the noes.

Clause thus negatived.

Clause 25.

The Hon. CAROLINE SCHAEFER: I move:

Page 12 lines 20 to 32 and page 13, lines 1 to 20—Leave out paragraph (a) and insert:

(a) by striking out subsection (2a) and substituting the following subsections:

(2a) A member of the police force may require—

(b) the driver of a motor vehicle that approaches a breath testing station established under section 47DA; or

(c) the driver of a motor vehicle during a prescribed period, to submit to an alcotest.

(2b) A member of the police force may direct the driver of a motor vehicle to stop the vehicle and may give other reasonable directions for the purpose of making a requirement under this section that the driver submit to an alcotest or a breath analysis.

(2ac) A person must forthwith comply with a direction under subsection (2ab).;

This clause sets out the conditions under which mobile random breath testing can be undertaken. We have already established that random breath testing will not be undertaken, so I am not sure whether I should proceed with this.

The Hon. Diana Laidlaw: If you do not proceed with it, I will.

The Hon. CAROLINE SCHAEFER: We established by our previous vote that we will not be having random breath testing in this state, and this amendment provides the conditions under which mobile random breath testing would be undertaken if that were the case.

The Hon. SANDRA KANCK: Given that the previous clause was voted down, and as I read it that move occurred in anticipation of the government's next step, does this mean that the opposition's amendment does not even need to be acted upon?

The Hon. CAROLINE SCHAEFER: I seek your advice, Mr Chairman.

The CHAIRMAN: I do not give advice to either of the parties as to how they conduct their business: I am here to sit in the middle. You had better ask the minister whether he is happy to proceed along those lines.

The Hon. CAROLINE SCHAEFER: Having sought advice, I have moved the amendment standing in my name and I wish to proceed with it. It removes a provision in the act relating to the establishment of breath testing stations and is consequential on the proposed amendments to section 47E. It has the effect of putting into place details within the act that will remove the right to establish mobile random breath testing in South Australia.

The Hon. SANDRA KANCK: As I indicated previously, the Democrats will support the opposition amendments because we think it is better than what the government is proposing, but we are still not happy, even with that, and we will oppose all of clause 25 when it comes to the vote.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 13, after line 20—Insert new paragraph as follows:

(ab) by inserting after subsection (2e) the following subsection:

(2f) A member of the police force may not, while driving or riding in or on a vehicle not marked as a police vehicle, direct the driver of a motor vehicle to stop the vehicle for the purpose of making a requirement under this section that the driver submit to an alcotest or a breath analysis.

This clause inserts a new provision in section 47E to prohibit a member of the police force, while using an unmarked police vehicle, from directing a motor vehicle to stop for breath analysis. I described such incidents in my second reading speech, which seems a very long time ago. As someone who drives quite a lot on my own on country roads, I can tell the committee that it can be quite a daunting thing to have anyone, but particularly someone in an unmarked car, pull you over for no apparent reason, and I described an incident where that had happened to a young female.

The Hon. SANDRA KANCK: The Democrats support this amendment.

The Hon. T.G. ROBERTS: The government opposes the amendment on the basis that temporary lights and sirens can be hooked up. We would not like to see an unmarked car with no indications of its being a police car being used, but there are ways in which unmarked cars can be made immediately recognisable as police cars by temporary lighting and sirens being put on them.

The Hon. CAROLINE SCHAEFER: This has been a long and arduous task but I cannot help but be amused by the minister's contention that there are ways that an unmarked car can be easily recognised. If that is the case, there appears to be little point in having an unmarked police car. It is one of the oldest tricks in the book, and I am sure that you, sir, as a young man in Port Pirie would have been tempted from time to time to whack a torch on the top of your car. I think that is quite silly.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 13, line 25—Leave out 'period of 5 years' and insert 'prescribed period'.

This is consequential.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 13, lines 27 to 35—Leave out subsection (8) and insert:

(8) The Commissioner of Police must, not less than 2 days before the commencement of each prescribed period, cause a notice to be published in a newspaper circulating generally in the state and at a web site determined by the Commissioner stating the time at which the prescribed period commences and the time at which it finishes and containing advice about the powers members of the police force have under this section in relation to a prescribed period.

(9) In this section—

'long weekend' means a period of consecutive days comprised of a Saturday and Sunday and one or more public holidays;

'Minister' means the minister responsible for the administration of the Police Act 1998;

'prescribed period' means—

(a) a period commencing at 5 p.m. on the day immediately preceding the start of a long weekend and finishing at the end of the long weekend; or

(b) a period commencing at 5 p.m. on the last day of a school term and finishing at the end of the day immediately preceding the first day of the following school term; or

(c) a period commencing at a time determined by the minister and finishing 48 hours later (provided that there can be no more than four such periods in any calendar year);

'school term' means a school term determined for a government school under the Education Act 1972.

(10) A certificate purporting to be signed by the minister and to certify that a specified period was a prescribed period for the

purposes of this section is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.

This is the opposition's preferred position, as I stated earlier, where the police may prescribe certain times of the year of the highest accident risk for random breath testing. One would envisage that those times would centre on the Easter holiday, in particular, and Christmas. Those times would be prescribed by the Police Commissioner with, I assume, the concurrence of the minister.

The Hon. SANDRA KANCK: The Democrats support this amendment.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27.

The Hon. CAROLINE SCHAEFER: This clause removes an evidentiary provision from section 47G of the act relating to the establishment of breath testing stations and is consequential on our successful opposition to clause 24. We oppose the clause.

The Hon. SANDRA KANCK: The Democrats also oppose this clause.

Clause negatived.

Clause 28.

The Hon. CAROLINE SCHAEFER: The opposition opposes this clause and it is consequential on our opposition to clause 24.

The Hon. SANDRA KANCK: The Democrats also oppose this clause.

Clause negatived.

Clause 29.

The Hon. CAROLINE SCHAEFER: I move:

Page 15, line 7—Leave out 'period of 5 years' and insert 'prescribed period'

This is consequential.

Amendment carried; clause as amended passed.

Clause 30.

The Hon. CAROLINE SCHAEFER: I move:

Page 15, line 11—After 'amended' insert:

(a) by striking out subsection (1) and substituting the following subsections:

(1) If a court before which a person is charged with a prescribed first or second offence convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, make an order requiring the person to undertake a prescribed program of training and education within a period fixed by the court (being not more than 6 months from the making of the order).

(1a) A program of training and education prescribed for the purposes of subsection (1) must (except so far as it is not practicable to do so in a particular case) include—

(a) lectures as to road accidents and their causes and consequences; and

(b) the viewing of graphic films or other visual images of road accidents; and

(c) meetings with victims of road accidents;

The government suggests that someone found guilty of certain drink driving offences undertake a prescribed training and education program. This amendment takes that further and requires that those people undertake a period of education in the form of a lecture and, where it is practical, meet not with the actual victims of the offence but with someone who has suffered as a result of a road accident in the hope that the shock treatment will have some effect on those people and remove any possibility of their repeating the offence.

The Hon. SANDRA KANCK: The Democrats will not support this amendment. In general we find this to be a little patronising and certainly think that the proposal to cause the person who has been charged and found guilty to meet with the victims of road accidents is not necessarily being helpful to the victims of road accidents. It may have some positive effect on the perpetrator, but it could in fact be quite devastating to the person who was the victim of that driver and could be emotionally and even psychologically counterproductive. So we will oppose this amendment.

The Hon. J.F. STEFANI: I tend to concur with the sentiments of my colleague the Hon. Sandra Kanck. The suggestion would be better handled if it was a direction of the court. If the judge sitting on a case where the driver was charged with a road offence of a serious nature causing serious injury was to direct that such an undertaking be made by the driver, with the concurrence of the victim of the accident, maybe that would be a more productive way of approaching it.

The Hon. DIANA LAIDLAW: There is a little confusion about the application of this amendment moved by the Hon. Caroline Schaefer. Essentially the amendment extends what the parliament has already provided for in legislation through a driver intervention program, which applies to learner and probationary drivers when they offend and lose their licence. This suggests that people must attend lectures where the charge is proved but does not proceed to conviction, that the court must order at least some action to be taken by the offending driver. I inform all members that the driver intervention program provided for under the Road Traffic Act has been very effective. It is held at the Hampstead Rehabilitation Centre and essentially is run by the police and a number of people in wheelchairs who have been the victims of car crashes.

We not saying that the victim of the specific crash in which the offender was involved must meet with the offender, but simply that they meet with victims of road accidents. It could be people who had a road crash 20 years ago and are still able to inform people and talk about some of the issues. I have attended these talks in a voluntary capacity and as an observer, and it is very interesting for a lot of young people to understand what happens following a crash where you may lose limbs or bodily functions. The first thing you lose, in addition to your physical capabilities, is your friends. They do not know how to approach somebody who is a quadriplegic. Some who are quadriplegic wish give back something to the community and to say, 'This was not so clever of me and there are more horrors to face other than a hospital term and the loss of my functions—I lost my friends.' That was the devastating thing for many of them on top of the court cases and other things they experienced.

We are not going that far here but simply saying that the charge is proved but is not proceeding to a conviction. Something has gone wrong and we are simply saying, 'Go to the lecture and think about your actions on the road in a broader context.' I cannot speak more highly of this driver intervention program and this initiative simply seeks to extend it from the program the parliament has already approved for learner and probationary drivers.

The Hon. NICK XENOPHON: I support the opposition's amendment. As I read the wording, it gives a discretion to the court if it is not practicable for whatever reason because it says 'unless proper cause for not doing so is shown, make the order'. The court may say that for a number of reasons it is either not practicable, not necessary in this

case given the circumstances of the offence, or whatever. Hopefully that may address some of the concerns of the Hon. Julian Stefani in that regard. Let us try this as an approach, given what the Hon. Diana Laidlaw has said. It can pay significant dividends in sending a message to people who are offenders, particularly repeat offenders, to shock them into changing their behaviour.

The Hon. T.G. ROBERTS: The government does not support the amendment; the RAA does not sport the amendment. There is little evidence to suggest that attendance at lectures has any real benefit, despite being widely supported. We are looking at a whole of education area and at driver training for prevention and we would be looking at bringing in changes to post traumatic programming at a later date in a future road safety package. Lectures, films and meetings with victims may not be the most appropriate way to go, although in some circumstances they could be beneficial to some individuals, but you would not want to make them mandatory or compulsory.

The Hon. Diana Laidlaw: They are not mandatory.

The Hon. T.G. ROBERTS: No, you would not want to make them mandatory or compulsory as it could have the wrong impact on some people. Considerable behavioural research leads the government to conclude that this form of attitude training is largely ineffective. We will concentrate our efforts in other areas and oppose this measure.

Amendment negatived; clause passed.

Clause 31 passed.

Clause 32.

The Hon. CAROLINE SCHAEFER: I move:

Page 15, lines 26 to 35—Leave out paragraph (c).
Page 16, lines 1 to 18—leave out paragraph (d).

The amendments relate to doubling the demerit points and doubling the fine for speeding through a red light. I believe very strongly that speeding through a red light or, indeed, driving deliberately through a red light, is a dangerous driving practice. Therefore, the opposition has no objection to doubling the demerit points.

However, if, as the government has said, this is not a revenue raising exercise, we believe that the fine should remain as it is. As I understand it, the fine is quite substantial, and doubling it is not supported. Leaving out paragraph (c) means that the current penalty of $2 000 for a body corporate and $1 250 for a natural person is left in place. We believe that that, together with doubling the demerit points, is a very adequate deterrent. Therefore, we see no need to double the fine, other than for revenue raising.

The Hon. J.F. STEFANI: I concur with the Hon. Caroline Schaefer's comments about the danger and the incredible problems that are caused by drivers who go through a red light. The danger is so great that many fatal accidents have occurred because of this careless and irresponsible driving practice. As far as I am concerned, the greater the penalty the better for people who do this. It is often when it is too late—when an accident has occurred, a person is dead and other passengers in the vehicle are seriously injured—that the community as a whole pick up the pieces. We must provide this fundamental protection for our community—that is, there is no mercy for anyone who drives through a red light.

The Hon. T.G. CAMERON: I indicate my support for the government's position. I concur with the Hon. Julian Stefani's statement that running a red light at high speed is probably one of the most dangerous and reckless acts that a driver can undertake. If speeding through a red light results in a collision, it is often fatal. The way I see it is pretty simple: you get one penalty for going through a red light and another penalty for speeding, if two offences are committed.

In relation to red light cameras, I refer to motorists waiting at an intersection to turn right, the light turns yellow, yet the oncoming traffic does not stop. Once the traffic stops, you run the risk of being caught by a red light camera if you quickly scoot around the corner, even though it is the only chance you have had to proceed. However, I accept the double penalty for speeding through a red light, although I do not see it as a double penalty: I see it as one penalty for going through a red light and another penalty for being caught speeding.

