HOUSE OF ASSEMBLY

Thursday 29 November 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

SELECT COMMITTEE ON DETE FUNDED SCHOOLS

The Hon. R.B. SUCH (Fisher): I move:

That, should the committee complete a report while the House is not sitting, the committee may present the report to the Speaker who is authorised, upon presentation, to publish the report prior to the tabling of the report.

Motion carried.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

Mr MEIER (Goyder): I move:

That this House concur with the resolution of the Legislative Council contained in message No. 130, namely, that, should the committee complete its report while both houses are not sitting, the committee may present its report to the Presiding Officers of the Legislative Council and the House of Assembly who are hereby authorised, upon presentation, to publish and distribute that report prior to the tabling of the report in both houses of parliament.

Motion carried.

NATIVE VEGETATION (ORDERS TO ESTABLISH VEGETATION) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 May. Page 1584.)

The Hon. R.B. SUCH (Fisher): I move:

That this Order of the Day be discharged.

Motion carried.

MOTOROLA INQUIRY (POWERS AND PRIVILEGES) BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 1220.)

Mr CONLON (Elder): I move:

That this Order of the Day be discharged.

Motion carried.

INDUSTRIES DEVELOPMENT (ASSISTANCE TO PRESCRIBED BUSINESSES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 16 November 2000. Page 582.)

The Hon. G.A. INGERSON (Bragg): I rise to make a few comments in relation to this particular bill. I note with interest that—

Mr Conlon: Tell us about TeleTrak.

The Hon. G.A. INGERSON: I might do that, too, and I might add a few more things as we go through. I want to make some comments in relation to the bill, which has some validity. The Industries Development Act has not been amended for a long time and, when I was minister, there were clearly some issues that seem to be consistent with the comments that the member has made in his presentation of this bill. However, I think that this bill has gone too far, particularly in one major area. I think that members opposite, when they read it and think about it, would also see the same difficulties.

When you place a restriction on government and say that one particular department, in this case the Department of Industry and Trade, cannot talk about packages, assistance grants, or whatever you like to call them, for more than $200 000 that is really not in the real world. There would be very few assistance packages that need to come before the Industries Development Committee that would be smaller than that sum of money. I know that there are some, but the majority are far, far greater than that. To say to any government, whether it is our government or a future government, Liberal or Labor, that it cannot sit down, discuss, progress, and then recommend to the parliamentary committee on any matter more than $200 000 is just ridiculously restrictive as far as I am concerned.

The Hon. R.B. Such: You can amend it, can't you?

The Hon. G.A. INGERSON: I do not believe that we need to do that because, again, you place another hypothetical restriction on the government—whether it be $1 million or $2 million.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: It is interesting that the member opposite makes some comment that we do not take any notice of it. This particular bill was set up in the early 1940s and it was set up for one specific reason. It was set up so that both sides of this House, the government and the opposition, could sit down on matters of importance to the state in terms of industry and development, which could be looked at in a bipartisan way and supported by the parliamentary committee. One of the pluses of this committee until recent times has been that the committee has worked in a very strong bipartisan way. It has questioned a large number of projects, and it has got answers and has changed directions of some governments, in a number of projects, and that is how it ought to work. Unfortunately, it has been politicised. That is always going to happen in time, but unfortunately at this particular time it is politicised because there is not the same stability in that committee. There are Independents involved and that creates difficulties.

But we have to remember that over a long period of time this committee has worked in the best interests of the state. As I said when I started off, there is some desire and, I believe, need to make some changes. One of the important changes which I think does need to be made, which I do not think this bill picks up sufficiently, is that the committee does need to be respected. The committee does need to be given the position it deserves to be given in terms of information. It ought to be getting all of the information that it requires in a reasonable time frame. I notice in the report that the honourable member mentioned, in putting this bill forward, that there was concern about the time taken by government departments to get information. Clearly, that can be sorted out by the committee, in my view, without having to change the act.

The second point made by the member in relation to the report concerns this issue of commercial confidentiality. I have had the privilege of being involved in a whole lot of commercial arrangements in industry and trade, and if we actually believe in this parliament that we can continually run out all of those negotiations between government and

business and expect business to still deal with South Australia we are kidding ourselves. No other government in this country exposes itself, or the people it is dealing with, to that extent.

Having said that, there have been some changes recommended by this government, and carried out by this government as a result of the opposition probing; as an example the SA Water contract, and there is now a series of agreed positions put down, and if that is not sufficient they need to be modified. But to go out and insist that every 'i' and every 't' that is dotted in contracts be made public is just Mickey Mouse and nonsense. Anyone who believes that is not in the real world. That is one of the problems we have in this place, that every now and again we get people who are in cuckoo land. They actually think that because they are in here, because they have some understanding—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: You will have an opportunity to speak in time.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: If you have a look at that report, you will find that all of that was progressing and has been fixed. There are no hassles with that.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: It is always interesting when the member for Ross Smith comes in and interjects. The member for Ross Smith ought to talk about his own defection and why he has left this brilliant young party that he is supposed to be part of. If that is not a person in cuckoo land I'd like to know what it is. But let us get back to the subject that we are debating. I always enjoy economists who have never worked in the real world, who come in here as a member of this place and say, 'We have to change this world, because I know how it works and I know how we can change the whole real world out there.' My only comment to those people is, 'Put your own money up. Invest your own money and find out, when dealing with government, that you cannot have a system that continually exposes and shows to the community all the transactions which are carried out.' That does not mean in any way that things cannot be clear and should not be straight, because they ought to be, and I am not suggesting in any way that that should not be the case.

This bill is ludicrous because it attempts to hamstring government in a way that no government—and when it looks at this I would think that the opposition would know this as well—would be able to make it work. It is a pity that that is the case because the member has brought up some interesting and important points. But let us look at the bill in totality and at how governments would make this sort of change work.

There are a whole lot of other areas that have been referred to by the member, but, in relation to the main ones, the $200 000 limit is just not real, and anybody who believes that, as I said, is in cuckoo land. Secondly, the issue of commercial confidentiality has to be recognised, but we have to put in place, as the opposition has rightly pointed out to this parliament, some rules that enable that to be handled. I do not believe that the majority of members in opposition do not understand that, because I think they do, and I think even the Deputy Leader understands that, too. I think that the Deputy Leader, unlike the member who put this forward, does understand business through her own family transactions.

I think that this bill ought to be discarded. If the member wants to sit down with a few of us and sort out how the act can be improved, I think that could be done in the time between now and the election, if he wishes to bring it back again, but in the meantime this sort of nonsense ought to be discarded in the rubbish bin where it deserves to be.

Mr HAMILTON-SMITH (Waite): I certainly have a view on this bill, being, as I am, a member of the Industries Development Committee and a member of the Economic and Finance Committee. I will not be supporting the bill. I do not believe that the bill will lead to better accountability. In fact, what I believe is that the bill, if it were to pass and become an act, would result in a government—a government of any political persuasion—being unreasonably curtailed in its ability to develop a coherent and cogent industry policy. We would finish up with management of industry policy by committee. I do not think a Labor government, particularly, would want to be so hamstrung, and certainly a Liberal government would not want to be so curtailed.

Governments are elected to govern. Parliaments are there for a different purpose. They are not there to govern; they are there to make laws, to ensure that there is accountability, by all means, and to ensure that they act as a watchdog on government, but not to, in effect, dictate policy and to act as a government. In fact, that separation of powers is something that we hold truly important within the Westminster system.

The amendments proposed in this bill would confuse accountability to parliament. They would place untenable restrictions on the capacity of the government to set and pursue policy objectives. They would provide minimal useful additional public information on the provision of incentives. They would deter some investors from selecting South Australia, hence there would be a cost in investment and jobs. And they would have an effect on increasing the cost of the investment attraction program. Accordingly, I am sure that the government will not be supporting the proposed amendments but will continue what it is already doing, that is, ensuring that there is maximum openness, accountability and transparency in relation to investment incentives.

