LEGISLATIVE COUNCIL

Thursday 27 November 2003

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

STANDING ORDERS SUSPENSION

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

EQUAL OPPORTUNITY (CARER'S RESPONSIBILITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 431.)

The Hon. A.L. EVANS: It is with pleasure that I rise to speak to this bill which affords some recognition of the substantial efforts made by family carers in our state. For far too long family carers have been silent achievers in our state. They are a group of people who provide care and support either to a family member or a close friend who is suffering some form of disability; and they do so without any financial reward. I would hazard a guess that, at times, many feel that they are doing a thankless task and they are not appreciated by anyone. For a long time there has been a culture of thinking in our community that if someone is not paid for what they are doing then they somehow have less value. How wrong that thinking is!

This bill is the beginning of what Family First hopes will be a tidal wave of legislative and policy development that acknowledges the crucial contribution that carers play in community care, and I commend the Democrats for its introduction. According to 1998 ABS statistics, one in five households are involved in caring to some extent: 70 per cent of primary carers are women; 43 per cent of carers are caring for partners; 25 per cent are caring for a child; and 21 per cent are caring for a parent. Carers often experience severe tiredness and anxiety in performing their role, which can vary from feeding, bathing and shopping to emotional support and negotiating financial services for the unwell relative or friend. One of the fundamental problems facing carers is their lack of recognition and status in our community. Whilst there have been improvements in recent years (through the Home and Community Care program and in care planning and case conferencing in general practice), there is still a long way to go.

This bill removes discrimination against carers, which is an absolute minimum requirement if they are to receive greater recognition in our community. I understand that official complaints of discrimination on behalf of carers are not common, but I believe that the lack of complaints is more an indication of the fact that they do not perceive themselves to have any rights as a group, rather than an indication that discrimination is uncommon. Often carers will resign themselves to the fact that they will not be able to secure full-time employment due to their responsibilities as a carer. Many carers have chosen part-time work for that reason. There is anecdotal evidence of carers not gaining positions, not being granted accommodation, or failing to secure promotion. Perhaps more important than the legal rights that this proposed legislation would provide is the increased sense of self-worth and value such a measure brings to carers in our community.

I am encouraged by the government's initiative in seeking a ministerial advisory committee. In July 2003, Carers SA, the peak body representing all carers in South Australia, produced a discussion paper entitled 'Developing a Whole of Government State Carer Policy in South Australia'. I commend the organisation for its paper, which establishes a policy position and strategies in a range of areas relevant to carers. I assume that the government is working very closely with Carers SA and looking at implementing a number of the paper's recommendations and policy suggestions. They are worthy of careful consideration. The bill applies to carers who are providing care and support other than on a commercial or voluntary basis. A person's responsibilities as a carer are defined in the bill in such a way as to cover care and support for a member of the person's family and household, or close acquaintance.

The bill makes it unlawful to discriminate in the areas of employment, qualifying bodies, education and in relation to land, goods, services and accommodation. Section 65A of the bill outlines the criteria for establishing discrimination on the grounds of a person's responsibilities as a carer. The criteria include treating another person unfavourably on the basis of a presumed characteristic. An example of this would be where a carer's application for a job is denied because the prospective employer discovers that the applicant is caring for someone and presumes that they will not be able to engage in interstate travel. The bill provides appropriate exceptions to unlawful discrimination so that a prospective employer, or qualifying body, can reject an application or promotion if it is clear that the carer does not have the requisite ability or qualifications for the position or membership. These provisions act as a safeguard to ensure that all applicants are selected based on merit and the best person gets the job or membership to the association.

By introducing measures which give various legal rights to carers, this bill goes a significant way towards addressing issues of recognition of carers and to give them a sense of value in our community. It is a way of acknowledging the crucial work that they do. I am hopeful that this bill will be one of the many measures introduced in the parliament to address the needs and concerns of carers in our state.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

PASSENGER TRANSPORT (DISSOLUTION OF PASSENGER TRANSPORT BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 674.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank members for their contribution to the second reading debate. Before moving to the committee stage I would like to deal with a number of questions asked by the Hon. Mr Redford. On the matter of associated conflicts of interest, the Hon. Mr Redford expressed concern that there would be a conflict of interest

with the minister's role with respect to contracting. After the establishment of the office of public transport, the minister will ensure that the same processes will be used for contracting of passenger services as are used by the PTB. In 1999 when the PTB undertook the tendering of all bus services in metropolitan Adelaide, the process was overseen by a probity adviser and a proposal evaluation committee, which had an independent chair. A recommendation was made by the evaluation committee to the Passenger Transport Board to award contracts. The Prudential Management Group and cabinet approved the processes to be undertaken.

Whenever the future office for public transport is required to undertake any major competitive tendering for passenger transport services, it will be subject to the State Supply Act and will require an acquisition plan to be approved by the State Supply Board. It will utilise the same processes as the current PTB. A recommendation will be made by a proposal evaluation committee to the Minister for Transport and the State Supply Board to award a contract. There are no probity or process reasons why there needs to be any greater distance between the minister and his dealings with the bus contracts. Indeed, it is quite common for ministers to enter into contracts for the provision of services for either their departments or the entire public sector. The above process is consistent with the approach used for other major government acquisitions and contracts.

The honourable member expressed concern that the complaint process would be lost in bureaucracy. The recent Statutory Authorities Review Committee report into the Passenger Transport Board recommended that an independent complaints mechanism be established. In responding to the Statutory Authorities Review Committee report, the minister has already indicated that an independent complaints mechanism will be part of the process of creating the office of public transport.

Regarding the honourable member's questions about delegations, the delegation provisions of the bill are entirely standard. Many similar provisions exist in other legislation. In general, functions are delegated to officers of the Public Service who conduct the day-to-day work required to administer the act. Such delegations already exist whereby the board has delegated certain functions to staff of the PTB. These arrangements will continue into the future. It is normal that there is no specified process leading up to delegations or to advertise them. As noted, the vast majority of delegations are to officers of the Public Service who undertake the functions as part of their normal duties. It would be unnecessary to have specific processes other than the appropriate recruitment practices. I note that it will also be possible to delegate functions to a committee. As the honourable member alluded to, there may be scope for the industry association to undertake certain functions in the future.

Concerning the Standards Committee, the honourable member notes that in establishing the Passenger Transport Standards Committee, the act does not specify membership, conditions of appointment or the requirements of member. The Passenger Transport Standards Committee already exists as a subcommittee of the board. It has been a successful way of dealing with disciplinary matters under the act and in assisting with certain aspects of accreditation. This provision continues this successful approach. In fact, it gives the committee a statutory basis that it never had previously. I also note that all powers of the committee already exist in the act but are presently vested in the board itself. Given that the committee has worked well, it is considered unnecessary to make detailed provisions as to its operation.

Staff of the Passenger Transport Board are already employed under the Public Sector Management Act and are assigned to the Department of Transport and Urban Planning; this will not change. However, the Statutory Authorities Review Committee recommended that regulatory and policing functions be separated from other functions of the Passenger Transport Board or its successor. In responding to the committee's report, the minister has already foreshadowed that once the office for public transport is established, public transport regulatory functions will be combined with Transport SA's regulatory services division to create a portfolio wide compliance function. This compliance function will not be located in the office of public transport. This will therefore provide the degree of separation required. In response to other recommendations of the SARC, the minister has also indicated that the Passenger Transport Asset Management section, currently with Transport SA, will be incorporated within the office of public transport. As can be seen, staffing will remain largely unchanged apart from the changes that will enhance the administration of public transport. Staff will continue to be employed under their existing terms and conditions.

TransAdelaide redeployees. At the end of September 2002 there were 98 TransAdelaide redeployees. The department has implemented an agreed achievable position program which ensures that positions identified by the redeployees are obtainable. Together with vocational assessments, skills shortfall training and rehabilitation, the number of redeployees has been reduced to 20. This figure includes redeployees across all categories, including bus and rail car. Of the 20 remaining redeployees, five have undertaken training with a view to gaining placement in positions within the next few weeks. There are five redeployees that have extended WorkCover claims but who are currently completing the agreed achievable position program with a view to quickly returning to full-time employment. There are seven redeployees who are currently in positions which will lead to permanent employment. Two redeployees are in placements with the purpose of training to provide skills development. One redeployee is currently participating in the agreed achievable position program.

Passenger Transport Research and Development Fund: The government intends to continue with the present arrangements for the administration of the Passenger Transport Research and Development Fund. Most of the funds in the Passenger Transport Research and Development Fund were derived from the sale of taxi licences through the former Metropolitan Taxi Board. These were transferred to the government to form the basis of the Passenger Transport Research and Development Fund. The fund was established by the previous government, at the time of creating the Passenger Transport Board, to assist all passenger transport in South Australia. It is not intended to be exclusively for the taxi industry. However, the taxi industry has benefited from around 60 per cent of the funds since its inception. The balance of the uncommitted funds as of 30 June 2003 was $928 997. Taking into account committed projects, the balance for future projects was $559 503.

The role of the Premier's Taxi Council and TIAP: The government has established the council, which is chaired by the Premier and Minister for Transport, to provide high level policy advice on issues affecting the taxi industry. With respect to the Taxi Industry Advisory Panel, at the June 2003

meeting of the Premier's Taxi Council, it was decided that the Taxi Industry Advisory Panel should be a sub-committee of the Premier's Taxi Council, as an interim measure while the South Australian Taxi Association evolves. The South Australian Taxi Association has been providing funding from the Passenger Transport Research and Development Fund to develop a business plan and establish a strong industry body to promote and grow the taxi industry.

The South Australian Taxi Association has asked to continue reporting to the Premier's Taxi Council on the progress of its reforms. The government will be happy for a representative of the industry body, such as the South Australian Taxi Association, to undertake the role of the present Taxi Industry Advisory Panel in the future. The government would also be delighted to explore industry self-regulation with the taxi industry and will encourage the industry to monitor and address such matters as vehicle cleanliness, driver dress standards and smoking in vehicles. This could require the development of an industry code of practice and amendments to the regulations to recognise this.

Confidential information: Taxi companies are not required to disclose confidential information to their competitors to achieve approval for business operations. Where it proposes to depart from previously agreed policy, the government may consult with the Premier's Taxi Council or the Taxi Industry Advisory Panel, but only in general terms. This is appropriate given that the industry has, and wants to continue to have, a say in how it is regulated. However, the government will not discuss specific applications or tenders with competitors of the applicant or tenderer.

Unique identity for the Office of Public Transport: In response to the Statutory Authorities Review Committee's recommendation that passenger transport retain a unique identity, the minister has already indicated that the Office of Public Transport will be established as a separate agency within the Department of Transport and Urban Planning. The executive director of the Office of Public Transport will have a direct reporting relationship to the chief executive of the Department of Transport and Urban Planning, who reports directly to the Minister for Transport.

The impetus for the abolition of the Passenger Transport Board and the creation of the Office of Public Transport is to bring about an integrated organisational structure to support the integration of transport functions and the development of long-term strategies. The direct reporting relationship between the Office of Public Transport and the Minister for Transport would hinder this organisational integration.

The Hon. A.J. Redford: Sorry; just say that again.

The Hon. T.G. ROBERTS: A direct reporting relationship between the Office of Public Transport and the Minister for Transport would hinder this organisational integration. However, the reporting relationship to the chief executive of the department, with his direct reporting relationship to the minister, will still ensure that the minister is aware of the relevant policy issues and will achieve the financial independence required.

Retaining corporate knowledge of contracting: With respect to the honourable member's questions about the retention of the board's corporate knowledge in contracting, as I noted above, existing staff will not be lost but will become part of the Office of Public Transport. As I also noted earlier, the Passenger Transport Asset Management Section, currently within Transport SA, will be incorporated into the Office of Public Transport. This group also has expertise in contracting and tendering processes and, along with the personnel currently in the contracts area within the Passenger Transport Board, will be responsible for the contracting and tendering function. This will ensure that the range of relevant skills and expertise will be available for this purpose.

Auditor-General's Report: Whilst the Auditor-General's Report contains a qualification of Department of Transport and Urban Planning's accounts and raises several other matters, it also acknowledges the department's responses to these matters. In several cases, the report notes that the department has already committed significant time and resources to addressing the issues identified. I also note that the Auditor-General's audit opinion clearly states that, except for the qualifications on cash reconciliation, the department's financial report and controls meet all required standards.

Bill read a second time.

In committee.

Clause 1.

The Hon. A.J. REDFORD: I thank the minister for his response to my questions given the short time since I asked those questions and those officers within his department who obviously went to some trouble to compile those answers. I have some questions arising from that that do not directly relate to a specific clause. However, I know the minister gave me some details about TransAdelaide redeployees. First, I would be interested to know when all the redeployees will either be absorbed somewhere or moved on. Could the minister assist me in that regard?

The Hon. T.G. ROBERTS: It is with due haste that the department is proceeding. The department wants to finalise it as soon as possible to overcome any uncertainty that has existed. There has been a sharp incremental drop in recent times from 98 to 20 and, with some of the processes in place, there will be some extended timeframes for the Agreed Achievable Position Program redeployees. The intention is to finalise it as soon as is humanly possible.

The Hon. A.J. REDFORD: Secondly, when I was briefed by the minister's officers, I provided some details of a particular redeployee who had specific issues. I do not wish to name that person. I wonder whether the minister or his officers intend to deal with that issue.

The Hon. T.G. ROBERTS: The answer to that is yes. We do not have the specific details required about the individual but they can be supplied to the honourable member.

The Hon. A.J. Redford: I gave it to the minister's officers at the briefing.

The Hon. T.G. ROBERTS: Yes; they are dealing with it, and people will contact you after the passage of the bill.

The Hon. A.J. REDFORD: I ask the minister to pass my thanks on to the officers who are attending to that matter. I will make some comments on the next issue but, first, I thank the minister for his answers with respect to the relationship between the Taxi Council, TIAP and, ultimately, SATA. I indicate to the minister that, from his answer, I support the process that the government is adopting on the relationship between the Taxi Council, TIAP and SATA. I am pleased that the government is moving in that direction, and it would appear that when I next speak to people from SATA they will have a process through which they can engage and be more regularly involved in the administration of the industry. I ask the honourable member to pass on my views not only to the minister but also to those who are responsible.

I also asked some questions about staffing, and the minister gave me a detailed response but it was in general terms. Am I correct in assuming that there will not be any

redundancies, or anything of that nature, that will arise from this administrative change?

The Hon. T.G. ROBERTS: The department's policy is no forced redundancies. The integration of the current restructuring will not lead to any redundancies, but there may be changes to responsibilities—new job descriptions and so on—but no jobs will be lost.

The Hon. A.J. REDFORD: Does that apply equally to public servants who are on contracts, as opposed to tenured public servants?

The Hon. T.G. ROBERTS: It is not expected that anyone will lose their job as a direct result of the reshaping process but, when contracts run out, they will be looked at when the contract is to be renewed. However, it is not expected that this process will lead to any job losses.

The Hon. A.J. REDFORD: I have only one other issue. First, I thank the minister for the information regarding the research and development fund. I understand that approximately $920 000 is in the fund and that the uncommitted part of that fund is $559 000, which is a bit less than $400 000 which is committed. The minister can take this question on notice, but I would be interested to know how that current money is committed and whether there are any plans and, if so, what are they? I understand that question may be answered in a general sense, first, in relation to expenditure of any funds from the research and development fund and, secondly, in relation to whether the government has any plans, or any options, to maintain the fund at any specific level, or to attract income or other additions to that fund. As I said, I am happy for those questions to be taken on notice.

The Hon. T.G. ROBERTS: My support staff are taking notes wildly and will get back to the honourable member on those questions. I, too, take this opportunity to thank my staff from the department—Anne and others—who have assisted me with this bill.

Clause passed.

Clauses 2 to 12 passed.

Clause 13.

The Hon. A.J. REDFORD: Because there are a number of clauses in this bill, and I do not know whether other members want to make a contribution, I direct the minister's attention to clause 13—in particular, proposed new section 24A, the annual report. That section requires the administrative unit to prepare an annual report which is, ultimately, tabled in parliament. The section states what the report should include, namely, the levels of public utilisation affecting accessibility, the number and nature of complaints and the general availability of taxis, etc. Will any less information be given under this process than has been given to the parliament by the Passenger Transport Board in the past?

The Hon. T.G. ROBERTS: My advice is that there is no intention to offer any less information than is being provided now.

The Hon. A.J. REDFORD: Secondly (and on the same topic and dealing with proposed new section 26, which is the power of delegation), I note that, in the minister's answer to my questions, the power of delegation is a standard clause. The government is quite satisfied with the extent of the clause, but will it indicate whether or not delegations, which must be in writing, will be disclosed in the annual report?

The Hon. T.G. ROBERTS: It is not the intention of the minister to declare those delegations in the report, but they can be gazetted.

The Hon. A.J. REDFORD: But there is no requirement, is there?

The Hon. T.G. ROBERTS: No, but it would be an option.

The Hon. A.J. REDFORD: I am concerned, because the minister has some pretty broad powers and responsibilities, and he has the capacity to delegate quite broadly. On this side of the committee, we do not object to that. Obviously, there will be situations when he may even delegate certain functions to industry bodies and so on. As I said, we have no objection to that, but we expect that the delegations be made public in some way.

This bill is silent on that issue, and perhaps we are remiss in not moving amendments regarding it. However, I believe that it would be in the best interests of public administration if there were a clear process, which the government could outline now, simply for the sake of transparency, as to how they disclose these delegations. I expect that there may be minor delegations to staff and to inspectors and so on that do not need to be publicly disclosed, and we are happy to accept the minister's judgment. However, I am interested to hear whether the government has something in mind about public disclosure of the more significant delegations.

The Hon. T.G. ROBERTS: The department has been looking at a way of making the delegations public, and the gazetting is part of those discussions for any future public disclosure through the gazette.

The Hon. A.J. REDFORD: Am I correct in understanding that it is the government's intention to gazette the major delegations that might take place under this act when it comes into existence?

The Hon. T.G. ROBERTS: Ultimately the power would reside with the minister to have the final decision, but it is the department's intention to recommend to the minister that that be the process.

The Hon. T.G. CAMERON: I seek further information in relation to new section 25 on committees, just below the new section on 'annual report'. I have a concern about the way that clause has been drafted. What committees in relation to this is the government considering setting up?

The Hon. T.G. ROBERTS: The three committees that will be recommended that the minister retain are the Passenger Transport Advisory Committee, the Passenger Transport Standards Committee and the Accessible Transport Advisory Panel.

The Hon. T.G. CAMERON: I thank the minister for his answer. The wording used is as follows:

> The minister may establish such committees as the minister thinks fit to assist the minister in the performance or exercise of his or her functions.

New subsection (2) provides that the procedures to be observed in relation to the conduct of the business will be determined by the minister. I note that the wording or terminology used here is a departure from the terminology usually used by the government and/or parliamentary counsel in the establishment of these committees. For example, it does not say anything here about the number of people who will sit on the committee. There is nothing to indicate that they have to have any experience or expertise in any matter being dealt with by the committee. There is nothing to indicate that a certain number of members of the committee shall be male or female.

Even the procedures of the committee will be personally determined by the minister. It almost sounds like a Napoleon clause. Are there any reasons why the government has departed from its usual practice of stating the number of people who will sit on the committee, what qualifications

they will have and their gender? One would have thought that somewhere here we would find the words 'has expertise or experience in the transport industry', but I cannot even find that. If we then look at clause 22, which talks about the Passenger Transport Standards Committee—one of the committees that the minister has just said will be set up under new section 25 contained in clause 13—we find that it contains some specific criteria. For example, new section 35A(2) at least provides:

The minister may, as the minister thinks fit, appoint suitable persons. . .

We do not even find those words being used in the establishment of the other committees. I wonder whether this has come about by accident or by design. If it is by design, it seems that the minister is unilaterally assuming powers for himself that are not exercised by any other ministers in putting forward this legislation. I am of the view that we had almost come to the point where we had a template for the establishment of these committees, but not with this minister. I know Napoleon used to personally pick all his generals and, if they did not do what he wanted them to do, he would shoot them. What does the minister have in mind? What is he up to?

The Hon. T.G. Roberts: What have you got in mind?

The Hon. T.G. CAMERON: I have been asked a question by the minister. If one looks at the minister concerned, one could be excused for thinking that at times he displays all the mannerisms of what someone would consider to be a Napoleon complex. What I am up to is trying to find out what you are up to because you do not say. If one of the committees you are going to set up is provided for under clause 13, why do you have a specific clause set out for the Passenger Transport Standards Committee? There are a heap of questions in all that, so I will let you get on with answering them.

The Hon. T.G. ROBERTS: The honourable member is right: there are two proscriptive positions in relation to committees. The three committees that will been retained are described in the current act—

The Hon. T.G. Cameron: But they are under clause 13.

The Hon. T.G. ROBERTS: Yes. They will be structured as they are currently structured.

The Hon. T.G. CAMERON: Is that an undertaking that has been given by the government: that these three committees will be structured as they are currently structured? There are guidelines and criteria set down, as I understand it, for the appointment of the Passenger Transport Board, that is, that they at least must have some experience in the industry.

The Hon. T.G. ROBERTS: The description that has been supplied to me is at section 25 of the existing act under 'Committees and Delegations'. There are requirements for those three existing committees. If the member wants me to read them out, I can.

The Hon. T.G. Cameron: Yes, please.

The Hon. T.G. ROBERTS: It provides as follows:

Committees

25.(1) The board must establish—

(a) a Passenger Transport Industry Committee; and

(b) a Passenger Transport User Committee; and

(c) such other committees (including advisory committees or subcommittees) as the minister may require.

(2). The board may establish such other committees (including advisory committees or subcommittees) as the board thinks fit.

(3). The functions of a committee established under this section will include—

(a) in the case of the Passenger Transport Industry Committee—to provide an industry forum to assist the board as appropriate in the performance of its functions;

(b) in the case of the Passenger Transport User Committee—to provide advice to the board on matters of general relevance or importance to the users of passenger transport services;

(c) in the case of a committee established under subsection 1(c)—to perform functions to determined by the minister,

and may include such other functions as the board thinks fit.

(4). Subject to any direction of the minister, the membership of a committee will be determined by the board and may, but need not, consist of, or include, members of the board.

(5). The procedures to be observed in relation to the conduct of the business of a committee will be—

(a) as determined by the minister or the board;

(b) in so far as the procedure is not determined under paragraph (a)—as determined by the relevant committee.

The Hon. A.J. Redford: That is the old section, and it's going to be replaced by this one that the Hon. Terry Cameron is asking about. That is going.