The Hon. NICK XENOPHON: I support the government's position. There are two distinct offences and, therefore, two financial penalties should be imposed in addition to two sets of demerit points. This is an overdue reform.

The CHAIRMAN: Before I put the question, I will make something very clear. As the chairperson of committees, when I ask people to vote aye or no, they have a duty to vote. When the ayes are in the majority, in my view, I have a responsibility to call the ayes; when it is the noes, I have a responsibility to call the noes. Members will not show disrespect to the chair, whether or not they are in their place or they are walking out. It is a contempt of the chair and a contempt of the parliament and it will not be tolerated any more. The offending persons know who they are. I give fair warning that they will suffer the penalties under the standing orders if that sort of practice continues. I am concerned about the dignity of the council at all times, as all members are aware, and I will not tolerate it on a continuing basis.

The committee divided on the amendments:

AYES (8)

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

NOES (13)

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

Majority of 5 for the noes.

Amendments thus negatived.

The Hon. CAROLINE SCHAEFER: I move:

Page 16, after line 35—Insert new subsection as follows:

(9b) Where a photographic detection device is operated for the purpose of obtaining evidence of the commission of speeding offences by drivers of vehicles proceeding in a particular direction on a portion of road; a person responsible for the setting up or operation of the device must ensure that the device is not concealed from the view of such drivers.

This amendment seeks to ensure that speed cameras are not concealed from the view of drivers. It is the opposition's firm belief that if speed cameras are there as a disincentive, as a warning, to stop people speeding they should be in clear view as a disincentive for all who drive past them rather than be hidden behind bushes so that they can trap as many people as possible without, in fact, ensuring that people slow down. This is a long-held principle. It is not something that is often

complied with. Most members, I am sure, would have received complaints from constituents who have had no knowledge that there is a speed camera anywhere in the region until they are well past it and see the little blue and white sign telling them they have been trapped. This is, therefore, in our view, not something designed to slow people down or to have them drive more safely but is, in fact, a pseudo revenue raiser.

The Hon. J.F. STEFANI: I have a very strong view about camouflaged cameras. I have seen a good number of them hidden not only in bushes but also dressed up with a little green coat. We know that our armed forces wear camouflage gear but I have seen cameras fitted out with camouflage gear, including little branches of trees adorning the camera to make it look like a little bush. It has been very artistically constructed by the officer or the speed camera attendant. Unfortunately, though, these days most sophisticated cameras are planted on the dashboard of a vehicle, which is often parked on the side of the road.

The engine is running and the attendant is either enjoying the radio or sleeping with the air conditioning turned on—even the lights are turned on at 9.30 in the morning, as was the case two days ago on Park Terrace at Gilberton. I have the utmost contempt for the practice of hiding cameras. We should actually have a sign positioned some way before the camera which says, 'This road is under speed surveillance,' which would certainly change the attitude of many drivers. It would have a marked effect on the habits of people who have a lead foot or who tend to be in a hurry.

With those comments, I just endorse the amendment because I happen to believe that the best way to reform driver attitudes is to have visible signs that say, 'This road is under speed surveillance,' and whether or not the camera is there most drivers would check their speedo and adjust their speed accordingly.

The Hon. G.E. GAGO: Having lost a brother to a road accident I find it incredible sitting here listening to some of these truly pathetic arguments about amendments that can only result in increasing the road toll in this state. The disincentive related to speed cameras is not necessarily related to a particular camera in a particular spot. The real disincentive to motorists is the fact that they are never too sure where the camera will be located. It is absolutely ridiculous to suggest that putting out a neon sign will result in motorists continuing to check their speed on the rest of the roads throughout the state. It is one of the most absurd arguments I have ever heard. If that were true we would not need speed cameras at all. The real disincentive is the fact that you are just never too sure where they are (or that is one of the disincentives, anyway), so you must bring down your speed and put it within safe, normal limits.

The Hon. NICK XENOPHON: I indicate that I support the government's position and not the opposition's in relation to this amendment. I think that it is a disincentive not to know the location of cameras. However, I also think we need to look at the issue of displaying more prominent notices as, I think, Victoria does—for example, on the Tullamarine freeway. There is a potential for having a mix so that there is a greater degree of transparency. I also think that if you let people know the location of the camera beforehand it almost defeats the purposes in a number of cases in terms of dealing with road safety.

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: There is merit in both arguments, but this particular amendment may mean that a number of disingenuous drivers who normally speed will just keep a bit more of a lookout and be leaden footed anyway. That is a potential ramification of the amendment, but I do think it has some merit. I ask the minister whether the government is proposing to emulate what is occurring in other states, particularly in Victoria, that is, will prominent signs be erected on roads, and I am talking about quite significant signs on major roads indicating that speed cameras are in regular operation? In New South Wales those cameras are in operation on some roads on a regular basis.

The Hon. T.G. ROBERTS: The term 'concealed', which is subjective and interpretive, has been problematic and still is. We have heard the arguments of the honourable member who said that people go out of their way to conceal them by putting bushes in front of them and a whole range of other things. I am not sure how they go about concealment, but the covert use of cameras can be dealt with via an operating policy. Presently covert camera use can be authorised only by the Deputy Commissioner of Police or the Assistant Commissioner of Operational Support. People would argue that they are not doing their job properly if there are concealed speed cameras. The real question is: are they effective in slowing down the vehicular traffic? If members ask people in the community whether they are concealed or whether they are in the open, people will say that they are aware of them.

I took some counselling from a number of people who use Port Road quite regularly. They said that the vehicular traffic slowed down by between 10 and 15 km/h. It now takes them a lot longer to get to work, so they have to leave for work much earlier. They do have an impact and I do understand the points that members make. If we are to have a road safety program based on using speed traps—if members want to call them that—then, in the main, the issue of whether or not they are concealed does not become an issue, although it does for some people. However, if we are talking about road safety, it should not become an issue. I know that I am as irritated as anyone when I find out that I have missed one because I have not been observant enough, but how you feel after you have obviously been driving above the speed limit and have been caught has nothing to do with road safety.

Generally it has slowed down traffic, and if you ask most people they will say that. Generally people feel more safe in streams of traffic, particularly when driving within the metropolitan area. If you took them away or you downgraded their role and function, I am sure people would go back to their old habits; that is, leave home five to 10 minutes later and increase their speed in an effort to reach work, or wherever their destination, on time. We are sticking with the proposition. If there is to be some discussion around the term 'concealment', we will have problems with some of the cameras in that, if they are fitted on the dashboard of a vehicle, is that concealment? If they have tripods with covers over them that make them appear to be something else and they do not look like a speed camera, is that concealment? If they are at the front of a car and look as though they are part of the car, is that concealment? There are those questions—and what does it mean?

The Hon. J.F. STEFANI: I thank the minister for explaining the position of the government. I become totally irritated when a vehicle is parked on the median strip of a busy highway such as Port Road or Anzac Highway. The vehicle is parked on the right-hand side of the road and it is obviously a speed camera vehicle—I am reasonably alert to these things. For no apparent reason, this vehicle is parked on the verge of the median strip. Obviously it is a distraction to

the flow of traffic because stationary vehicles in that position generally have broken down or have been involved in an accident. That is the first thing I want to say.

The second thing is in reference to an earlier campaign which I initiated. A number of police officers were placing themselves, the car and the speed camera on private property—and this occurred on Robe Terrace at Gilberton. When I asked the officer whether he had permission to be there, he said, 'What do you have to do with it?' I said, 'I happen to be a member of parliament and I want to know whether you have asked my neighbour whether you can park your vehicle on his property to detect speeding motorists'. When I mentioned that, the officer packed up and left. These are the issues about the appropriateness of placement and the way in which cameras are used.

The Hon. A.L. EVANS: We need the most effective plan we can devise to improve safety on our roads. My experience is that I personally respond to the big signs telling me to slow down. When I am driving and I see those flashing 'Slow down' signs, my experience is that I tend to slow down. However, I think there is a place for both, and I do not see why we cannot do both so that we can have better and safer roads.

The Hon. T.G. CAMERON: It will come as no surprise to members to hear that I am supporting the opposition's amendment in relation to this, and I do so because the current proposition by the government to get legislation to cover up speed cameras just shows how out of touch it is with the current thinking by transport specialists in relation to the way in which speed cameras should be used. Other states have already started changing. On roads in places such as Melbourne or Sydney on which they are frequently catching speeding motorists or they realise they have a problem, there are signs everywhere: 'Be warned—this area is under speed surveillance'. I tell members what you do every time you see such a sign: you slow down.

The latest experience coming out of Europe and England is that, sure, speed cameras are wonderful revenue raisers and, if you want to hide them and you want to put them on main arterial roads between 7 a.m. and 10 a.m. or 4 p.m. and 6 p.m., you will catch 400 000 or 500 000 people a year, most of whom are driving quite safely. They are either on their way home or on their way to work, and usually they are driving between 68 and 74 km/h—they are the majority of people caught by speed cameras. However, if you want to be serious about using these devices—and they can be a very effective tool in reducing the road toll—then place them where the accidents are occurring. Place them at black spots or sign post them, because the latest evidence shows that that clearly is the most effective way of using speed cameras, because it modifies drivers' behaviour exactly when that errant behaviour is occurring.

Recently I received a call from a constituent who received a speed camera notice seven weeks after the offence. When I checked, I found that they had a bit of a problem and they were running behind. This person could not even remember where they were seven weeks ago. In other words, you get a fine, you grudgingly pay it, but it does not modify behaviour. We have heard a few emotional, rhetorical flourishes during this debate, one of them to the effect that, if you are really serious about saving lives, you should support the way in which speed cameras are used. Do not misrepresent the views of people who are opposed to what the government is proposing. The purpose of the government's amendment is to give the state the power to secretly camouflage and hide these cameras, and place them wherever it likes.

It will be giving the government carte blanche to continue on its merry revenue raising ways. The government is not serious about using these devices to lower the road toll, which probably explains why our road toll is up this year and why South Australia's record in relation to deaths and crashes per capita is amongst the worst in Australia.

Maybe one of the reasons is that we are not using these speed cameras properly and targeting the areas where these accidents are occurring. Life threatening accidents are not occurring on Anzac Highway or Port Road between 8 and 9 o'clock in the morning, yet they concentrate these speed cameras during the hours when maximum traffic is driving down the main arterial roads. Until we are able to convince members of the government or the police force or somebody that, if they want to match all their fancy sounding rhetoric that speed kills and we are really serious about saving lives, then use these devices for what they were originally intended to do, that is, as an aid in reducing the road toll, not an aid for increasing the budget's revenue.

The Hon. CAROLINE SCHAEFER: I agree with the sentiments of both the Hons Julian Stefani and Terry Cameron. If we wish speed cameras to be a speed deterrent and not a clandestine form of tax, there is ample evidence from interstate and overseas that in fact signposting the position of speed cameras works. There is evidence within our own state. We have a number of traffic lights that are clearly signposted: 'Red light camera operates here' and people have respect for that. There is also a public relations issue here for the government, and I admit that our government wore exactly the same criticism from the Hon. Terry Cameron as this one is now wearing. If people are caught speeding when they have been well and truly warned they will generally say, 'Well, I deserved that; I have had my warning; I knew that there were speed cameras operating in this area.' For instance, interstate there are large signs which state: 'Aerial speed cameras operate in this area.'

If some time later people get a speeding fine saying they were photographed by aerial survey and here is their ticket they accept it, because they have been given that warning and they will then say, 'It serves me right.' However, if someone has tucked a little camera behind a bush or stobie pole or in someone's front yard, then they believe they have been trapped. They believe that this is a dishonest system which they have no part of. I guess it is almost like treating drivers as you would your family and your children. You would always give them a warning and say, 'If you do that again these are the consequences,' but you would not hide behind the door hoping to find them doing the wrong thing and then ping them. I believe that this would be a valuable public relations exercise for the police and the government of the day if they were to begin to use speed cameras as they should be used, which is as a deterrent to dangerous driving as opposed to a revenue raiser.

The CHAIRMAN: I am having difficulty: there is too much audible conversation to my right.

The Hon. J.F. STEFANI: I have a suggestion to make to the government. With signs placed on main arterial roads saying: 'This road is under surveillance' and with appropriate poles installed permanently which can be mounted with a speed camera that can be shifted from place to place in rotation, the government would be able to do two things. It would be able to achieve integrity in the method of altering drivers' attitudes and habits; it would be able to enforce the

law in an appropriate manner, saving thousands of dollars by not having people sitting in a car with the engine running and whatever else; and it would achieve the net result of attaining a sensible approach to the whole question of speed controls, driver education, driver habits and reducing accidents.