Anyone who has been a member of the Industries Development Committee knows that both sides of the house get to see the proposals and get to consider the facts; they have a briefing from the department on the proposals; and they have access to the information in an open and fair way. What they do with it after that is up to them. But there is a mechanism that is working quite effectively to ensure that everyone gets a good look at matters being considered by government in respect of industry assistance. This bill essentially proposes that the government would be unable to provide industry assistance of $200 000 or more unless the assistance is recommended by the IDC. So we have the Industries Development Committee becoming the government: it will recommend what industry assistance will be offered.

The member who has proposed the bill would know better than most how ineffective this could be in the event of a hung parliament. At the moment we have a hung parliament, and I do not need to tell anyone that. In fact, the parliamentary committee process has at times become somewhat of a farce. In a Westminster system, parliamentary committees are intended to act as a watchdog. They are intended, generally, to submit unanimous reports. They give individual members of parliament an opportunity to ask questions, to seek further information and to ensure that accountability is being adhered to by government. But they are not there to broach the traditions of this place. They are not there to spear off on political agendas, to head off on witch-hunts, to deliberately

obstruct the government from governing or to so prostitute the Westminster process that government can longer govern. We have seen quite a bit of this in the last four years where, in my personal view, the parliamentary committee process has been used for purely political objectives with a view to blatant obstructionism, with the very view—

Mr Snelling interjecting:

Mr HAMILTON-SMITH: I will wait for the member for Playford's contribution to the same sex superannuation act: I very much look forward to it, and we will deal with the member for Playford's interjection at that time. The point is not to obstruct or to conduct maximum mayhem, which was the object of the Labor Party at the beginning of this term of office. The object of the parliamentary committees is to work cooperatively within the traditions and the precedents of the Westminster process to effectively ensure that government is accountable. It is not there to obstruct and, in fact, the amendments proposed in this bill will empower the IDC to stop the government from governing.

I will look forward to hearing whether members opposite actually support this bill and whether they look forward with glee to the prospect of having a future Labor government so curtailed by the IDC that it could not offer an effective industry program. In a hung parliament it would probably be quite interesting to see what an IDC, which a Labor government had no control of, might do to interfere with the Labor government's ability to get on with industry assistance, because that is what this bill would do. This bill would further enhance the capacity of the IDC to issue guidelines which the government must adhere to in determining the value of any assistance provided. And the IDC would have the power to promulgate a prescribed list of matters which it must consider before making a recommendation. There would be a requirement to notify the IDC of assistance agreements entered into and a requirement for the IDC to report to parliament on each agreement entered into by the government, outlining a whole range of data. If you want to stop a government from providing industry assistance, this bill is the way to do it.

Should there be a Labor government in the near future, I am sure it would have its plans on how it wanted to stimulate industry development. I am sure future Liberal governments will similarly have those plans and you certainly do not want the IDC or a parliamentary committee dictating to the government what it will or will not do.

I do, however, share some of the member for Fisher's concerns about our general approach to industry development assistance, and I understand that the member has put the bill forward with the best of intentions. I cannot, however, support the minutiae of the bill and the detailed provisions that it would bring into force. Where I will agree with him is that governments would be well advised to ensure that their industry assistance funding focused upon innovation and on supporting industries that are likely to create snowball effects within the economy, and on encouraging industries which use our brain power rather than our muscle power and which rely on the state's competitive advantages rather than upon competing with other nations that have greater competitive advantages than we have, such as labour market costs or other factors of production.

The member for Fisher understands that industry assistance policy is vital to ensuring the sustainable growth of the South Australian economy, and he understands that the way to do that is not necessarily to build warehouses or infrastructure for old economy—old industry companies—but rather to invest industry assistance money in the industries of tomorrow. But the responsibility for that policy development must be with government: it must not be with the parliamentary committee. And that is the fundamental flaw, in my view, with the bill before us: it seeks to undermine the power invested in government to develop and steer a cogent industry development policy and harness it in the form of an industry development committee, a parliamentary committee. That is not the purpose of parliamentary committees. It is not the purpose of parliamentary committees to govern. It is not the purpose of parliamentary committees to develop and implement industry policy. It is the purpose of parliamentary committees to ensure that accountable government is in place in the state. Present arrangements do that and the government has a commitment to see it so.

Time expired.

Mr CLARKE (Ross Smith): I support the views of the member for Fisher with respect to this legislation, and I must say that I was a bit concerned when I heard the member for Bragg's contribution, because he alone has caused me to rise to my feet on this subject. He had a few unkind remarks to make about some people in this place apparently being in cloud cuckoo land: heaven forbid, some members of parliament want parliamentary scrutiny and accountability of where the taxpayers' dollars go with respect to industry assistance. I always thought it was a hell of a hide for the member for Bragg to raise this point, being the minister responsible at the time when $41 million of taxpayers' money was spent on a soccer development when the state did not even own the land and the City of Charles Sturt was then able to extract a very good financial deal. I do not blame it for taking advantage of the situation. But the government had to buy back the land upon which it built its own house, at a cost to the taxpayers of $41 million. The member for Bragg has the hide to come into this place and say that members such as the member for Fisher are apparently in cloud cuckoo land.

We heard last night, with respect to the changes to the Port Stanvac indenture, simple questions, I would have thought, posed to the relevant minister responsible in this House for the passage of that legislation. This issue involved not state taxpayers' money as such but certainly that of the ratepayers of the City of Onkaparinga—a cut back in income of some $700 000. But there was no information provided to this House as to whether the continued existence of the Stanvac refinery would be guaranteed. In fact, the minister said there were no guarantees with respect to full-time equivalent staffing levels at the refinery over X number of years, or whatever, so that we could say to the ratepayers of Onkaparinga, 'Well, you have wisely invested $700 000, in a sense, because you are going to guarantee 300 full-time equivalent jobs for at least the next 10 years, and these are the economic benefits of having the refinery in your area.'

The issues raised by the member for Fisher under this bill are very relevant and I understand that the member for Waite is also a member of the Economic and Finance Committee—he can correct me if I am wrong but I am pretty sure that that is the case—and a most undistinguished member of that committee, as I would take it. I have had just a brief read of the committee's recommendations, which were unanimous. There was no dissenting comment from the member for Waite with respect to the recommendations of the Economic and Finance Committee of which he purports to be such an august member—a committee chaired by no other than that august father of the House, the member for Stuart.

I must say that there was no dissenting comment from the member for Stuart with respect to the recommendations of the Economic and Finance Committee. I understand that his hand did not shake when he signed off the report, as the Presiding Member of that committee—and the member for Stuart is not known to be shy about his views. If I can put it to the member for Waite, unless he was asleep at the time of the signing off of this recommendation on page 60, point 12, the unanimous recommendation of this august body, this all powerful Economic and Finance Committee, is as follows:

> The government introduce amendments to the Industry Development Act 1941 to ensure:

And there are a number of dot points, the second of which states:

> · all government financial assistance packages with a total value in excess of $200 000 must be submitted to the Industry Development Committee for endorsement;

I would have thought that perhaps the member for Bragg was referring to his government colleagues, including that august member, the member for Stuart, as being in cloud-cuckoo-land.

Mr Hamilton-Smith interjecting:

Mr CLARKE: I wish you would just read your own report, member for Waite; I wish you would read your own recommendations. The Presiding Member's foreword to the report states, in the fifth paragraph, as follows:

> The Committee's major concern rests with the Industries Development Act 1941, which does not set out an adequate framework for the assessment of assistance applications by the Industries Development Committee. This can be illustrated by the fact that over the last two years 40 per cent of industry assistance packages in excess of $200 000 were not referred to the Industries Development Committee.