The Hon. T.G. ROBERTS: The information provided to me is that the new structure of section 25 in the bill before us is not dissimilar to the existing act.

The Hon. A.J. REDFORD: The current section is quite specific; it is much more specific than the proposed section. I would be interested to know why the government thinks that proposed section 25 is better than existing section 25.

The Hon. T.G. Cameron: The proposed one is more Napoleonic.

The Hon. T.G. ROBERTS: The way in which the bill has been structured, as opposed to the act, is to give flexibility to the minister to set up committees as determined by—

The Hon. T.G. Cameron: To do whatever his little heart wants him to do.

The Hon. T.G. ROBERTS: I think the honourable member would know that the stakeholders in the transport industry are fairly aggressively democratic: I would say no more than that.

The Hon. T.G. Cameron: That's a nice term to use for the Transport Workers Union.

The Hon. T.G. ROBERTS: I do not think the minister will get all his own way in dealing with many of the stakeholders, because of the various views that they hold. As many ministers have found out when dealing with transport, if you go outside those democratic boundaries and move down the path of a Napoleonic solution, generally, they will let you know very quickly where you have gone wrong—at your political risk.

The Hon. T.G. CAMERON: I want to follow up on an interesting, somewhat tantalising word that the minister used. He used the word 'aggressive' democracy. I can recall, when a different political party was in government, that the Australian Labor Party would routinely amend bills that did not provide for the trade union movement to be properly represented where the Labor Party thought it should be. One could have called that a bit of aggressive democracy. There were arguments at times about whether the UTLC should have a nominee, whether the nominee should be from a specific union, or whatever. In view of the government's commitment in relation to setting up these committees, will the government ensure that the UTLC and/or the Transport Workers Union are represented on these committees? The reason I ask that is that the old union has now gone by the bye, and the Transport Workers Union is now the principal union that covers the bus drivers and so on. Can I obtain an undertaking from the government that it intends to ensure that

the UTLC, where appropriate, is represented on these committees? If not, why not?

The Hon. T.G. ROBERTS: I thank the honourable member for his interest in the new formations at work in the industrial arena. The question does recognise change. I suspect that the minister also would have to recognise that change when he is dealing with stakeholder groups. The legislation is not prescriptive or mandatory in relation to membership but, certainly, the TWU is a senior stakeholder in many of the outcomes.

The Hon. A.J. Redford: Can I say from our side that if he appoints anyone from there we will say that it's jobs for the boys; he's appointing his mates. No parliamentary authorisation—

The Hon. T.G. ROBERTS: In representing the interests of employees—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member has made a very complicated interjection there, which probably will not all get picked up. But it is very pertinent. As the committees that are being established are set up, I am sure that the honourable member would be lobbied very heavily if the interests of employees were not being represented on committees. But there is no standing rule, if you like, or no mandatory position for the UTLC or the TWU to be represented on those committees. They may be set up for purposes—maybe consumers' or broad community committees. But I would say that, if employees' interests were generally being discussed, certainly, I would expect consultation to take place with formal representation and recognition. As the honourable member interjected, he may then be criticised for being too even-handed in his approach. So there is a balance that ministers have to take into account when considering community interest.

The Hon. T.G. CAMERON: I thank the minister for his answer. Perhaps he should have said, 'I don't know. They should be, and if the unions scream loud enough they will be on the committee.' I am not all that far further down the track.

The Hon. A.J. Redford: Ask about remuneration.

The Hon. T.G. CAMERON: I will get to the remuneration when we talk about the Passenger Transport Standards Committee. I am now ready to move on to 14.

The Hon. A.J. REDFORD: Will the members of this committee be remunerated and upon what basis is that remuneration established?

The Hon. T.G. ROBERTS: I guess the case for remuneration would be looked at in light of the workload of the committee, the standing of the committee and the conditions under which the committee was set up. In some cases there are unpaid committees that are voluntary; in other cases, if they are to be paid committees, then the Commissioner for Public Employment has looked, and is currently looking, at a standard setting of fees to apply to not only transport but also other committees. Cabinet is the final arbiter or determiner. Once a minister has determined to set up a paid committee, Treasury generally likes to run their eye over the committee to ensure there is some semblance, if not uniformity, in respect of the ability to provide reasonable recompense, while not being overly generous to make it so attractive that there are fights all over the place for people to get onto them.

The Hon. A.J. REDFORD: How will the public come to know of appointments to committees and the remuneration applicable to those appointments?

The Hon. T.G. ROBERTS: The usual way for constructing committees is for ministers to present a 'pink' to cabinet to foreshadow the fact that they are considering—

The Hon. A.J. Redford: Take it from me: they are hard to get hold of—I have tried. How does the public get to know?

The Hon. T.G. ROBERTS: There is no requirement for gazettal. If we were to set up a community-based committee, it would be advertised. Once the advertisement is placed, then that would be seen as a public flagging of that committee being set up. If it is an appointed committee, then those appointments would be made via the normal process through the cabinet. There is no requirement for gazettal. As committees are set up, the public would become aware of the work of the committee but, unless they took time out to search, they probably would not be aware of the people sitting on those committees.

The Hon. A.J. REDFORD: If it is not published anywhere, can I obtain the details through FOI? Would it be FOIable?

The Hon. T.G. ROBERTS: A guarded reply is that it would be FOIable, but the FOI officer would be the final determiner of what information was to be given on the FOI application.

The Hon. A.J. REDFORD: The officer and the remuneration—that is all I want to know. I know about you and all your public servants. I want to know about these committees. Is that possible?

The Hon. T.G. ROBERTS: My advice is that it would be FOIable.

Clause passed.

Clause 14.

The Hon. T.G. CAMERON: Clause 14 provides that the accreditation of powers for operators will be removed from the board and will now be determined by the minister. Can we be assured that the same set of standards will be maintained? Is there contemplation on the part of the government, as a result of the insertion of this clause, to use some kind of back-door method to set new standards in relation to the accreditation of operators?

The Hon. T.G. ROBERTS: There is no intention to change the standards for accreditation. It is the intention of the government to try to have a seamless transfer—I think that is the latest terminology that people use.

The Hon. T.G. CAMERON: Does the same apply to clause 15—accreditation of centralised booking services?

The Hon. T.G. ROBERTS: The same answer applies.

Clause passed.

Clauses 15 to 18 passed.

Clause 19.

The Hon. T.G. CAMERON: Once again, we have a Napoleon clause. Will the minister assure the committee that, if we are talking here about a seamless transfer, the fees covered under clause 19 will remain the same?

The Hon. T.G. ROBERTS: There is no intention to change any of the fee structures as a result of the introduction of the bill. However, there will be the normal review from time to time. So the answer, again, is there is no intention to use this as a cover for a change to the fee structures.

Clause passed.

Clauses 20 and 21 passed.

Clause 22.

The Hon. A.J. REDFORD: During the course of the second reading debate, I raised some issues about this specific clause. I note that the board will have some quite

significant powers. The committee can institute investigations of its own motion; it can reprimand a person; it can order a person to pay a fine of up to $5 000; it can attach accreditation; and it can revoke accreditation. They are not insignificant powers. I note that this body also has the power to issue summonses and require people to answer questions and produce documents. As I said in my second reading contribution, generally speaking, one can look at standard clauses in bills which set up bodies of this type to see what we do with land agents, solicitors, builders and a whole range of things (and some people involved in the transport industry are entrusted with the safety of human life). There is nothing about the standards committee itself and who it is to have. For example, there is nothing concerning remuneration, qualification, disclosure of interests or responsibilities vis-a-vis conflict of interest, or hiring and firing. If a committee member does something that the minister does not like and acts remotely independently, they can be dismissed instantly. That is unprecedented, in my experience.

So, I waited with a great deal of interest for the government's detailed and considered response to the issues that I raised in my second reading contribution on this topic. What I got from the government was this: it considers it unnecessary. The honourable member will know that I am not that stupid, and I will ask the next obvious question (and I know he knows it is coming), and that is: why does the government consider that this clause is unnecessary?

The Hon. T.G. ROBERTS: The reason it seemed unnecessary is that the Passenger Transport Standards Committee already exists as a subcommittee of the board and it has been successful in dealing with disciplinary matters under the act and assisting in certain aspects of accreditation, etc. This provision continues the successful approach that we have had over time. It is a successful formula that the government does not want to change. Again, I guess it is a way of testing the relationships that exist in good faith and showing that there will not be a range of unnecessary changes for change's sake, so that it can bed down. I guess the aim of the provision is to continue the successful approach and, in fact, give the committee a statutory basis that it has never previously had.

The Hon. A.J. REDFORD: With the greatest respect to the minister, that is palpable nonsense, because the current administration—and I have some personal knowledge of this because, in its early days, I used to front up as a solicitor and do a bit of work in front of this group—is made up of board members, so it was part of the board which was acting as the standards committee. Those board members were bound by sections 6, 7, 8, 9, 10, 11, 12 and 13 of the current act which cover such little things as a duty to act honestly (albeit that might be picked up elsewhere in other legislation), a duty to disclose interest, and some details regarding remuneration. There was a specific section regarding directions to that body by a minister. There were specific provisions regarding transactions with members and members' associates. I know that the public corporations legislation picks up some of these responsibilities, but not all of them.

So, it is simply not the case that the current committee operates in the absence of any of these requirements. They act in consequence of the fact that they are members of a board. We are proposing to abolish the board and get rid of all these provisions out of the act, so I cannot understand how the minister can say—and I accept it is a successful approach—that what we are doing with this bill is continuing that successful approach. In fact, we are doing precisely the opposite, I would have thought.

The Hon. T.G. ROBERTS: The information provided to me is that some board members were members but there were other people as well, that is, some people on the committee were not board members. They exercised delegated powers of the board, and all the duties in relation to honesty, accountability and so on have gone into the Public Sector Management Act, as a result of the honesty and accountability package of legislation that has been introduced over time.

The Hon. A.J. REDFORD: Is the minister's answer that appointments to committees are subject to that legislation and those responsibilities which are currently in the Passenger Transport Act applicable to the board are picked up in other legislation and we can expect no lessening of their responsibilities and standards?

The Hon. T.G. ROBERTS: Yes, that is the advice given by parliamentary counsel.

The Hon. A.J. REDFORD: Is it true in the case of hiring and firing, that is, in the case of dismissal? The board members are appointed for a specific period.

The Hon. T.G. ROBERTS: I am advised that the addition and subtraction of members on and off the board was always the province of the board. It was always at the determination of the board.

The Hon. A.J. REDFORD: I will give the minister a practical example. What happens if you have a situation where the standards committee is dealing with an issue associated with the provision of a service by TransAdelaide, and the standards committee wants to take some action in relation to that?

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: Yes, or a fine. There are a whole range of things—it does not really matter. In relation to the minister's staff or minister's employees—not the minister's personal ministerial staff but employees of the minister—the minister has the capacity to dismiss instantly, without cause, a person who may well be in the process of disciplining one of his other staff. It is a very risky and very novel approach to this sort of thing.

The Hon. T.G. ROBERTS: I guess there are not any sanctions (for want of a better word) for a minister's acting in that way, other than acting out of good faith. There would certainly be consequences if a minister did act in such a manner.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: There would be a loss of faith and confidence, and the confidence of other boards.

The Hon. A.J. REDFORD: I will not delay the committee any further, except to say that I am deeply disturbed, but I have a position that I have to take on behalf of my party. I can assure members opposite that this will not happen again, despite whoever might be managing it on the opposition's behalf. I think what we are about to do is a very silly thing.

The Hon. T.G. CAMERON: Can the minister advise whether the disciplinary powers that will now be seamlessly transferred over to the Passenger Transport Standards Committee are in any way different from the disciplinary powers that the committee of the Passenger Transport Board has?

The Hon. T.G. ROBERTS: I am advised there is no change.

The Hon. T.G. CAMERON: Despite what the minister said earlier in relation to my questions regarding clause 13, clause 22 does not set out how many people will sit on this

committee, yet under subsection (4) it sets out what a quorum should be. Either some of these clauses have been sloppily drafted or the instructions were vague, but they seem to differ markedly from what we normally get served up here. The government has seen fit to state that a quorum will consist of three. Can it give any indication of how many people will then sit on the committee?

The Hon. T.G. ROBERTS: It is an unusual composition for a board, as we know it, to act. If it is a panel, it makes more sense—

The Hon. T.G. Cameron: It is not a board or a panel, it is a committee.

The Hon. T.G. ROBERTS: They have a panel of 15 or more people who form a sub-committee. At least three of those people have to form a quorum. They are also called to discuss various issues of a particular nature. From that panel are drawn various people regarded as having the skills to deal with that matter. It is the same as it is now—a flexible panel of people. For that reason it provides the flexibility required to allow the minister to get the best advice that can be proffered by the skills on that panel.

The Hon. T.G. CAMERON: I am concerned, as is the Hon. Mr Redford, about how the Passenger Standards Committee wil operate. The main reason for my concern is the dearth of knowledge about what this committee is going to be. If we are going to have a quorum of three, can I take it from the minister's reply that there will be a minimum of five people on the committee? Or, are we looking at a situation where we could have a committee of 15 people but that any three present can invoke the powers set out under clause 23? That is a bit of a worry to me.

The Hon. T.G. ROBERTS: The nature and complexity of the questions that have to be discussed would determine the size, the skills base and the information base that was being provided. So, if it were an important question that had serious ramifications, you would be heading for the larger number; if it were a matter of small import, you would go for a smaller number. It would probably depend a little on availability. However, those flexibilities are built into this plan.

The Hon. T.G. CAMERON: I am sure that the minister has a very clear picture in his mind of how this committee will operate. I want some idea of what that picture looks like.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: Well, if he has something in mind, he is certainly not putting it in the act—he is keeping it to himself. I always get suspicious of ministers who want to keep things to themselves. The minister has not assisted me a great deal. I am trying to get a picture of how the Passenger Transport Standards Committee will operate because it is important. If we look at clause 23, we can see that this committee has the power to revoke somebody's accreditation. That could possibly involve a financial cost which could run into millions of dollars. We have a Passenger Transport Standards Committee and we know that the quorum will have to consist of three people but, in trying to come to grips with the minister's answer, it seems that we will never know how many people will actually sit on the committee.

Specifically, how many people will the government appoint to this committee? Will that committee then operate as a pool? Depending on the nature of the complaint or what penalty may be appropriate or—using terminology that consistently appears in the act—'whatever the minister thinks fit', we would be selecting a smaller group from the total committee. Is that how it will operate? If that is how it will operate, I am very concerned. It is well known that certain sections of the Australian Labor Party would like to cancel the contracts and do away with the private operators.

As I see it, you would only have to get a couple of people on the Passenger Transport Standards Committee who did not like the idea of private operators running the public transport system and they could make life a living hell for an operator. This committee could even revoke their accreditation. Is there any right of appeal for an operator against a decision of the Passenger Transport Standards Committee? We do not know how many will be on this committee, and we do not even know the background, experience or qualifications of these people.

Under the current system we have an idea because criteria are set down in relation to people appointed to the Passenger Transport Board. However, under this Napoleonic bill a minister may, as a minister thinks fit, appoint suitable persons. Suitable to whom—the government or the minister? That is a number of questions but, first, is there any power of appeal? Will the minister give a clearer explanation of how this committee will work? I realise that he is on the spot, but that is because the bill is inadequate. Is there a right of appeal against decisions made by this committee?

The Hon. T.G. ROBERTS: My information is that the Passenger Transport Standards Committee currently has 21 members, who are selected from the general community and have expertise in a wide variety of areas. This enables the Passenger Transport Board to schedule committee members with relevant experience to conduct hearings, so it is flexible. A quorum consists of three people.

The Hon. T.G. Cameron: The executive of the Transport Workers Union could be appointed to sit on the committee. The minister could do whatever he liked.

The Hon. T.G. ROBERTS: Would that be a bad thing?

The Hon. T.G. CAMERON: Is that a statement or a question?

The CHAIRMAN: I remind honourable members that there is a process and they should follow it.

The Hon. T.G. ROBERTS: I understand that there is no intention that the bill change any of the practices that currently exist.

The Hon. T.G. CAMERON: The Passenger Transport Standards Committee is a critical committee. Why have the criteria for appointing suitable persons been changed from those that the minister just read to us? I suppose that if you have been for ride on a bus or a train that would make you a suitable person to sit on the committee, yet this is more than a committee: it is both a committee and a tribunal with disciplinary powers. Will a lawyer sit on the committee? Will there be anybody with any judicial experience, or anybody with any experience to ensure that people who are charged and brought before the committee are given all their natural rights at law?

The Hon. T.G. ROBERTS: There is an appeal process, whereby an appeal can be made to the District Court. In answer to the honourable member's other questions, there is no intention by the government to change what already exists. The members of the standards committee are selected from the general community; that already occurs. The number of members is the same. If the honourable member has concerns about what will be, then he must have had concerns about what is. There is no consideration by the government to change the current circumstances by which the board and the standards committee are established.

The Hon. T.G. CAMERON: If we look at clause 25, committees, and look at clause 22, we find, for example, that an appointment under subsection (2) will be on terms and conditions determined by the minister. Does that open the door for the minister to appoint people to sit on this committee on terms and conditions different from those that the minister outlined earlier that the government would follow in relation to my question on clause 13?

The Hon. T.G. ROBERTS: The answer is that we would apply the Commissioner for Public Employment's standards in section 13.

Clause passed.

Clauses 23 and 24 passed.

Clause 25.

The Hon. J.F. STEFANI: The minister referred to the appeals provisions in the legislation. Will the minister advise the committee who will form part of the appeals committee and who will hear the appeal? It is not clear to me. When the standards committee has made a decision that affects a person or organisation, this provision states that that person has the opportunity to appeal within a month of the decision. Who will hear the appeal?

The Hon. T.G. ROBERTS: The District Court.

The Hon. T.G. CAMERON: Where is that in the act?

The Hon. T.G. ROBERTS: It is in section 38 of the act.

Clause passed.

Remaining clauses (26 to 51), schedule and title passed.

The CHAIRMAN: I point out to members of the committee, at this late stage of the session, the need for attention to the standing orders in the committee stage. For the edification of members, there were 82 contributions during the committee stage of this bill, with questions and answers. There were no amendments.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

GENE TECHNOLOGY (RESPONSIBILITY FOR THE SPREAD OF GENETICALLY MODIFIED PLANT MATERIAL) BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 96.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The government opposes significant parts of this bill and it certainly would oppose the passage of the bill in its current form, and particularly clause 3. However, we will not oppose the bill at the second reading because, if we are able to delete clause 3 of the bill, clause 4 has some merit, and I will refer to that shortly. The government has for some time been developing its own bill—the Genetically Modified Crops Management Bill 2003—to designate certain areas of the state as GM free for marketing purposes.

The consultation draft of that bill and accompanying explanatory paper were released for public comment on 4 November 2003. Community consultation will continue until Friday 12 December 2003 when submissions on the consultation draft bill will close. If the bill proposed by the Hon. Mr Gilfillan were to be adopted, and if it had operational effect, it would in effect prevent the growing of any GM crops anywhere in the state at any time because of the approach to liability in respect of the spread of GM plant material as provided by clause 3.

The honourable member's bill creates a liability for the loss or damage on the part of the person with a proprietary interest in the GM plant rather than the person responsible for the offending conduct. It is a strict liability provision. It reverses the onus of proof. While it provides a defence, it is structured so that it would be exceedingly difficult to establish and thus impractical to rely upon.

The defence aspects of the honourable member's bill go beyond requiring that the proprietary owner of the GM material, the seed company, prove that it is not responsible for the spread of the material. It requires that it prove that it has supplied comprehensive instructions to the highest standards, whatever that means, and in addition it requires that it prove that the instructions have been passed on to the seed purchaser and that the instructions have been complied with to a material degree. This poses the question: how would a seed company prove the negative proposition, that is, that the instructions that were included with its product were not followed at the farm? The bill does not provide for damages against a farmer who recklessly or negligently allows the spread of GM plants on to an adjacent property. Damages can be claimed only against the person with a proprietary interest in the GM material, whether or not they would have been liable under the common law principles of negligence.

The honourable member's speech referred to the case of Percy Schmeiser from Canada and included sections quoted from Judge MacKay's judgment against Mr Schmeiser. Members should be aware of the entirety of this judgment rather than just the selected points. In essence, this case turned on whether Mr Schmeiser knew he was planting GM canola without paying for the GM seeds. Schmeiser was aware that the field from which he saved his seed showed a resistance to Roundup and he chose to keep the seeds and plant them the following year. This is not a case of an innocent farmer being sued for growing plants that originated from seeds that had blown in to his property: rather, this is a case where a person knowingly planted seeds and used technology for which he had no licence.

It is interesting to note that Percy Schmeiser would not have had the benefit of this defence under the Hon. Ian Gilfillan's bill, because he deliberately used the genetically modified plant material in order to gain a commercial benefit. Members would be aware that the commonwealth has established a regulatory scheme for licensing genetically modified organisms (GMOs) that protects the health and safety of people and the environment by identifying risks posed by or as a result of gene technology and managing those risks by regulating certain dealings with GMOs. The commonwealth scheme has allowed the states to introduce their own legislation that deals with the impacts from a market perspective caused by GM material.

As I indicated earlier, the government's bill has been released for discussion. Some of the impacts intended to be addressed by the honourable member's bill would fall under the government's proposed bill. Briefly, the proposal is to establish an authoritative and broadly based advisory committee to assist the minister in the authorisation to cultivate a specific GM crop on the basis that adequate segregation of GM and non-GM supply chains can be achieved with confidence. Anyone who cultivates a genetically modified crop in contravention of this will be liable to a $100 000 penalty and the destruction of the crop.

Farmers would be more comprehensively protected from market impacts by this process and in a more considered and scientific way than that proposed by the Hon. Ian Gilfillan's

bill. I have sought the advice of the Crown Solicitor on the validity of clause 3 of the honourable member's bill if enacted. The advice is that a court would probably find a cause of action created by clause 3 to be inconsistent with the licensing of a GMO by the Gene Technology Regulator under the commonwealth Gene Technology Act. If a court made that finding, section 109 of the commonwealth constitution would operate to render section 3 invalid. However, the validity of section 3 would not be known until a grower who suffered damage or loss actually sued a licensee under the legislation.

One might add that, if clause 3 of the Hon. Ian Gilfillan's bill were to pass, there would be issues under national competition policy and possibly our obligations under WTO, so we certainly could not support that provision of the bill. The government, however, does support clause 4 of the honourable member's bill and would be prepared to support the bill if clause 3 is deleted. The deletion of clause 3 would remove the constitutional difficulties, while still giving a person upon whose land an inadvertent spread of genetically modified plant material occurred a protection from legal action.