The Hon. SANDRA KANCK: The Democrats will not support this amendment. Implicit in this is something I cannot find the adjective to describe, but there is an inherent dishonesty in this which says, 'I will obey the rules when I can see the rule enforcers, but I will not obey them the rest of the time; so if I can see the speed camera I will stick to the speed limit but if I can't see the speed camera I don't need to stick to the speed limit.' I do not like that sort of thinking.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: No; I think this is a question of integrity. We have the rules, and having these rules is how we manage to keep the road toll down. It is done by the agreement of all of us that we will abide by those rules, yet we know that, when they know they are not being watched, people are prepared to flout the road rules. This amendment in a sense recognises that and almost panders to it. My view and the Democrat view is that if you do not speed you will not get caught.

The Hon. R.K. SNEATH: I was not going to make a contribution, but I just have to, because what the opposition is saying is really 1950s stuff. I am sure they would not be so serious about getting the video of the injured workers out of the bushes and behind buildings and giving the workers the opportunity to know a camera was on them. It is the same sort of thing as taking the cameras out of shops for shoplifters. We have speed signs up everywhere all over the state. You get on a road and the sign says 110, so all of us are supposed to drive at 110 or less.

The Hon. T.G. Cameron: You'd better not whinge the next time you get booked!

The Hon. R.K. SNEATH: I never whinge when I get booked; I cop it, because I have broken the law. The limit is 110, but if we put up a camera to catch those people who are breaking the law the opposition wants us to put up a great sign or have the camera sitting out there to give people plenty of notice to slow down so that once they have gone past the camera they can do 140 again. As the Hon. Ms Kanck said, if the road sign says 60, that is the law. It is also the law not to shoplift in shops; that is what the cameras are there to stop. Nobody in the opposition is saying, 'Bring those cameras out, put up a big sign so all the shoplifters can see the cameras and be warned that this shop will photograph them.' Nobody is saying, 'Bring out the cameras on injured workers and make sure they stand out in the open so the worker can see them and have a warning, because that would be fair.' But all of a sudden it is not fair to a speeding driver, who knows the law and has seen the sign down the road that says 110—

The Hon. T.G. Cameron: One hundred!

The Hon. R.K. SNEATH: One hundred, 110, 60 or 50, whatever the sign says—

The Hon. T.G. Cameron: It's easy to see you're still behind the times!

The Hon. R.K. SNEATH: It is up to the driver to drive safely. Those limits on the road have been set for a long time and they have been set because they are safe limits to drive at, according to the experts.

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: Now we are saying there are safer limits to drive at, but it is still 110 in the country. It has been so long since you were in the country that you would not have a damned clue what happens there. You have got no idea what happens in the country. It is still 110 in the country, and the sign says 110. So, if you are breaking 110, you deserve to get caught.

If the law wants to prosecute people who are driving fast, the police will put a camera out there. But the opposition is saying that the police should put a big sign up so the drivers can see where the camera is, so they can all slow down so they do not get caught until they pass the camera, and then they can go back up to an illegal speed. It is absolutely ridiculous. It is the most ridiculous amendment ever and only the opposition could come up with it and only the Hon. Terry Cameron would bother supporting it.

The CHAIRMAN: We have had a robust debate on this matter and now it is time to put the question.

The committee divided on the amendment:

AYES (9)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Laidlaw, D. V.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	

NOES (8)

Gazzola, J.	Gilfillan, I.
Kanck, S. M.	Reynolds, K.
Roberts, T. G. (teller)	Sneath, R. K.
Xenophon, N.	Zollo, C.

PAIR(S)

Redford, A. J.	Gago, G. E.
Lawson, R. D.	Holloway, P.

Majority of 1 for the ayes.

Amendment thus carried; clause as amended passed.

New clause 32A.

The Hon. CAROLINE SCHAEFER: I move:

Page 17, after line 7—
Substitution of s. 79C

32A Section 79C of the principal act is repealed and the following section is substituted:

Interference with photographic detection devices

79C A person who, without proper authority or reasonable excuse, interferes with a photographic detection device or its proper function is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

This amendment seeks to make it an offence to interfere with a photographic detection device. This was, I believe, part of proposed legislation by our party. There was considerable evidence that people deliberately destroy red light cameras and speed cameras if they have the opportunity to do so, and this imposes a maximum penalty of $5 000 or one year's imprisonment for deliberately interfering with and/or dismantling such a device.

The Hon. T.G. ROBERTS: The government supports the amendment.

New clause inserted.

New clause 32B.

The Hon. NICK XENOPHON: I move:

Page 17, after line 7—Insert new clause as follows:

Insertion of Division 7A

32B. The following Division is inserted after Division 7 of Part 3 of the principal Act:

Division 7A—Speed Cameras Advisory Committee

Interpretation

79D. In this Division—

'Committee' means the *Speed Cameras Advisory Committee*;

'Minister' means the Minister responsible for the administration of the *Police Act 1998*;

'Motor Accident Commission' means the Motor Accident Commission continued in existence by the *Motor Accident Commission Act 1992*;

'speed camera' means a photographic detection device used for the purpose of obtaining evidence of speeding offences;

'speeding offence' has the same meaning as in section 79B.

Establishment of Committee

79E. The *Speed Cameras Advisory Committee* is established.

Membership of Committee

79F. The Committee consists of 6 members appointed by the Minister, of whom—

(a) 1 must be a person nominated by the Minister; and

(b) 1 must be a person nominated by the Commissioner of Police; and

(c) 1 must be a person nominated by the Motor Accident Commission; and

(d) 1 must be a person nominated by the Director of the Road Accident Research Unit of the University of Adelaide; and

(e) 1 must be a person nominated by the Royal Automobile Association of South Australia Incorporated; and

(f) 1 must be a person nominated by the Local Government Association of South Australia.

Terms and conditions of appointment

79G.(1) A member of the Committee will be appointed for a term of 3 years on such conditions as the Minister determines and will, on the expiration of a term of office, be eligible for reappointment.

(2) The Minister may remove a member of the Committee from office—

(a) for breach of, or non-compliance with, a condition of appointment; or

(b) for misconduct; or

(c) for failure or incapacity to carry out official duties satisfactorily.

(3) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) is removed from office under subsection (2).

Functions of Committee

79H. (1) The Committee has the following functions:

(a) to inquire into—

(i) the effectiveness of speed cameras as a deterrent to speeding and road injury; and

(ii) strategies for deciding the placement of speed cameras; and

(iii) differences in the use of speed cameras between city and country roads; and

(iv) the relationship between fines collected for speeding offences, main arterial roads and crash blackspots; and

(v) the feasibility of putting all money recovered as expiation fees and fines for speeding offences detected by speed cameras into road safety initiatives; and

(vi) initiatives taken by the governments of other jurisdictions in Australia in relation to road safety; and

(vii) such other matters relating to the use of speed cameras as the Committee thinks relevant;

(b) to advise the Commissioner of Police in relation to the use of speed cameras in this State;

(c) to carry out such functions as are assigned to the Committee by the Minister.

(2) The safety of road users must be treated by the committee as of paramount importance in the exercise of its functions.

The Committee's procedures

79I. (1) The Committee must hold at least one meeting in every 3 months.

(2) Subject to the regulations, the Committee may determine its own procedures.

Annual report

79J. (1) The Committee must, before 30 September in each year, prepare and submit to the Minister a report on the work of the Committee during the preceding financial year.

(2) The Minister must, within 12 sitting days after receiving a report under this section, cause copies of the report to be laid before both Houses of Parliament.

Expiry of this Division

79K. This Division expires on the third anniversary of its commencement unless, before that anniversary, both Houses of Parliament pass a resolution declaring that this Division will continue in operation after that anniversary.

This provides for the establishment of a speed cameras advisory committee. It is similar to a proposal I put forward in a private member's bill almost a year ago. Whatever members' views are in relation to speed cameras, whether they are critical, supportive or cynical about them, I would like to think that there might be some agreement, some unanimity, that there ought to be a greater degree of transparency in the use of speed cameras.

I have incorporated in this amendment a number of matters that ought to be looked at in terms of speed cameras, and I acknowledge that I have taken the wording from the motion of the Hon. Terry Cameron with respect to a select committee looking at matters such as the effectiveness of speed cameras as a deterrent to speeding and road injury, strategies for deciding the placement of speed cameras, and a range of other matters, which I believe are quite legitimate.

I support the government's speed camera policies, but I also believe that there ought to be a degree of transparency and accountability in relation to their placement to ensure that they are there to reduce the road toll as their primary function. This proposal would allow a committee to look at this. The committee would comprise one person nominated by the minister; one by the Commissioner of Police; another from the Motor Accident Commission; another nominated by the Director of the Road Accident Research Unit; another from the Royal Automobile Association of South Australia; and, another from the Local Government Association of South Australia. So, there is a fair balance of key interest groups in relation to this issue, including motorists, the police, local government, the Road Accident Research Unit and the Motor Accident Commission, with which the buck ultimately stops in terms of the financial cost of the road toll with respect to damages, payouts and the like.

It provides for the committee to meet at least every three months and to report to the parliament each year. Given the criticism of boards sitting around and doing nothing, it provides that the committee will exist for only three years unless there is a resolution of both houses for it to continue. That way we can check its effectiveness and determine where we go from there. In that regard I am indebted to several suggestions, which I found constructive, from the Hon. Diana Laidlaw. I urge members to support this amendment. Whatever one's views on speed cameras, this mechanism will make their use more accountable and transparent and we can focus on reducing the road toll. This amendment should not be seen as in any way detracting from the need for the Hon. Terry Cameron's select committee into speed cameras as there is an important role for a select committee of this parliament to play in relation to looking at speed cameras. This committee will play a useful role in this regard.

The Hon. T.G. ROBERTS: I agree with the principles outlined by the honourable member.

The Hon. Nick Xenophon: So, you support it.

The Hon. T.G. ROBERTS: We will go a little better. The minister has already announced the establishment of a ministerial council on road safety—the Road Safety Advisory Council chaired by Sir Eric Neal. It is the government's intention that the ministerial council will direct the advisory committee to establish a review group to develop a speed enforcement strategy covering the use of laser guns, movable speed cameras—somebody has pinched your thunder, Nick, or maybe you have pinched our thunder—fixed hours speed cameras, and dual capability cameras installed at signalised intersections. This process will consider the best practices applied in other states and overseas and ensure that speed enforcement is applied to reduce the number of crashes.

Regardless of much ill-informed community debate about speeding, excessive speed is a major factor in many crashes and a significant contributor to crashes caused by other behaviour. Changing the speed culture of our community is clearly one of the most important changes we hope to make in pursuit of improved road safety, although a number of other issues are involved as well, as the honourable member has pointed out. The concern of the honourable member is best addressed by the development of a speed enforcement strategy, which will provide a road safety framework within which the Commissioner of Police will direct the deployment of speed enforcement resources. This will be a priority for the ministerial council on road safety to address.

The committee is chaired by a very honourable person, Sir Eric Neal, whom we all know. It is a committee to look at a wide range of strategies. It will have the impact that the honourable member is looking for, and it will have direct access to the minister. It will be a committee that can have all the same powers as the honourable member has indicated in his amendment if he supports the government's proposition.

The Hon. NICK XENOPHON: I was listening to the minister, but I was also listening to my colleague the Hon. Julian Stefani who directed my attention to my amendments and in particular new clause 79H(b) which provides, 'to advise the Commissioner of Police in relation to the use of speed cameras in this state'. He said that that would not be appropriate as we would be telling the commissioner what to do. The committee would still serve its watchdog function without that paragraph, so I seek leave to delete paragraph (b) of my proposed new clause 79H.

Leave granted; proposed new clause amended.

The Hon. CAROLINE SCHAEFER: I make clear that this series of amendments has not been before the Liberal Party room. However, we are prepared at this stage to support the Hon. Nick Xenophon's amendment so it may be more fully debated in another place. We will then have the opportunity to take it back to our party and he will have the opportunity to seek support from another place in the meantime.

The Hon. SANDRA KANCK: The minister spoke rather quickly during his response and I did not grasp several points. Is the committee the minister mentioned a parliamentary committee of some sort? When will it be set up and when will it be working?

The Hon. T.G. ROBERTS: I indicated that the ministerial council will direct the advisory committee to establish a review group. The ministerial council will direct the advisory group to set up a review group to look into a wide range of issues associated with speed and enforcement. The committee will not be a statutory committee but only an advisory committee.

The Hon. NICK XENOPHON: In relation to the Hon. Caroline Schaefer's comments, I understand and appreciate the context in which the opposition is supporting this, and I understand that it has to go to the party room, but at least it keeps the clause alive. This would be a more transparent mechanism than the ministerial advisory committee or ministerial council the minister referred to. We know from the debate today that speed cameras are still a very hot topic and an area of great public concern one way or the other. I would have thought that this would encourage a greater degree of transparency than would the ministerial council, even though it is a step in the right direction.

The Hon. SANDRA KANCK: Having heard the answer the minister has given, there is not a real time line on it, which is of some concern to me. I also think that the Hon. Nick Xenophon's proposed committee might be a little limiting in that it is related to just speed cameras, but the issue might be speed limits and their enforcement, or whatever else you may call it.