That does not mean that it is a total of $200 000 that has not been scrutinised. It is all those applications—and I do not know exactly how many applications there are, but 40 per cent of them were in excess of $200 000. We are talking about a considerable sum of money for the state of South Australia. And let us get these things in perspective. The Economic and Finance Committee found that, in the 10 year period 1989 to 1999, the South Australian government spent more than $660 million on industry assistance. South Australia's entire budget is about $6 billion a year. The federal Department of Veterans' Affairs has a budget in excess of $9 billion. So, in terms of the sums of money proposed by the member for Fisher, I believe that, where there are some difficulties with his exact wording or the limits that he set with respect to at what stage these industry assistance packages should be given as a full report to parliament or to the IDC, we could deal with that in committee. But that does not mean that we should kill off this idea at the second reading stage. It means that we may want to finetune it, but not kill it stone dead. If one looks at our entire state budget of about $6 billion, one will see that, in a 10 year period, we have industry assistance in excess of $660 million. We are talking about a considerable sum of money as an overall percentage of our state budget.

The Hon. R.B. Such: That is only what we can find—

Mr CLARKE: As the member for Fisher interjects, that is only what the Economic and Finance Committee could find and wheedle out of the various government departments. As that fearless fighter, the member for Stuart, the Presiding Member of the committee, points out in his report, in the second paragraph:

> The Committee was disappointed and frustrated with the considerable length of time it took some Government Departments to respond to its questions. On a number of occasions, the information ultimately provided to the Committee was incomplete and failed to satisfactorily address the Committee's concerns.

What the member for Bragg and the member for Waite are arguing is, 'Let us just trust that the government of the day will do the right thing.' Well, I am afraid that we do not. It is not simply because the Liberal Party happens to be in government, from my point of view. It is just that it has been proven to be spectacularly inept with respect to the state's finances, and I need refer only to Motorola, the Hindmarsh Soccer Stadium, Galaxy, and $28 million up there at The Levels—although I know that it has gone to someone else now. However, that money would have done a lot of good in areas such as the seat of Frome in Port Pirie, in terms of getting the best result for the taxpayers' dollar in some of those rural and regional areas, which the Liberal Party is only just now discovering, because of its fear of an electoral backlash.

I support the member for Fisher's bill. I believe that it should pass through the second reading stage, and in the committee stage we can examine each clause and, if the government can come up with plausible amendments with respect to it, I would look at those favourably. We do not want to inhibit the development of the state. But, overall, it is parliament that is accountable and responsible for how we expend the taxpayers' dollars, and when we have executive government that does stupid things—such as spending $41 million to build a soccer stadium on land that it does not own—I think that is a dramatic call for the need for parliamentary oversight.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I rise to join those on this side of the House who have expressed concern about the bill. In doing so, I acknowledge the intent of the member for Fisher. I know the member for Fisher well, and I have had the privilege of serving around the cabinet table with him for three years. It is that factor that surprises me in relation to the nature of this bill, because I know the member for Fisher to be a well-intentioned member, and I know that he is very scrupulous about ensuring processes of public accountability. But the member for Fisher knows full well, because he has served around the cabinet table for three years, the import of ensuring that government is able to make decisions that govern its own destiny; and that the government has the unfettered opportunity to attract business to this state.

Few in this chamber could seriously claim that government has not derived significant opportunity for our state through the ability to be able to offer industry attraction to companies. It is not a process that is new to government. Indeed, it is a process that is practised by governments of all political persuasions—of course, some perhaps not with the same finesse as others. The Labor Party does have a very sorry track record for the way in which it has used industry incentive packages. I certainly would advocate that proper checks and balances ought to be in place, but those proposed by the member for Fisher cause a number of dilemmas.

As I see it, they have the ability to confuse the accountability to parliament. They place untenable restrictions on the capacity of government to set and pursue policy objectives. They provide minimal useful additional public information on the provision of incentives, frankly. They do, however, have the potential to deter some investors from selecting

South Australia and, hence, the member's amendments could cost investment and jobs to our state, and they also could have the effect of increasing the cost of the investment attraction program.

Knowing the member for Fisher as I do, I would be staggered if he would want to see those things happen. I do not believe that it would be his intention for those things to occur. The challenge that remains for us, as members of parliament, is to determine whether it is possible to salvage his bill in any way, shape or form and still improve the accountability provisions to the public. I would argue that the accountability provisions that are in place serve us well, but that is not to say that there is not room for improvement.

With respect to the amendments proposed by the member for Fisher, in essence, he proposes that, first, the government would be unable to provide industry assistance of $200 000 or more unless that assistance had been recommended by the Industry Development Commission. The IDC, if it has that power, will effectively bog down the ability of a government to make decisions about investment attraction.

If a government does not have the capacity not only to make those decisions to attract industry but also to make those decisions in a short period and vary those decisions, depending on competitive influences in other jurisdictions not only within but also outside Australia, we run the very real risk of losing investment to our state. That means running the very real risk of losing the momentum that has been established in the state in relation to new jobs and reduced unemployment.

Again, it stands as a matter of established fact that this government has considerably improved employment prospects of South Australians. The diversity and availability of jobs and the number of people employed have all improved, while at the same time the number of unemployed has dropped dramatically. That is not a situation that this government would like to see put needlessly under threat through short-sighted legislative action of this parliament.

The amendments also propose the capacity of the IDC to issue guidelines that the government must adhere to in determining the value of any assistance proposed: in other words, a capacity to restrict the policy making decisions of government, and that is a limitation on the process and ability of government to govern that is not in the best interests of the state. It would also establish a prescribed list of matters which the IDC must consider before making a recommendation. It establishes a requirement to notify the IDC of assistance agreements entered into and a requirement for the IDC to report to parliament on each agreement entered into by the government, outlining things such as the person assisted, the nature and type of assistance, the dollar value of assistance and the IDC findings in relation to the proposal.

As I started to outline, those amendments put forward by the member for Fisher, while I believe done with the right intent, will provide an untenable limitation on government to make decisions in the best interests of our state. One of the effects of the amendments would be to ensure that the full details of individual assistance packages were made public soon after agreements were entered into. I am concerned that such detailed disclosure in the time frame proposed—it is important to reflect on 'in the time frame proposed'—would actually inhibit some investors from choosing South Australia as their location and would have the effect of providing negotiating benchmarks for competitive states and subsequent investors.

So, in short, the net effect would be that some investments would not be secured and the cost of investment attraction would, by necessity, then be ratcheted up because there would be an extra cost of doing business with South Australia. I would argue that there are presently adequate avenues available to ensure that the appropriate accountability and scrutiny occur without damaging the jobs and economic growth being achieved in South Australia.

Key features of the policy germane to the proposed amendments to the Industries Development Act include: that all incentives involving more than $500 000 are referred to the IDC for recommendation or review if circumstances are required by a government decision before that is practicable. No other state in Australia has such a mechanism, and it is important to reflect on that fact, bearing in mind that other states are our competitors for investment attraction. While we can always argue that we are indeed one country, the fact is that states do compete for business and attract investors. No other state in Australia has this sort of requirement and therefore we would put a hurdle in front of companies to invest in South Australia. This government has been about removing hurdles to investment in South Australia.

South Australians well know that during the bleak years of Labor government there were numerous hurdles to investing in South Australia. Now that we have removed those hurdles, we have investment dollars coming into our state and the last thing we want to do, with all due respect to the member for Fisher, is place hurdles in front of investors yet again. For that one reason alone, I would advocate that this bill cannot proceed in its present form.

The Hon. R.B. Such: Why does it work so well in America?

The Hon. W.A. MATTHEW: The member for Fisher interjects, 'Why does it work so well in America?' He knows, because he has looked at legislation—and this does not truly reflect what occurs there—and because he has sat around the cabinet table, how the states compete for business. This would put South Australia as an investment destination at a disadvantage with the rest of our nation. It would mean that, God forbid, the Labor states of Victoria, New South Wales, Queensland, Tasmania and Western Australia and the Labor territories of the ACT and the Northern Territory would actually start to get an advantage. At the moment, because there are Labor governments in those states, we have a competitive advantage. Business would much rather invest in a state with a Liberal government and one that will not put hurdles in front of it.