In addition, in relation to clause 4 of the honourable member's bill, the government undertakes to consider whether or not the government's own bill could accommodate protection of farmers from legal action where there has been an inadvertent spread of GM material on their property. If this bill were to be passed, minus clause 3, that is a matter we would examine before debate on the government's own genetically modified crops management bill takes place next year. With those comments I indicate that we will not oppose the second reading but will strongly oppose clause 3 of the bill in committee.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

[Sitting suspended from 1 to 2.15 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to questions on notice Nos 261 and 273 from the last session, and the following questions on notice from this session, be distributed and printed in *Hansard*: Nos 98 and 113.

TRUCK DRIVERS

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

1. Considering that the South Australian Road Transport Association (SARTA), the association that looks after the interests of truck drivers, believes that almost one third are unsuitable for driving trucks, what steps is the government taking to reduce this dangerous situation?

2. Will the Government, in consultation with the trucking industry, introduce improved truck driver education programs?

3. How many fatal and serious accidents involving trucks occurred on South Australian roads during 2001-02?

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

1. It is understood that the information obtained by SARTA was prepared by South Australian Management Services (SAMS). The information was not compiled from any form of driving assessment (theory or practical), but from a written questionnaire based on risk management principles completed by around 300 drivers.

There has been no formal study conducted or any evaluation of the SARTA results in relation to the information's reliability and validity regarding motor vehicle crash involvement. The assessment tool used is not industry specific and can be used on any group of people. For any general population, the result will be that around 30% of the tested group will score poorly (high-risk relative to the whole industry group).

As with any psychological assessment, there is a risk that the results of such a test may not reflect the true position of an individual.

In the case of truck drivers, the test may be a useful tool from an Occupational Health Safety and Welfare perspective, as it can enable employers to identify those drivers at greater risk of being involved in a motor vehicle or workplace accident. Those who are identified as being in the higher risk category are often provided either with risk management training (which does not usually involve driver training) or their employment is restricted to low risk tasks. It is the role of the employer to take suitable steps to reduce the possibility of the employee being involved in an industry related accident. This could include when loading or unloading the vehicle, getting in or out of a vehicle, or other workplace Occupational Health, Safety and Welfare related accidents.

In general, it has been shown from the analyses of multi-vehicle crashes involving trucks that, in the majority of cases, the driver of the other vehicle was found to be predominantly at fault. In relation to their exposure (number of kilometres travelled), truck drivers on average have a much lower risk of crash involvement than drivers of motor cars.

2. In South Australia, there have been extensive changes in the heavy vehicle licensing process over the last ten years. This has included the introduction of the Competency-Based Training (CBT) course option for heavy vehicle licensing. The CBT courses were developed in consultation with the Transport Training Advisory Board of SA, the Transport Training Centre of SA, the Transport Industry, the Australian Driver Trainers Association of SA (Commercial Subcommittee) and SARTA. The CBT courses incorporate the national competency standards for the driving of heavy vehicles, while having regard to current national licensing practices and the licensing standards being applied interstate.

South Australia's licensing system is currently considered to be "best practice" in Australia for the licensing of heavy vehicle drivers.

Transport SA is constantly reviewing the heavy vehicle driver assessment process for licensing, taking regard to new technologies, interstate and overseas driver training and assessment practices, which may improve driver safety through the licensing process.

3. The following information relates to the number of fatal and serious injury accidents involving trucks on South Australian roads:

During the 2001 calendar year:

- the number of trucks that were involved in fatal crashes was 23;
- the number of trucks that were involved in serious injury crashes was 96.

During the 2002 calendar year:

- the number of trucks that were involved in fatal crashes was 24;
- the number of trucks that were involved in serious injury crashes was 82.

GAMING MACHINES

113 (3rd Session), 273 (2nd Session)

The Hon. A.J. REDFORD: How much revenue is collected from poker machines in the electorate of Mount Gambier?

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

The practice of the Government has been to annually release the net gambling revenue (NGR) by Local Government Area (LGA). Where an LGA contains less than 7 venues the data for that LGA is combined with a neighbouring LGA to prevent the individual identification of venues. On that basis, it is not possible to provide information about the State Electorate of Mount Gambier without potentially identifying commercially sensitive information of individual gaming machine venues. This answer therefore includes the combined NGR and gaming machine taxation for the hotels and clubs in the District Council of Grant and the City of Mount Gambier—noting that these areas comprise a sizeable majority of the electorate, including the main regional centre of Mount Gambier.

The annual NGR and tax revenue for the 15 venues in this area is as follows:

2002-03 City of Mount Gambier, DC of Grant

Annual NGR ($ million)	Annual Tax ($ million)
$15.252	$5.014

I note that the tax collection for this year reflects the part-year effect of the revised gaming machine tax structure that commenced on 1 January 2003.

WATER RESOURCES COUNCIL

261. (2nd Session) **The Hon. A.J. REDFORD:**

1. (a) Will the Minister for Environment list the names of all members of the Water Resources Council; and
   (b) The allowances and remuneration to which each such member is entitled?
2. (a) Will the Minister for Environment list the names of all senior executives of the Water Resources Council; and
   (b) The allowances and remuneration to which each such executive is entitled?
3. (a) Will the Minister for Environment list the names of all members of the Catchment Water Management Board; and
   (b) The allowances and remuneration to which each such member is entitled?
4. (a) Will the Minister for Environment list the names of all senior executives of the Catchment Water Management Board; and
   (b) The allowances and remuneration to which each such executive is entitled?
5. Will the Minister for Environment list each disclosure of a conflict of interest made pursuant to clause 10 of Schedule 2 of the Water Resources Act that has been reported to the Minister in respect of—
   (a) the Water Resources Council; and
   (b) the Catchment Water Management Board?

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

1. (a) Members of the Water Resources Council as of 16 May 2003 are:

Mr John Fargher (Presiding Member), Mr Wayne Cornish, Mr Ray Williams, Mr Peter Cooper, Ms Rowena McLean.

(b) Allowances and remunerations for Members of the Water Resources Council are as follows:

The Presiding Member is paid a retainer fee and salary of $9 480 per year. Ordinary Members are paid $160 per Council meeting (4 hours).

2. (a) The Water Resources Council has no senior executives. The Council employs no staff. All support for the Council is provided by staff of the Department of Water, Land and Biodiversity Conservation.

(b) Not applicable.

3. (a) Members of the Catchment Water Management Boards in South Australia as of 16 May 2003 are as follows:

Torrens	Patawalonga	Onkaparinga	Northern Adelaide and Barossa
Mr Jay Hogan (Presiding Member)	Mr Lyndon Parnell (Presiding Member)	Mr Roger Goldsworthy (Presiding Member)	Mr Peter Wall (Presiding Member)
Mrs Valerie Bonython	Mr Richard Crabb	Ms Anita Aspinall	Ms Pam Chapman
Mr Peter Cooper	Mr Colin Haines	Mr Joch Bosworth	Mr Bruce Eastick
Ms Cathryn Hamilton	Mrs Jean Evans	Ms Lynette Chamberlain	Mrs Pat Harbison
Mr Peter Koukourou	Mr John Phillips	Mr Robert McLennan	Mr Barry Ormsby
Ms Penny Paton	Ms Peta O'Donohue	Mr Deane Michelmore	Mr Nick Pezzaniti
Mr Timothy Potter	Mr Peter Norman	Mr Michael Stafford	Mrs Lesley Purdom
Mr Jason Kuchel	Mr Robert Clyne	Ms Debra Just	Mr Ross Dawkins
		Mr Cyril Wear	Mr Stephen Hains

South East	Arid Areas	Eyre Peninsula	River Murray
Mr Jim Osborne (Presiding Member)	Mr Lynn Brake (Presiding Member)	Mr Wayne Cornish (Presiding Member)	Mr David Wotton (Presiding Member)
Mr Peter Altschwager	Mr Darren Niejalke	Mr Martin Daintith	Mr Peter Arnold
Ms Maureen Andrews	Ms Ali Ben Kahn	Mr Peter Duffy	Mr Joe Keynes
Ms Dianne Ashby	Mr Maurice Francis	Mr Brian Foster	Mr Terry McAnaney
Mr Bob Cowan	Mr Malcolm Mitchell	Mr David Lane	Mr Bill Paterson
Mr Rob England	Ms Sharon Oldfield	Mr Jeff Pearson	Ms Rachael Murphy
Mr Nick McBride	Dr John Radcliffe	Ms Evelyn Poole	Mr Roger Wickes
Mr Robert Mock	Mr Frederick Tanner		Mr Jeff Parish
Mr Graham Kaye	Mr Tony Williams		Ms Joanne Pfeiffer

(b) Allowances and remuneration for Catchment Board Members are as follows:

Presiding Members are paid $14 520 per annum, plus $47.50 per hour for informal meetings.

Ordinary Members are paid $160 per four-hour session, plus $40 per hour for informal meetings.

In accordance with the provisions of the Department of the Premier and Cabinet Circular No. 14, these fees are not applicable to persons who are employees of the Government or officers of the Crown except where specific Cabinet and Executive Council approval has been granted.

4. (a) Senior executives of each of the Catchment Water Management Boards in South Australia as of 16 May 2003; and

(b) The allowances and remuneration to which each executive is entitled are listed in the table below.

Catchment Board	Title	Name	Allowances and remuneration
Torrens	General Manager	Mr Alan Ockenden	$60 000—$70 000
Patawalonga	General Manager	Mr Alan Ockenden	$35 000—$45 000
Onkaparinga	General Manager	Dr Jill Kerby	$85 000—$95 000
Northern Adelaide and Barossa	Chief Executive	Mr Kym Good	$110 000—$120 000
South East	Chief Executive	Mr Hugo Hopton	$95 000—$105 000 $5 000 bonus paid on satisfactory performance review
Arid Areas	General Manager	Mr David Leek	$90 000—$100 000
Eyre Peninsula	General Manager	Mr Geoff Rayson*	$70 000—$80 000

Catchment Board	Title	Name	Allowances and remuneration
River Murray	General Manager	Mr John Johnson	$90 000—$100 000

Superannuation is paid to Catchment Water Management Board senior executives and is in addition to the above figures.

* Note that Mr Geoff Rayson has subsequently resigned as General Manager of the Eyre Peninsula Catchment Water Management Board and this position has been filled by Ms Kate Clarke.

5. (a) Disclosures of conflict of interest by members of the Water Resources Council for the period 1/1/2002 to the present, are listed in the table below.

Date of meeting	Member	Matter under consideration	Interest declared	Comment
9/12/2002	Mr Wayne Cornish	Eyre Peninsula Catchment Board membership	Member of the Eyre Peninsula Catchment Board	Member withdrew and took no part in discussion

(b) Disclosures of a conflict of interest by members Of Catchment Water Management Boards for the period 1/1/2002 until the present, are listed in the two tables below.

Catchment Board	Date of Meeting	Member	Matter under consideration	Interest Declared	Comment
Torrens	18/12/02	J Hogan	Aquifer storage and recovery scheme, Fifth Creek, St Ignatius College	Wife employed by the College	Took no part in the voting
Patawalonga	10/7/02	J Phillips	KESAB Patawalonga and Torrens Waterwatch	Interest as Executive Director of KESAB	Member withdrew and took no part in discussion
	10/7/02	J Phillips	KESAB and EPA 'Clean Site' Program	Interest as Executive Director of KESAB	Member withdrew and took no part in discussion
	11/9/02	R Crabb	City of Burnside Sustainable Gardens	Employee of City of Burnside	Member withdrew and took no part in discussion
Northern Adelaide and Barossa	22/4/03	L Purdom	Interest charge levied on Tea Tree Gully Council	Mayor of Tea Tree Gully Council	Member withdrew and took no part in discussion
	22/4/03	B Ormsby	Development of Hewett Wetland	Commercial conflict of interest	Member withdrew and took no part in discussion
South East	20/2/02; 20/3/02; 17/4/02; 14/5/02; 19/6/02; 17/7/02; 21/8/02; 18/9/02; 16/10/02; 20/11/02; 18/12/02; 19/2/03	P Altschwager	Financial matters and water allocation issues	A levy payer and holder of water allocations	Member did not attend meetings
	16/10/02	G Kaye	Salt Accession Study at Padthaway	Vineyard manager at Padthaway	Member withdrew and took no part in discussion
Arid Areas	Nil	Nil	Nil	Nil	Nil
Eyre Peninsula	29/4/03	E Poole	Discussion re: greenkeeper education course potentially involving TAFE	Employee of TAFE	Member withdrew and took no part in discussion
River Murray	21/3/02	J Pfeiffer	Decision in funding of Lower Murray Swamps project	Member Lower Murray Irrigation Association	Member withdrew and took no part in discussion
	20/6/02	B Patterson	Decision in funding application for Coorong Council project	Chief Executive Officer, Coorong Council	Member withdrew and took no part in discussion

Disclosure of conflict of interest – Onkaparinga Catchment Water Management Board

Board Member	Matter Under Consideration	Interest Declared	Comment
D Paschke	April 2002: Verdun Update	Interest as Councillor of Adelaide Hills Council	Member withdrew from discussion and decision (Resolution 7.2.1(1)) due to potential interest
D Just	June 2002: May 2002 Round of Our Patch Grants	Interest as Employee of City of Onkaparinga	Member withdrew from discussion and decision (Resolution 6.7(1), (2), (3) and (4)) due to potential interest
D Paschke	September 2002: Verdun Levee Options Evaluation Report	Interest as Councillor of Adelaide Hills Council	Member withdrew from discussion and decision (Resolution 6.2(1), (2) and (3)) due to potential interest.

D Paschke	October 2002: Verdun Levee Options Evaluation Report	Interest as Councillor of Adelaide Hills Council	Member withdrew from discussion and decision (Resolution 6.2(1), (2) and (3)) due to potential interest.
D Just	November 2002: Onkaparinga Estuary Update	Interest as Employee of City of Onkaparinga	Member withdrew from discussion and decision (Resolution 6.3(1)) due to potential interest.
R McLennan	December 2002: Catchment Levy	Interest as Director of Resource Management, Department of Water, Land and Biodiversity Conservation	Member withdrew from discussion and decision (Resolution 6.2(1)) due to potential interest.
D Just	December 2002: Catchment Levy	Interest as Employee of City of Onkaparinga	Member withdrew from discussion and decision (Resolution 6.2(1)) due to potential interest.
D Just	December 2002: City of Onkaparinga ASR Study	Interest as Employee of City of Onkaparinga	Member withdrew from discussion and decision (Resolution 6.5(1) and (2)) due to potential interest.
A Aspinall	December 2002: November Round of Our Patch Grants	Interest as Member of National Trust of SA	Member withdrew from discussion and decision (Resolution 6.6(5) and (6)) due to potential interest.
D Paschke	December 2002: Verdun Levee Update	Interest as Councillor of Adelaide Hills Council	Member withdrew from discussion (Resolution 7.2.1(1) due to potential interest.
R McLennan	February 2003: Irrigation Evaluation Project for the McLaren Vale Prescribed Wells Area	Interest as Director of Resource Management, Department of Water, Land and Biodiversity Conservation	Member withdrew from discussion and decision (Resolution 6.6(1), (2) and (3)) due to potential interest.
R McLennan	February 2003 Construction of a Flow Gauging Station on the Onkaparinga River at Clarendon	Interest as Director of Resource Management, Department of Water, Land and Biodiversity Conservation	Member withdrew from discussion and decision (Resolution 6.9(1)) due to potential interest.
R McLennan	February 2003: Setting an Ecological Baseline of Mount Lofty Ranges Watercourses	Interest as Director of Resource Management, Department of Water, Land and Biodiversity	Member withdrew from discussion and decision (Resolution 6.10(1)) due to potential interest.
D Just	March 2003: Partnerships with City of Onkaparinga	Interest as Employee of City of Onkaparinga	Member withdrew from discussion and decision (Resolution 6.4(1) and (2)) due to potential interest.

SAME SEX LEGISLATION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement relating to same sex couple legislation made today by the Attorney-General.

SOCIAL DEVELOPMENT COMMITTEE

The PRESIDENT: I rise on a matter of some concern. Yesterday, in the council, during Matters of Interest, the Hon. Mr Ridgway made reference to the deliberations of the Social Development Committee. Joint standing committees are required to adhere to the standing orders of the Legislative Council in respect of select committees. I am sure most members would be familiar with standing order 190, which provides:

> No reference shall be made to any proceedings of a committee of the whole council or a select committee until such proceedings have been reported.

In this particular case, the Social Development Committee had reported to the parliament on some of the matters addressed in the contribution. However, standing committees, unlike select committees, do not usually report their minutes of proceedings to the council. Therefore, matters of deliberation, including particular motions—and that was the subject of yesterday's contribution—and how members may have voted, should not be disclosed in the Legislative Council.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! Any reference that does not comply with this direction in future will be ruled out of order.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! It is a statement of clarification; it is not there for debate.

QUESTION TIME

PRISONS, MENTAL HEALTH FACILITIES

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

Leave granted.

The Hon. R.D. LAWSON: Yesterday, the annual report of the Correctional Services Advisory Council was tabled in the council. That report, prepared by independent persons, contains certain statements. First, in relation to a visit on 10 June 2003 by Dr Ken O'Brien to the meetings of the council, Dr O'Brien is quoted as saying that he observed that, despite the high incarceration rate of offenders with mental health issues, the prison system actually has no dedicated mental health positions in any prison.

He also advised that he was unaware of any exit screening taking place with offenders with mental health problems, and that there may be better outcomes if they exited from mental health beds. Further, in the same report, under the issues raised by the council, it is said that information gained by council members during visits and consultations has again confirmed council's view that the level of mental health services available to offenders at both the prison and community corrections level is inadequate. This is further reinforced by the fact that the council is aware that there are no dedicated mental health workers in any of the prisons or community correctional centres, notwithstanding that the department is managing an increasing number of offenders with mental health issues.

The report also indicates that the minister visited the council. The minister is quoted as suggesting that 'it is

possible that if some money was directed to mental health services in the community there may be less offending, and ultimately fewer offenders in the correctional system'. My questions are:

1. Is the minister concerned by reports from both Dr O'Brien and the advisory council that there is a serious situation with regard to addressing mental health issues in our correctional institutions?

2. Does the minister agree that community safety is compromised when people are released from prison without having had their mental health issues addressed?

3. What does the minister propose to do about improving mental health systems in our prisons?

4. Is the minister correctly reported by the Correctional Services Advisory Council proposing that greater expenditure in mental health services in the community will lead to fewer offenders in the correctional system and, if so, what are he and his government doing to bring about that improvement?

5. When does the minister predict that there will be fewer offenders in our correctional system as a result of improvements in the community mental health services?

6. Does the minister have any scientific, statistical or empirical evidence to support his predicted fall in the number of offenders in the correctional system as a result of improved mental health services?

The Hon. T.G. ROBERTS (Minister for Correctional Services): A very spirited opening from the opposition today in relation to the Correctional Services Advisory Council—although the start was a little late, it certainly finished with a flourish. I am aware that the Correctional Services Advisory Council did make comments on some of the deficiencies (as they saw it) in relation to mental health provisioning within the present system, but I must say—and I am probably at the point of being repetitive and you, Mr President, may have to refer me to standing orders—that I have said on a number of occasions in this chamber that the circumstances in which society finds itself in general in relation to mental health is deteriorating. Many people in our community who suffer from mental health disorders are either undiagnosed, poorly diagnosed or untreated.

There is a broader issue relating to mental health and, in particular, depression within society, and I have studied that over time. Many of the people who suffer from mental illness and who are being treated, or are poorly diagnosed or undiagnosed, do not find their way into the prison system because they have support within their community or family. However, many people do not have the support required to keep them from finding their way into either the mental health services system within the general health community or into the prison system on the basis of a misdemeanour committed while in a state of confusion. Many people picked up for shoplifting, for instance, are not regarded as dishonest or considered to be breaking the law by thieving. They are people who have mental health disorders or who are suffering from severe depression and they do something out of the ordinary in relation to their own standards of behaviour.

It is a tragic circumstance in which we find ourselves with alcohol, drugs and prescription medicines. They often create problems that are now causing major mental health problems in society. There is general alienation of individuals within society who have been isolated through poverty or poor opportunity and they are presenting with mental health issues. It is cause for concern for all of us that governments of all persuasions, now and in the future, will have to deal with a wider range of mental health problems, thereby providing a wider range of mental health services.

In regard to prisons, we are now off to a start in trying to deal with the increased numbers of individuals who find their way into the prison system. It is not true to say that there are no mental health services within Correctional Services. A number of services are provided within prisons, but I must say that, if more mental health services are able to be provided within the community through prevention programs to pick up individuals who would possibly find their way into the justice system, I believe it naturally follows that we would have fewer people in prison. Prevention is one arm, and we are looking at increasing those services under the current budget restraints.

We have made provision for people who find themselves in the prison services in the order of $1.5 million a year to be put into prison-based rehabilitation programs. For the first time in South Australia there will be a comprehensive prison-based sex offender program which will include psychiatric support services. It is not solely turned over to a sex offender program—it will include psychiatric support and analysis. That is something that the previous government did nothing about for the eight years that it was in office.

An honourable member interjecting:

The Hon. T.G. ROBERTS: We are tackling the problem. A memorandum of understanding has been developed between the ministers for health and correctional services for the provision of medical services to prisoners. The Chief Executive of the Department of Correctional Services chairs the steering committee that oversees the effectiveness of the services and initiates improvements. What the CSAC may not be aware of is that this financial year, through the drugs summit initiatives, the Department of Correctional Services received additional funding for 6.5 psychologist positions. This represents a net increase in the order of 50 percent, bringing the total number of psychologist positions in the department to 19. Currently the department is in the process of recruiting staff for these positions.

In its efforts to strengthen services in this area, the department was fortunate to employ as its principal psychologist a top-level forensic psychologist with international experience in working with sexual and violent offenders. While the problems that prisoners with mental health issues present will not easily be fixed, these initiatives are an important step to address the situation. There has to be more service provisioning within the mental health services area. As I said, it is not just an issue for South Australia; it is an issue for the whole of Australia and unfortunately for the whole of the western developed world. The trends indicate that we will have to turn over more of our health budget to prevention, analysis and treatment for people with mental health disorders.

Finally, an item I heard on ABC *AM* mentioned a survey conducted in Perth, Western Australia across social and economic divides which showed that 25 per cent of the young people interviewed and analysed were at risk.