Nevertheless, the Hon. Caroline Schaefer has said that her party room has not had time to consider it. I am willing to support the amendment so that the opposition can consider it in the other place; it is possible that it may be knocked out. However, the clause is worthy of consideration, and it allows for something to happen fairly quickly.

New clause as amended inserted.

Clause 33 passed.

New clause 34.

The Hon. NICK XENOPHON: I move:

After Part 4—Insert:

PART 5

VARIATION OF MOTOR VEHICLES REGULATIONS 1996

Variation of Sched. 7—Demerit Points

34. Schedule 7 of the principal regulations is varied by inserting after the item in division 2 of part 2 relating to rule 298 of the Australian Road Rules the following item:

300(1) *Using hand-held mobile phone while driving vehicle*

This provides for demerit points to apply if a motorist is using a hand-held mobile phone whilst driving a vehicle. I will refer briefly to studies carried out in the United Kingdom last year by the Transport Research Laboratory, which reported on 22 March 2002. The studies were commissioned by an insurer, Direct Line, and, according to this report, they established that driver behaviour is impaired more by using a mobile phone than by being over the legal alcohol limit.

The results of the survey by the Transport Research Laboratory demonstrated that drivers' reaction times were, on average, 30 per cent slower when talking on a hand-held mobile phone when compared with being drunk and nearly 50 per cent slower than under normal driving conditions. According to the test, drivers were less able to maintain a constant speed and keep a safe distance from the car in front. The survey was based on an 80 milligrams in 100 millilitres blood alcohol level (.08).

In a recent survey, Telstra, to its credit, indicated that one in three drivers surveyed considered the use of mobile phones a major road safety problem that caused many serious accidents; that one in six motorists surveyed used SMS while driving; and that 57 per cent of drivers surveyed agreed that loss of concentration was a risk of using a mobile phone while driving. There were a number of other findings, and I am more than happy to provide both reports to any interested

member. The NRMA's insurance, personal injury and health insurance group executive stated:

> Making a phone call while driving is like Adam Gilchrist trying to keep wicket with one hand tied behind his back.

Essentially, that is the point. An increasing number of accidents appear to have been caused by people using a mobile phone while driving. This amendment does not affect people using a hands-free device, such as a car kit or a hands-free cord. In Western Australia, one demerit point is lost when using a hand-held mobile phone whilst driving; my information is that three points are lost in both New South Wales and Victoria.

I urge honourable members to support the amendment. In the event that it is supported even on a conditional basis similar to my previous amendment, a clause will need to be recommitted in relation to clause 3A.

The Hon. J.F. STEFANI: I rise to indicate my opposition to the amendment. It deals with people using a mobile telephone, and I do not concur with that practice. Currently, expiation notices can be issued for that offence. If we are to legislate in a manner that provides demerit points for this unsafe practice, we need to consider a motorist who lights up a cigarette while driving: they might reach into the glove box, remove the cigarette packet, extract a cigarette from the packet, retrieve the lighter from their pocket and light the cigarette.

The Hon. T.G. Cameron: You can't do it without taking your eyes off the road!

The Hon. J.F. STEFANI: Indeed. Thank you for that support. I have also seen a situation where people, who are somewhat late for work, put on their make-up whilst driving. I have also seen a number attending to their personal hygiene whilst driving, and obviously that occurs with one hand off the steering wheel. Unfortunately, drivers engage in a number of other activities with only one hand on the steering wheel. If we are to be consistent about a law, we need to be consistent about all sorts of other practices that occur on the road. For those reasons, I can never support the amendment.

The Hon. T.G. CAMERON: Whilst I can appreciate where the Hon. Nick Xenophon is going with his amendment, it does not seem to me that the allocation of three demerit points is equitable in relation to other demerit point losses. You can be doing up to 30 kilometres over the speed limit and you will lose two demerit points. It is a judgment call, but I would have thought that driving at 30 km/h faster would warrant more demerit points than using a hand-held phone.

I want to take up the point that was raised by the Hon. Julian Stefani and ask that the Hon. Terry Roberts check this with the Minister for Transport. Has this or the previous government undertaken any studies to ascertain the inherent dangers of smoking whilst driving? The Hon. Julian Stefani raised a very good point. Under the current legislation, an expiation fine is incurred by merely picking up a hand-held phone and pressing the button. However, you still see lots of people doing it. Compare what you have to do to pick up a hand-held phone and hold it to your ear whilst driving with what you have to do to get a cigarette, put it in your mouth—

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: The minister is an old-time smoker, so perhaps he knows more about this than I.

An honourable member interjecting:

The Hon. T.G. CAMERON: The honourable member is an old shearer; he might roll his own whilst driving and then light it up!

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: The Hon. Bob Sneath has just admitted that he rolls cigarettes while driving and then proceeds to smoke them! How anyone could argue that rolling a cigarette and then proceeding to smoke it is less dangerous than holding a hand-held mobile phone is beyond me, but I may be on my own on this. It is obvious that the Hon. Julian Stefani is thinking along the same lines as me. Has this government or the previous government done any studies in relation to the dangers? I would not like to add to the request about whether studies have been done on people rolling their own cigarettes. Someone referred to the 1950s earlier on. I did not realise that many people did roll their own.

Be that as it may, does the government have any studies in relation to smoking and driving, or have any studies been done, or could it inquire as to whether any studies have been done elsewhere? If we pass this amendment I am not sure how you convince the driving public that picking up a phone and answering a call deserves a fine of nearly $200 and the loss of three demerit points as opposed to fumbling around for a cigarette lighter. Has anyone in this chamber ever seen what a driver does when he drops his cigarette, especially if it drops down between their legs near that part of their anatomy?

I can tell members that, as someone who has smoked and driven and who has dropped a cigarette into the nether region, my whole concentration at that point was not on the road. I am not sure how you are going to convince particularly the non-smoking members of the public that it is worth three demerit points and nearly a $200 fine if you get caught answering a hand-held mobile, but it is all right to drive, roll your own, light up, puff away, perhaps drop the butt and scramble around for it, etc. To me it is obvious which would be the most dangerous activity. If the government has not done any studies or cannot find any, would the government—which has become so concerned about road safety—consider undertaking one?

The Hon. T.G. ROBERTS: We can certainly look at any studies that may have been done on such issues. I suspect that we do not have any reviews or any studies into the issue of rollies. I do not think that we have conducted an inquiry into rolling your woollen jumper down onto your nether regions; we have not conducted any inquiries into red-legged earth mite or lucerne flea going down the front of your shirt; we have not done any studies in relation to bees or insects coming in through the window; and we have done no studies, of which I am aware, on changing your cassettes or CDs as you are driving along.

They are all important issues associated with concentration levels and driving. The package put together, if members have not noticed, deals with drink driving, speeding, driver education and a lot of other major issues associated with driver safety. I am not demeaning the fact that, from time to time, all these other issues have probably caused crashes, incidents or near incidents but we will be unable to get the information the honourable member requires in the next minute and a half, but we will look at any studies and forward them to him.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: And I would hate to talk him out of it. I can see the bitumen alliance working this time rather than the rainbow alliance. I do not want to put the honourable member offside. I can give an indication that the government will look at any studies that have been done in

relation to road safety and report back to him. We would expect that the package put forward is not the last word. Other issues will be associated with road safety. It may be that, if the committee gets up in the lower house, it will be subject to some sort of considered review by the new committee if, indeed, it survives when the bill is returned to us. It is a very complicated situation, but that is the situation as far as the government is concerned.

The Hon. J.F. STEFANI: I would like to ask a technical question of the minister. The current law, as I understand it, provides for an expiation notice for using a hand-held mobile phone while driving. If I hold my pocket memo and dictate as I drive along, am I committing an offence?

The Hon. T.G. ROBERTS: I think that we would have to seek advice, but you could be. It is the same as eating as you drive along. You can be fined for driving without due care. You may—

The Hon. R.I. Lucas: I would like to see you try.

The Hon. T.G. ROBERTS: There are ways in which the Road Traffic Act can be used against careless drivers. If you take your eyes off the road and inadvertently create—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Yes. I am not aware that anyone has specified in the regulations a whole list of things that you are unable to hold in your hand. I do not think that an unpeeled banana, for example, is mentioned in the regulations, and that is probably as dangerous as a notebook.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. ROBERTS: Or a peeled one. The situation in relation to hand-held phones is serious. There are penalties in the act at the moment, and the honourable member is seeking to increase them. The relativity of the increases is probably what we have to discover—

The Hon. R.I. Lucas: Are you opposing it?

The Hon. T.G. ROBERTS: I suspect that we have to look at some relative interstate comparisons.

The Hon. R.I. Lucas: Are you opposing the amendment?

The Hon. T.G. ROBERTS: Yes.

The Hon. CAROLINE SCHAEFER: The opposition opposes this amendment. A fine is in place currently for using a hand-held telephone. We do not know quite where this will stop and, because of the hour, I do not wish to be too flippant, but I remind members in this place that, if drivers are to be penalised for driving with one hand, my father, who is aged 82 and who has never incurred a demerit point to my knowledge and who is still driving, would be in a hell of a lot of strife!

The Hon. SANDRA KANCK: I am not going to labour the point—the Democrats will support the amendment.

The Hon. DIANA LAIDLAW: This is a debate we had back on 1 April—perhaps April Fool's Day—when the Hon. Nick Xenophon moved an amendment which pre-empted this amendment. We have discussed all this before. I indicated then and repeat now that it is a bit of a dilemma for me. I indicated support for the amendment because I will no longer be a member of this place when the government brings back further propositions, and so I thought it was appropriate, notwithstanding the view of my party at this time, that I indicated support.

The Hon. NICK XENOPHON: I will not labour the point. I will not be seeking to divide. Members have indicated where they stand on this amendment. I believe that we will revisit this matter, particularly in the light of new mobile phone technology which includes a video screen. I think it will be more of an issue in terms of road safety.

The Hon. Sandra Kanck: SMS messages.

The Hon. NICK XENOPHON: Yes, SMS messages, as well as a live video stream. You can watch the latest sports events with these new phones.

The Hon. R.I. Lucas: Interactive gambling.

The Hon. NICK XENOPHON: Interactive gambling. I am very grateful to the Leader of the Opposition.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: That's right. Not only will interactive gambling pose a road risk but you will be able to lose your money in double quick time. It is a safety issue. We will revisit this, but I understand that it is lost and I will not seek to divide.

New clause negatived.

Title passed.

Bill recommitted.

Clause 12.

The Hon. SANDRA KANCK: I move:

Page 5—
Line 21—Insert as follows:
(a) by striking out from subsection (1)(ba)(i) '19' and substituting '20';
Line 25—Leave out paragraph (d) and insert:
(d) by striking out from subsection (2)(a) '19' and substituting '20';
Page 6, after line 4—Insert new paragraph as follows:
(g) by inserting after subsection (2a) the following subsection:
(2b) If—
(a) a person holds a licence subject to the conditions referred to in subsection (1); and
(b) the person has held that licence for two years or more; and
(c) the licence was issued to the person before the person attained the age of 18 years; and
(d) the person has produced to the Registrar evidence to the satisfaction of the Registrar that the person has successfully completed a course of training in defensive driving accredited by a person or body prescribed by the regulations for the purposes of this subsection; and
(e) the person would, but for the operation of subsection (2), be eligible for the issue of an unconditional licence,
the Registrar must, on application made by the person in accordance with section 75, issue an unconditional licence to the person.

I have circulated the amendments. When we dealt with this—I think it was the beginning of April—I proposed to amend the government's bill, which, at that point, was basically saying that a person would have to be on P-plates until 20 years of age. My amendment at that point was to allow people to come off their P-plates after two years, which effectively would mean at 18½ years of age, provided—

Members interjecting:

The CHAIRMAN: Order! A number of conversations are taking place in the chamber. I ask members to respect the person on their feet.

The Hon. SANDRA KANCK: —that they did an accredited defensive driving course. That amendment was lost and the consequence was that I, in turn, supported the opposition's amendment, which allowed people to come off their P-plates at 19 years of age. I am now reconsidering this in a form that takes it back to what the government wanted—that is, 20 years of age when you come off your P-plates—but integral to that will be the option of coming off the P-plates after two years, that is, at a minimum age of 18½, provided an accredited defensive course has been undertaken. To encourage young people to undertake an accredited defensive

driving course when they could come off their P-plates at 19 would not be much of an incentive to come off six months earlier.

Therefore, I want this clause back in its original form with people being able to come off their P-plates at 20 years of age, so that the option of coming off at 18½ years of age is much more attractive. I stress that it is an option for people to come off at that age. It certainly will not be compulsory for anyone to go down the track of having to do a defensive driving course. I commend this to the committee because, as I said in my second reading contribution, the most vulnerable age group, the group that is committing the greatest number of offences against the Road Traffic Act and so on, is comprised of those in the 21 to 25 year age group. If we can get young people to undertake a defensive driving course before they reach that danger category, I think potentially we will have a great impact on reducing the road toll.