Mr Conlon interjecting:

The Hon. W.A. MATTHEW: The member for Elder may well come in and laugh, but the appalling incompetence we are seeing in governments in the eastern states delivered for us a Liberal federal government. The incompetence of Labor governments in states around Australia delivered John Howard victory.

Time expired.

Mr WILLIAMS (MacKillop): I, like quite a few of my colleagues on this side of the House, rise to indicate that I will not be supporting this measure, and I hope to spend the next few minutes discussing why I will not be supporting it. As the minister has just said, there is some sound intent behind this and I do not walk away from that, but I have some serious problems with the bill as it stands. I say this as someone who has spent his life working in the private sector. Working in the private sector is something that quite a few

members do not understand, particularly those opposite, who have a very limited understanding of the real world—the private sector, where wealth is generated and created. All they know about is how to strip that wealth out of the productive part of the economy and try to redistribute it into the unproductive part of the economy. We have to be very careful.

I am not saying that we should not be shifting wealth from highly productive parts of the economy to the less productive, but we have to be careful that we do not kill the goose that lays the golden egg. In fact, we have to be out there encouraging that goose to lay as many golden eggs as it possibly can. That is where this measure fails miserably.

I take the opportunity to reflect on a couple of comments made by the member for Ross Smith. I was a little taken aback by the way he wove a discussion about the soccer stadium into this matter. On my understanding, the soccer stadium had nothing to do with trying to encourage new investment but was intended to provide a facility for the community of South Australia. I take the opportunity to remind the member for Ross Smith that the construction of the Hindmarsh Soccer Stadium cost $26.5 million. The Labor Party does itself a great disservice by talking about $41 million because a whole heap of other issues were involved. The construction of the Hindmarsh stadium cost $26.5 million, and if the Labor Party—

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith.

Mr WILLIAMS: The overall cost of the Hindmarsh Soccer Stadium was $26.5 million, and you cannot get away from that. If the Labor Party thinks soccer is not worth spending a few dollars on in order to encourage it, where was the Labor Party when the Australian soccer team was in Uruguay a few days ago? The other comment of the member for Ross Smith to which I refer is his suggestion that this Liberal government was 'spectacularly inept' with the state's finances Well, well, well!

That would be the most spectacularly inept statement I have heard in this House in a long time. I suggest that the member for Ross Smith compare where the economy, the unemployment level, the investment in important infrastructure facilities (including the Hindmarsh Soccer Stadium) to provide for industry and so on is now in South Australia compared with where it was in the late 1980s and early 1990s. He will see that when his colleagues on that side of the House had their hands on the purse strings of this state—the most spectacularly inept administration that has ever had the cause to sit on the Treasury benches of this state—they got it all wrong.

I come back to the bill. The member for Fisher has said that the bill is based on the 31st report of Economic and Finance Committee. I refer the House to the committee's recommendation 12 which states:

> The government introduced amendments to the Industries Development Act 1941 to ensure. . . all government financial assistance packages with a total value in excess of $200 000 must be submitted to the Industries Development Committee for endorsement.

I did not grab the House's copy of the *Oxford English Dictionary* to look up the meaning of the word 'endorsement', but on my reading of it that is considerably different from the provision in the bill. New section 13A(1) states:

> A government agency must not, for the purpose of assisting a person to establish, carry on or expand a prescribed business in any industry, provide or agree to provide the person with assistance valued at $200 000 or more unless the provision of that assistance has been recommended by the committee in accordance with this act.

The bill prevents the government from providing any more than $200 000 of assistance to any industry, any development or any commercial enterprise unless it has been recommended by the Industries Development Committee. I say that that is light years away from the recommendation in the Economic and Finance Committee's report where it says that such matters should be referred to the Industries Development Committee for its endorsement. It is a different matter altogether. I note the recommendations of the Economic and Finance Committee and I know where they are coming from, and accountability is something which this government does not shy away from and has not shied away from, but there are certain imperatives. What we have been spectacularly successful at in this state is getting that part of the economy which creates wealth and grows wealth off its knees, because that is where we found it in 1993. That is where everyone in South Australia knew where the economy was in 1993.

After 10 years of Labor government, it was absolutely on its knees. If the member for Elder and the member for Ross Smith are proud of the record of the Bannon Labor government, then they should stand up and tell everyone in South Australia that they are proud of that record—and I doubt whether they have the guts to do that. We had a deliberate plan and a deliberate policy to get the economy of South Australia back on its feet and one thing underlying that policy was providing jobs for South Australians. I am very proud to be part of a government that can hold its head up and, for the first time in many years, in fact certainly in my memory, say that the unemployment rate in South Australia is within .1 of a percentage point of the national average. I cannot remember when that last occurred. That is the result of what we have been doing through industry development in South Australia.

My other points relate to what industrial development incentives do and how we provide the assistance. It provides economic drivers and jobs, it cranks up the economy and it increases the total tax take which allows us to provide the other services which the community demands such as schools, hospitals and policing—the sorts of things that the members opposite continually chant, whinge and whine about. However, they have never had a plan for how to pay for it or how to run an economy which will pay for it. How do we provide the assistance? It is not provided through cash advances to wealthy companies. It is provided by giving incentives, including incentives through the ICPC (Industrial Commercial Premises Corporation) constructing commercial premises which are then leased on a lease buy back scheme to the businesses.

No money is going out of the state's budget; it is all paid back, but it gives companies a leg up and enables the industry to start up here in South Australia. It is done through giving holidays on payroll taxes and other government charges and taxes. We are assisting by giving holidays to companies on money which would never appear in the budget of this state. Without giving those incentives, the taxpayer would not have got that money. We are not giving cash advances which is the most important thing we should be saying. I could say much more, but I notice that I am running very short on time. I point out that policy document A, 'A new dimension in contracting with the South Australian government' covers most of the things contained in the recommendations of the Economic and Finance Committee. I believe that the sort of things that the member for Fisher is trying to introduce are

already part of this government's policy of accountability and open government.

Time expired.

Mr CONLON (Elder): I had not intended joining this debate because, frankly, the contributions from the government side have hardly been worth a response, but I must respond to a couple of the bizarre things that have been said. I will say that, while we do not support the bill, we certainly do see the need for a greater accountability in industry assistance, and to use a latin phrase, res ipsa loquitur, the facts speak for themselves in regard to this government. I was astounded to hear the member for MacKillop talk about his pride in the accountability of this government. I wonder where he has been for the last four years. Of course he sat there while his premier for 3½ years repeatedly misled the House, time after time, week after week, and what did he mislead the House about? Industry assistance to Motorola.

This is the fellow who says that nothing needs to change. Of course, the former premier also said, 'If I had to do it I would do it all over again,' and the frightening thing is I think he would. This man is proud of the accountability of this government; he is proud of his former premier who broke the single most important tradition of the Westminster system, that you need to tell the truth in parliament. He also says, 'What's wrong with spending a few dollars on soccer?' A few dollars—$46 million! And how open and accountable were they in doing that? It is a rogues' gallery over there. We have the disgraced premier. This time it was the former doubly disgraced deputy premier, the member for Bragg. His openness and accountability in the whole soccer fiasco when he was throwing taxpayers' money around like it was his own—

Members interjecting:

Mr CONLON: Well, with absolutely no regard for process. What did they do in the openness stakes in the Olympic soccer? What they did was they actually hid Adelaide Oval—it is in the report—from the Olympic delegation in case they wanted to play the soccer there. They were so determined to misspend public funds on Hindmarsh stadium that they hid Adelaide Oval. They did not want SOCOG to see Adelaide Oval because it might prefer it as a venue for soccer. No, they would rather go out and spend $46 million. This is what the honourable member is proud of—a few dollars for soccer! I would hate to see what the member for MacKillop thinks a lot of dollars are: it would be terrifying.