Now what at 'risk means', in general terms, is that they are at risk of falling by the wayside in their attempts to deal with their own individual development in society as they go through life with or without the support services that are required. We have to work to strengthen family and community networks. When people come into contact with the Correctional Services system, we certainly have to case-manage those who have alcohol, drug and other problems so that, while they are in prison, we are able to provide support;

although there are some people whose sentences are minor, which means that we are unable to follow their history through. If they are on release and not subject to parole conditions, we have no control over them in the Correctional Services system. They have to be picked up by the broad and general health services.

WATER CHARGES

The Hon. CAROLINE SCHAEFER: My questions are addressed to the Minister for Agriculture, Food and Fisheries. Is it true that the government is planning to introduce licensing and water charges to all surface water, whether or not it is used for irrigation, particularly in the Adelaide Hills zone? Was his department consulted on this matter? What effect does he believe this will have on agriculture in the region?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): My colleague the Minister for Water Resources will have the details on the government's proposals in relation to water charges. I will refer the question to him.

SAMAG

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Minister for Business, Manufacturing and Trade a question about SAMAG.

Leave granted.

The Hon. R.I. LUCAS: This year, in June, I asked a series of questions about the SAMAG development and, in particular, about some actions taken at the time by the Chairman of the Economic Development Board, Mr Champion de Crespigny. I asked questions about what guidelines were laid down by the Rann government in relation to Mr de Crespigny and the SAMAG issue. I asked whether Mr de Crespigny had breached those guidelines, and whether the Premier or any minister or officer of the government had expressed concern to Mr de Crespigny that his memo at that time to federal ministers had breached those guidelines. I have received advice in the last week from a senior public servant that the answers to those particular questions are resting in a ministerial office and there has been a refusal by the government and the Premier to provide answers to those particular questions because, in the words of the senior public servant, there are significant problems with drafting answers to those questions.

This week we have seen a further significant development in relation to the SAMAG proposal. *The Age*—and similar articles appeared on other business pages—published an article entitled 'Magnesium Hopeful Raps SA Review', which summarised the annual general meeting comments of the managing director, Gordon Galt, in the following way:

> An unfortunately timed government review had contributed to the failure of Magnesium International's rights issue this year and had left the company in limbo, management told shareholders at the annual general meeting yesterday. . . Managing director Gordon Galt said the company would look at Queensland and Victoria for cheaper locations. . . 'The South Australian Government review. . . was a major surprise and we are still at a loss to understand why the review was initiated at that time,' Mr Galt said.
>
> The review of the company's smelter plans was conducted during the time the issue was open and, coincidentally, at the time the Australian Magnesium smelter project in Queensland was collapsing, Mr Galt said.
>
> He said the review did not uncover anything previously unknown and the SA Government subsequently reaffirmed its $25 million in supporting infrastructure commitments.
>
> 'The damage was done, and our failure to raise the required funding from the rights issue has significantly affected our ability to progress our company's objectives,' Mr Galt said.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The leader can mumble if he wishes, but these are statements made by the Chief Executive of this project. I am sure that the Leader of the Government will bear in mind that you, Mr President, have been a very strong supporter of and most interested in this development for the Port Pirie region. I am disappointed to hear the leader's caustic comments under his breath as part of his interjection.

I have been further advised that, early in October, a stinging letter was sent from Magnesium International Ltd to the Premier of South Australia expressing grave concern about the actions of the South Australian government in initiating this government update and about the comments and actions taken by Mr de Crespigny at that time.

The Hon. P. Holloway: Unless we did the review, we wouldn't get the money.

The Hon. R.I. LUCAS: Well, you release the letter and indicate whether it is complaining about the commonwealth.

The Hon. P. Holloway: I am telling you what the facts are. The company will say all sorts of things for its own reasons. I am telling you what the facts are.

The Hon. R.I. LUCAS: So you are saying that the company is lying.

The Hon. P. Holloway: I am saying what the facts are.

The Hon. R.I. LUCAS: You are saying that the company is lying.

The Hon. P. Holloway: I didn't say that.

The Hon. R.I. LUCAS: What are you saying?

The PRESIDENT: Is that the Hon. Mr Lucas's question?

The Hon. R.I. LUCAS: It is about to come, Mr President. I am further advised that the stinging letter that expresses concern indicates that the update process was a significant factor in the rights issue being substantially under-subscribed for the company. My questions are:

1. In early October, did the government receive a strong letter of criticism from Magnesium International Ltd expressing strong concern about the government's decision on an update of the Magnesium International project and concern about the statements made by Mr de Crespigny, the Chairman of the Economic Development Board?

2. Does the government now concede that its actions in establishing a review at the time of the rights issue was a significant factor in that issue being substantially under-subscribed, as outlined by the Managing Director, Mr Gordon Galt?

3. Will the minister ask the Premier whether he will stop the suppression of answers to questions I asked in June this year about the guidelines that relate to Mr de Crespigny's involvement and whether or not he breached those guidelines in relation to his statements?

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

MINE TAILINGS

The Hon. J. GAZZOLA: My question is directed to the Minister for Mineral Resources Development. The manage-

ment of mine tailings is an important issue for the mining industry. What steps has the government taken to improve mine tailings management?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): This is indeed a very important subject. I am aware of the honourable member's interest in matters relating to the environment. The strategic framework for mine tailings management was released recently after a meeting of the Ministerial Council on Mineral and Petroleum Resources in Melbourne earlier this year. The framework recognises that tailings management is a site-specific activity and, therefore, it does not provide detailed management guidelines. Instead, it establishes broad principles that can be applied on a more consistent basis to tailing facilities by government regulators and industry management.

The strategic framework is structured around these five objectives and key principles: stewardship; stakeholder engagement; risk management; implementation; and closure. The tailings management structure is similar to the strategic framework for mine closure released in 2000 by ANZMEC (the former ministerial council) and the Minerals Council of Australia.

By way of background, the joint working group of members of the former ANZMEC technical environment task force and the Minerals Council of Australia was established in 2000 to review the management of mine tailings in Australia and, if appropriate, to develop a strategic framework for tailings management to foster improved regulation and management of mine-related tailings. Following the establishment of the Ministerial Council on Mineral and Petroleum Resources, the sustainable resources subcommittee managed the government input into the development of the strategic framework. The draft framework was released for public comment early this year and revised following that consultation in June.

The government welcomes the industry's commitment to a high level of environmental standards. The framework's principles address the key issues necessary to implement effective tailings management plans. I encourage mining companies to examine the strategic framework principles and build them into their tailings management plans.

DOG AND CAT MANAGEMENT BOARD

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Dog and Cat Management Board.

Leave granted.

The Hon. IAN GILFILLAN: Since the minister—and I assume the government—has now done a backflip on the threatened dog control legislation, it is of interest to look intently at the operations of the Dog and Cat Management Board. I will quote briefly from the report for the year 2001-02 at page 6, which states:

> A comprehensive review of the Dog and Cat Management Act—

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: I knew I should ignore the minister—I don't know why I fall for it! There's a cat in the house—get it out! The report in that couple of paragraphs states:

> With the election of a state Labor government, much work has been required to assist the new minister to come up to speed on issues surrounding dog and cat management and it is expected that this new government will issue its own discussion paper exploring recommended changes to the act some time early in the new financial year.

Further on in the same report it states:

> Research: To assist in its future planning and management activities the board continues to collect information on. . .

It then refers to dog attacks, public education, and international and national sources relating to dog and cat management. With regard to a public education program, it states:

> It is expected that these initiatives will result in a decrease in: dog barking complaints; dog attacks [which I emphasise]; the number of dogs wandering at large; and the number of dogs placed in animal shelters.

Further on in the same report it comes to statistics on the number of dog attacks reported to councils. It quotes figures from 1994-95 up to the year 2000-01, but it says that for the year 2001-02 figures are not available. The figures for the attacks to be provided to the very body that accumulates this data are not available for the year 2001-02—the year of this report. I refer briefly to the legal requirements of this report. Section 24 of the act provides:

> (1) The board must, on or before 30 September in every year, forward to the minister, the LGA and each council, a report on the Board's operations for the preceding financial year.
>
> (3) The Minister must, within six sitting days after receiving a report under this section, cause a copy of the report to be laid before both houses of parliament.

This report I am quoting for 2001-02, although it should have been tabled some time in October, was not tabled until 1 April this year, so there is a fair time lag there. The report for this year has not been tabled. It says in the act that it should be tabled within six sitting days in both houses of parliament. There have been 14 sitting days since 30 September and still we have no report from the Dog and Cat Management Board.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: I will steadfastly ignore the interjection. I am advised that the report is in the hands of the minister and, with the incredible flexibility the minister has shown in the backflip, from coming down hard and containing dogs and all the other hyperbole that has been drummed up, we have had a change of face overnight. The question must be: what is in the report that has persuaded the minister to keep it so tightly under wraps and is he not in contravention of the very act he controls? In addition, I ask the minister to ascertain from minister Hill the exact time when he will table the annual report of the Dog and Cat Management Board, and the reason for the delay. It must therefore beg the question: does the annual report contain statistics that had revealed flaws in the earlier draft of the Dog and Cat (Miscellaneous) Amendment Bill?

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.

EQUAL OPPORTUNITY LEGISLATION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about the equal opportunity legislation framework paper.

Leave granted.

The Hon. A.L. EVANS: The government recently invited comments on a discussion paper, and I understand that the closing date is 12 January 2004. The paper contains a number

of proposals touching on vilification, disability, discrimination and sexuality. My question to the Attorney-General is: which organisations and individuals were specifically invited to make submissions in relation to the plan?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that question to the Attorney-General in another place and bring back a reply.

HOME OWNERSHIP

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about housing affordability.

Leave granted.

The Hon. A.J. REDFORD: Yesterday, I received from the Minister for Infrastructure answers to questions asked by me on 15 October 2003, only 12 sitting days after I asked them—which, I believe, is a record by this government, and I acknowledge the minister in that respect. I suspect it took his mind off electricity. In his answer, he said that the South Australian government submission will be released in the next few days. In fact, for those who are interested, it has been on the Productivity Commission's web site for some six weeks now.

In his answer, the minister suggested that there is not much the Land Management Corporation can do concerning housing affordability, because most of the land it owns is on the northern and southern fringes of Adelaide. That is despite the fact that the northern fringes of Adelaide are within the Playford and Salisbury council areas, which are currently experiencing unprecedented economic growth and housing demand. The answer also refers to releases at Seaford, Meadows, Huntfield Heights in the south, Northfield (central), and Playford, Mawson Lakes and Evanston in the north, with plans for further developments in Port Adelaide. I am not sure whether they are at the low end of the socioeconomic scale. Further, the housing minister advises that all of 13 graduate loans have been approved by HomeStart. Knock me over with a feather! Today, the Housing Industry Association and the Commonwealth Bank—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: —no, the member will be interested in this—announced a further decline in housing affordability, and the biggest decline in Australia was Adelaide and Brisbane over the past 12 months. Indeed, it reported that we are now at the lowest level of housing affordability for 16 years. Interestingly—

An honourable member interjecting:

The Hon. A.J. REDFORD: Did I hear, 'Hear, hear' from the minister? Interestingly, Adelaide City Council has called for the following—and I quote from its submission:

> Council considers that stamp duty and the planning and development (open space) levy is an impediment to affordable housing development.'

That is contrary to Mr Jim Wright's submission and the government's submission that any reduction in stamp duty would not make housing more affordable. Further, a submission from Hickinbotham Homes notes that the government has a land bank and states:

> The state government acknowledges that it sees no lack of supply of suitable land for housing in the short term but fails to address fundamental issues.

The submission continues (at page 3):

> Land will need to be made available from regenerating existing residential areas and there will be a restriction on densities and locations by current zoning requirements.

In the light of that, my questions are:

1. Has the Premier seen the Hickinbotham submission and does he support the recommendations in that submission?

2. Other than 13 graduate loans from HomeStart, what is the government doing about making housing more affordable for our young people and our dispossessed?

3. Does the minister agree with the Adelaide City Council's submission that we need state policies which, amongst other things, will 'maximise affordable housing outcomes from government land releases'?

4. Will the government support the council's submission that stamp duty and planning and development levies are an impediment to affordable housing?

5. Given the increase in GST flow to state governments, will the government provide consumers with some relief from this iniquitous tax?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Infrastructure and bring back a response.

STATE DISASTER COMMITTEE

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 Minister for Emergency Services, a question about the State Disaster Committee.

Leave granted.

The Hon. J.S.L. DAWKINS: The state recovery subcommittee is a subcommittee of the State Disaster Committee. It has a role in the planning and preparedness for state disaster recovery. I understand that the role and functions of the subcommittee, which meets bi-monthly, are:

(a) To be responsible for supporting the Emergency Management Council Standing Committee in the detailed planning and implementation of 'recovery' measures following a declared 'disaster' or 'major emergency';
(b) To keep that part of the state disaster plan under review and recommend to the State Disaster Committee such amendment to it as from time to time appears necessary or expedient;
(c) To advise the Emergency Management Council Standing Committee on matters relating to recovery in the event of a disaster or major emergency;
(d) To oversee and evaluate recovery operations during and following a declared state of disaster or emergency;
(e) To carry out such planning and preparedness functions as are assigned to it by the State Disaster Committee;
(f) To oversight the appropriate disaster recovery training for staff and agencies involved in recovery;
(g) To encourage and support collaborative partnerships between participating agencies and other functional services that are involved in recovery operations.

My questions are:

1. Does the subcommittee include a representative of the Local Government Association?

2. Does the subcommittee include representatives from rural communities and regional urban centres?

3. What is the full membership of the state recovery subcommittee?

4. What is the relationship between the State Disaster Committee and the Emergency Management Council Standing Committee?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I recall that during the period I was Attorney-General appointments to the State Disaster Committee were made by the Attorney-General. It appeared to me to

be somewhat anomalous and it may have changed, but I will refer the question to either the Attorney-General or the Minister for Emergency Services and bring back a response.

ABORIGINAL YOUTH

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal youth at risk of offending.

Leave granted.

The Hon. G.E. GAGO: Statistics from prison populations indicate that there is a high proportion of indigenous Australians incarcerated in our prisons. This is also the case in South Australian prisons, unfortunately. We all know there are many reasons why this is the case and there are no quick fix solutions. As the minister has often said in this chamber, education, training, employment and choice are key components of long-term solutions to these appalling statistics. Given this, my question is: will the minister inform the council of any programs that will assist in the reduction of these figures?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and her continuing interest in Aboriginal affairs. There are some things that have been done around the state, particularly in the Ceduna area, that are making a difference. I have mentioned this program previously in this council, and when it was being set up and continued by this government it was getting good results very early. It set up a base of respect within the broader community (that is, the Aboriginal and non-Aboriginal communities), and it has now been recognised by an award at commonwealth level.

The Bush Breakaway Youth Action Program was established to address the offending of young people between the ages of 12 years and 18 years in Ceduna who are considered to be at risk of offending, and it is a partnership between the community and key service providers. The education department plays a major role in that. The project is an important initiative to address the over-representation of young Aboriginal offenders, or people at risk of offending and who may have come into contact with the justice system, and has been in operation since November 2001 under the auspices of the Tjutjunaku Worka Tjuta Incorporated (TWT), which is the community development and employment program in Ceduna.

It developed strong community links between leaders within the community and developing leadership within the young Aboriginal community and their parents. Elders are fostered into the roles of mentors and camp leaders and are shown respect by the community; and young people observe the respect that is shown by the broader community to their elders and it is passed on. The program is building into a major program, and I hope it will be developed in other parts of the state. It is an early intervention and prevention program that I think can be used as a model in other parts of the state and Australia.

I pay my respects to all of the people associated with the Bush Breakaway program working in Ceduna in both the Aboriginal and non-Aboriginal communities—including the police and the education department, amongst others. I acknowledge the work that has been done by the coordinator of the Bush Breakaway Youth Action Program, Sandra Holland, and all of those people who are involved directly with this project. Once again, I congratulate all of those who are involved not just in the program that is running but also for the award that it has won from the commonwealth, which I think has a monetary amount of $10 000. I am sure it will be put to good use in that program in Ceduna.

EDUCATION, DEAF CHILDREN

The Hon. KATE REYNOLDS: 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 deaf education.

Leave granted.

The Hon. KATE REYNOLDS: Approximately 40 children with hearing impairments receive early intervention services in this state in the public sector. Transition to a hearing impairment specific preschool is necessary to ensure that each child can acquire optimum language skills and achieve his or her potential. But, sadly, in South Australia there are no longer any full-time public preschools for students with hearing impairment. The auditory verbal facility at Ballara Park Kindergarten closed earlier this year and the bilingual-bicultural early learning centre at Klemzig Primary School is funded to offer only two preschool sessions each week instead of the usual four sessions.

As we understand it, four teachers in South Australia have the double qualifications necessary to teach both children in the early years and children who are hearing impaired. Of these, three are employed on contract and only one is permanently employed by the department. Leadership positions in hearing impairment education are no longer available, which will mean a loss of expertise in this much-needed specialist area.

As education support services become multi-disciplinary, there will be fewer opportunities for professional development in discipline specific areas, which, of course, will have a detrimental impact upon teachers working with students because they will have less access to current research and methodology. The majority of teachers working in this field are aged over 45 years, and several are nearing retirement. The Flinders University course to train teachers of the deaf has been discontinued and replaced with a non-definitive generalist special education course; and so it has been predicted that within five years South Australia will be without any specialist teachers in this area. Until the year 2000, the department employed an educational audiologist to advise teachers of hearing-impaired students in specialist schools and mainstream schools. This person was required to be both a registered teacher of the deaf and a qualified audiologist.

Despite the position being advertised in 2002 and applications being received from people who are thought to be suitably qualified and experienced, the position is still vacant. My questions are:

1. Will the minister advise when preschools for children with hearing impairments will either be reopened, as in the case of Ballara Park, or, in the case of Klemzig Primary School Early Learning Centre, be provided with sufficient funding to offer four preschool sessions to each child each week?

2. Why is there only one appropriately qualified and experienced specialist teacher employed on a permanent basis and when will the three contract positions be converted to permanent?

3. Why are there no leadership positions in the specialist area of teaching of children with a hearing impairment?

4. How is the department providing for the future training of teachers to work with students with hearing impairment?

5. Why was the position of educational audiologist not filled in 2002, and when will an educational audiologist be employed in a full-time capacity by the department?

6. Does the department have a strategic plan for the provision of specialist services to families with deaf or hearing-impaired children and, if so, will the minister provide a copy to my office?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her number of comprehensive questions. I will take them on notice and ask the Minister for Education and Children's Services to provide a reply.

ADELAIDE CASINO

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question about an Adelaide casino promotion and the codes of practice in relation to advertising.

Leave granted.

The Hon. NICK XENOPHON: Early today a constituent contacted my office over a SkyCity Adelaide Casino promotion advertised extensively in the print media and radio in relation to various promotions of the casino. The advertisement in the print media was headed 'Dinners for winners'. A print ad referred to a two for one meal deal at the Pullman Restaurant at the casino as part of this promotion. As a result of the advertisement, this constituent booked a table at the restaurant and, when she went there with five others earlier this month, she claims that three of the six who attended the dinner were told that the two for one deal would not apply unless they joined the casino's action card scheme. No reference to this was made in the advertising. After some arguing, three of the people at this table reluctantly joined in order to continue the dinner.

The existing Adelaide casino advertising code of practice makes reference to the business being operated 'in a responsible manner so as to minimise the harm caused by gambling'. Given the concerns gambling counsellors have expressed to me and put forcefully in submissions to the Independent Gambling Authority regarding such loyalty programs and the link between such schemes and increasing levels of problem gambling, my questions are:

1. Will the minister look into the allegations referred to?

2. Does he consider it unacceptable that patrons of a gambling venue be required to join a loyalty program before availing themselves of a widely advertised offer that did not set out such a condition?

3. In any event, does the minister consider it unacceptable that there be any link between promotions and joining a loyalty program?

4. Further, what is the government's position on gambling venue loyalty programs in general terms? Does it acknowledge a link between such programs and levels of problem gambling being increased; and will the government follow the lead of the Victorian government in clamping down on such programs and implementing further regulation of such programs?

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

WIND FARMS

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question about wind farm development.

Leave granted.

The Hon. J.M.A. LENSINK: Members would be aware of the importance of the development of renewable energy sources. In the commonwealth-state break-down of responsibilities, the states are responsible for the monitoring and guidelines for wind farm development. I have been contacted by a group of constituents from Yankalilla who have formed an organisation known as Eaglehawk and who conducted a peaceful protest on the steps of parliament house a couple of weeks ago. This group of residents and property owners are supporters of renewable energy sources but they are concerned with the development planned by Origin Energy, known as Kemmiss Hill Road.

The specific concerns of residents include: environmental (given its close proximity to the Myponga Conservation Park, which is home to a rare breed of wedge-tailed eagles); the close proximity of turbines within 500 metres of dwellings; and the lack of consultation with local residents. One of their documents entitled 'An unjust process' states:

> Both Yankalilla Council and Planning SA had consistently assured the local community that all wind farm applications would be assessed by Council. NOW we have been told by Council that the State Government via DAC (Development Assessment Commission) could take this privilege from Council. Section 49A in the Development Act directs that Electricity Plants with a generating capacity of 30 MW or UNDER, must be assessed by DAC. There is NO Right of appeal to the public as would be the case with a Council assessment.

Regulation of such developments in South Australia (which falls under the Development Act) does not provide clear guidelines about location, size or capacity. This leads to the potential for poor planning and inconsistency in the approval of wind farms in this state. South Australia's first wind farm is operating at Starfish Hill and it is to be commended. But, it was not until after its approval that the minister produced a planning bulletin and a plan amendment report. My questions are:

1. Is the minister satisfied that due process has been followed for the approval of the Sellick's Hill development in terms of local and state government processes? Has adequate community consultation taken place?

2. Will the minister ensure that due process is followed with Kemmiss Hill Road and any subsequent applications?

3. How is the minister ensuring that local communities are adequately consulted while the PAR and other guidelines are so ambiguous?

4. In *Hansard* of 14 October 2003, the Minister for Energy said:

> It is important that wind farms are built in the right locations and after going through proper planning processes.

Does the minister agree with that comment?

5. Will the minister guarantee that residents in the locality of wind farms will not be disadvantaged by any future planning guidelines or regulations which do not yet exist and which may impact upon their ability to develop their own properties or affect their property values?

6. Will the minister consider amending Section 49A of the Development Act 1993 to ensure that South Australian

legislation falls into line with other states so that it will be mandatory to consult with local government on planned developments under 30 megawatt capacity?