That is basically it—restoring this clause to the form that the government had, but tacking on this amendment that allows people to come off their P-plates at 18½ years of age, provided that they have done an accredited defensive driving course.

The Hon. T.G. CAMERON: I am wondering whether I could obtain more information from the Hon. Sandra Kanck and the government in relation to this defensive driving course. I am assuming that the government has done a deal and is accepting this amendment; is that right?

The Hon. T.G. Roberts: It is going back to where it was before.

The Hon. T.G. CAMERON: I might have missed it in the earlier debate or yesterday when I was not here. I was originally going to oppose the honourable member's amendment on the basis that it was discriminatory, in that someone would get their Ps at 16 and have to wait until they were 20, but I just did not understand it. What the honourable member is saying is that all people will be required to wait until they are 20 before they come off their Ps and/or a minimum of two years. I am wondering what happens to people who obtain their Ps at 19; can they get their licence when they are 20?

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: Someone will have to know the answer to this.

The Hon. T.G. Roberts: Two years or 20.

The Hon. T.G. CAMERON: I like uniformity, consistency. Everyone, irrespective of their age, will be required to hold their Ps for a minimum of two years. If they have already completed two years prior to the age of 20, they can apply to do this defensive driving course and, if they are successful, they come off their Ps.

The Hon. Sandra Kanck: Yes.

The Hon. T.G. CAMERON: What if they are not successful?

The Hon. Sandra Kanck: Then they cannot come off their Ps.

The Hon. T.G. CAMERON: Yes, I know. Can they sit for another test. How long do they have to wait? There are a lot of unanswered questions on which I am looking for a bit of detail. Will this test have a cost to it? How much will that cost be? Who will conduct the test? Will you be able to get training for this defensive driving course as you can now? The honourable member might have outlined the answers to all these questions earlier but, if the honourable member has not, can someone please tell me before we vote?

The Hon. SANDRA KANCK: I am anticipating that the government will set up this procedure within the regulations, so I have not prescribed all that information. Yes, it would cost, because it is something that is done by a private operator, so of course it must cost.

The Hon. T.G. CAMERON: I got the impression that this was a course that they had to undergo rather than a course followed by an examination that they must pass. I got the impression, in the first instance, that people, if they wanted to come off their Ps early, would have to complete this course. The honourable member is now telling me that they will have to sit for an examination as well.

The Hon. SANDRA KANCK: No. When we talked about this about a month ago, I went through some of what happens now. People do these courses now on a voluntary basis. My husband and son have done both of them. It was quite a few years ago, but it was around $200, so I expect it would probably be more than that now.

The Hon. T.G. Cameron interjecting:

The Hon. SANDRA KANCK: Certainly, it is costly, but nevertheless what I am saying is that this is optional. It does not mean you have to come off the P-plates when you are 18½: it is there as an option. If the prospect of paying out that money is too daunting, then you can sit on your P-plates and wait until you are 20—

The Hon. T.G. Cameron interjecting:

The Hon. CAROLINE SCHAEFER: The opposition will oppose this amendment. I am disappointed that it has been recommitted. We have previously had this argument and agreed that, for the sake of consistency, all probationary drivers, whether they be 16½ years or 23½ years, must serve two years on a probationary licence. That is consistent.

They must all also sit for and pass a practical driving test. I think we all agreed that some people may well be able to do that within a two year period and do it very effectively, whereas others may require a longer time. So it is a two year minimum, and that is what was passed previously.

At that time I indicated to the Hon. Sandra Kanck that I have a great deal of respect for defensive driving courses. I know people who have done them. However, this amendment effectively says that if you are an 18½ year old or 19 year old who happens to be a good driver and has held your P plates for two years, you can go off your probationary licence. If you happen to be under 20 years and want to go off your probationary licence, you have to be able to come to the city, possibly pay several nights' accommodation, and pay for an expensive defensive driving course in order to do what you know you can do and being prepared to sit a test to prove that you can do it. I think it discriminates against poor children and country children, and at no stage are we suggesting—

The CHAIRMAN: Order! There is too much audible conversation. The Hon. Ms Schaefer has the floor.

The Hon. CAROLINE SCHAEFER: At no stage are we suggesting that someone who is incompetent and cannot drive—

The CHAIRMAN: Order! The Leader of the Government and the Leader of the Opposition will come to order.

The Hon. CAROLINE SCHAEFER: At no stage are we suggesting that anyone can go off their probationary licence without passing a practical test and at no stage are we suggesting that someone can go off their probationary licence without holding it for two years. That is consistent with what we said earlier in this debate and it is consistent with what the Hon. Sandra Kanck agreed to at the time. As I say, I believe it is discriminatory against people who live away from where they have ready access to a defensive driving course and it is discriminatory against people on low incomes. We certainly

will not support this amendment and, as I say, I am disappointed that it has been moved.

The Hon. A.L. EVANS: I would like some clarification. What about if senior drivers decide at 50 years to go for a licence? What is their position?

The Hon. SANDRA KANCK: They simply hold their licence for two years until they turn 52 years.

The Hon. T.G. CAMERON: As I indicated in my earlier contribution, I am attracted to the proposition that the Hon. Sandra Kanck has put forward, because I have always argued in this place for better training and more variety in the training of drivers. The other day I spoke to a driver who asked me, 'Where do I go if I want to learn how to overtake vehicles?' I said, 'What do you mean?' He said, 'How do you overtake a vehicle in the country?' This person has had a driver's licence for three years—they are not a young person; they are 40-odd—but they got their licence in the city and as part of whatever program they went through they did not do any driving in the country and certainly did not drive at speeds of 110 km/h and, when I queried it, they had never driven on a gravel road.

I agree with the thrust of what the Democrats want to do here. I think they have the kernel of a good idea, because I too believe that there are deficiencies in the current program of training that our young drivers do. I think that problem could be fixed by revising the logbook. It does not happen so much when people do a compulsory test, although I am sure you are aware that different testers test differently, and I have concerns about that as well. I know a bit about the defensive driving course you are talking about, and it is an excellent course. Anyone having gone through it comes out of that course wondering why on earth they drive around the roads at 130 to 140 km/h. Everyone I have spoken to who has done it says that one of the things they emphasise strongly on that defensive driving course is the nature of speed and when, where, how and why speeding is dangerous. I understand that is a large part of the defensive driving course. So, we could find a way of tidying up the current logbook or testing system to ensure that, when kids get their licence, they have undergone training or been tested at country driving. People who have never been past Gepps Cross are getting driving licences here in the city.

The Hon. CAROLINE SCHAEFER: And vice versa; some country people have never driven in the city.

The Hon. T.G. CAMERON: And vice versa. I support what you want to do here, but I do not support the way in which you want to go about doing it. If you had said the cost of doing this driver defensive program would be $20, $30 or $40 or what have you, that would put a slightly different complexion on it, but when I hear figures of $200 or $300, you know what these kids will do. All they want is to get off their P plates. Especially young lads—and young girls these days too; they are no different—they want that independence that comes with getting off their P plates. We all know what the accident and crash statistics show: they show we have a problem with the under 25s, particularly males under 25. You just have to drive around the roads to see some of the silly antics they get up to at times. I would like to see if there is some way of ensuring that—

Members interjecting:

The Hon. T.G. CAMERON: Are they talking about my contribution or are they having a conversation with themselves? If they want to keep talking to themselves, that is fine, because I am not listening. All these young kids want to do is get a driver's licence. It is a status symbol; many young people would rather have a driver's licence than a university degree, and they particularly want to come off their P plates. Unless we are very careful, this system could create a situation where, if you can afford to pay the fee to do this defensive driving course—and I have never found out whether there is an exam to it—

The Hon. Kate Reynolds: It's a practical test.

The Hon. T.G. CAMERON: But you don't pass or fail that test.

The Hon. Kate Reynolds: Yes, you do.

The Hon. T.G. CAMERON: This just raises even more problems.

Members interjecting:

The Hon. T.G. CAMERON: No, I will not shut up on this; I have a bit more to say.

The CHAIRMAN: We have a procedural problem in that we will have to report progress at this stage and then the procedural motion to allow us to go beyond 6.30 will have to be moved to allow you to complete your remarks, and we can have the division tonight.

The Hon. T.G. CAMERON: Or we can report progress and go home and deal with this in the morning, because we will be here for a little while. I have just discovered at the 11th hour that, depending on your age and on whether you can afford it, you will have to undergo two practical driving examinations to get a driving licence.

An honourable member interjecting:

The Hon. T.G. CAMERON: That is what you just said; I asked whether you have to pass this test to come off your Ps, and you said yes. Or is it that we do not know the detail of this?

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I know that, Sandra. All these young kids will want to get their Ps as soon as they can. They will want to get them after two years.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: So you want to rip $200 or $300 off them, do you, Mr Holloway? You're a great supporter of working class kids, aren't you? How much is it going to cost to do this course?

The Hon. T.G. ROBERTS: As quickly as possible—

The Hon. T.G. Cameron: If you make the courses free, I will support you.

The Hon. T.G. ROBERTS: I have some defensive training course costs. This is the only question that the Hon. Mr Cameron has not asked me. They go from $220 to free. If you have a comprehensive policy with AAMI, there is a free AAMI skilled driving course.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Hang on. If you don't have a policy, that course costs $165. So, they go from $145 to $220.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I'm just adding that information. If there is no agreement on that, we put the question as it stands, move to extend or report progress and come back on another day.

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

That standing orders be so far suspended as to enable the sitting of the council to be extended beyond 6.30 p.m. to enable this item and all other business of the day to be concluded.

Motion carried.

The Hon. T.G. CAMERON: The government is obviously supporting this proposal, so I wonder whether the minister could give us the benefit of his wisdom and knowledge on this matter to flesh out the proposal a little bit more: such as, how much will it cost, who will conduct the tests, where will they be conducted, how long will the defensive driving course last and will there be an examination? I am not too keen on the prospect before us. First, you sit for a theoretical test and you wind your way through that, notwithstanding some of the language problems migrants have with it. Then you pay a small fortune to undergo your logbook. Have any members met anyone recently who has managed to pass their driving test without doing the logbook?

Fair dinkum, there are times when I think there is some kind of a conspiracy going on between the people who do the training and the people who do the testing, because it is well nigh impossible to get a driver's licence by going through the test only. It has been reported to me that many people undergoing a test have not only been failed by the examiner but he conveniently has a card of someone they can go along to see to get a few lessons to top them up and then come back to see him for another test. I do not know what is going on here. I have heard whispers and allegations made, but no substantive proof has been put forward. If anyone thinks that it is not possible to buy a licence in South Australia—that is, to pay a fee, go along and do a sham driving test, and then be issued with a driver's licence—they are not living in the real world. There is a fee for it, according to the scuttlebutt out there in the street.

I am concerned that we are requiring people to sit a theoretical test, which they have to pass, then we are going to have a driving test, and, when people have completed that driving test, we then say, 'You are good enough now to drive on the road, but only if you are 20. If you are not 20 yet, you have to pay another fee, do another training program and then pass another test.' There will be another whole industry built up around this, and that is what concerns me. A driver will then have to undergo a training program: in other words, they will have logbooks for the defensive driving test.

The system that I would support would involve a theoretical test, a practical driving test and then, irrespective of age, once a driver has done two years on their Ps, they undertake this defensive driving program with the government. I would support that. Rather than pass something now that none of us are happy with, we should think about that proposal and bring it back with a bit of flesh on it.

I am not quite sure where the government would stand—Rumpole would know the answer to this one—if it forced one group of people to undertake their defensive driving course and if, at age 20 years and three months, Fred, who has not done the course, has an accident and runs into somebody who has done the course, and they want to sue somebody because he did not know proper driving techniques. I would much rather see us retain the current system, support the principle that you want to support, and introduce defensive driving techniques as part and parcel of getting the licence. However, the way that has been proposed is unfair. Can the minister provide us with some answers to all that?

The Hon. T.G. ROBERTS: The only information I can provide in relation to testing is that a wide range of tests are available now, as I have read out. We can do it through regulation and we can get schedules done during the break. We can take into account all those issues that the member has raised. The other thing that we can do is to put it to a vote and test it on the floor.

The Hon. SANDRA KANCK: The amendment provides that the person will be required to have successfully completed a course of training. To illustrate the way in which it is done at the present time, I will refer again to the course that my husband and my son undertook, which was a one-day course at Mallala. I guess the best way you could describe it is 'progressive assessment'. They go through a series of manoeuvres, and so on. For instance, the first one that my husband said they did was that everyone drove around in their car at 60 km/h, and the instructors checked to see how close they were driving to the car in front. All but one driver was driving too close for the speed at which they were travelling. They had to do it again at the correct speed until they were able to demonstrate that they understood what is a safe speed to be driving behind the next car. A series of procedures are undertaken throughout the day, and the requirement is that each of those manoeuvres is successfully completed in order for the participants to obtain the certificate to show that they had successfully completed a defensive driving course.