Let me go further on the accountability and openness of this government. On the matter for which the former premier was sacked for misleading this House—Motorola—what was their openness and accountability in industry assistance there? In 1994, the former premier (he was then the minister), walked into this House and said, 'This is all they are getting. They are getting $16 million in assistance.' What he did not tell us was that they also got a deal to supply $60 million to $80 million worth of radios. Of course, he never told us that. This is the accountability and openness of which he is so proud. He refused to tell us. He was asked and asked and would not tell us, and finally he was caught. What are the words that I would use in relation to the accountability and openness of this government in regard to industry assistance? Let me simply use the words of Dean Clayton QC: misleading, inaccurate and dishonest.

The government does not need a bill to improve the guidelines. It is happy with them. But what does Dean Clayton say when they relate to this parliament's dealing with industry assistance? He says, 'misleading, inaccurate and dishonest'. I am willing to engage the member for MacKillop in debate on this issue. I am willing to take him to task for his pride in a government—his government—that, let us face it, looks likes a police line-up. You have the disgraced former premier, the disgraced former Deputy Premier and the disgraced Minister for Tourism. They have a former Deputy Premier getting sacked for something about once every four weeks.

Mr Venning interjecting:

Mr CONLON: And the honourable member is proud of it. I wonder what would make him ashamed.

Mr Williams interjecting:

Mr CONLON: Of course, the honourable member is bleating away, talking about what other people did, but let me tell members this: if that member wants to engage in this debate, I will keep engaging in it. I know this: only one Premier of this state has ever had to resign through findings of dishonesty, not any other: no Labor Premier, only one Premier—the honourable member's Premier, the one of which the member for MacKillop is so proud.

I am sure that the honourable member will be putting pictures of the disgraced former premier on his election material in the electorate of MacKillop this time. I am sure that he will be showing his pride in a very real way. Well, somehow I do not think so. Apparently, the member for MacKillop used to be an Independent. It is amazing. He got here. He loves this mob so much. He loves their dishonesty so much. He loves their accountability and openness so much that, having been an Independent and sat here for a while, he decided to join them. Perhaps he does hope that they will make him a minister one day, but can I tell him: the clock is running on them and the honourable member has problems.

I might go through the other areas of accountability and openness. They are recidivists. What did we see in their openness and accountability most recently? When Dean Clayton finally potted their Premier for misleading the House for 3½ years, his chief of staff was going and Alex Kennedy was going. They were all going. So, what does his chief of staff do? She tries to find out whether she can run a rort to get a little extra on her termination payment. She wants to convert her sick leave into annual leave, which everyone in South Australia knows you cannot do, because sick leave is sick leave and annual leave is annual leave.

Ms Key interjecting:

Mr CONLON: Yes; the Ansett workers, I am sure, would love their outstanding sick leave converted to annual leave and be paid out, but we will have to wait and see on that. What happened when this fact was discovered? First, the government would not acknowledge it. We had to ask questions through the Economic and Finance Committee, and now the Premier has refused to disclose the payouts to those staffers and public servants who lost their jobs as a result of the Clayton inquiry. If there is openness and accountability, about which the member for MacKillop is so proud, why will the Premier not show us what these people were paid out? We have every right to be suspicious after seeing the actions of the former chief of staff. Show us this openness you are proud of; show us the accountability.

Also, a profound misunderstanding runs through this place. In his contribution to the debate, the member for Waite (who is currently in the chair) talked about the separation of powers. Of course, he described that as the executive on one side and the legislature on the other. This notion of separation

of powers is completely alien and unknown to our system. For the benefit of the member for Waite, the separation of powers, as identified in the Alexander and Boilermakers' cases, refers to the separation of power between the judiciary as set out in chapter 3 of the Australian Constitution and, on the other hand, the executive power of the commonwealth.

I can understand the member for Waite's being a little confused on this because it is a confusion that runs heavily through this government. We know that the police minister believes that the separation of powers is a doctrine that prevents his interfering with the operational activities of the police. This, of course, is another new interpretation of the separation of powers. I must say that the member for Waite and the Minister for Police make Joh Bjelke-Petersen look like a constitutional authority on the subject, the separation of powers being a separation of powers between the legislature and the executive. Hello? Earth to member for Waite!

The Minister for Police believes that the separation of powers means that he cannot tell the commissioner what to do. Hello? Is there anyone home? This government so needs legislative checks and improvements set down in legislation with respect to its openness and transparency because it is incorrigible. It is unremittingly misleading and dishonest. They are recidivists. This mob reminds me of the Bourbons in France: they forget nothing and they learn nothing.

Mrs GERAGHTY (Torrens): I move:

That the debate be further adjourned.

The ACTING SPEAKER (Mr Hamilton-Smith): Is the motion seconded?

An honourable member: Yes, sir.

Mr LEWIS: No.

The ACTING SPEAKER: Member for Hammond, the motion has been seconded. The question is that the motion be agreed to. For the question, say 'aye', against, 'no.' I think the ayes have it.

Mr LEWIS: Divide!

The House divided on the motion:

AYES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K. (teller)	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P. (teller)
Matthew, W. A.	Maywald, K. A.
McEwen, R. J. t.)	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

PAIR(S)

Snelling, J. J.	Olsen, J. W.

Majority of 4 for the Noes.

Motion thus negatived.

Mr LEWIS (Hammond): I had asked for the call: I appreciate getting it, and wish to make a contribution on this proposition now because it may be too late after, meaning beyond today. Anything could happen. This is an important issue. It is based on the belief that I have that parliament is sovereign: parliament has the delegated authority of the people. The people form themselves into firms, whether registering them as partnerships, companies or anything else, or as individuals. They do the work that generates the wealth, and the wealth that is then so generated is taxed by authority of parliament.

Those taxpayers' funds go into general revenue. Members probably understand all that, but it is a vital piece of background information in determining what then ought to happen to those funds. In this case, we decide that we are going to use some of them to expand the state's economy by assisting certain firms to become established in South Australia. They are firms that may in due course pay tax but may not have paid tax up to the present time. We are using the authority of parliament and the law that it makes to raise taxes from everyone so that we can provide the opportunity for some firms to make profits by operating in South Australia in a way that is viable and prudent, with the funds that they invest along with the taxpayers' funds that they have received.

The benefits may not just be straight cash grants: they may be interest free loans (which is a subsidy); they may be guarantees of other loans (which reduces the interest the firm has to pay); they may be arrangements for the state government to forgo some charges and taxes against that particular firm in the initial phase of its operations; or they may be all of the foregoing in combination one with another. The last one requires an act of parliament, an indenture bill, to enable it to happen. That is open and accountable. But in all the other instances, combined with the last one or not, it is not open unless we make it open.

It used to be open: there was an arrangement that was respected through the last 40-odd years that ensured that, where a firm gained a significant grant of assistance in some form or other that cost the rest of the citizens and firms in this state—the taxpayers—some money, then the opposition and government had nominated members who scrutinised that proposition and recommended whether or not it ought to proceed. Over the past decade or so that practice has broken down, and now I know of members on both sides of the chamber who snigger about that; who think that it is a good idea if you can get away with it.

The immediate past Premier was paranoid about the fact that the committee of the parliament that received the information used to leak. Maybe it does, but to prevent the parliamentary committee charged with the responsibility from scrutinising the proposition just because it is feared that it leaks or, indeed, because it does leak, is not the way to deal with the leak. The leak has to be dealt with by substantive motion here in the House and, if you cannot nail the culprit, then you condemn the committee and reconstitute it. You do not stop the open process of scrutiny.