7. What other sources of renewable energy is the government considering, and what is the status of such plans, given that renewable energy targets may be increased from 2 per cent to 10 per cent by 2010 and that it has been spectacularly unsuccessful at obtaining additional capacity since coming to office?

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

The PRESIDENT: Order! There is too much audible conversation in the council. The Hon. Mr Stefani has been called twice and has been unable to be heard.

SCHOOLS, RACISM

The Hon. J.F. STEFANI: Thank you for your protection. 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, questions about racism in schools.

Leave granted.

The Hon. J.F. STEFANI: I refer to an article in *The Advertiser* today dealing with student unrest at Parafield Gardens High School. In particular, I refer to the editorial which draws attention to the seriousness of racial tensions, both inside and outside the classroom, at this school. As a community, we know that racism is not necessarily confined to any particular school but, unfortunately at times, it is evident in many other areas. We all know that racism is a by-product of fear and ignorance. As a multicultural society, we recognise that migrants who have settled in South Australia come from diverse backgrounds and regions. These people have different religions and cultural traditions, as well as different family customs and expectations. It is recognised that children from migrant families are often required to meet expectations of their parents that are very different to the educational and social environment in which they live. At times, this creates misunderstanding and tensions.

The editorial in *The Advertiser* suggests that the solution announced by the education minister to build fences and employ more security guards at the school is a typical knee-jerk reaction by a political system ill-equipped to deal with the problem. My questions are:

1. Can the minister advise what steps she has taken to involve the wider community, including the parents, in the public education system to overcome the problem?

2. Will the minister provide details of the educational programs that have been developed by the government to teach children the values of tolerance, equality and racial goodwill?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am sure that my colleague would be pleased to provide that information to answer the latter question. I remind the honourable member that my colleague made a ministerial statement in relation to the situation at that high school earlier this week which was tabled in this council. As I understand it, the actions that were taken there were in response to some issues involving National Action and various activities related to that organisation and should be seen in that context. I will refer the question to the minister in another place and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Would the minister be able to advise the council whether her department has involved many of the Asian parents—I would suggest a lot of Vietnamese parents—whose children attend Parafield Gardens High School?

The Hon. P. HOLLOWAY: I will refer that question to the minister and bring back a reply.

NURSES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions about emergency cardiac treatment.

Leave granted.

The Hon. SANDRA KANCK: I am sure that most members would be aware that defibrillation is a technique that delivers an electric shock to the heart when it has stopped working or has gone into an abnormal rhythmic pattern. Automated external defibrillators (AEDs) or semi-automatic or shock-advisory external defibrillators (SAEDs) are widely available. However, according to a report in the *Medical Journal of Australia* of 3 November 2003, nurses in many Australian hospitals are not allowed to perform potentially life-saving defibrillation on patients whose hearts have stopped. This is despite the fact that flight attendants, security guards and police are able to do so in out-of-hospital settings. The time between collapse and defibrillation is crucial to the chances of surviving cardiac arrest. Both the Australian Resuscitation Council and the American Heart Association have recommended that nurses be taught how to defibrillate, because a nurse is usually first at the scene in a hospital when a person has had a cardiac arrest. My questions are:

1. Are nurses in South Australian hospitals able to assist patients in cardiac arrest using defibrillation devices?

2. Will early defibrillation training programs for nurses be instituted in South Australian hospitals?

3. Does the minister consider that expecting nursing staff to use defibrillation devices could improve outcomes for cardiac patients?

4. Is it appropriate that workers in the community, such as police and flight attendants, are permitted to use devices to defibrillate, whilst a nurse in a public hospital is not?

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.

SOUTHERN CROSS REPLICA AIRCRAFT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of a ministerial statement relating to the Southern Cross replica aircraft made in another place by the Hon. John Hill.

TRANSPORT PLAN

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 Transport, a question about the government's draft transport plan.

Leave granted.

The Hon. D.W. RIDGWAY: Point 2 on the last page of the draft transport plan states that the government will hold a state transport conference in late 2003 to launch the final

plan and to facilitate focused discussions. The Transport SA web site states that the draft transport plan will be submitted to cabinet in late 2003. Again, this is typical of the government changing its mind and not sticking to its promises.

The Hon. J.S.L. Dawkins: A bit like its policies before the last election!

The Hon. D.W. RIDGWAY: Absolutely: non-existent! The web site also shows plans for walking, cycling and freight are listed as 'coming soon', whilst the four remaining—network management, regional access, public transport and environmental sustainability—are listed as 'yet to be commenced'. My questions are:

1. When will the final plan be launched?

2. Will the minister indicate when the state transport conference is to be held?

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.

SOUTHERN SUBURBS INFRASTRUCTURE

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 Urban Development and Planning, a question about southern suburbs infrastructure.

Leave granted.

The Hon. T.J. STEPHENS: In response to a question I asked on 25 September of the Minister for Urban Development and Planning about southern suburbs infrastructure, the minister said:

> The Department of Transport and Urban Planning has the role in providing the primary coordination point for the provision of services and infrastructure. This role involves coordinating both the physical and capital planning of major service providers to achieve a whole of government coordination at budgetary levels and in implementation. It does not make the work of the Office of the Southern Suburbs superfluous.

However, in a ministerial statement, the Minister for the Southern Suburbs said:

> My job is to try to coordinate a whole of government approach to issues in the southern suburbs. It is partly a coordinating role and is partly facilitating access to government.

Yet the Minister for Urban Development and Planning has said that it is not the role of the Office of the Southern Suburbs, nor does the office have any of the staff resources to resolve these issues, but it may be a participant in the process. My questions are as follows:

1. Will the government decide who is responsible for coordinating the whole of government approach in the south?

2. If the Office of the Southern Suburbs is unable to resolve these issues and the Department of Transport and Urban Planning has a primary role in coordination and facilitation, what does the Office of the Southern Suburbs do at these meetings?

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.

REPLIES TO QUESTIONS

HOUSING TRUST

In reply to **Hon. KATE REYNOLDS** (22 October).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

1. Why are Housing Trust properties being sold off while the waiting list for public housing is continuing to grow?

The number of applicants on the waiting list for South Australian Housing Trust (SAHT) accommodation fluctuates from year to year, but has reduced from 41 600 in 1993 to 26 670 at 30 June 2003. This is consistent with the decline in annual new applications from 16 369 in 1992-93 to 9 058 in 2002-03.

House sales are an important component of the SAHT's asset management strategies as they enable the SAHT to dispose of assets that are no longer suitable for reasons including low demand, location, house type and condition. Funds that are generated through the sale of SAHT assets support stock replacement programs, new construction, home renovation and other capital improvement activities.

The SAHT is currently unable to replace all stock sold due to ongoing reductions in grant funding available under the Commonwealth State Housing Agreement (CSHA). Funding to South Australian social housing agencies under this agreement has declined in real terms by approximately 31 per cent over the past decade. Under the current CSHA for the period 2003-08, the Commonwealth Government has again reduced funding through the withdrawal of GST compensation for housing authorities, which was valued at $9.5 million to South Australia in 2002-03.

2. How many Housing Trust properties were sold in the past financial year, and how does that compare with the previous five financial years?

The number of SAHT properties sold in 2002-03 (607) is almost half the number sold in 1997-98 (1201).

SAHT House Sales for the period 1997-98 to 2002-03

Year	Houses Sold
1997-98	1201
1998-99	1075
1999-00	1118
2000-01	900
2001-02	723
2002-03	607

3. How does the government intend to reduce the waiting list for public housing?

Despite constraints in grant funding, the South Australian Housing Trust is accelerating its New Build Program with approximately 350 new dwellings to be completed in 2003-04 compared to 252 in 2002-03, 149 in 2001-02 and 153 in 00-01. The SAHT is also working on strategies to improve efficiencies and to further develop its new build programs to maximise housing outcomes from available resources.

APPRENTICESHIPS

In reply to **Hon. T.G. CAMERON** (15 September).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has advised:

1. How widespread are the concerns raised by the AMWU in South Australia, and is the Minister satisfied with the way traineeships are currently conducted?

From time to time the Minister for Employment, Training and Further Education has received complaints regarding inappropriate practices of employers using the apprenticeship and traineeship system. While the numbers are minimal in comparison to the numbers of people employed within this system, the Government was concerned about these matters when it put forward the Training and Skills Development Bill.

At that time the Government proposed AWAs not be used for the employment of apprentices and trainees due to a disproportionate number of cases involving exploitation associated with the employment of young people under AWAs. While the Legislative Council voted against that particular proposition, a number of other measures designed to protect young people were incorporated into the Bill.

A position of Training Advocate was established to provide a "one-stop shop" for participants in education and training, including apprentices and trainees who encounter difficulties, with a view to expedite their problems.

A public Office of the Training Advocate was established in July 2003 to deal quickly with complaints about training. This office is highly accessible to the public through a 1800 number and "shop front" location on the ground floor of the Education Centre at 31 Flinders Street. The Training Advocate provides assistance to

students, including apprentices and trainees, employers, employees, trainers, RTOs and others by:

- receiving inquiries and complaints
- referring complaints where appropriate to the correct authority for attention
- monitoring action taken on complaints
- investigating complaints where there is no existing mechanism to deal with them
- identifying any patterns that signal systemic problems needing attention by Government.

Nevertheless the Government continues to oppose the use of AWAs.

The on-the-job training model used to deliver apprenticeship and traineeship training involves the apprentice or trainee receiving training from their employer. Various reviews and studies as well as persistent high levels of non-completion, indicate traineeships delivered under the on-the-job model are characterised by:

- Low quality training
- Low skill outcomes
- Low wages
- Cost shifting and potential for rorting
- Poor employment outcomes

A national initiative developed by the Australian National Training Authority (ANTA), to identify RTO quality issues has identified on-the-job training as the highest priority in the SA Risk Management Plan. An internal DFEEST group is progressing the Risk Management Plan and is examining data from the SA apprenticeship/traineeship system to identify problem areas including high non-completions. This data will be used to focus DFEEST Quality Branch audit activity in 2004.

2. How many complaints has the Minister's department received about this issue in the last 12 months? Have these been investigated and what were the outcomes?

Over the last 12 months the Department has received 17 formal complaints in relation to poor quality apprenticeship and traineeship training under the on-the-job model of delivery.

All formal complaints are investigated and resolved through a variety of processes, ranging from consultation through to formal mediation. DFEEST has in place several mechanisms to monitor and respond to concerns:

1. Traineeship and Apprenticeship Services Branch provides a consultancy and mediation service
2. The Training Advocate's Office.
3. The Quality Branch is responsible for the registration of training providers in South Australia.
4. Major issues not resolved through mediation can be referred to the Grievance and Disputes Mediation Committee (GDMC) of the Training and Skills Commission for appropriate action.

3. Will the Minister consider introducing more stringent government checks of employers receiving training subsidies as well as confidential interviews of trainees themselves to ensure they receive the best training possible?

The consideration of strategies to ensure trainees receive the best possible training is a continuous process within DFEEST.

- Employers are required to be formally approved by the department prior to the employment of an apprentice or trainee.
- As part of the quality audit program of Registered Training Organisations (RTOs), the Quality Branch surveys employers and trainees. The nationally endorsed Australian Quality Training Framework (AQTF) introduced in 2002 sets higher and clearer standards to be met by RTOs in the delivery of training services.
- The Training Advocate continues to maintain a service to the community and since July 2003 has dealt with 148 clients seeking assistance regarding apprenticeships and traineeships—73 per cent inquiries, 27 per cent complaints.

MOUNT GAMBIER HOSPITAL

In reply to **Hon. J.F. STEFANI** (15 October).

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

1. No. The South-East will receive an extra $1.5 million this year.

2. This is not relevant. Refer to the above answer.

in regard to the supplementary question asked by the Hon. A.J. Redford the Minister for Industry, Trade and Regional Development has provided the following information:

3. This is not relevant. Refer to the above answer.

ROAD SAFETY

In reply to **Hon. J.M.A. LENSINK** (14 October).

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

Why has the government completely omitted from its plan, given all the facts which I have outlined, any specific strategies aimed at driver behaviour?

The heading "Safer People" on Page 3 of the South Australian Road Safety Strategy 2003 – 2010, includes specific reference to addressing community attitudes to road safety, legislation and enforcement, and road users educated in appropriate behaviour.

The subject matter dealt with on pages 8 to 11 under this heading have been limited to the major issues which contribute significantly to serious crashes and the road toll.

However, the accompanying document Possible Initiatives 2004 – 2010, released in line with the Government's commitment towards community consultation in the development of road safety strategies, provides a comprehensive listing of issues and initiatives for possible inclusion—including a section dealing with "Community Attitudes and Behaviour" on page 19.

ROADS, OUTBACK

In reply to **Hon. D.W. RIDGWAY** (15 July).

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

1. When will the government recognise that neglecting the bush is now starting to cost people's lives?

Routine maintenance effort, which is the key contributor to road user safety on the outback unsealed network, has been maintained and not reduced. Routine maintenance is undertaken by patrols that cover the outback focusing their efforts on repairing hazards and patching. Funding in 2003-04 has been preserved. In the 2002-03 one re-sheeting gang was disbanded. These gangs typically re-sheet 50 km a year in a network of over 10 000 km. As such, around 0.5 per cent of the road network has been affected thus far across 10 000 kms by the removal of this resheeting gang.

2. If the road gangs are reinstated, how long will it take to catch up with the maintenance backlog on these roads?

See answer above.

STAMP DUTY

In reply to **Hon. J.F. STEFANI** (29 April).

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

1. The number of residential properties sold with a sale price exceeding $200 000 in the six-month period between 1 July 2002 and 31 December 2002 was 6 633.

2. The number of residential properties sold with a sale price $200 000 or less in the six-month period between 1 July 2002 and 31 December 2002 was 13 706.

3. The Stamp Duties (Rental Business and Conveyance Rates) Amendment Act 2002 ("the Act"), which gave effect to certain 2002-2003 State Budget measures, including stamp duty payable on conveyances, did not come into effect until 5 September 2002. The new rates of stamp duty payable on conveyances of real property valued in excess of $200 000 applied to documents lodged for stamping on or after this date.

Between the period 1 July 2002 and 4 September 2002, the marginal rates of stamp duty payable on conveyances of property valued in excess of $200 000 were as follows:

- where the value of the property exceeded $200 000 but did not exceed $500 000—4.0 per cent on the excess above $200 000; and
- where the value of the property exceeded $500 000—4.5 per cent on the excess above $500 000.
- where the value of the property exceeded $1 million – 5.0 per cent on the excess above $1 million.

From 5 September 2002, the marginal rates of stamp duty payable on conveyances of property valued in excess of $200 000 increased as follows:

- where the value of the property exceeds $200 000 but does not exceed $250 000—4.25 per cent instead of 4.0 per cent on the excess above $200 000;
- where the value of the property exceeds $250 000 but does not exceed $300 000—4.75 per cent instead of 4.0 per cent on the excess above $250 000;

- where the value of the property exceeds $300 000 but does not exceed $500 000—5.0 per cent instead of 4.0 per cent on the excess above $300 000; and
- where the value of the property exceeds $500 000—5.5 per cent on the excess above $500 000.

The increase in stamp duty rates only applied from 5 September 2002. For the four-month period from 5 September 2002 to 31 December 2002, 4 302 residential properties with a sale price exceeding $200 000 were sold.

Had the superseded rates of stamp duty applied for the four-month period, 5 September 2002 to 31 December 2002, the amount of stamp duty collected on the 4 302 residential properties sold with a sale price exceeding $200 000, would have been approximately $50 693 597. Under the new rates, the amount of stamp duty collected was approximately $54 191 801. Therefore, for this four-month period approximately $3 498 204 in additional stamp duty was collected.

The abovementioned stamp duty calculations are based ont he sale prices of residential properties, as provided by the Land Services Group, Department of Administrative and Information Services. It should be noted that whilst the sale price in most cases is used by RevenueSA to calculate the stamp duty payable on a particular property there may be instances where a higher value is used.

It should also be noted that the information provided by the Land Services Group does not include sales figures that relate to multiple dwellings such as blocks of flats sold as a whole unit. The reason for the exclusion of these types of sales is that they may not accurately represent a residential property purchase.

MOUNT BARKER POLICE STATION

In reply to **Hon. IAN GILFILLAN** (30 April).

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

1. The site for the new Mount Barker Police Station has not yet been selected. The provision of a facility is being considered under the Private Public Partnership (PPP) scheme.

2. Government is assessing a Private Public Partnership (PPP) initiative. A positive outcome to the assessment would result in private sector funding.

3. Work on the station is expected to commence during 2004-05 with a target completion date of June 2005.

4. In the interim, accommodation in the current premises has been addressed by leasing additional office space in Mount Barker.

5. The computer systems in the police station were upgraded in late December 2002 and are now comparable to those at other police facilities.

GAMBLING AND HOMELESSNESS

In reply to **Hon. NICK XENOPHON** (22 September).

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

1. Given the report of the Social Inclusion Board to cabinet, what steps will the government take to urgently investigate the link between problem gambling and homelessness and, in particular, when will the government commit resources and a time frame for such an inquiry? What strategies does the government say it will use to reduce the link between gambling and homelessness?

There have been very few studies on the links between homelessness and gambling. The Department of Human Services (DHS) is currently scoping a study to investigate the links between homelessness and gambling following concerns raised by the Social Inclusion Board.

A small but influential study conducted by the Hanover Centre in Melbourne explored housing issues for clients of a problem gambling service, and also the prevalence of gambling amongst clients of a homeless service. It was estimated that up to 15 per cent of families with a housing problem also had a gambling problem, and that it typically takes 3 to 6 years for problem gamblers to reach homelessness. These results have not been validated or confirmed by any other study.

It is intended that the DHS research study, funded from the Gamblers Rehabilitation Fund, will investigate:

- housing profiles;
- issues for problem gamblers and their families; and
- the pathways into homelessness from gambling.

It is envisaged that the brief for the study will be available for further discussion by the end of December 2003.

Concurrently, the DHS is working with the Australian Housing and Urban Research Institute (Southern) to develop a funding proposal for a PhD scholarship in the area of gambling and homelessness. This research would have a more longitudinal focus.

Other initiatives include:

- a pilot project, to be conducted by the Adelaide Central Mission using $20 000 received from the Gamblers Rehabilitation Fund. The project will investigate the prevalence of problem gambling among clients at a homeless service and explore treatment options for gambling issues, and sustainable housing solutions for homeless clients with problem gambling issues.
- a national research project is also being scoped under the Supported Accommodation Assistance Program (SAAP) to investigate the prevalence of gambling amongst the homeless.

2. Given the government's very clear commitment to reduce homelessness by half, will the government also make a commitment that the level of problem gambling induced homelessness be also reduced by half?

The government, in its commitment to reducing homelessness by half, will be endeavoring to seek solutions to the many factors, including gambling, that are implicated in homelessness.

STAMP DUTY

In reply to **Hon. J.M.A. LENSINK** (17 July).

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

1. Property taxes and in particular stamp duties contribute significantly to State revenues and are essential in maintaining the Governments ability to provide services such as health and education to South Australians.

Under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations (IGA) the Ministerial Council will by 2005 review the need for retention of various stamp duties after 1 July 2005. However it should be noted that the review of State taxes stipulated in the IGA includes the review of stamp duty on non-residential conveyances (business transactions), but does not include a review of stamp duty on residential conveyances.

Government support for the removal of stamp duties under the IGA will depend on whether funding via GST revenue and other forms of Commonwealth funding is of sufficient magnitude for the State to continue to provide the necessary services to the community.

Current estimates suggest that South Australia will receive less from GST revenue net of collection costs than it used to receive from financial arrangements applying before GST commenced up to and including 2005-06.

2. The First Home Owners Scheme (FHOS) grant is designed to provide some relief for the impact that the introduction of GST has on the cost of a new house and the replacement cost of an established house. There is no connection between the FHOS grant and conveyance duty which has applied for many years prior to the GST.

3. It is acknowledged that the buoyancy in the property market in recent years has led to an increase in property prices in South Australia, which has had an impact on the affordability of properties for first homebuyers.

The Government welcomes the recent debate on housing affordability and the announcement by the Commonwealth Government of a Productivity Commission inquiry into the affordability and availability of housing for first homebuyers. However claims by the Commonwealth Government that the source of the problem, and consequently the solution is the property taxes collected by the States is inaccurate. The recent boom in the property market and increase in property prices has been fuelled by the impact of the introduction of the GST, the temporary doubling of the FHOS grant for new houses, low interest rates and other economic factors such as consumer confidence and investor preference for real estate given the volatile stock market.

There has been a very high level of property purchase by first home buyers in South Australia since the inception of the FHOS, indicating that the decrease in affordability has been more than offset by the incentive to purchase a property due to the availability of a FHOS grant and to take advantage of low interest rates. The number of first homebuyers purchasing properties dropped in 2002-03 and is expected to drop further in 2003-04; this drop off reflects the "pull forward" effect of the FHOS rather than affordability effects.

4. Revenue from property taxes is not used to fund specific services, it is absorbed into the general pool of revenue which the Government uses to fund a wide range of services.

5. A slow down in the property market will not be caused by property taxes collected by the State. It is more likely that a slowdown would be caused by the aftermath of the "pull forward" effect recently occurring possibly in combination with one or more of the following possible scenarios; an increase in interest rates, lower consumer confidence, a switch in favoured investment options away from property, a slowing of the national or international economy.

6. The land tax rates and structure have not been changed. The expected increase in land tax collections between 2002-03 and 2003-04 reflects the actual growth in land values, which have been well above inflation. The increase in land values in turn is reflected in significant capital gains benefiting the owners of the investment (non-principle place of residence) properties which form the land tax base.

The State Budget has benefited from the increase in land values via the increase in land tax receipts in recent years. However prior to the current period of strong growth in land values, land tax receipts from non-Government entities experienced low or negative annual growth. In aggregate land tax receipts grew by only 3.7 per cent between 1995-96 and 2001-02, on average approximately 0.6 per cent per annum, far below the rate of inflation.

Consistent with the long term experience of low levels of growth in land values followed by short periods of strong growth it is not anticipated that recent high levels of growth in land values will continue in the long term.

CORPORATION BORROWING

In reply to **Hon. R.I. LUCAS** (13 May).

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

1. The Government has strengthened its approval processes for major capital works projects proposed by all agencies, including public non-financial corporations, through the implementation of a direction from the Premier that any project costs referred to in submissions to Cabinet must be agreed with the Department of Treasury and Finance before the submission is considered by Cabinet. For public non-financial corporations in particular, the Department of Treasury and Finance is now advising on the compliance with the borrowing policy as part of the Cabinet project approval process.