The issue of costs and fairness is an interesting one. There are people who cannot afford to sit for their driver's licence at the present time. One does not say that, because some people cannot afford to sit for their driver's licence, no-one should be able to sit for it. As part of the current act we have alcohol interlock schemes, which are addressed in the legislation with which we are dealing today, and which require someone to pay money. We do not say to people, 'Because some of you cannot afford to buy into the alcohol interlock scheme, there shall be no alcohol interlock scheme.' This is a system that will offer—for some, not all—the opportunity to do a defensive driving course so that they can come off their P plates at 18½ years of age. Some will choose to do it; some will choose not to do it; some may not be able to afford to do it.

I also make the point that there are service clubs around the state that are at the moment doing something about this matter. In the Adelaide Hills, the service clubs have met with each other and, at the present time, they are funding up to 100 young people to do defensive driving courses, at no cost to those young people, because they are so concerned about the accident rates in those areas. I understand that project is now being looked at by service clubs around the state. I think that probably answers the sorts of questions that the Hon. Terry Cameron asked.

The Hon. T.G. CAMERON: I thank the Hon. Sandra Kanck for her answer, but one comment was made that further concerns me, and that is that these tests take a full day. You are not only asking these young kids to pay $200 or $300 to do the course, but these working-class kids will have to forfeit a day's pay.

The Hon. Nick Xenophon: Do it on the weekend.

The Hon. T.G. CAMERON: They will not all be able to get in on the weekend—just like now, when one tries to book in for driving lessons. Everyone wants to do driving lessons on the weekend. They will never get a driver's licence if they wait. I do not think that is the way to do it.

The only way to resolve this matter might be to vote on it. I support the thrust of what the member wants to do; it is just the method and the way that she is getting there that I do not like. With respect to the day course that the member is talking about (I know the course, and I am a big supporter of it), if there was some way that we could incorporate the key elements of that program into the log book testing program, and/or make some of the components of the defensive driving

course a part of the test that people can undergo to obtain a licence—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I know that, but the overwhelming majority these days are sitting for log book testing. I will recheck that, but the last time that was the information I got. Even assuming you are correct, you can merely insert the key elements of the defensive driving program as a part and parcel of the test. For all young kids, all those who start out at 16½ years, from the age of 18½ to 20 years they will be breaking their necks to come off Ps. They will be undergoing training programs and so on. I do not see it as fair or equitable.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: I have heard you make comments about a two tier health system, too. It is not fair if only the rich can afford to undertake the program. On balance I will have to vote against this, but I would like to see it deferred to see whether there is some way we could resurrect it.

The Hon. CAROLINE SCHAEFER: Two quick points: first, the Hon. Sandra Kanck has said that statistically the greatest number of accidents are by people between the ages of 21 and 25 years, which is the group that has just come off their Ps. Making people stay on their P-plates until they are 20 years is obviously not working. I cannot see why they cannot be skills tested after two years. Most of us know that our reflexes and driving skills are probably far better at about 18½ years than they are later on. What we lack is experience in driving on the road. I commend this course, but if it is so important that drivers have these skills that come from the defensive driving course, why cannot it be incorporated in the log book system and became part of the compulsory test after two years?

The Hon. T.G. Cameron: If it is so good, everybody should do it.

The Hon. CAROLINE SCHAEFER: That is right. Why should we discriminate against some drivers doing it and others not? Why not have the entire course incorporated in what is now the probationary period?

The Hon. SANDRA KANCK: There is such a thing as plain old fashioned experience and having two years of direct experience on the road is an important precursor to doing a defensive driving course. Trying to include the defensive driving course at the point at which they come off L plates is not the appropriate time to do it.

The Hon. T.G. CAMERON: The Hon. Sandra Kanck's point has some validity to it. If you want to support a system that says that after two years there is merit in doing a defensive driving course as a person might be more receptive and better able to appreciate that course after they have had a couple of years driving experience under their belt, put forward a proposition that says that after two years on your Ps you can elect, without a $200 or $300 fee, to undertake this defensive driving course. Why not make it mandatory for everybody? After two years everybody has to complete this test. But the problem will be how much you want to charge them for it. If this test is going to take a day, I know this lot—they will come up with a fee of $300 for people to do this test.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: No, the government could provide a test. You have stepped away from the whole area. I am not sure whether that was a good step or not with some of the corrupt practices currently being employed in the industry. The system is not working too well when you can go in and buy a licence, Paul. Let me tell you that it is not working well. That is my concern.

If members were to come up with a proposition that said that after two years, as a formal part of coming off your Ps, you shall attend so and so and undertake a defensive driving course, then that would be the best of all worlds, because everyone would have undertaken this program; everyone would have undertaken it after they were on their P plates for two years. But the reason the government will not support that proposition and will not support walking down that path is that it does not want to pay for the cost of conducting the tests. It wants to set up a system, which you are going to set up and which means everyone will have to pay for it. You have to pay to do your theoretical test, then pay for your licence and then pay to be trained by a trainer. I have come across people who have had 40 lessons or more. I spoke to one lady the other day who wanted to know whether it was appropriate for the trainer to take her out to lunch before or after the lesson. I will not go into the details of who the person was.

We have lots of problems under the current system. Members should not believe that all our trainers and all our testers undergo exactly the same course. We could send the Hon. Terry Roberts to half a dozen testers next week and they would all give him a different score. Who knows: one of them might fail him! The current system has a lot of flaws in it. If you are putting forward a proposition that says that after two years all these new drivers, now that they have two years of experience, shall attend the Northfield clinic to undergo a 4-hour defensive driving program and, at the end of the program, shall complete an assessment, I will support that.

We are running the risk of duplicating the current system. I do not know what sort of deal you have done to accept this. I agree with what the Democrats are trying to do here. I believe they are right, but I do not like the way you want to achieve your end.

The Hon. KATE REYNOLDS: I did one of these defensive driving courses about two years ago. At the time, my eldest son was on P plates, and I asked the instructor whether they recommended he did the defensive driving course at that time. They said, 'Most definitely not.' They recommended that he wait until he had had at least two years' driving experience and that he then do the defensive driving course. That is precisely what we are doing. I note the Hon. Terry Roberts' comment a moment ago and his interjection that, if the government did not want to pay for this training, then they would not vote for the amendment. One of the proposals, amongst the many that has been put by the Hon. Terry Cameron, is that this be elective. That is precisely what this amendment is about—that this be an elective, proactive opportunity for people to undertake some initial training if they are keen to come off their P plates earlier. We agree on that point.

The committee divided on the amendments:

AYES (8)

Gago, G. E.	Gilfillan, I.
Holloway, P.	Kanck, S.M.(teller)
Reynolds, K.J.	Roberts, T. G.
Sneath, R. K.	Xenophon, N.

NOES (9)

Cameron, T. G.(teller)	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.

NOES (cont.)

Stephens, T. J.

PAIR(S)

Zollo, C. Redford, A. J.
Gazzola, J. Laidlaw, D. V.

Majority of 1 for the noes.

Amendments thus negatived; clause passed.

Bill reported without further amendment; committee's report adopted.

Bill read a third time and passed.

GENETICALLY MODIFIED FOOD

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a personal explanation in relation to an answer I gave yesterday.

Leave granted.

The Hon. P. HOLLOWAY: Yesterday, in answer to a question about genetically modified food asked by the Hon. J. Stefani, I said as follows:

> The issue of five-metre buffer zones, as I understand it, is something that is set by the Office of the Gene Technology Regulator in relation to trials.

I have been informed that that is not the case. The five-metre buffer was proposed in early drafts of the GM canola stewardship protocols developed by a working group for the Gene Technology Grains Committee. The figure is derived from research conducted here and overseas on canola pollen movement. It is not intended to give a zero gene incidence in the neighbouring crop but to give an average across the paddock of less than 1 per cent GM. Such a level would still meet the requirements of all main markets for Australian canola. In my answer yesterday I also stated:

> In the answer that I gave him, [I was referring to the question asked by the Hon. Julian Stefani, on 1 April] they were referring to trials of GM crops in this state. The issue of the buffer zones is set under that body, OGTR.

I am advised that, in this case, the separation distances in the trial were set by the company to ensure that no pollen of conventional canola (or brassicaceous weeds) was able to cross-pollinate with pure breeders seed lines. I want to place that on the record to correct the answer.

STATUTES AMENDMENT (GAS AND ELECTRICITY) BILL

Received from the House of Assembly and read a first time.

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

> That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Government is again delivering on a key election commitment by introducing major new legislation that consolidates economic regulation of the gas industry with the Essential Services Commission. Last year the Government met another key election commitment in establishing the Essential Services Commission as a powerful new industry regulator.

This Bill also gives effect to the introduction in 2004 of gas full retail competition to domestic, commercial and industrial customers.

The Government is obligated under the 1997 COAG Natural Gas Pipelines Access Agreement to facilitate gas full retail competition. While a legal framework has been in place for gas full retail competition since 1 July 2001, under the *Gas Act 1997*, only 150 large businesses using more than 10 terajoules gas per annum have been able to switch gas retailers due to a number of technical and administrative reasons.

Thus new retailers have effectively been prevented from entering and competing in the gas market for domestic, commercial and smaller industrial customers who are currently only able to purchase gas from the incumbent gas retailer, Origin Energy. On the other hand, the electricity market has been open to full retail competition since 1 January 2003. Electricity consumers are able to choose a retailer, other than AGL. As there is a strong degree of convergence between gas and electricity into an energy market, it is necessary to remove any constraints to effective competition between gas and electricity.

This legislation gives effect to the removal of the last of the barriers to gas market competition through the establishment of a legal framework for a retail market administrator and the associated market rules and business information systems. Greater convergence between gas and electricity will be facilitated, competition between gas and electricity retailers will be on a more equal footing and the Government's competition policy commitments with respect to gas reform will have been fully satisfied. Dual fuel products, offering both gas and electricity, are expected. Gas consumers will be able to choose to receive their gas and electricity requirements from the one company and pay one energy account.

Given this convergence in gas and electricity markets, one of the key principles underpinning this legislation is convergence of gas and electricity regulation. This principle flows through into ensuring that the regulatory frameworks governing the gas and electricity industries are the same, as far as possible.

Further, gas is an essential service that impacts upon the daily lives of all South Australians. Reliable supply of gas at reasonable prices is essential to the community and to the ongoing competitiveness of South Australian businesses, small and large. There are over 340,000 gas consumers in South Australia. Consumer protection is another key principle underpinning this legislation.

In terms of the new regulatory framework, the gas industry licensing functions of the Technical Regulator will be transferred to the Essential Services Commission. The Technical Regulator will continue to administer safety and technical standards in the gas industry and the electricity industry.

The Essential Services Commission will subsume the regulatory responsibilities for third party access to the gas distribution network, which is currently undertaken by the South Australian Independent Pricing and Access Regulator. Further consistency between gas and electricity industry regulation will be achieved through adopting a common appeal body as in the *Essential Services Commission Act 2002*. The South Australian Gas Review Board will be dissolved and replaced by the District Court supported by a Panel of Experts.

It must be emphasised that none of the amendments to the *Gas Pipelines Access (South Australia) Act 1997* change the effect, scope or operation of that Act. The regulatory environment with respect to third party access to the gas distribution network remains unchanged.

Gas industry participants will be required to participate in an Ombudsman scheme approved by the Essential Services Commission, as already applies to electricity industry participants. It is expected that the new Ombudsman will build upon the existing Electricity Industry Ombudsman. Gas consumers will thus have access to mediation of customer disputes, such as billing, through the Ombudsman scheme. These mediation functions will be transferred from the Technical Regulator.

These amendments build on the consumer protection provisions that were adopted in amendments last year to the Electricity Act.

The incumbent gas retailer, Origin Energy, will be obliged to offer a 'standing contract' for all customers taking less than 10 terajoules per annum from the commencement of gas full retail competition. It is planned that these standing contracts will be phased out so that customers, taking 1-10 terajoules of gas per annum, would benefit from 18 months protection, while the smallest customers, taking less than 1 terajoule of gas per annum, would benefit from 30 months protection of the standing contract. These customers will have a retail contract, even if they have not entered into a new contract with Origin Energy or any other retailer of their own accord.

The gas retailer will be required to publish the tariff that the customer will be charged under the standing contract, and a justification of that price. The Essential Services Commission will assess the price and its justification and, if it considers the prices are not justifiable, set an appropriate price.

Default contracts will apply and will be subject to a price justification regime imposed by the Essential Services Commission. Default contracts are deemed to apply where a customer moves into

new premises, or enters a fixed term contract that subsequently expires without a replacement contract being entered into, so that the customer will continue to receive gas from the retailer with responsibility for those premises.