The member for Fisher is, therefore, to be commended for what he is proposing. Some members ascribe to him motives that are other than generous, saying that he has ulterior motives. I do not. I say that what he says he wants to do is indeed what he wants to see done. Regardless of the motives of the member for Fisher, the sooner we as members of

parliament understand that the public want parliament to scrutinise this kind of activity and be open and honest with them, the sooner we will start to rise in the esteem of the public at large and the taxpayers in particular. And they are nearly synonymous sets of—

The Hon. R.B. Such interjecting:

Mr LEWIS: They did it in America because it is necessary to do so to avoid getting slaughtered in the polls, because in America it is voluntary voting. If you are perceived as a representative, or as a member of a party which is perceived, equally, as being deceitful, secretive and obscure and capable of treachery of the public interest, people will not go out and vote for you on polling day, because it is voluntary voting. They will say, 'Oh, no, stuff you. I'm not going to go out and vote for that so and so. I wouldn't vote for the other lot, anyway, because it is a waste of time; I don't believe in what they are trying to do.' So you do not get the vote out. Your performance sows the seeds of whether or not you will succeed at the next election, because it will motivate people to vote for you or against you for someone who they believe will be more trustworthy. If they are not motivated either way, you will lose, because there will be others in the community who are motivated to go and vote for another candidate. So, the member for Fisher's legitimate inquiry, whilst it takes me on some digression, does not represent a transgression against the standing orders, and it is legitimate for me, I think, to respond to his inquiry on that point.

To return to the substance of the proposition, it is surely time, when you are spending over ten times as much money without being open and accountable than the Parliamentary Committees Act countenances ought to be spent before it goes before the Public Works Committee if it is of a public nature (that is, $4 million), it is high time that you took a pull of yourself—because what you are doing is not acceptable in the public's mind, I can tell you. Any member who believes that it is legitimate to simply adjourn this matter and let it go off into the obscurity of history and requiring someone to raise it in the next parliament is silly. If we want public respect at the next election this is one of the things in relation to which we ought to be unanimously saying, 'Yes, we'll do it.' It will not create an advantage for the Liberal Party, the Labor Party, the Callithumpians, the Democrats, or anyone else, but it will create an improvement in the esteem which members of the public have for us as members of parliament and prospective candidates at the next election—if we do something about it today, and we have four minutes in which to do that.

For the Labor Party to say, 'Well, we'll damn it with faint praise, but we won't vote on it today' is equally as despicable as the act of the Liberal Party in government of deciding to oppose the proposition, saying that they want to be allowed to continue to do deals behind closed doors and never to be accountable for them. What it means for the Labor Party is that when they get into government they will be able to do the same because this measure does not pass. That is what I suspect is at the back of the Labor Party's decision to adjourn it rather than vote on it. I now challenge the Labor Party to accept the veracity of what I am saying as being the views of the public, and the Liberal Party to accept the good sense, for their own standing, that they, too, want to see this measure introduced to restore the sovereignty of parliament and to restore public confidence in the process.

Mr MEIER secured the adjournment of the debate.

SITTINGS AND BUSINESS

Mrs GERAGHTY (Torrens): I move:

That standing orders be so far suspended as to enable Order of the Day: Private Members Bill No. 16 to be dealt with forthwith until 12.30 p.m.

The ACTING SPEAKER (Mr Hamilton Smith): I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

The bells having been rung:

The ACTING SPEAKER: I have counted the House and, as there is now present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The ACTING SPEAKER: Does any member wish to speak to the motion?

Mr LEWIS: Mr Acting Speaker, on a point of order, may I ask that you read the motion to the House.

The ACTING SPEAKER: The motion is as follows:

That standing orders be so far suspended as to enable Order of the Day: Private Members Bill No. 16 to be dealt with forthwith until 12.30 p.m.

Mr LEWIS (Hammond): Mr Acting Speaker, I move an amendment to the proposition: that you delete No. 16 and insert No. 31 in its place.

The ACTING SPEAKER: Order! Standing orders do not provide for the motion to be amended.

The House divided on the motion:

While the division bells were ringing:

Mr LEWIS: Mr Speaker, while the bells are ringing, can I ask if it is competent for the House to entertain a motion which not only suspends standing orders but also calls on a particular item ahead of those other items yet to be considered in the orders of the day. If that is so, would it not otherwise, therefore, be competent to further suspend standing orders to do other things?

The SPEAKER: I thought that the purpose of the suspension was to sort out this very issue.

Mr LEWIS: The suspension sets out to do two things: first, to extend to 12.30 p.m. the time for consideration of orders of the day, and, second, to rearrange the order of the *Notice Paper*. So, if we wish to consider orders of the day until 12.30 p.m., we do not necessarily want to consider item No. 16 to the exclusion of Nos. 13, 14, 15 or any other item on the *Notice Paper*. I thought we had to take it one at a time if we were suspending standing orders, instead of a capture or proposition.

The SPEAKER: The suspension is to deal only with order of the day No. 16, Private Members Bills/Committees/Regulations on the *Notice Paper*.

Mrs GERAGHTY: I rise on a point of order. The intention of my motion was to deal with items Nos. 13, 14, 15 and 16, sir, before 12.30 p.m.

Mr Lewis interjecting:

The SPEAKER: We are dealing with No. 16. Order! There being only one voice for the ayes, the measure is resolved in the negative.

Motion negatived.

Mrs GERAGHTY (Torrens): I move:

That standing orders be so far suspended as to enable Orders of the Day: Private Members Bills, to be continued until 12.30 p.m.

Motion carried.

EDUCATION (COMPULSORY SCHOOL AGE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 1721.)

Mr VENNING (Schubert): I will not speak for long on this matter, but I do wish to highlight a few things. My speech was interrupted when I was speaking on this subject in May, and here it is December in a couple of days, and I am just about to complete my remarks. It is amazing what happens when time goes by. I would like to ask a question of the member for Taylor, the instigator of this bill and a member of the select committee. What has happened to the select committee? I thought that, having waited all this time, we would have had a result, but we have no result whatsoever. Nothing has happened, and this bill is now totally superfluous because I do not think we can introduce this measure by the start of the school year 2002.

I would like to highlight today the success that the government has had and is having in education, especially in the last few months. We are now seeing the true value and worth of the South Australian education system. It is now being proven on a national scale. We have seen in the *Australian* this week an article on Australia's 10 best schools, and we see that South Australia has five of those. I think that is a marvellous achievement, especially with high praise that we have heard from the most august Evatt Foundation. I have never agreed with the foundation before, but the fact that our success has been picked up on by the Evatt Foundation, and the national survey of schools found that South Australia has five of the best 10 schools in Australia is, I believe, absolutely incredible. I am very proud of that, and I congratulate our minister, our department and our schools. I think a large part of this success is due to Partnerships 21, with 90 per cent of our schools being involved in that.

Time expired.

Mrs GERAGHTY secured the adjournment of the debate.

Mr LEWIS: On a point of order, sir, was that speech by the member for Schubert not the closure of the second reading debate?

The SPEAKER: No, the member for Schubert was completing his remarks. It is not his bill; it is the member for Taylor's bill.

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

Adjourned debate on second reading.
(Continued from 26 October 2000. Page 271.)

Mr HAMILTON-SMITH (Waite): I oppose this bill for a number of reasons, which I will explain. I have considerable sympathy with the object that the member is trying to achieve by putting the bill forward, and I may move amendments to the bill and I may support the principle of what she is trying to achieve, if we can sort out this measure. The problem that the member has with this bill—and the problem that she is trying to resolve—is that, at present, all South Australian legislation covering the state superannuation schemes, including the judges and parliamentary schemes, provides that, where benefits are payable to a partner, they are payable to the spouse of a marriage or a putative spouse. The definition of 'putative spouse' derives from section 11 of the Family Relationships Act.

Without going into too much detail, in consequence of the death of a member, or a member pensioner, no superannuation death benefit entitlements are payable directly to a person of the same sex living in a relationship with the member or member pensioner. Under current legislation, the partner of a same sex relationship would have to rely on receiving any share of a deceased partner's superannuation as an inheritance under a will. The common criticism of this process is that, as a result of the superannuation inheritance being paid through the estate of a deceased member, the partner incurs costs by having to pay administration of estate fees and a higher rate of taxation and eligible termination payment. There is no question that people living in a same sex relationship cannot leave their superannuation benefit to one another. The question is whether or not they should enjoy the same rights, privileges and access as a married couple or putative spouse. I just want to make that clear. You can leave your superannuation to a same sex partner: the question is whether or not that relationship should be regarded as a marriage or one involving a putative spouse.