2. All projects approved by Cabinet are consistent with the objective that public non-financial corporations may only borrow when they can demonstrate that investment programs are consistent with commercial returns (including budget funding). It is the Government's policy that projects approved by the relevant boards should also comply with this objective.

HINDMARSH SOCCER STADIUM

In reply to **Hon. J.F. STEFANI** (17 September).

The Hon. T.G. ROBERTS: The Minister for Recreation Sport and Racing has provided the following information:

1. Will the minister advise the house of the hire fee payable by Adelaide United for the use of Hindmarsh Stadium?

The Office for Recreation and Sport is currently finalising negotiations with the Adelaide United Soccer Team with respect to the use of Hindmarsh Stadium for the 2003-04 NSL season.

I can advise the honourable member that the hire fee agreed between the parties is the same that applied to the Adelaide City Force in 2002-03, namely a flat fee of $8000 plus GST, for every home match played at the Stadium.

2. Will the minister advise the house of the details of any other assistance or concessions made by the state government to Adelaide United in connection with the use of the Hindmarsh Stadium?

As the negotiated agreement has not been finalised it would be inappropriate to comment at this time.

SAME SEX COUPLES

In reply to **Hon. A.L. EVANS** (12 November).

The Hon. P. HOLLOWAY: The Attorney-General responded to the same question in the House of Assembly on 12 November 2003.

PORTER BAY

In reply to **Hon. IAN GilFILLAN** (18 September).

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

1. As it appears the sale of the road was conditional on its use as enhancing the continued use of the area as a slipway, and given the facility in the past had been provided to the community by the State Government under Sir Thomas Playford, will the Government ensure the slip is not demolished and continues to be accessible by the community?

The Porter Bay slipway was sold by the previous Government to David and Janet Norris, trading as Norris Marine, in June 2001 as an operating slipway. The land is private property with the Government retaining no residual interest in the land.

Part of the water area adjacent to the property is occupied by David and Janet Norris under a Licence Agreement that requires this area to be used in conjunction with the operation of a slipway and boating operation on the land purchased by them.

I am informed that, as a separate exercise, the Port Lincoln City Council has negotiated the sale of portion of the adjoining public road, known as Slipway Road, to David and Janet Norris conditional upon the road closure proceedings being successful. The outcome of these proceedings is outside the authority of the Government to dictate.

Decisions relating to the future use to be made of the property held by David and Janet Norris rest with Council under the provisions of the Development Act 1993 as the planning authority for the area. I note that the current Development Plan has the property zoned for residential purposes and that the division of the property for residential purposes is permitted in terms of that Plan, subject, to appropriate approvals.

The Government is not in a position to prevent the demolition of the slipway facility and the division of the land for residential development. However, as part of the approval process, should residential development be proposed, then it is expected that the current seaward boundary of the property would be redefined, re-established and returned to the ownership of the Crown to provide for the right of the public to access the foreshore. It also would be anticipated that the Licence Agreement for the adjacent water area would be reconsidered.

2. Failing that, will the Minister cooperate with the Port Lincoln Council to retain the area as open space for the continued use of the community?

As stated, the Government is not in a position to prevent demolition and redevelopment occurring. However, it is expected that the seaward boundary of any development would be redefined and re-established and the Licence Agreement for the adjacent water area reconsidered.

The retention of any other part of the property as open space is a matter for Council to consider as part of the Development Approval process.

DNA TESTING

In reply to **Hon. IAN GILFILLAN** (25 September).

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

1. The Commissioner of Police advises that this matter could well have been dealt with in a different manner if the constituent had given the police an explanation as to where and how he came into possession of the pint glass thus averting the subsequent action of police. The Criminal Law (Forensic Procedures) Act 1998 allows for police to take a DNA sample from a person suspected on reasonable grounds of committing an offence of unlawful possession.

2. The DNA test and results will only be eliminated from the Database if:

2.1. police do not commence proceedings against the person within two years after the material is obtained;

2.2. proceedings are commenced within two years but are discontinued;

2.3. the person is found innocent of the charge.

If the constituent is found not guilty of the charge of Unlawful Possession, or the charge is withdrawn, his DNA will be deleted from the DNA database.

In reply to **Hon. J.F. STEFANI.** (25 september).

In reply to **Hon. R.D. LAWSON** (25 September).

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

The Pint glass in question is valued at approximately $2.00, based on information supplied on 16 October 2003 by the hotel associated with the offence.

Historically, police have had the power to fingerprint persons arrested for any offence since 1904. Further, they have had the power to photograph persons arrested since 1914. Not every person arrested within the last 50 years has been fingerprinted and photographed.

CRICKET ACADEMY

In reply to **Hon. T.J. STEPHENS** (15 September).

The Hon. T.G. ROBERTS: The Minister for Recreation, Sport and Racing has provided the following information:

1. Given that Adelaide's Cricket Academy has played a major role in ensuring that Australia has come to dominate world cricket, why did the minister not ensure that this facility remained in Adelaide?

The Cricket Australia Board (CAB—formerly known as the ACB) decided to establish a Centre of Excellence (COE) over three years. This decision followed a review into the Cricket Academy and other areas of cricket administration by the CAB.

The CAB released a project brief to enable all interested States to bid for the COE. Tenders closed on 13 December 2002.

South Australia was short-listed to the final bid stage for the development of the Centre, with Queensland the other remaining contender.

CAB advised SACA that Queensland was the successful bidder for the Centre. This advice was released to the public on 25 August 2003.

the CAB undertook a bidding process to determine the location of the COE. As Minister, I provided support to the SACA for the bidding process however, the decision to locate the COE is the CAB's. This is not a political decision.

The Government, through the Office for Recreation and Sport (ORS) used its best endeavours to assist the SACA in its bid. The ACB have advised the SACA bid was extremely good however Queensland was ultimately selected by the CAB as the preferred location.

2. Will the minister table the house the actual detail of the assistance package that this anti-sport government was prepared to provide?

SACA worked with the ORS and the Office for Infrastructure Development (OFID) to prepare the presentation and bid document for the COE to the CAB.

The Government provided a letter of support for SACA's bid to the CAB.

The Government has contributed $22 000 and in-kind support from ORS and OFID officers to assist with the development of the bid and associated business plans.

The Government agreed to assist SACA with the provision of loan funds—20 year $4.5m principal and interest loan (through SAFA).

RURAL JUSTICE BUILDINGS

In reply to **Hon. IAN GILFILLAN** (13 October).

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

1. It should be noted that the Government will not be spending $30 million to develop the police stations and courts facilities. In the event that the Government enters into a contract with a private sector proponent to develop and maintain the facilities, the proponent will finance the construction cost.

In regard to the issue of privatisation, the police stations and courts project is being developed under the Government's Partnerships SA Policy, as reflected in the Public Private Partnerships (PPP) procurement guidelines. The Government's policy on privatisation is clearly stated in these guidelines as follows:

> "The Government is strongly opposed to privatisation. Partnering arrangements are not privatisation. Under a partnering arrangement, the Government retains a key strategic interest in the infrastructure and strong policy control over the services delivered and in many cases, shares the risks of the project in agreement with the private sector partner over the life of the service agreement.

The development of the police stations and courts using a PPP arrangement satisfies all of the above criteria.

Firstly, it is envisaged that the Government will hold an exclusive right to extend the PPP contract at the end of the contract period. The Government will therefore continue to have access to the facilities, if it so chooses, after the PPP contract expires. This ensures that the Government retains a strategic interest in the asset both during the contract period and beyond.

Secondly, the responsible Minister will retain control over the performance of the assets and the services delivered by the contractor, which will incur financial penalties if the contractual outputs are not delivered to the required standard.

The Government will of course retain strong policy control over all public services. While the private sector will own and operate the facilities, all policing and justice services will be delivered entirely by the public sector under the direction of the Minister.

Finally, the proposed sharing of risks between the public and private sectors has been developed in accordance with the PPP procurement guidelines. The private sector will manage the risks associated with the delivery of the infrastructure, while the public sector will manage the risks associated with the delivery of services. This is consistent with the fundamental principle expressed in the PPP policy guidelines that the risks associated with a partnerships arrangement be allocated to the party best able to manage those risks.

In view of this, the Government is satisfied that the police stations and courts project conforms to its policy on public private partnerships and does not offend its policy of no further privatisation of essential public services in South Australia.

The real benefit to the SA Community is that under conventional procurement arrangements many of these communities would have had to wait 10 years to have their facilities upgraded.

The Government has produced the means to build – 5 police stations and 4 court facilities in regional South Australia.

2. As previously advised, if completed, the PPP contract for the police stations and courts will be published in accordance with Treasurer's Instruction No 27. The Auditor General will also review the detail of the financial information pertaining to the transaction and report to Parliament in due course. The Government, however, is not prepared to disclose commercially sensitive information relating to the project at this stage.

JACOBS CREEK TOUR DOWN UNDER

In reply to **Hon. T.G. CAMERON** (16 September).

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

1. Is the Minister for Transport aware of the situation in New South Wales regarding the banning of road racing by bicycles and has he received any advice from the South Australian Crown Solicitor? If so, what was that advice?

The situation regarding the banning of bicycle races in New South Wales arose following an incident that led to an examination of the manner in which that State's Road Transport (Safety and Traffic Management) Act 1999 operates. This legislation has no application in South Australia. Road closures in this State are dealt with under section 33 of our own Road Traffic Act 1961, and makes specific provision for the conduct of events, such as the Tour Down Under, on our roads.

2. Will the Minister for Transport ensure South Australians that this year's Tour Down Under will not be affected by the National Road Rules classification of bicycles as motor vehicles?

The Australian Road Rules do not define bicycles as motor vehicles. The definitions within the Australian Road Rules will not therefore affect the conduct of the Tour Down Under.

GOVERNMENT CONSULTANTS

In reply to **Hon. R.I. LUCAS** (15 October).

In reply to **Hon. A.J. REDFORD** (15 October).

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

The 2003-04 budgeted consultancy expenditure of $2.93 million that is published in the State Budget Papers includes $2.42 million for expenditure by the PPP Unit. Therefore, excluding the PPP Unit the Department of Treasury and Finance has budgeted $509 000 for consultancies in 2003-04.

My advice indicates that the 541 per cent increase that was quoted by the Hon Rob Lucas MLC was based on the 2001-02 financial result that is published in the Auditor General's report and that it was not a comparison to the "last Liberal budget of 2001-02". The 2001-02 Report of the Auditor General indicates that $457 000 was actually expended on consultants in 2001-02.

The 2001-02 State Budget that was delivered by the Hon Rob Lucas MLC on 31 May 2001 published a budgeted consultancy

number of $1.436 million for the Department of Treasury and Finance (page 3.15, 2001-02 Budget Paper 5 Vol 2).

In order to accurately compare consultancy expenditure with previous years, it is reasonable to exclude expenditure made by the PPP unit. On this basis the 2003-04 budget has allowed only $509 000 for consultants expenditure by Treasury and Finance, compared to the figure in the 2001-02 State Budget of $1.436 million. This is a reduction of 65 per cent.

The following table provides details of recent consultancy budgets and actual financial results:

	Budget 2001-02	Actual 2001-02	Budget 2002-03	Actual 2002-03	Budget 2003-04
Total Expenditure on Consultants	$1 436 000	$457 000	$3 562 000	$1 006 000	$2 930 000
Less PPP Unit	$0	$0	$3 044 000	$361 000	$2 421 000
Total excluding PPP Unit	$1 436 000	$457 000	$518 000	$645 000	$509 000

In relation to the supplementary question the following information is provided: The following table represents the change in Public Sector Management Act executives for the period March 2002 to June 2003.

Change in PSM Act Executive Numbers—
March 2002-June 2003

Executive Level	March 2002	June 2003
Ex A	200	181
Ex B	107	106
Ex C	56	61
Ex D	12	12
Ex E	3	5
Ex F	8	5
Total	386	370

With the exclusion of Executive Level A employees, the Public Sector Management Act executive structure experienced an increase of 1 per cent for the period March 2002 to June 2003. However, with the inclusion of Executive level A employees, the Public Sector Management Act executive structure experienced a decrease of 4.3 per cent for the same period.

In addition to the above, I provide the following information for the Department of Primary Industries and Resources:

"There has been a decrease of one public servant at executive level B or higher. Prior to this Government taking office, there were ten public servants at executive level B or higher. In the period since, there has been an increase of one executive level C (Rob Thomas, former CE of Department of Water Resources), and a decrease of one executive level B (Wayne Morgan, now with Office of Economic Development) and one executive level C (Cliff Fong, former Executive Director of Energy SA). The attached table outlines the nine current public servants at executive level B or higher within PIRSA.

"As outlined in the below table, the lowest and highest earnings of executive level B public servants within PIRSA are $132 559 and $153 148 respectively.

PIRSA Public Servants in receipt of executive level B or higher

Classification	Name	Position title	TRPV 1 July 2003 (including 3.5 per cent increase as approved by Cabinet)
Ex-B	Blair, David	Director, Information Management	$132 559
Ex-C	Blight, David	Executive Director, Minerals and Energy	$182 558
Ex-F	Hallion, Jim	Chief Executive	$258 964
Ex-C	Knight, Geoff	Executive Director, Corporate	$163 309
Ex-C	Lewis, Robert	Executive Director, SARDI	$168 991
Ex-B	Nelle, Susan	Director, Food South Australia	$153 148
Ex-B	Plowman, Donald	Director, Research and Development	$139 399
Ex-C	Thomas, Rob	Director, Sustainable Production Systems	$185 690
Ex-C	Windle, Barry	Executive Director, Agriculture Food and Fisheries	$173 598

TRANSPORT SA, CREDIT CARD PAYMENTS

In reply to **Hon. IAN GILFILLAN** (5 June).

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

1. *Why is this information being collected by Transport SA?*

As the honourable member would be aware, Transport SA is able to accept payment for certain transactions over the telephone, using credit card facilities. These transactions include the renewal of registration, the issue of a Certificate of Registered Interest from the Vehicles Securities Register and the payment of Expiation Notices.

When processing a payment over the telephone, Transport SA requires the cardholder's name so that, in the event the cardholder or financial institution disputes the charges which appear on a statement, sufficient information can be provided to the financial institution or cardholder to substantiate the veracity of the payment.

This policy has been in place since the inception of credit card payments over the telephone in April 1998 and was adopted on the advice of Transport SA's merchant card provider, the ANZ banking group. The ANZ banking group recommended the practice of obtaining, at a minimum, the cardholder's name along with the card number and expiry date.

2. Why are payments being refused unless this extraneous information is provided?

As previously mentioned, this information is required in the event that the cardholder or financial institution disputes a credit card payment and allows the matter to be adequately investigated and resolved. In view of this, Transport SA considers the request for the cardholder's name to be justified. I understand that with the exception of one recent complaint, there have been no other complaints received by Transport SA in relation to this practice.

3. Is it appropriate to threaten to charge a late payment fee after refusing to accept payment by an established and approved payment method?

Transport SA acts as an agent for the South Australia Police for the payment of Expiation Notices. Transport SA itself does not have the authority to charge a late payment or reminder fee where a payment is made after the expiry or reminder date. Furthermore, under the current agreement with SAPOL, Transport SA is unable to accept payment for Expiation Notices after the final reminder notice due date as SAPOL may have commenced court proceedings for the offence.

In the event that a person wishes to dispute the Expiation Notice or a late payment fee, they are referred to SAPOL.

4. Why is collection of this personal information not in breach of the information privacy principles which must be observed in all transactions by South Australian government departments and agencies?

The Information Privacy Principles contained in the Cabinet Administrative Instruction No.1 of 1989 state in Part 11 subsection 4 (1) that "Personal information should not be collected by unlawful or unfair means, nor should it be collected unnecessarily". The collection of the cardholder's name for credit card payments over the telephone has been considered necessary to assist in verifying credit card payments that are disputed by the credit card holder in a charge-back situation.

In reply to **Hon. A.J. REDFORD** (5 June).

The Hon. P. HOLLOWAY: While the minister is doing that, will he find out why they will not take Amex and provide a detailed explanation?

The 2002 State Budget provided for a reduction in overall expenditure by Government departments to enable expenditure in priority areas across Government. The decision to cease accepting Diners Club and American Express credit cards from 1 September 2002 was one of a number of cost efficiencies introduced by Transport SA to enable it to achieve its savings targets.

The decision was made on the basis that the merchant fee for these cards is substantially higher than the merchant fee for other cards covered under the "South Australian Government Merchant Card Facility" agreement (Visa, Bankcard and MasterCard). Diners Club and American Express were given the opportunity to provide Transport SA with more competitive merchant fee rates, but were unable to do so.

WOOL INDUSTRY

In reply to **Hon. CAROLINE SCHAEFER** (15 October).

The Hon. P. HOLLOWAY: I am pleased to be able to provide a response to the question posed by the honourable member regarding the level of state government investment in the look @ Wool project discussed in October.

As I highlighted at the time, look @ Wool is a partnership project between the Department of Primary industries and Resources South Australia and Australian Wool Innovations Limited. Over the three year life of the project, the government will contribute in excess of $200 000 along side the contribution of $330 000 from AWI. Most of the government's funding will be used for project management and administration. Some funding will be used to support the AWI funds in direct group supports.

While this is by no means the only investment in wool industry development supported by this government, I am sure the honourable member will agree with me that this level of contribution signifies a real commitment to the wool industry and a strong partnership with the industry funding body.

NATIONAL LIVESTOCK IDENTIFICATION SCHEME

In reply to **Hon. J.F. STEFANI** (11 November).

The Hon. P. HOLLOWAY: Neither AQIS or the Department of Primary Industries and Resources are aware of the involvement of Beneficial Finance in the import of African goats.

Animals are imported into Australia according to a set of import conditions developed by Biosecurity Australia after they have conducted an import risk analysis that takes account of the species, the diseases and the level and quality of disease surveillance in the exporting country.

Currently, import conditions for goats are available for only a few countries. Animals intended for export to Australia undergo a period of pre-embarkation quarantine prior to departure. On arrival in Australia, the post arrival quarantine depends on the country of origin.

Sheep and goats from New Zealand do not have a quarantine period in Australia.

There have been two consignments of goats which could be considered to have originated from countries other than New Zealand.

The first was 69 goats imported from the USA. The animals were quarantined at Cocos Island Animal Quarantine Station before they were brought into Australia. They arrived on the mainland in September/October 1984 into quarantine at Torrens Island Animal Quarantine Station. Some were later moved to Kirra and Glendook Quarantine Stations but all animals underwent the scrapie freedom assurance program which takes up to three and a half years to complete. The original imports were retained in quarantine for life. Only their progeny were sold to private owners after the scrapie freedom assurance program was completed.

The second was 435 five months old goats imported from New Zealand in February 1991. These goats were imported into New Zealand as embryos from Zimbabwe and implanted into NZ goats. The goats were quarantined at Terraweena Animal Quarantine Station where they underwent the scrapie freedom assurance program. The goats were released from quarantine at the end of October 1995.

NATIVE VEGETATION HERITAGE AGREEMENTS

In reply to **Hon. J.F. STEFANI** (21 October).

The Hon. P. HOLLOWAY: The Minister for Environment and Conservation has provided the following information:

The matter raised by the honourable member relates to the operations of the Department of Water Land and Biodiversity Conservation (DWLBC).

I can advise that the matter has now been addressed. Commencing from 1 July 2003, all ledger and reporting processes for DWLBC are provided by a single agency, DAIS. As a result, the general ledger and reporting processes for DWLBC are no longer disaggregated.

The ledger and reporting arrangements during 2002-03 were only an interim measure whilst the functional transfer of the Sustainable Resources Group into the Department of Water Land and Biodiversity Conservation was completed.

SUMMARY OFFENCES (VEHICLE IMMOBILISATION DEVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 500.)

The Hon. IAN GILFILLAN: I indicate Democrats support for the second reading and the complete passage of this bill. I indicate some concern we have with the use of such devices. The bill seeks to make it easier for the police to utilise vehicle immobilisation devices, specifically when talking about the use of road spikes. SAPOL has made use of the devices from 1998. However, it has done so under section 74B of the Summary Offences Act 1953, which section relates to the establishment of road blocks and states that a road block may only be authorised by a senior police officer. This, of course, means that only an officer who is either an inspector or of higher rank could authorise the use of road spikes. Under the provisions within the bill, any officer authorised by the Police Commissioner would be empowered to authorise their use.

I was interested to hear the Hon. Robert Lawson state in his second reading contribution on this bill that, in the five years that road spikes have been used by SAPOL, there have been no detrimental effects in South Australia. However, this is not the case in New South Wales. On 14 January 2001 a tragic event occurred, reported in the *Sydney Morning Herald* the next day as follows:

Constable Affleck was to have been the first New South Wales officer to employ road spikes in an operation since they were cleared for general use last month. For the veteran of 23 years in the service it should have been the perfect opportunity to show off the effectiveness of a device introduced specifically to cut deaths and injuries sustained in police car chases. Constable Affleck had been taking part in an operation to stop a stolen four-wheel drive involved in a series of high-speed pursuits. When the four-wheel drive reached

Constable Affleck's position it swerved to avoid the spikes and slammed into him.

Sadly the constable was killed instantly. I raise this because we must realise that, while the use of these devices will no doubt have a positive effect in making our streets safer, there will always be considerable risks. I am reassured by comments by the commissioner in this regard and strongly support training and procedures to ensure the safety of the police officers who use these devices.

For many years a source of great anguish and concern with me personally and with the Democrats has been the whole issue of high speed chases. Any loss of life or any serious injury is to be lamented under any circumstances, but particularly where an innocent person or persons get involved and it results in their serious injury or death. It seems a tragic price for the community to pay and has often raised in my mind the question of whether the attempted end result really has been worth putting people who are in the community at risk with possibly such devastating consequences. Personally, I say no, that the police should be advised and instructed to use a more cautious approach, even if it means that from time to time people who are behaving unacceptably and driving improperly escape apprehension.

I also look forward to the day, which I assume from some discussions I have had is not far away, where there will be an electronic remote control device that will incapacitate motor vehicles. That technology I will not go into now, but I understand it is available in certain circumstances and I look forward to that technology being made the subject of more intensive and speeded-up research and then being applied to eliminate the need for high speed chases and, in the case of this bill, the use of vehicle immobilisation devices such as spikes. I indicate that we will support the passage of this bill right through.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank all members for their support of this bill. In the debate on 10 November this year, the Hon. Robert Lawson asked some questions about the use of Stinger Road Spikes, and I will now provide the answers. First, I point out that, although Stinger Road Spikes were first used in South Australia in 1993 in a pilot of a range of devices, and have been used ever since, statistical information is available only from 1999 to the present day. There is some anecdotal evidence for the period 1993 to 1998. The information for the period 1999 to the present day comes from statistical returns submitted by police officers each time they use road spikes.