There will need to be recovery of the additional costs involved in overcoming the technical and administrative barriers to gas full retail competition. The costs of the retail market administrator and the gas distributor will be subject to close examination by the Essential Services Commission under a price determination process. Only prudent and incremental costs will be recovered from consumers.

The Government will have the ability to specify the processes that should be followed for cost recovery, if this is considered necessary. Similarly, the Government will also have the ability to specify the distributive impacts of cost recovery, if this is considered necessary. The major principle that will drive the Government's consideration of these matters in the future will be consumer protection, particularly of domestic households and small businesses. Further, if a particular regional area does not achieve full retail competition, the Government will have the ability to exclude that region from cost recovery and the consumer protection provisions of standing contracts will continue until the Government is satisfied that there is retail competition in that region.

Nevertheless, price determination powers remain with the Essential Services Commission.

The functions of the retail market administrator are to support meter registration, to effect customer transfers and to undertake balancing, apportionment and reconciliation of gas supply between retailers. All gas retailers and the gas distributor, Envestra, will connect their information systems into those of the retail market administrator.

A non-profit, privately owned retail market administrator, called REMCo, has been established by gas industry participants to manage both the South Australian and Western Australian gas retail markets. A combined market of almost 800,000 customers would benefit from economies of scale and lower costs to consumers. Accordingly, the Government has given its in principle support for REMCo.

Licence conditions applicable to electricity entities have been applied to the gas industry except to the extent of different technical characteristics, customer contractual relationships or other legislative requirements. In view of its crucial role in facilitating gas full retail competition, the retail market administrator will be licensed and will be subject to the scrutiny of the Essential Services Commission.

A firm date for the commencement of gas FRC is yet to be settled. The Government will have the ability to specify the 'go live' date as a licence condition, if this is considered necessary. If an industry participant fails to meet that date, it would potentially be subject to the penalties in the Essential Services Commission Act for failure to comply with a licence condition.

As a transitional arrangement prior to the establishment of gas full retail competition, gas retail prices of the incumbent retailer will continue to be set by the Minister for Energy during 2003, although it is intended that advice will be sought from the Essential Services Commission in reaching any transitional price decisions.

This legislation introduces the same range of penalties to the gas industry that are applicable to the electricity industry. In instances of a primary Code or licence breach, a maximum penalty of $1 million will be applied. Penalties for breaching a price determination issued by the Essential Services Commission will attract a maximum penalty of $1 million, as specified in the Essential Services Commission Act. In instances where a Code or licence breach does occur, the Bill includes a comprehensive process for rectification, to be utilised by the Essential Services Commission, involving the issuing of warning notices and the entering into of statutory undertakings.

Overall, these enforcement provisions will be a substantial incentive to industry participants to comply with the Commission's determinations.

The approach of linking the Essential Services Commission legislation with the relevant industry Act, and stronger enforcement powers, has been followed with the gas industry. The regulatory regime is sufficiently directed and powerful to protect consumers when gas full retail competition commences and ensure effective oversight of the gas industry.

Other miscellaneous amendments include an exemption from payment of Council rates to the gas distributor, Envestra, as currently applies to the electricity distributor, ETSA Utilities.

The penalties appropriate to breaches of the gas rationing provisions have been considered. In circumstances of temporary gas rationing, penalties will be increased to a maximum of $250,000 for failure by a person, eg, a gas retailer, to comply with a Ministerial direction. To ensure that large gas consumers have the same incentive to comply, they will also be subject to the same maximum penalty. There are a number of other minor amendments, by way of clarifications, to other various safety and technical matters.

I commend the bill to honourable members.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Gas Act 1997

Clause 4: Amendment of section 4—Interpretation

Amendments are made to definitions to bring about consistency with corresponding definitions in the *Electricity Act*. Retail market rules are defined as rules relating to interactions between licensed gas retailers, distribution system operators and the administrator of the rules—the retail market administrator. The amendments provide for initial approval of the rules by the Minister and a process for their subsequent amendment.

Clause 5: Insertion of Division A1 of Part 2

Division A1—Essential Services Commission

6A.Functions and powers of Commission

The Essential Services Commission (the 'Commission') is to have (in addition to its functions and powers under the *Essential Services Commission Act*) licensing, price regulation and other functions and powers under the *Gas Act*.

Clause 6: Amendment of section 7—Technical Regulator

As in the *Electricity Act*, the Technical Regulator under the *Gas Act* is to be appointed by the Minister, rather than, as at present, the Governor.

Clause 7: Amendment of section 8—Functions of Technical Regulator

The Technical Regulator's functions are varied to reflect the transfer of licensing and related functions to the Commission.

Clause 8: Amendment of section 10—Technical Regulator's power to require information

This amendment is consequential on the transfer of licensing and related functions from the Technical Regulator to the Commission. The clause also increases the maximum penalty for an offence against subsection (2) to the level for the corresponding offence in the *Electricity Act*.

Clause 9: Amendment of section 11—Obligation to preserve confidentiality

These amendments are consequential on the Commission's proposed new role, including its proposed new role in gas price regulation.

Clause 10: Repeal of sections 12 and 13

As in the *Electricity Act*, provision for executive and advisory committees is to be in a new Division 2 of Part 2 (*see* clause 11).

Clause 11: Substitution of Division 2 of Part 2

Division 2—Advisory committees

15.Consumer advisory committee

The consumer advisory committee, which is to assist the Commission with advice relating to the gas supply industry, may be the same committee as that established under Division 4 of Part 2 of the *Electricity Act* if the Commission so determines.

16.Technical advisory committee

There is to continue to be a technical advisory committee to assist the Technical Regulator.

17.Other advisory committees

Other advisory committees may be established by the Minister, the Commission or the Technical Regulator.

Clause 12: Insertion of Division A1 of Part 3

Division A1—Declaration as regulated industry

18B.Declaration as regulated industry

The gas supply industry is declared to be a regulated industry for the purposes of the *Essential Services Commission Act*. The main consequence of the declaration is that provisions in that Act relating to price regulation, industry codes and rules and information gathering by the Commission will apply to the gas supply industry.

Clause 13: Amendment of section 19—Requirement for licence

A licence will also be required under section 19 for carrying on the business of a retail market administrator. The maximum penalty for not having a licence as required under the section is increased to $1 million, the level fixed for the corresponding offence under the *Electricity Act*.

Clause 14: Amendment of section 20—Application for licence

Clause 15: Amendment of section 21—Consideration of application

The amendments made by these clauses are consequential on the transfer of gas licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 16: Insertion of section 21A

21A.Licences may be held jointly

As in the *Electricity Act*, provision is made for licences to be held jointly.

Clause 17: Substitution of section 23

23.Term of licence

The new provision relating to the term of a licence is consistent with the corresponding *Electricity Act* provision.

Clause 18: Amendment of section 24—Licence fees and returns

These amendments are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 19: Substitution of sections 25 and 26

The provisions relating to licence conditions are made to correspond (with necessary differences) to those in the *Electricity Act*.

25.Licence conditions

Every licence is to be subject to conditions determined by the Commission relating to—

- compliance with applicable codes or rules under the *Essential Services Commission Act 2002*
- compliance with specified technical or safety requirements or standards
- the gas entity's financial and other capacity to continue operations
- auditing and reports to the Commission
- notification to the Commission of changes in officers and major shareholders of the gas entity
- provision of other information required by the Commission
- compliance with schemes by the Minister for customer concessions or the performance of community service obligations
- other matters required by regulation or considered appropriate by the Commission.

26.Licences authorising operation of distribution system

A licence authorising the operation of a distribution system is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- safety, reliability, maintenance and technical management plans
- accounting practices
- participation in an ombudsman scheme applying to regulated industries under the *Essential Services Commission Act 2002*
  - monitoring and reporting on service performance
  - rules governing disconnection of gas supply to customers
  - a process for resolution of disputes between the gas entity and customers as to the supply of gas.

26A.Licences authorising retailing

A licence authorising the retailing of gas is,if the Minister so determines, to confer an exclusive right to sell gas as permitted under the Franchising Principles of the *Natural Gas Pipelines Access Agreement*.

A retailing licence is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- if the gas entity sells gas to customers of a prescribed class—accounting practices
- the provision of pricing information to enable small customers to compare competing offers in the retailing of gas
- standard contractual terms and conditions to apply to the sale or supply of gas to small customers or customers of a prescribed class
- minimum standards of service for customers
- rules governing disconnection of gas supply to customers
- a process for the resolution of disputes between the gas entity and customers as to the sale or supply of gas
- if the gas entity sells gas to customers with an annual gas consumption level of less than the level prescribed—participation in an ombudsman scheme applying to regulated industries under the *Essential Services Commission Act 2002*

26B.Licence authorising business of retail market administrator

A licence authorising the business of a retail market administrator is to be subject to conditions determined by the Commission relating to—

- compliance with applicable retail market rules
- accounting practices
- separation of the gas entity's business as a retail market administrator from any other business of the gas entity
- publication of the retail market rules and the entity's constitution
- securing the Commission's approval for amendments of the retail market rules
- provision of information about the terms on which the entity's services are provided (including its charges for the services)
- the granting to other gas entities of rights to use or have access to the entity's retail market business systems (on non-discriminatory terms) for the retailing of gas
- the resolution of disputes in relation to such rights and consultation processes generally.

Clause 20: Amendment of section 27—Offence to contravene licence conditions

The maximum penalty for the offence is increased to $1 million, the level set for the corresponding offence in the *Electricity Act*. As in that Act, the offence may be prosecuted as a summary offence, in which case the maximum penalty is $20 000.

Clause 21: Repeal of section 28

Section 28 deals with notification of licensing decisions. This matter is to be dealt with in proposed new section 30B (*see* clause 24).

Clause 22: Amendment of section 29—Variation of licence

Clause 23: Amendment of section 30—Transfer of licence

These clauses make amendments that are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 24: Insertion of sections 30A and 30B

30A.Consultation with consumer bodies

As in the *Electricity Act*, the Commission is required to consult with the Commissioner for Consumer Affairs and the consumer advisory committee about licensing decisions.

30B.Notice of licence decisions

Proposed new section 30B deals with notification of licensing decisions in the same way as under the *Electricity Act*.

Clause 25: Amendment of section 31—Surrender of licence

Clause 26: Amendment of section 32—Register of licences

These clauses make amendments that are consequential on the transfer of licensing functions from the Technical Regulator to the Commission or required to achieve consistency with corresponding *Electricity Act* provisions.

Clause 27: Substitution of Part 3 Division 2

Division 2—Price regulation

33.Price regulation by determination of Commission

The Commission is empowered to exercise its price-fixing powers under the *Essential Services Commission Act 2002* in relation to—

- the sale and supply of gas to small customers or customers of a prescribed class
- services provided in accordance with applicable retail market rules by a distribution system operator to a retailer.
- services provided by a retail market administrator to another gas entity
- the sale and supply of gas by a gas entity to customers of another gas entity in accordance with a condition of the entity's licence imposed under Division 3B (the retailer of last resort scheme)
- other goods and services in the gas supply industry specified by the Minister by notice in the *Gazette*.

The Minister may, by notice published in the *Gazette*, direct the Commission about—

- factors to be taken into account by the Commission
- the distributive effect of the Commission's determinations as between classes of customers
- the period over which cost recovery may occur.

The provisions allowing the issuing of such directions by the Minister will expire on a day to be fixed by proclamation.

33A.Recovery of prices for services provided in accordance with retail market rules

Provision is made for a distribution system operator to recover from retailers prices for certain services not contracted for but required under the retail market rules. The prices must match the prices fixed by the Commission for those services under proposed new section 33.

Clause 28: Amendment of section 34—Standard terms and conditions for retailing of gas

Amendments are made to this section to make it consistent with the corresponding *Electricity Act* provision. However, a change is made which will be matched in the *Electricity Act* (*see* Part 4 of this Bill) to relieve entities of the need to publish their standard terms and conditions in full in a newspaper.

Clause 29: Insertion of Part 3 Divisions 3A and 3B

Division 3A—Standing contracts and default contracts

34A.Standing contracts

A retailer determined by the Governor will be compelled under its licence conditions to sell gas to small customers or customers of a prescribed class in cases where customers have not made alternative contracts for their gas supplies. The 'standing contract' price and conditions will be subject to oversight by the Commission. This provision will expire on a day to be fixed by proclamation.

34B.Default contracts

Provision is made for a 'default contract' to apply where gas is consumed at premises after the departure of the customer who previously contracted for the gas supply to the premises. The default contract applies for a limited period until an alternative contract is made. The default contract price and conditions will be subject to oversight by the Commission.

Division 3B—Retailer of last resort scheme

34C.Retailer of last resort scheme

Regulations may be made for a scheme (to be imposed by licence conditions) whereby a particular gas entity specified in the regulations must take over the role of selling and supplying gas to customers of another entity in the event that the other entity cannot do so through financial or other failure.