In general terms, the bill extends the definition of 'putative spouse', which at present effectively defines a de facto relationship between a heterosexual couple, by providing that, for the purposes of the four state superannuation acts, two persons of the same sex will, on a certain date, be putative spouses, one of the other, if the District Court has made a declaration that they were on that date cohabiting with each other in a relationship that has the distinguishing characteristics of a relationship between a married couple (except for the characteristics of different sex and legally recognised marriage and other characteristics arising from either of those characteristics); and that they had so cohabited with that other person continuously for a period of five years immediately preceding that date; or had during the period of six years immediately preceding that date so cohabited with the other person for periods aggregating not less than five years.

In effect, the bill would extend state superannuation to same sex couples. It would allow the surviving partner in a same sex relationship to receive the same benefits in relation to state superannuation as a surviving partner in a heterosexual relationship. The bill does not seek to alter other legal entitlements. But it is an important precedent. If the parliament passes this bill and supports the principle that same sex couples should be regarded as putative spouse or married, in my view, this House cannot deny that definition for the purposes of any other act before it. I cannot see how this House, for example, can agree that same sex couples will be regarded as married and putative spouse for the purpose of superannuation and not agree that they should enjoy the same benefits in terms of adoption, transplant of organs, IVF treatment and any other act—and there are a number that deal with the issue of putative spouse. It is, therefore, a most important decision before the House. The decision is, in effect, whether to recognise same sex couples, in a complete sense, as putative spouse, in my view, for all purposes under the law. I believe that it is a matter that should be given most earnest consideration by all members present before we pass the bill.

I have some other issues with the bill. In particular, I believe that this matter should be a conscience matter. For the government side of the House, it is to be a conscience matter. We in the Liberal Party believe that this is a matter that

individual members should determine, based on their conscience and their discussions and deliberations with their constituencies. However, I understand that, on this issue, the Labor Party has taken a different view. The Labor Party has whipped the issue and has decided that it will be a party issue. I know that a number of members opposite, in the caucus debate, would have opposed this issue most earnestly. I have an objection in principle with the way in which this is being progressed through the parliament on the basis that what should be a conscience issue is being delivered to us by the Labor Party as Labor Party policy.

Ms Thompson interjecting:

Mr HAMILTON-SMITH: The member interjects. She can contribute to the debate and tell me that it is to be a genuine conscience issue. Is it to be a genuine conscience issue?

Ms Thompson interjecting:

Mr HAMILTON-SMITH: Here you go! The member is swivelling in her chair; she does not have a clue what she is talking about. This will be voted on by the Labor Party en bloc. In my view, those members opposite (we know who they are, and I look forward to them speaking on this bill) who oppose it most vehemently will sit there when this is voted on and will support it, knowing that, in principle, they do not agree with the concept of it. I think that is very sad, and I think that the people of South Australia should know that the Labor Party has whipped this issue and is not allowing a fair and free flowing conscience debate in this parliament on the subject.

I have some sympathy with the object that the member is trying to achieve in this bill. I believe there is a cogent argument that same sex couples should enjoy the superannuation privileges presently enabled to a putative spouse and married couples. But I also think that there is a case for other relationships to be so recognised. Recently, two of my constituents—two sisters—came to see me. They are in a loving, long-term relationship as sisters; they have been living together, sharing their house, their finances and everything else in their lives for almost 20 years. They told me that they felt they were discriminated against compared to married couples. They were in a loving, long-term relationship and they were mutually co-dependent. However, married couples enjoy certain privileges that they are not able to access. They felt that that was discriminatory and that they should enjoy those same privileges. I ask: why should they not also be able to enjoy the same superannuation privileges of married couples, if we are to agree to provide those privileges to same sex couples?

That leads us to the definition of 'putative spouse' and 'marriage'. I will not, as do some members in this House from time to time, stand up and try to moralise, but I will quote from an article by Anglican Archbishop Peter Carnley in *The Bulletin* of 22 May 2001, where he attempts to deal with this issue. He basically puts the argument that a relationship between two people of the same gender, which is entered into with the intention of forming a lifelong union, based upon a covenant or contractual commitment, effectively, for the mutual support, help and comfort of the parties and designed to secure inheritance and property rights as well as social security benefits might, indeed, at least in these specific social and legal respects, resemble the institution of marriage.

But he goes on to speak of such relationships as a form of friendship and relationship that warrants a separate type of definition. Indeed, some writers wish to argue strenuously for the desirability of employing these definitions of marriage, even if to the mind of many in the wider community it may not be a possibility that can be positively accepted and embraced. A lot of people out there do not believe that same sex couples, or couples like the two sisters I mentioned earlier, should be regarded as married for legal purposes. We are likely to create a controversy here because my point to members who may consider supporting this bill is simply that, if they talk to people in the gay community in their constituency—and I have taken the trouble to contact some of them and ask them their view—I do not think they want to be viewed as heterosexual couples, as married or in terms of heterosexual institutions. Most of them I have spoken to see marriage as a heterosexual vehicle and institution. They regard their own relationship as being quite unique and they do not want to be put in the basket of being considered to be husband and wife or a married couple.

That is what this bill is trying to do: it is trying to classify them as husband and wife. It is a nonsense. They want to enjoy the same legal and financial benefits available to married people. That is a separate proposition and we can come up with legislation that can achieve that without defining same sex couples as married. I do not think they want it by and large. There is a vocal advocacy for it, but I do not think the vast bulk of gay people want to be seen as husband and wife but do not want to be discriminated against financially. We need legislation that does that. An article from the *Bulletin* of 22 May states:

> Human society is characterised by a network of various kinds of friendships of differing levels of commitment and emotional intensity: there are those with whom we are 'just friends', and those with whom we are 'good friends', 'very good friends', or 'best friends'. It is logically impossible that every friend is one's 'best friend'. It seems to imply that the ranking of some friendships over others with a degree of intimacy denied to others is appropriate. The category of friendship does not therefore exclude the possibility of a special relationship, one on one, to the exclusion of others. In this respect friendship is both similar to marriage and found within marriage rather than to the contrary.

This parliament might do better to concentrate on what might be said positively about the spiritual quality of such friendships as vehicles for expression of love, joy, peace, forgiveness, gentleness, mutual respect, care and steadfast loyalty and leave other matters to individual choice. By defining same sex couples as this bill proposes to do as husband and wife or as in a married heterosexual relationship does not do them a favour or achieve the object the member seeks to achieve.

I cannot support this bill in its current form. If this parliament accepts a definition of same sex couples as married, de facto or husband and wife, I cannot see how we with any conscience whatsoever can then not also agree to that definition for all the other acts that deal with the issue of marriage and de facto relationships, including adoptions, IVF treatment, transplant of organs and all those issues. If we are going to stand up and say that we want same sex couples to be so recognised, we have to do it with all the other bills. I do not think it is necessary to do so to achieve the object the member is trying to achieve.

I foreshadow that I will consider introducing amendments that totally revamp the act, but this is not the way to achieve the object the member is trying to achieve. I recognise her intent. Same sex couples have the right to get about their lives without fear of discrimination. We need to rectify the problem so they can enjoy the financial benefits they seek to enjoy without fear of discrimination but defining them as

heterosexual couples or as married is not the way to do it. Marriage in my view and in the broader community view is largely about children. It is a different vehicle. This is not the way to achieve the object the member seeks to achieve.

Time expired.

Mr CLARKE secured the adjournment of the debate.

GOVERNMENT, FEDERAL SYSTEM

The Hon. R.B. SUCH (Fisher): I move:

That this House calls on the Premier, in this our centenary of federation year, to vigorously support and facilitate, in cooperation with other leaders, a comprehensive review of our federal system of government and, in particular, to examine and make recommendations as necessary in relation to the roles and responsibilities, including taking powers, of the commonwealth, state, territory and local governments.