Mr Lawson asked about the operational experience of the police with respect to these devices. In particular, he asked whether there has been any evaluation of their effectiveness and, if so, whether the nature and result of that evaluation could be made known to the parliament. The devices have been recorded as having been used on nine occasions since 1999. They were used twice in July 1999, once in February 2000, once in June 2000, once in August 2000, once in November 2001, once in December 2001 and twice in September 2002. In 1996 and 1997, the national policing research body, the Australian Centre for Police Research in Adelaide, tested, approved and recommended the use of Stinger Road Spikes. The report of the evaluation is able to be obtained from the centre. Stinger Road Spikes were then adopted for routine police use after being tested by the South Australia Police STAR Division over a six to 12-month period.

Mr Lawson asked whether there had been any incidents in which persons or property had suffered damage or injury as a consequence of the use of Stinger Road Spikes. Of the nine recorded uses from 1999 to the present day, one resulted in injury to a person. In late 2000, a person trod on a spike after failing to comply with police directions that would have prevented this happening. SAPOL did not accept liability, and the matter was settled for $2 000. The only other damage has been to the tyres of targeted vehicles, as expected.

The only information available from the Commissioner of Police about the incidence of injury or damage resulting from the use of spikes for the period 1993 to 1998 is anecdotal. It has limited statistical value, because it is not known how many times the devices were used in this period. I am advised that during this period there was one case of a person seeking compensation from SAPOL for damage caused by the pilot use of road spikes in late 1993, when a vehicle had a tyre pierced by a single spike that had been inadvertently left at the scene after clean-up of the site. The clean-up occurred in darkness. The repair cost was $120. There were three cases of tyre damage to SAPOL vehicles in the period 1993 to 1998. Two happened through lack of communication, in the early days of piloting the spikes, when country patrols overran the spikes. The other occurred as a tactical necessity during pursuit of an offending vehicle. The police car had no option but to follow the vehicle it was pursuing across the spikes.

Mr Lawson asked whether there had been any challenge to the use of the stinger spikes, whether administratively or legally and, if so, what were those challenges and what was their result. There has been no legal challenge to the use of stinger spikes, and no complaints about their use have been made to the police Internal Investigation Branch or the Police Complaints Authority.

Mr Lawson asked whether it was intended to approve and authorise for use any device other than the Stinger Road Spikes. There is no intention in the immediate future for SAPOL to seek approval for devices other than Stinger Road Spikes. However, upgrading of equipment to meet technological advances is a continual process, and SAPOL will consider any better devices that come onto the market.

Mr Lawson asked whether the spikes used in New South Wales are the same as the ones that are proposed to be authorised here, or whether some other variety or brand of road spikes is being used in New South Wales after the two-year trial mentioned in the introduction of the bill. New South Wales police use an American brand of road spike called Stop Stick, which is very similar to our Stinger Road Spikes. Both are portable, are placed over a road, are plastic, have spikes that detach into the tyre and allow for controlled deflation of the tyres. It is not known why the New South Wales police chose this particular brand. There is no information at hand to suggest that one brand is better than the other. I hope that answers the questions asked by the honourable member, and again I thank the council for its indication of support for the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: I thank the minister and those advising him for the comprehensive answers to the questions that I posed during the second reading stage of the debate.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 676.)

The Hon. IAN GILFILLAN: I indicate the Democrats' support for the second reading of this bill and its passage right through, probably with a minimum of fuss. However, I remind members that, somewhat belatedly, I have filed an amendment to delete the last paragraph of the bill. Before I come to that, my attention was caught by the contribution of the Hon. Robert Lawson regarding clause 5—the amendment of section 6, 'Fusion of the legal profession'.

I do not pretend—and no-one would believe me if I did—to be an authority on the legal profession. There has been ongoing debate as to what should be the division, if any, between barristers and solicitors in various locations. In South Australia we have agreed on a fused practice where a qualified lawyer can practise as a solicitor or barrister or both. Appointment as a Queen's Counsel is a significant accolade to members of the profession—and of course we have one in our midst because the Hon. Robert Lawson is a QC.

As I understand it, the Chief Justice is concerned that, if the title QC (Queen's Counsel) is used by a barrister in a partnership, it then commercialises, in a way, the actual terminology and the identification of that barrister. Although the Hon. Robert Lawson made some critical observations of this particular amendment, I remain unpersuaded by his argument. Unless countervailing argument comes from other quarters—maybe on my sharp left—the Democrats will remain of that opinion. However, I now refer to clause 14, which provides:

> Amendment of section 97—Regulations.
> Section 97—after subsection (3) insert:
> (3a) Regulations under this act—
> (a) may be of general application or limited application; and
> (b) may make different provision according to the matters or circumstances to which they are expressed to apply; and
> (c) may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Attorney-General, the Supreme Court or the society.

There may be other previous examples of a similar amendment, but I would be stunned if that passed through to the keeper while I was paying attention. The purpose of regulations is to enable detail, which has been locked in by this parliament, into head powers in an act. I do not believe it is appropriate to hand the detail of regulations to the discretion of whoever it may be—even if it is such venerable entities as the Attorney-General, Supreme Court or the society. It may be that the minister may like to give argument in support of this when it gets to the committee stage but, unless something has obviously slipped past my understanding, I will be moving this amendment. I believe that if regulations are to be made, their intention and their method of application should be quite specifically identified in the act itself. I indicate support for the second reading, but signal we will be moving the amendment on file during the committee stage.

The Hon. NICK XENOPHON: At the outset I should state that I am a member of the Law Society of South Australia, a legal practitioner and the principal of a law firm. I support the second reading of this bill, which contains a number of changes that have been dealt with methodically through appropriate channels. I welcome those changes. It seems that the contentious change, as alluded to by my colleague the Hon. Ian Gilfillan, relates to the role of QCs: whether QCs can be part of a firm of lawyers and whether that confers advantages on that firm. During his contribution the Hon. Mr Lawson made reference to a response in 1990 by then chief justice King to a discussion paper issued by a former attorney-general, the Hon. Mr Sumner. Chief justice King stated:

> We have had practical experience of Queen's Counsel practising in firms and the detrimental consequences of such practice. . . There is no excuse in this state for reverting to a system which has been experienced and discredited. I foresee that, if the proposals are implemented, silk would come to serve no useful purpose but would become a merely empty honour or an appendage conferring competitive advantage upon a large law firm.

In fairness to the Hon. Mr Lawson, I note that countervailing arguments were put by him and former attorney-general Sumner in relation to this issue. On balance I support the government's position in this regard which, I understand, is the position of Chief Justice Doyle. I indicate my support for the second reading of this bill.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank members for their indications of support for the second reading of this bill. I note that the opposition has indicated that it does not support clause 5 of the bill. This clause is to include in section 6 of the act a provision that would make it clear that the undertaking required by the Chief Justice of legal practitioners on whom the title Queen's Counsel is conferred is valid. I thank the shadow attorney-general for his summary of the history and controversy surrounding section 6, and his outline of the various arguments that have been made about the benefits of a fused profession and the benefits of allowing a voluntary separate bar in this state.

Although the opposition opposes clause 5 of the bill, the shadow attorney-general does not suggest the Chief Justice is wrong in requiring the giving of the undertaking; rather, it appears his opposition to the clause is based on his belief that it would cause section 6 to be what he describes as a mish-mash of inconsistencies. The government seeks to amend section 6 because it has been suggested that the undertaking may be void by operation of section 6(3). Also, it has been suggested that it is inconsistent with the spirit of section 6. Clause 5 of the bill is quite explicit in its wording and intent.

When one looks at the wording of the undertaking and the wording of clause 5, it is quite clear that clause 5 is intended to ensure that the undertaking is not void. Queen's Counsel do not undertake that they will not practice as solicitors. They do not undertake they will not practice in partnership or in association with solicitors. They do not undertake that they will not practice both as a barrister and a solicitor. What they do undertake is not to use or have their title used when they are practising as solicitors or practising in partnership or in association with solicitors; that is, they undertake to use the title only when practising as a barrister at the separate and independent bar. There will still be a fused profession. Clause 5 simply makes it clear that the undertaking given by QCs about when they may use their title is not void. This is the time of year when QCs are normally appointed. I urge the council to pass this clause.

I refer to one other minor matter, lest there be confusion about the amendment to increase the power of the Legal Practitioners Disciplinary Tribunal to suspend a legal practitioner's practising certificate. The tribunal can suspend for up to three months, and the amendment proposed by this bill would allow the tribunal to suspend for up to six months. This increase in the tribunal's disciplinary powers was requested by the tribunal and is supported by the society and the Chief Justice. The Hon. Ian Gilfillan raised some matters in relation to the regulation making powers under the bill. I will address those at the appropriate time in the committee stage. I thank members for their indications of support for the second reading.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Progress reported; committee to sit again.

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 615.)

The Hon. CAROLINE SCHAEFER: This bill is ostensibly to facilitate the progress of the Port River Expressway project and enable the calling of tenders for the next stage of this very important project. The Port River Expressway project was instigated by the previous government and is one of the most important infrastructure projects—arguably ever, but certainly for a very long time—and the opposition certainly would not wish to do anything that would in any way delay it. For many years, there has been an urgent need for a deep-sea port on this side of the state. Increasingly, our overseas customers want to take larger loads out of our ports in one go, rather than topping up at Port Lincoln or Port Giles as they now have to. This project will allow the loading of Panamax vessels from Outer Harbor, which will make South Australia much more competitive on the national and international scene, at least in the medium term.

Some would argue that the real future already lies with the even larger Cape size vessels, and my understanding is that the only harbour in Australia capable of taking Cape size vessels is at Darwin. The saving to grain traders and therefore to grain growers will amount to many millions of dollars per annum. Savings to others who use the facility will be almost as great and, of course, the flow on to the rest of the economy will be particularly important. There will be significant gains to all who use the port. This is not just a project about deepening the harbour: it is an ambitious venture which encompasses the streamlining of the whole transport infrastructure, including the road-rail network.

This bill seeks to give power to the minister to compulsorily acquire land. It gives property transaction powers, the power to declare public roads and to close roads or railways which belong to the government, but not to close privately owned railways. It gives the power to enter, temporarily occupy land, to set and collect tolls from the Port River Expressway only, and the power to set penalties and/or expiation, in particular for toll evaders. There are examples of these powers applying in other acts, including the Land Acquisition Act and, as I have said, we would not wish to hold up the progress of the Port River Expressway. However, there is a sting in this story or a twist to this tail. This legislation does not just apply to this project but to all and any authorised project. An authorised project, according to my briefing notes, must be an infrastructure project for the transport of passengers or freight but, other than that, there are no restrictions.

Some examples I have been given are: railway construction, light rail, freight interchanges, grains and mineral transport facilities, tourist transport facilities, export centres, intermodal facilities, public transport interchanges and other logistics infrastructure—and that could be anywhere in the state, not just the Port River Expressway. Although any authorised project would be referred to the Public Works Committee, there are no cost restrictions. It could be a project worth many billions of dollars and there would be no need for the minister, or a government agency authorised as a project authority, to further refer the matter for scrutiny by parliament. My reading of this is that, although the project must be referred to the Public Works Committee, that would not preclude the project from progressing while the inquiry took place; and the Public Works Committee does not, as I read it, have the power to veto. I may be wrong in that assumption and I seek clarification from the minister on that.

The opposition believes this is another example of the ministers of this government gathering unprecedented and unnecessary powers to themselves and taking them away from parliamentary scrutiny. We will be moving amendments that seek to restrict the minister's powers in this case to the project at hand, that is, the Port River Expressway project. Another issue of concern for the operation is that the money collected from the tolls, which under our government was to go into the highways fund or to the private provider or partner with the government for the express purpose of paying for this project, will now be paid into something called the 'Public Non-Finance Corporation'. I am sure the entire chamber would like an explanation as to just what the Public Non-Finance Corporation is and what is its purpose. Is this a backdoor entrance to that other pot of gold called general revenue?

As I have intimated, the opposition is most anxious that stages 2 and 3 of the Port River Expressway project proceed as quickly as possible. The parliament has already been informed that the project is now not scheduled for completion in 2005 (as was to be the case); it will not be completed until at least 2006, which means at least one extra harvest before South Australians can take advantage of the improvements that will be facilitated by the completion of the project. We will be moving amendments which we believe improve this legislation by limiting the powers of the minister to this project and this project alone.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

TRADE AGREEMENT

Adjourned debated on motion of Hon. Ian Gilfillan:

1. That this Council urges the Federal Government to resist pressure to finalise the free trade agreement with the United States this year on the grounds that any free trade agreement entered into in haste to provide President of the United States and the Prime Minister of Australia with propaganda material will be at the long-term risk that South Australia and Australia will lose on several issues which could include-
   (a) the Pharmaceutical Benefits Scheme;

(b) the South Australian Barley Single Desk and the Australian Wheat Single Desk;
(c) the South Australian automobile industry;
(d) the ability to support local industry through policies in Government procurement;
(e) the ability to support local art and culture through local content rule for television and radio;
(f) the ability to maintain a quarantine laws; and
(g) the ability to preserve the identity of GE free products.

2. That this Council condemns the lack of transparency in the negotiations and calls on the Commonwealth Government to release the current state of negotiations to State and local governments, as well as the Australian public.
3. That this council calls on the Commonwealth government to halt its pursuit of bilateral trade agreements at the expense of multilateral agreements they can benefit of wider proportion of the international community.

(Continued from 12 November. Page 555.)

The Hon. SANDRA KANCK: At the presentation of the Australian film industry awards last week, many actors, producers and directors used the occasion to make long political statements against the proposed free trade agreement. One of the actors being interviewed afterwards compared the relationship between Australia and the United States as being like one between an ant and an elephant and asked which of the two was likely to come off best. The US wants any minimum Australian content rules, which we currently have, waived. Yet, the group AFTINET Ltd says that without them, Australia's cultural identity and diversity would be swamped by US imports which already have a large share of the market. US trade representative Robert Zoelic was quoted in the *Japan Times* on 15 March as saying the following:

> There is no industry in the world that defines a world without borders like the American entertainment industry.

These are words of great foreboding for the comparatively small entity that is the South Australian Film Corporation. Given that the US is also an English speaking country, the potential for domination will be so much easier if the Australian government caves in on the issue of local content. Such a change would have an appalling impact on not only our film industry, but also on Australian television content and the Australian rock music industry, which I know the Hon. Mr Redford would recognise as being very much up against the wall with stations playing hits from the US rather than supporting local artists. Bending to the US on Australian content will only hasten what some call the Americanisation of our culture. I predict that ultimately we could kiss the South Australian Film Corporation goodbye.

The US wants to get rid of our foreign investment review board—from time to time the Australian Democrats have been less than complimentary to the foreign investment review board because we see it as being a bit of a toothless tiger, but it is better than nothing. Without it things would be much worse.

Members who are not fully aware of what this agreement is likely to entail would be interested to know that there will be no requirement for the Australian parliament to debate or vote on any agreement reached. By contrast, the US Congress will have that right. I believe that tells us something. When my colleague the Hon. Mr Gilfillan moved this motion, he mentioned the Pharmaceutical Benefits Scheme and made a few comments about it which are worthwhile expanding upon. *The Australian Financial Review* on 13 August had a very interesting article entitled, 'US wants reform of "unfair" PBS'. The article states:

> Washington is pushing Australia to rejig its $4.5 billion subsidised medicine system to boost revenues of US drug companies, a senior US trade official said yesterday.

Surprise, surprise. It continues:

> Describing the agenda for free-trade talks due to be completed by the end of the year, Grant Aldonas, US Under Secretary of Commerce told a meeting in Sydney the US wanted to "clean up" Australia's Pharmaceutical Benefits Scheme which delivers cheap medicines to Australian consumers. He said the US was "ploughing the ground politically" because it believed that the PBS "undercut" the patent rights of US drug companies such as Pfizer.
> Australian officials have said that the PBS is off the agenda for trade talks, trying to damp down fears among health consumer groups a deal could lead to higher drug prices here. But Mr Aldonas, who handles international trade issues, implied that drug prices should rise, saying that the US wanted consumers in other countries to share more of the burden of paying for research and development for advanced drugs.

If you follow that sort of pressure through to look at what might result, it is worthwhile looking at the sorts of price increases we might see. A very common drug, used for calming anxiety, is diazepam. The wholesale price in Australia for diazepam is $3.27; in the US it is $36.37. The wholesale price in Australia for Tamoxifen (used for treating breast cancer) is $71; in the US it is $208.33. The contraceptive pill estradiol levonorgestrel has an Australian wholesale price of $9.49; in the US it sells for $39.15. The diuretic Lasix has an Australian wholesale price of $4.15; in the US it is $18.69. The Australian wholesale price for the antibiotic Keflex is $7.21; in the US it is $89.83. If members want to see costs blow out in Australia's health system, I would go ahead and support this US-Australia free trade agreement.

One of the mainstays of the South Australian economy is the car industry. It is an industry currently protected by tariff barriers. Those barriers are there for good reason. Do MPs in this place honestly believe that the removal of those protections will assist our car industry? Have they considered even the slightest possibility that we might see the balance of trade swing against us? I note the ministerial statement released by the Minister for Trade and Regional Development, the Hon. Rory McEwen, on the 13 November. He released a report from the Alan Consulting Group about the free trade agreement. He states:

> It is seen as likely to impact favourably upon primary production agriculture based goods, certain manufactured goods and services. The study indicates, however, that motor vehicles and parts are expected to face reductions in output compared to study based line levels.

He optimistically goes on to suggest that because there may be limitations in the economic modelling, it would explain this particular result. He does observe that the South Australian motor vehicle industry has a generally more optimistic outlook than this paper would suggest. I would suggest that, rather than its being a matter of economic modelling, perhaps the motor vehicle industry has not taken this free trade agreement into account in their predictions for the future. I believe that in South Australia we would be very foolish and irresponsible not to take into consideration the possibility that the balance of trade will swing against us and damage our motor vehicle industry. If that does occur, many of those who have jobs at car plants in South Australia, unskilled labourers in particular, will not be able to find work elsewhere. We should also consider the flow-on that that would have to other related car industries such as shock absorber production, car seat makers and so on. I would have expected that our state government would be extremely concerned at the potential for damage to both employment levels in the car industry and

our economy in general yet they appear to be missing in action on this debate.

All MPs are acutely aware, at this present time, of how the creation of a national electricity market, in concert with privatisation of the electricity industry in the state, has seen South Australia on the losing end, with the highest electricity prices in the country. Surely the prospect of more US privatisation pressures on remaining publicly owned infrastructure ought to be ringing bells. Could this agreement see, for instance, the forced privatisation of our publicly run hospitals? It is not impossible.

Opposition MPs here who like to think that they understand and represent the agricultural and horticultural sector need to listen up. The US government sees our quarantine laws as unfair restrictions on trade. The apple industry held at bay the importation of New Zealand apples and pears because of concerns about fire-blight. Our standards are high for fruits and vegetables in this country and in this state. It is part of our clean, green image. However, if you drop the quarantine standards at the behest of the United States, because they see it as an unfair restriction, you can kiss that competitive advantage goodbye. If there are members in this place who intend to vote against this motion, I encourage them to at least have the guts to put on the record their reasons for wanting to sell South Australia down the drain.

There is so much potential for damage in this agreement, for Australia to come off second best and for South Australia to incur collateral damage. It is why the Democrats are raising these matters in the parliament. Toni Collette, the star of *Japanese Story*, told the audience at the AFI Awards last week that sacrificing Australia's film industry for the trade benefit of a few lamb chops was just not worth it. I hope that members of the government and the opposition have heard that message. The evidence is simply not there that Australia as a whole can gain from what must inevitably be a one-sided agreement.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak on behalf of Liberal members and indicate that we will be opposing the motion.

The Hon. Sandra Kanck: Then you haven't listened to anything I have said.

The Hon. R.I. LUCAS: I have listened to everything the member has said and I have disagreed with a good part of it.

The Hon. Sandra Kanck: Show me where it is wrong.

The Hon. R.I. LUCAS: Can I speak? I thank the honourable member for her invitation but I am just about to outline the reasons why Liberal members oppose the motion, and I assume the Hon. Mr Holloway will outline why Labor members will also oppose the motion. At the outset, the motion in its introductory comments, before it starts looking at some elements that might be impacted by the free trade agreement, expresses some views about the urgency of the free trade agreement. The brutal reality is that, if there is to be a free trade agreement with the United States, it will need to be concluded in the very short term.

The reality is that there is a window of opportunity. If both governments believe that it is in the public interest to conclude an agreement, the timetable for the United States government is such that, unless that agreement is concluded by early next year at the very latest, it will get caught up in the presidential elections late in 2004. The current president and the current administration are strongly supportive of concluding a free trade agreement with Australia. President Bush has spoken publicly in the United States and, more recently, in his very successful visit to Australia. He spoke of the importance of the relationship between the United States and Australia right across the board, but economically as well.

Certainly, the message that had been out and about was that it needed to be concluded by the end of the year. I noted that, as is the way with newspapers, *The Australian* led with the headline 'Trade deal timetable blows out'. The article states:

> The timetable for sealing a free trade agreement with the US had been blown out to January, John Howard confirmed yesterday.

I guess if one defines 'blow out' as being January instead of December, one can understand where *The Australian* journalist Christine Wallace was coming from. From what I understand of the government's position, if there is to be a free trade agreement, that agreement will not be concluded unless the federal government believes it is in the best interests of Australia to conclude such an agreement. That really ought to be the criterion against which a free trade agreement is judged. Until the final negotiations are concluded, the federal government—and we, as interested observers—will not be able to make a final conclusive judgment as to whether or not we share the view of the federal government, if it is the federal government's view, that the negotiated free trade agreement is in the public interest.

As I address some of the individual concerns that the Hon. Mr Gilfillan and the Hon. Ms Kanck have outlined, I think that it is a fair indication that many of the concerns that have been expressed by those members and others, if one reads more recent media commentary and in more recent discussions, have been resolved. The Hon. Ms Kanck referred to, I think in August or September, the press report about the Pharmaceutical Benefits Scheme. I refer to much more recent media reports that indicate that that issue, in accordance with some quotes from the US negotiators, appears to have been more satisfactorily resolved. Certainly, commonwealth government negotiators have indicated that this was an important issue from the Australian government's viewpoint. I use that as an example, and I will come back to that in a moment.