34D.Minister's power to require information

The Minister is empowered to require information from the Commission and gas entities for the purposes of the retailer of last resort scheme.

Clause 30: Amendment of section 37—Temporary gas rationing

The maximum penalty for non-compliance with a gas rationing direction of the Minister is increased from $50 000 to $250 000. Such an offence is allowed to be prosecuted as a summary offence, in which case the maximum penalty is $5 000.

Clause 31: Amendment of section 37A—Minister's power to require information

The provision for the Minister to require information for gas rationing purposes is amended so that it is clear that the power extends to information required for planning for future gas rationing. The maximum penalty for non-compliance with a requirement of the Minister is increased from $10 000 to $20 000 in line with other similar offences in the *Electricity Act* and *Gas Act*.

Clause 32: Amendment of section 38—Suspension or cancellation of licences

Clause 33: Amendment of heading to Part 3 Division 7

Division 7—Commission's powers to take over operations

Clause 34: Amendment of section 39—Power to take over operations

Clause 35: Amendment of section 40—Appointment of operator

Clause 36: Repeal of Part 3 Division 8

These clauses make amendments that are consequential on the transfer of functions from the Technical Regulator to the Commission or required to achieve consistency with the corresponding provisions of the *Electricity Act*.

Clause 37: Amendment of section 42—Appointment of gas officers

As in the *Electricity Act*, the Minister may determine conditions subject to which a gas entity may appoint a gas officer.

Clause 38: Amendment of section 44—Gas officer's identity card

A gas officer must return his or her identity card within 2 days (rather than, as at present, 21 days) after ceasing to be a gas officer. The identity card must be in a form approved by the Minister. These changes achieve consistency with the *Electricity Act*.

Clause 39: Amendment of section 47—Power to carry out work on public land

Certain provisions relating to delegation by the Minister are deleted in consequence of the inclusion of a general delegation power for the Minister in Part 8 (Miscellaneous) (*see* clause 55).

Clause 40: Amendment of section 55—Responsibility of owner or operator of infrastructure or installation

The maximum penalty for an offence under this section (compliance with prescribed technical and safety requirements and maintaining safety in relation to gas infrastructure and installations) is increased from $50 000 to $250 000 in line with the penalty for the corresponding offence under the *Electricity Act*.

Clause 41: Amendment of section 57—Power to require rectification, etc, in relation to infrastructure or installations

This clause also makes amendments to achieve consistency with the corresponding provision of the *Electricity Act*.

Clause 42: Insertion of section 57A

57A.Prohibition of sale or use of unsafe components for infrastructure or installations

A new provision is added that would allow prohibition of the sale or use of unsafe components for gas infrastructure or installations. The proposed new section corresponds to section 61 of the *Gas Act* which relates to gas appliances.

Clause 43: Amendment of section 61—Prohibition of sale or use of unsafe gas appliances or components

Section 61 of the *Gas Act* is widened in its scope so that it applies to components for gas appliances as well as gas appliances themselves.

Clause 44: Insertion of Part 6 Divisions A1 and A2

Division A1—Warning notices and assurances

61A.Warning notices and assurances

61B.Register of warning notices and assurances

Division A2—Injunctions

61C.Injunctions

These proposed new Divisions enhance the enforcement powers of the Commission and the Technical Regulator. They correspond to Divisions A1 and A2 of Part 7 of the *Electricity Act*.

Clause 45: Amendment of section 62—Appointment of authorised officers

These amendments are consequential on the transfer of functions from the Technical Regulator to the Commission.

Clause 46: Amendment of section 63—Conditions of appointment

The Minister (rather than the Technical Regulator) is to determine conditions subject to which an authorised officer may be appointed.

Clause 47: Amendment of section 64—Authorised officer's identity card

These changes correspond to changes made by clause 38 in relation to gas officers and their identity cards.

Clause 48: Amendment of section 67—General investigative powers of authorised officers

These amendments are consequential on the transfer of functions from the Technical Regulator to the Commission.

Clause 49: Amendment of section 68—Disconnection of gas supply

The maximum penalty for unauthorised reconnection of gas supply is increased from $10 000 to $50 000 in line with the corresponding provision in the *Electricity Act*.

Clause 50: Amendment of section 69—Power to make infrastructure or installation safe

A similar increase in penalty is proposed for the offence under section 69.

Clause 51: Amendment of section 70—Power to require information

The maximum penalty for non-compliance with an authorised officer's requirement for information is increased from $10 000 to $20 000 consistently with the corresponding provision in the *Electricity Act*.

Clause 52: Substitution of Part 7

Part 7—Reviews and appeals

71.Review of decisions by Commission or Technical Regulator

72.Appeal

73.Minister's power to intervene

The provisions of Part 7 are redrafted to reflect the transfer of functions from the Technical Regulator to the Commission and to achieve consistency with the corresponding provisions of the *Electricity Act*.

Clause 53: Substitution of section 77

77.Power of exemption

The exemption power is redrafted to reflect the transfer of functions to the Commission and to achieve consistency with the corresponding *Electricity Act* provision.

77A.Register of exemptions

As in the *Electricity Act*, there are to be publicly accessible registers of exemptions kept by the Commission and the Technical Regulator.

Clause 54: Amendment of section 78—Obligation to comply with conditions of exemption

The maximum penalty for non-compliance with a condition of an exemption is increased from $10 000 to $50 000 consistently with the corresponding *Electricity Act* provision.

Clause 55: Insertion of sections 78A and 78B

78A.Delegation by Minister

A general power of delegation is provided for the Minister.

78B.Gas infrastructure and liability to council rates

A gas entity is excluded from liability to council rates in respect of land where its infrastructure is situated except where the land is owned by the entity or subject to a lease expressly granted to the entity.

Clause 56: Amendment of section 86—False or misleading information

Imprisonment for not more than 2 years is added as an alternative penalty for an offence of knowingly providing false or misleading information. This is consistent with the corresponding *Electricity Act* provision.

Clause 57: Amendment of section 87—Statutory declarations

The section is amended consequentially on the provision of information gathering powers to the Commission and the Minister in addition to the Technical Regulator.

Clause 58: Amendment of section 90—Continuing offences

The daily penalty for a continuing offence is increased to make it consistent with the corresponding *Electricity Act* provision.

Clause 59: Substitution of section 91

91.Order for payment of profit from contravention

As in the *Electricity Act*, a court convicting a person of an offence is to have power to order the convicted person to pay to the Crown any 'profit', that is, the court's estimate of any monetary, financial or economic benefits acquired, accrued or accruing as a result of the offence.

Clause 60: Amendment of section 92—Immunity from personal liability

This amendment is consequential on the introduction of the Commission as an additional person engaged in the administration of the *Gas Act*.

Clause 61: Amendment of section 93—Evidence

These amendments are also required to reflect the role of the Commission in the administration of the *Gas Act*.

Clause 62: Amendment of section 94—Service

This amendment is consequential on the replacement of the *Corporations Law* by the *Corporations Act 2001* of the Commonwealth.

Clause 63: Amendment of section 95—Regulations

A regulation making power is added to deal with matters relating to the operation of a transmission pipeline (within the meaning of the *Petroleum Act 2000*) insofar as the operation affects a gas retail market.

Clause 64: Insertion of Schedules 2 and 3

Schedule 2—Temporary price fixing provisions

1.Interpretation

A definition is provided of the gas pricing provisions (Division 2 of Part 3 of the *Gas Act*) which are to be repealed by this Bill (*see* clause 27).

2.Fixing retail gas prices

This provision replicates section 33 of the *Gas Act*. It is to co-exist with the new price regulation functions of the Commission under the proposed new Division 2 of Part 3 (*see* clause 27). However, this provision and the other provisions of this Schedule will expire on a day to be fixed by proclamation.

3.Minister's power to require Commission's advice

The Minister is empowered to require the Commission's advice on the performance of the Minister's price fixing functions under this Schedule.

4.Minister's power to require information

5.Statutory declarations

The Minister may require information (to be verified by statutory declaration if the Minister so requires) reasonably required for the performance of the Minister's price fixing functions under this Schedule.

6.Obligation to preserve confidentiality

The Minister must preserve the confidentiality of information so obtained that is commercially sensitive.

7.Expiry of Schedule

As mentioned above, this Schedule is to expire on a day to be fixed by proclamation.

Schedule 3—Appointment and selection of experts for Court

The Administrative and Disciplinary Division of the District Court is, when it hears an appeal under Part 7 (other than an appeal limited to a question of law) to sit with expert assessors with knowledge of, and experience in, the gas supply industry.

Part 3—Amendment of Gas Pipelines Access (South Australia) Act 1997

Clause 65: Amendment of section 9—Interpretation of some expressions in the Gas Pipelines Access (South Australia) Law and Regulations

Changes are made to definitions for the *Gas Pipelines Access (South Australia) Law*. The Essential Services Commission (the 'Commission') is to become the local regulator instead of the South Australian Independent Pricing and Access Regulator. The Administrative and Disciplinary Division of the District Court is to become the local appeals body instead of the South Australian Gas Review Board.

Clause 66: Amendment of section 17—Functions and powers conferred on South Australian Minister, Regulator and appeals body

These amendments are consequential on the change in the local regulator and local appeals body.

Clause 67: Repeal of section 29

The provision providing for the former local regulator (the South Australian Independent Pricing and Access Regulator) is deleted.

Clause 68: Amendment of section 30—Functions and powers

Clause 69: Amendment of section 31—Independence of local Regulator

Clause 70: Substitution of sections 32 to 39

These clauses make amendments consequential on the change in the local regulator.

32.Certain provisions of Essential Services Commission Act not to apply

This proposed new section makes it clear that section 6 of the *Essential Services Commission Act 2002* and Part 5 of that Act do not apply when the Commission is acting as the local regulator. Section 6 sets out certain general objectives of the Commission which might conflict with the objectives of the National Third Party Access Code for Natural Gas Pipeline Systems set out in Schedule 2 of the *Gas Pipelines (South Australia) Act*.

Part 5 of the *Essential Services Commission Act* contains provisions relating to the collection and use of information by the Commission. These provisions should give way to the information gathering and confidentiality provisions, sections 41 to 43, of the *Gas Pipelines Access Law*.

Clause 71: Amendment of section 40—Annual report

This clause allows the annual report required from the local regulator to be incorporated with the Commission's annual report under section 39 of the *Essential Services Commission Act*.

Clause 72: Amendment of section 41—Immunity

This amendment is consequential on the change in the local regulator.

Clause 73: Substitution of sections 42 to 46

These amendments are consequential on the change in the local appeals body from the South Australian Gas Review Board to the Administrative and Disciplinary Division of the District Court.

42.Experts to sit with District Court as assessors

The District Court is, when hearing proceedings (other than an appeal limited to a question of law) as the local appeals body under the *Gas Pipelines Access (South Australia) Law* to sit with expert assessors.

43.Certain provisions of District Court Act not to apply

Various provisions that apply generally to the Administrative and Disciplinary Division of the District Court are to give way to provisions contained in the *Gas Pipelines Access (South Australia) Law* relating to proceedings of the appeals body.

Part 4—Amendment of Electricity Act 1996

Clause 74: Amendment of section 36—Standard terms and conditions for sale or supply

This clause makes an amendment to the *Electricity Act* to correspond to an amendment made by clause 28 of the Bill to the *Gas Act*. Under the amendment, an electricity entity fixing its standard terms and conditions for the sale or supply of electricity is relieved from the requirement to publish them in full in a newspaper.

Part 5—Amendment of Local Government Act 1999

Clause 75: Amendment of section 217—Power to order owner of infrastructure on road to carry out specified maintenance or repair work

Section 217 of the *Local Government Act* empowers a local council to require the owner of electricity, gas or other infrastructure situated on, over or under a road to carry out specific work or to move the infrastructure. The section provides for the Essential Services Commission to override such a requirement if it considers there are reasonable grounds for doing so. This overriding power is presently limited to electricity and public lighting infrastructure. The amendment extends its operation to include gas infrastructure.

Part 6—Transitional provisions

Clause 76: Provisions relating to Technical Regulator and ESC under Gas Act

Appropriate transitional provisions are made for the transfer of functions from the Technical Regulator to the Essential Services Commission under the *Gas Act*.

Clause 77: Provisions relating to SAIPAR and ESC under Gas Pipelines Access (South Australia) Act

Similarly, transitional provisions are made for the transfer of functions as the local regulator from the South Australian Independent Pricing and Access Regulator to the Essential Services Commission under the *Gas Pipelines Access (South Australia) Act*.

Clause 78: Acts Interpretation Act

The *Acts Interpretation Act 1915* will, however, apply, except to the extent of any inconsistency with the provisions of this Part, to the amendments effected by the measure.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 7 p.m. the council adjourned until Monday 12 May at 2.15 p.m.