Whilst the Hon. Ms Kanck is able to refer to costs of Diazepam increasing alarmingly, or whatever it might be, as a result of the agreement, all I can say is—and I am not involved in the negotiations, and neither is the Hon. Sandra Kanck—we can only rely on reports and what we have heard and our own individual judgments. Certainly, none of us would want to see pharmaceuticals, right across the board, being increased significantly. The commonwealth government has indicated that it would not want that either. It certainly would not appear to be in the best interests of the South Australian and Australian community if that were to occur. It certainly would not appear to be in the interests of the federal government's budget position given the costs of the Pharmaceutical Benefits Scheme.

It is hard to see from the public interest viewpoint in Australia how one would want to conclude a free trade agreement if, right across the board, pharmaceuticals were to increase significantly in price to the degree that the Hon. Sandra Kanck is suggesting. The other point I make is that the Hon. Sandra Kanck, with a rhetorical flourish at the end, challenged members to indicate why they will vote for or against the free trade agreement. I am happy to do so. However, I point out that we are not actually voting for or against a free trade agreement here; we actually have nothing

to do with the free trade agreement. We are an important chamber in the South Australian parliament expressing a view about the possibility of a free trade agreement being concluded. Importantly, we all do so with a good degree of ignorance.

One of the aspects of the Hon. Mr Gilfillan's contribution, with which I have some sympathy, is his reference to the lack of transparency in the negotiations; and certainly, whilst I can understand that that is the case, it is very difficult to conduct intensive negotiations for a free trade agreement in a very collapsed time schedule, and to do that publicly. It is not ideal and, from South Australia's viewpoint, it would be preferable if we could be involved, if we knew all of the details of the negotiations and if we were able to look at all aspects of what is ultimately to be concluded. As a state, we are entitled to express that view and I respect the view of the Hon. Mr Gilfillan in that regard. In an ideal world it would be great if we could all be involved—Democrats, Labor, Liberal, No Pokies, Family First and everybody—in approving or not approving each detail of the free trade agreement.

If that were to be the process, then no free trade agreement would ever be concluded nor would any multilateral trade agreement ever be concluded. The reality is that, under our structure of government, the executive arm of the federal government has the power, under the constitution, to resolve trade agreements between nations. We are interested observers and participants and can and should express our views, but we are not involved in those negotiations and discussions. We can and should proffer our views but, ultimately, the final negotiations will be undertaken by federal governments and their representatives. The reality is that governments will be judged, after the passage of time, by the results of those trade agreements (whether they be bilateral or multilateral) and whether they were worth while.

At the outset, I state another area on which have a modest degree of sympathy with some of the statements made by the Hon. Mr Gilfillan. I have seen the statements on the various web sites and the statements from the local minister (Hon. Mr McEwen) which talk about the millions of dollars worth of benefits that might accrue to South Australia. I do not have the latest national figure on the estimated value to Australia on a successful free trade agreement, but I refer to an Australian-United States Free Trade Agreement bulletin headed 'Frequently Asked Questions'. The date on my copy of the bulletin is 21 November 2003, although that may be when it was downloaded rather than the date of the bulletin. However, I suspect that it was issued some time late this year.

That bulletin, which was produced by the federal government's team, talks about economic analysis by the Centre for International Economics and suggests that the removal of tariff barriers between Australia and the US could increase Australia's annual GDP by as much as $4 billion within several years. A second study carried out by the APEC study centre at Monash University argued that an FTA could also stimulate investment from the US and facilitate business linkages with dynamic sectors in the United States economy.

Further on in that bulletin, reference is made to a previous free trade agreement signed with the United States. The bulletin states:

> There is strong evidence that NAFTA (the North American Free Trade Agreement) has significantly benefited all three member countries. Mexico's trade with the US and Canada has nearly doubled since NAFTA came into force in 1994 and its inflation rate has decreased. It was estimated in 2002 that over half of the 3.5 million jobs created in Mexico since 1995 were in the export sector, particularly in manufacturing where export-linked jobs paid nearly 40 per cent more than those in the rest of the sector. NAFTA also helped Mexico rebound from its severe currency crisis in 1995, and recent studies indicate it has facilitated healthy growth in productivity and foreign investment.
>
> In Canada, the economy has grown by an annual average of nearly 4 per cent since 1994. This strong growth has translated into the creation of close to 2.1 million jobs. During the first seven years of NAFTA, annual Foreign Direct Investment (FDI) inflows to Canada averaged $US21.4 billion, almost four times the average registered over the seven pre-NAFTA years.

I highlight that as an analysis done of the NAFTA free trade agreement seven years after the agreements were concluded. I inform members that, in the early 1990s in Mexico, Canada and the United States, many strongly opposed the signing of the free trade agreement. Many arguments of a similar nature to those of the Hons Ian Gilfillan and Sandra Kanck were used on those occasions.

I do not claim to be an expert, but these are the claims on the possible benefit to Australia's annual GDP, etc. from the NAFTA agreement. I have to say that I am healthily cautious about the claims that many economic analysts make, having churned their numbers through the sausage machines, when predicting the overall impact.

Nevertheless, it is my view that, in trade terms, a properly concluded free trade agreement is likely to benefit a country such as Australia. In her contribution, the Hon. Ms Kanck made the point that this was a one-way street; that this would all be for the benefit of the terrible Americans; and that the poor Australians would be screwed during such a free trade agreement.

The point at which I depart significantly from the views expressed by the Hon. Sandra Kanck and the Hon. Mr Gilfillan is that, as a small country on the global scene and as a small state within a small country, the reality is that, if our state is to continue to grow and to generate the revenues and the taxes required to provide the services that we need, we have to rely on trade. We cannot construct ourselves as a nation as an island. We cannot construct ourselves within South Australia as an economic island and assume that we can be wholly self-sufficient and not worry about the possibility of trade with not only the United States but with other parts of the world.

For our state to grow, it is critical that small, medium and large businesses improve their access to export markets. Whilst my colleagues who represent rural communities will not be speaking during this debate, they would be the first to highlight that our rural producers are critically concerned about a successful conclusion to free trade agreements to guarantee access as a nation to markets on a fair and equitable basis.

As I said, whilst I am cautious about some of the claimed benefits that some of the economists make for free trade agreements in aggregate terms, I nevertheless agree with the view that a properly concluded free trade agreement, because of the importance of export to South Australia and Australia, is likely to benefit South Australia and Australia, and that a free trade agreement with the United States will not be just the one-way street that the Hon. Mr Gilfillan and the Hon. Ms Kanck believe it would be.

Seven or eight aspects were highlighted by the Hon. Mr Gilfillan and the Hon. Ms Kanck, and earlier I made some brief comments about the Pharmaceutical Benefits Scheme. On 28 October, *The Advertiser*—a more recent press report than the one referred to by the Hon. Sandra Kanck—stated:

> Threats to subsidise prescription drugs by a free-trade deal with the US appear to have been curbed.

US negotiators yesterday gave assurances they did not want 'fundamental changes in the way pharmaceuticals are provided to Australians'. The second-last round of talks started in Canberra yesterday, with the PBS and agriculture remaining thorny issues.

But US negotiator Ralph Ives said the PBS was recognised 'as a cornerstone of the way medicines are delivered to Australians'. He said the US was focusing on how the value of medicines on the PBS was determined and looking at Australian studies into how the scheme could be improved. Both sides said they were confident an agreement could be reached by Christmas, as ordered by US President George W. Bush and Prime Minister John Howard.

To refer to the frequently asked questions document I referred to earlier, one question was: will the PBS be affected by the free trade government? The federal government response was:

The government remains committed to ensuring access to affordable medicines through a sustainable pharmaceutical benefits scheme. Negotiation of a free trade agreement will not compromise that commitment. This objective and the importance of the PBS to the Australian community has been made clear to the United States from the outset. The government is committed to ensuring that the outcomes in the FTA negotiations will not impair Australia's ability to deliver key policy objectives in health care.

It is a perfect example, and the Hon. Sandra Kanck has highlighted her concerns about the ballooning costs of Diazepam and other drugs she quoted. It certainly would not appear to be in the best interests of any government, Liberal or Labor, to be concluding an agreement which would see significant rises in commonly used pharmaceutical items as a result of such a free trade agreement. The federal government's words that I have quoted would indicate that that is not its intention, and that is a firm commitment. I have put more recent quotes on the record from US negotiators.

The media report I referred to mentioned specific people—such as the chief US negotiator, Ralph Ives—and specific quotes. I was not aware that the Hon. Sandra Kanck was able to refer to specific statements from a specific individual US negotiator in her media report of August or September. That highlights the fact that discontent against the free trade agreement can be fanned by groups wanting to oppose a free trade agreement by the sorts of claims that have been made about what the federal government intends in relation to the cost of pharmaceuticals in Australia.

The other area that has gained a lot of publicity as a result of recent award ceremonies and was referred to by the Hons Sandra Kanck and Ian Gilfillan was the issue of local art and culture through local content rules for television and radio. Again I refer to the frequently asked questions document and the question: will Australian culture be affected? The federal government's response is:

The government remains committed to preserving the right to regulate film, television and other audio-visual media to achieve its cultural and social objectives and to maintaining an appropriate set of support measures for the audio visual sector to underpin Australia's cultural policy. Grants and other subsidies for the cultural industries will not be affected by the FTA. The US has also stated that it is not seeking the removal of existing local content quotas for broadcasting. In responding to specific US requests, Australia will take account of both existing policy interventions in the audio visual area and the challenges presented by future technological developments.

In more recent days the debate seems to have slightly moved on from the possible removal of existing local content quotas.

The federal government commitments and US government announcements in that area have mollified some of the critics, although not all, and the debate in that area now seems to be about future technological developments in terms of the media. That clearly is an important issue and all I have seen from the federal government and the federal minister is that they will take that into account, and this document refers to Australia taking account of the challenges presented by future technological developments. I freely concede that that is not a specific commitment and it depends on what is being sought by the United States. It is something that will need to be monitored.

The final comment I make in relation to that area of the free trade agreement, the culture of art and media, is that members really have to recognise the significant changes that have already occurred in the viewing habits of South Australians and Australians. Whilst we have a strong local content rule on free-to-air television—and I am not sure of the numbers—the number of pay television subscribers in South Australia and Australia is increasing significantly, and over the coming years it will continue to increase significantly. As someone who subscribes to the Foxtel suite of services, I indicate to members who do not do so and who are still regular viewers of ABC and SBS and perhaps not much else that local content rules do not count for anything in relation to pay television.

Those of us who are interested in sport will lock ourselves into sport channels like ESPN and watch continuous feeds of US sports, European sport, European soccer and sports from all around the world through the ESPN network and other sport options and there is no local content for those pay television subscribers. When one looks at the movie and comedy channels and a variety of other things, if one had the time one could spend all of one's viewing experience looking at international content via pay television. That is not to decry the importance of local content on free-to-air television, but it is significantly missing the point in my view that the viewing experience for South Australians and Australians has changed significantly and is changing.

Some of the commentary in this debate—I am not just referring to the commentary in this chamber but nationally—is missing what is going on in the real world, namely, that a lot of people are not just watching ABC and SBS but are taking up many other viewing options, and in most of those they are watching significant quotas of international material.

A range of other issues were raised by the Australian Democrats in their contribution. I refer not only the Hons Mr Gilfillan and Sandra Kanck but also other members who are interested in this debate to the federal government's responses to the frequently asked questions on things like single desk marketing, the automobile industry, procurement policies and quarantine laws. Quarantine is easy to put to one side, because at one stage it was a significant issue for some in the community. The memo I refer to says:

Will our quarantine regulations be weakened?

The Government will not enter into any agreement that would compromise the scientific integrity of Australia's quarantine arrangements, nor their vital objective of protecting human, animal and plant health. Individual quarantine decisions for specific products are not part of FTA negotiations, since they are a matter of scientifically-based risk assessment. Australia's approach to the management of quarantine risk is consistent with our obligations under the WTO Sanitary and Phytosanitary (SPS) Agreement.

The potential impact of an FTA on the ability to maintain our quarantine laws was an issue raised by the Hon. Mr Gilfillan as a potential concern. I do not know how much clearer the federal government's negotiators can be in relation to the quarantine issue. As I said, a number of other matters were raised by Mr Gilfillan, but I will not delay the debate in the chamber today by going through them all. But look at just three of them—the PBS scheme, the art and media culture concerns and the quarantine laws. They are examples of the

sorts of responses that the federal government and its negotiators have given in relation to those areas.

I conclude by saying that Liberal members will oppose the motion. As I said, we are cautious about some of the perhaps inflated benefits that some economists trumpet for a free trade agreement—and I note that our own minister in South Australia is one of those who has been trumpeting a magic number as a result of an analysis that he had done for him. Nevertheless, whilst I am cautious about the quantum that has been claimed, the experience in other jurisdictions would seem to indicate generally that a properly concluded free trade agreement can have economic benefit for countries such as Mexico and Canada, and for a country such as Australia and a state such as South Australia which is critically dependent on a driving export industry for its business, the potential attraction and benefit of a properly concluded free trade agreement is important and, therefore, ought to be supported.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The subject of this motion is very important. The Australia-US free trade agreement (AUSFTA) has the potential to impact significantly on Australia and South Australia. The South Australian government has been working on ensuring the best outcome for all South Australians, with my colleague the Minister for Industry, Trade and Regional Development and his department (the Department for Business, Manufacturing and Trade) managing South Australian government activities on this issue.

The government, while not intimately involved in the negotiations, has been working closely with the commonwealth government to ensure that the AUSFTA is in the best interests of all South Australians. As members would no doubt be aware, the government has also recently released a study into the likely impacts of the AUSFTA on South Australia. This study found that an Australia-US free trade agreement will be beneficial to the state's economy and will increase economic growth, particularly in the regions.

Dealing specifically with the honourable member's motion, the government has stated that an agreement at any cost is not in the best interests of the Australian community, and it strongly argued this point to the commonwealth. The South Australian government supports an agreement. Our position of support for an agreement is, however, not unconditional. To ensure the best outcome for South Australia, we have indicated to the commonwealth government that our enthusiasm will be tempered by a realistic assessment of the gains and losses.

In regard to the South Australian government's position on some of the specific issues raised in the motion, I can supply the following information. The South Australian government will indicate to the commonwealth government its support for the retention of the Pharmaceutical Benefits Scheme (PBS) and, specifically, for price referencing within an AUSFTA. Given that the leader has put the commonwealth's position on that, I will not say anything more about the PBS. The South Australian government will make further representations to the commonwealth government, emphasising that Australia's single desk marketing arrangements, such as a single desk for barley and wheat, do not raise barriers to trade between Australia and the United States. Changes to these arrangements should not be included in the AUSFTA. As an aside, I make the comment that, as a state minister who is trying to defend single desk arrangements, I am having far more trouble from national competition policy than I am from any free trade agreement negotiations.

The South Australian government will seek an explicit commonwealth government recognition of the risk of economic disruption that an AUSFTA poses for the South Australian automotive industry. The South Australian government will seek a negotiating commitment from the commonwealth government to a continuation of the commonwealth's decade long policy certainty in respect of the Australian automotive industry through a phased approach in any concluded AUSFTA to tariff reductions in the automotive sector over an appropriate adjustment period.

The South Australian government will continue to make representations to the commonwealth government seeking increased access for South Australian suppliers to the US government procurement market and to ensure that any changes to Australia's procurement regime preserve its efficient and effective character and not increase dead weight costs on industry and government by imposing a less efficient system. The South Australian government will indicate its support for maintaining local content rules in the audio visual sector. The South Australian government will press the commonwealth government for the retention of Australia's science based quarantine system, acknowledging that the transparency and efficiency of the system should be reviewed and enhanced.

I can understand the honourable member's concern about the apparent lack of transparency within the negotiations. However, I also understand the need for the negotiators to have an appropriate level of confidentiality during the progress of the negotiations. It would make the negotiator's job that much harder, if not impossible, if they had to negotiate in public, particularly if they were forced to release information that would normally be considered commercial in confidence. In addition, as I am sure the honourable member is aware, during the course of the free trade agreement negotiations, nothing is final until the agreement is signed. Early release of ambit claims and offers has the potential to derail the negotiations. The government is not prepared, therefore, to condemn the commonwealth government, as sought in the motion. Having said that, however, I am sure that there is information that the commonwealth government can release without jeopardising the negotiations. Concerns in the community about this agreement are being fed somewhat by the apparent lack of information available on the progress of the negotiations to date.

The final point of the member's motion calls on the commonwealth government to 'halt its pursuit of bilateral trade agreements at the expense of multilateral agreements'. It is the position of the government that multilateral agreements—specifically, the WTO and the GATS—offer the best outcome for the Australian community. Just as importantly, they offer the best outcome for the worldwide community and, specifically, for people in the poorest nations of the world. For the reasons I have given, the government does not support the honourable member's motion in its current form, but I again make the point that our support for a free trade agreement is not unconditional.

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

PARLIAMENTARY COMMITTEES (FUNCTIONS OF ECONOMIC AND FINANCE COMMITTEE) AMENDMENT BILL

Second reading.

The Hon. D.W. RIDGWAY: I move:

That this bill be now read a second time.

Under the Parliamentary Committees Act as it stands, the Economic and Finance Committee is unable to inquire into statutory authorities. This has occurred because of changes moved by the previous government to prevent an overlap of powers, and was supported by the parliament when the Statutory Authorities Review Committee was established. There was some concern about duplication of powers when the Statutory Authorities Review Committee was established, but it is my view that it was not the intent of the committee to ban the Economic and Finance Committee from addressing matters relating to statutory
authorities.

Incidentally, the member for Davenport (Hon. Iain Evans) in another place in his contribution said:

> As members of parliament in both houses, we are mature enough to sit down and make sure that our references do not cross over each other and duplicate the effort, if you like. It is clear the parliament's Economic and Finance Committee has always been seen as a committee that has the broadest brief. It is commonly known within the corridors as the 'All powerful Economic and Finance Committee'. However, if the act is strictly interpreted, the opportunity for the Economic and Finance Committee to investigate a whole range of matters in relation to statutory authorities would be hampered.

This is a simple bill that intends to amend the Parliamentary Committees Act 1991 by deleting from section 6A(3) the words 'other than a statutory authority' which occur twice in that provision. This would allow the Economic and Finance Committee to inquire into the financial matters relating to statutory authorities. Obviously, if that amendment is carried there would have to be some coordination between the committees so there was no straight-out duplication between the committees.

I note with interest that recommendation No. 9 of the Economic Development Board's report in May 2003 states that the government 'develop a policy framework identifying the criteria to establish a statutory authority or advisory body'. This recommendation will ensure that all existing and new bodies have sunset clauses to ensure that if they do not meet the criteria they are wound up. Recommendation No. 10 states that the government should consider spilling all existing statutory authorities, advisory bodies and other government boards to ensure that if they do not meet the criteria they are also wound up.

There are in excess of 400 government boards and statutory authorities, and surely that is a load that would be far too great for the Statutory Authorities Committee to handle. It is my view that the Economic and Finance Committee should be able to look at some of these statutory authorities. The Auditor-General appeared before the Economic and Finance Committee some time ago and expressed surprise that the Economic and Finance Committee did not have the power to look at statutory authorities; and he expressed support for the committee having the power to look at statutory authorities.

There is some opposition to this bill's passing, as the Attorney-General stated earlier this year, due to the results of the Constitutional Convention. However, I think it would be foolish to pre-empt the final outcomes of the Constitutional Convention, and we should not let that hinder the effectiveness of these committees and the smooth running of the parliament in the meantime. This bill is an attempt to ensure the smooth running of both the Economic and Finance Committee and the Statutory Authorities Committee by allowing the Economic and Finance Committee to intervene in statutory authorities in matters relating to finance.

As I said earlier, this is a very simple bill and I think the parliamentary committee that looks at economic and finance matters should also be able to look at the economic and finance matters of statutory authorities, because a large number of government and public businesses which use taxpayers' funds involve statutory authorities. I believe that allowing the Economic and Finance Committee to report on the financial matters of all committees makes sense, and this bill gives the committee the power and scope to do that. I commend the bill to the parliament

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

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (OVERSEAS TRAVEL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 442.)

The Hon. CARMEL ZOLLO: The reasons put forward by the opposition for the need for this private member's bill are supported by the government. We agree that any potential for corruption through publicly funded travel should be limited. However, we do not think that this bill will achieve this purpose. This bill requires members of parliament to disclose on a register publicly funded travel undertaken by them or their family.

There are four primary reasons why this bill is inadequate. The disclosure of travel under this bill relates only to travel overseas. I would presume that publicly funded travel interstate is also capable of being abused for the purposes outlined by the opposition. Interstate travel in some cases can be just as expensive as overseas travel. The bill does not require the details or terms of the grant of funding to be disclosed, merely the particulars of all overseas travel. Such generality could undermine the intention of the bill, that is, to prevent abuse of publicly funded travel.

Further, the existing exemption from disclosure for contributions towards travel that come from the state or from any public statutory corporation (constituted under the law of the state in section 4(2)(c)) is not removed by this private member's bill. The primary reason that the government does not support this bill is that providing statutory requirements for members to declare particular interests does not impinge on standing orders about a member's entitlement to vote when they have a personal or pecuniary interest in the matter, and these requirements of themselves cannot prevent abuse of those orders.

Disclosure on a register will not prevent corruption, nor will it indicate the motive—innocent or otherwise—of a member who accepts a parliamentary or government appointment and the funded travel that may accompany it. The government supports a comprehensive approach to preventing abuse of state-funded travel. This private

member's bill is an inadequate attempt to prevent such abuse. The government's approach is comprehensive. We have already proposed the establishment a joint committee on a code of conduct.

As all members would be aware, currently there is no code of conduct in South Australia that covers all members of parliament, including backbenchers and opposition members. The committee would inquire into and report to parliament on the adoption of a code of conduct, addressing, among other things, members' disclosure of interest and independence of action, including bribery, gifts, personal benefits, sponsor travel, accommodation and paid advocacy. It will also consider the relationship between the code and the statutory requirements for disclosure of members' financial interests. The government thinks that a wide range of matters needs to be considered to ensure a comprehensive approach to the matter of accountability of parliamentarians, disclosure of interests and protection of the public, the parliament and individual members. The best way to ensure this is through a tough code of conduct that applies to all members of parliament. The government maintains its opposition to this bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 4.59 p.m. the council adjourned until Monday 1 December at 2.15 p.m.