Even though this centenary of federation year is almost gone, the thrust and validity of this motion is still there. I call on the new Premier, the Hon. Rob Kerin, to take the lead in this matter. Clearly it cannot be done by one Premier alone and I am not suggesting that that should happen, but South Australia through the Premier could take a leadership role and convene a meeting, no doubt a series of meetings, that focuses on our current federal system of government. It is a system that has evolved over time. Basically it is a good system in terms of its essential characteristics, but like any activity and structure or process it needs to be revised and reformed after a period of time. This is the appropriate time to look at some of the key aspects.

I have mentioned taxing powers, which is only one element. We know the GST was a significant change in taxation, but it did not in many ways cover the full gamut of what is needed in respect of taxation reform if you look at the federal system as a whole. To take one example, many members in here have had an association with local government, as I have, and they would be well aware that local government has had increasing responsibility put on it for services but not necessarily had the increased financial capability to carry out those added responsibilities or the expansion in some of their existing responsibilities.

The area of roads, which is a very contentious matter not only in my electorate but elsewhere where you have state and local government in dispute in regard to who should pay for upgrading of arterial roads when you get into things like parking bays and the ancillary infrastructure, is just one example. Over time we have a mish-mash of taxing powers, largely affected by the decisions made during the Second World War to give significant additional taxing powers to the commonwealth, which have never been returned and which are not likely to be.

It is an opportune time now—and clearly going into next year—to call all the leaders together. I do not believe COAG would have enough time to deal with this issue and give it the attention that it warrants, so I think there should be a special series of meetings focused specifically on the question of the review and reform of our federal system of government.

Another example where through the evolution of time we have seen some messy arrangements develop is in terms of health. We have, I believe, an unsatisfactory situation in respect of the funding arrangements and responsibilities with regard to health and, inevitably, that leads to things such as buck passing and an inability to address some of the core issues.

We have the federal and state governments both saying, 'We are putting a lot of money into health,' and somewhere between the two the consumers of health services miss out. That is just one further example of where this whole area of responsibility, in a financial sense, needs to be tidied up. Likewise in education, we have another mishmash of arrangements with the federal government's not having direct responsibility for education, yet providing a lot of the money either indirectly to the state or directly to private schools. Now I am not saying money should not go to private schools. I am saying that I believe that is just another area where, over time, changes have occurred and it is now appropriate to review them and to ensure that what we have is a system that, ultimately, works very much in the favour of the citizens of this nation.

I have heard people from time to time argue that we could dispense with state governments. I do not believe that is feasible, given the size of this nation. Members might recall in the Whitlam days the suggestion of having regional governments, and, in the past, I have heard the member for Bright advocate that some of the boundaries are inappropriate in relation to some of the states. They are issues which could also be addressed as part of this whole question of our federal system. It is not something that will just happen. It will be driven by leaders who have a commitment, and this is where I believe our Premier could, and should, play a leading role.

Many of the changes that we have seen in our system of government have resulted from developments in technology. When the federal constitution was drawn up, it was a vastly different world from what we have today with advances in internet technology, and so on. All in all, I believe the time is right. South Australia could be the host state, the host government, to bring this sort of issue into a productive forum. I appreciate that this year some meetings have been held throughout the nation and aspects of our federal system have been commented on, but I do not believe that anything of a substantial nature has been done to address the issues I highlight today.

I ask members to support this motion in the spirit in which it is put forward, that is, as a positive recommendation. After 100 years of federation, it is time to finetune the system—maybe more than just finetune it. Obviously that would depend on the discussions, the input and the recommendations that inevitably would take place between the various spheres of government. I commend this motion to the House and I ask members to support it.

Mrs GERAGHTY secured the adjournment of the debate.

SUPERANNUATION SCHEMES

The Hon. R.B. SUCH (Fisher): I move:

That the House calls upon the government to appoint an independent person or persons to review the superannuation schemes available to members of parliament and the judiciary with a view to ascertaining if the schemes are fair and equitable in respect of contributions and benefits when compared to those available to the general public, whether they be in the private sector or the public service, and to make recommendations as appropriate.

I do not need to canvass the substance of this motion again because it was introduced earlier on and because some members were absent from the chamber it was not seconded. However, I have been assured by members that that will not happen this time. I am not trying to score a cheap political point, but, unfortunately, last time it did attract attention simply because no-one was present to second the motion. All

I am asking is that the government appoint an independent person (or persons) to look at the schemes. I see no harm in that at all. That is what the public would like to happen.

I am not saying the schemes are unfair or unreasonable. They may well be, but that is the role of the independent person. Many people do not realise that members of the judiciary do not contribute to their superannuation scheme, but I never hear any public complaint about that. What I am saying is that, if members of parliament are realistic and sensible, they will support this motion so that the issues can be canvassed in an independent and fair way and, if the schemes need to be adjusted as a result of that review, that is something that the government and the parliament of the day would have to consider.

I am not pre-empting the outcomes of this review. The review might say that the schemes are appropriate. The review might suggest, for example, that MPs be paid more money and receive less super. There are many variations and I am not, in any way, trying to pre-empt or predetermine recommendations or outcomes. I can assure members that the public is very keen to have this matter reviewed because there is a feeling in the community, rightly or wrongly, that we receive an unfair benefit. One can look at the two existing schemes and a case can be made for each of the schemes in terms of possible benefit, but many members in the public arena do not appreciate that members of parliament do not receive other benefits.

I am not saying that we should get things such as leave loading, but many members of the public do not appreciate that members of parliament are not guaranteed WorkCover type protection; they are at the mercy of the government of the day. There is no long service leave or guaranteed annual leave. I am not saying that those things should happen, but an independent review could canvass all those aspects and may recommend that the current superannuation schemes are fair and legitimate in the context of the total remuneration which a member of parliament may receive.

Given that seats in parliament, on my assessment, have become more marginal over time, I think that the days of being able to remain in the parliament, in a comfortable way for 20 or 30 years, are pretty well gone. It is a different situation today. Other occupations have become much more vulnerable, too, in terms of their security and tenure. There are not many occupations or professions where people are guaranteed lifetime tenure, even in the Public Service, particularly at the senior levels—that has changed. We have a whole new ball game in respect of superannuation entitlements. There is the issue about whether people should be able to access their super before they are 55, because most people in the community cannot do that.

Should members be able to do it? Should they be able to do it in the event of some specific serious illness, for example, a terminal illness and they wish to access some benefit? Will that be covered under both schemes? They are the sorts of issues that need to be looked at; and whether there is any justification whatsoever for members getting superannuation before they turn 55. I commend this motion to the House. As I say, I do not do it in any spirit of trying to score a point. A genuine concern has been reflected and indicated to me by people in my electorate who want this issue addressed and considered by someone who is independent. I think that is a fair and reasonable thing to do, and I commend the motion to the House.

Mrs GERAGHTY secured the adjournment of the debate.

COONGIE LAKES

Mr HILL (Kaurna): I move:

That this House—

(a) recognises the unique natural heritage of the Coongie Lakes in the Lake Eyre Basin, in particular their international significance as a RAMSAR listed arid wetlands and their abundant biodiversity; and

(b) supports—

(i) increasing the protected status of the Coongie Lakes Control Zone by permanently excluding mineral and petroleum exploration and extraction; and

(ii) expanding the Coongie Lakes Control Zone boundary to protect natural values affected by episodic flooding.

In view of the amount of time we have left today and the fact that I have spoken not on this motion but on this issue several times, I will not go through all my arguments today. I simply say that the Coongie Lakes area of South Australia in the north-eastern part of this state is an absolutely fantastic place for biodiversity. It is unique in Australia. It is an ephemeral wetlands which is of absolute significance to the whole of Australia. It is the home to tens of thousands of birds and a wide variety of species. If it were only close to Adelaide it would be one of the major tourism attractions to this state. Unfortunately, it is locked up in the remote parts of South Australia, but, still, many—

Ms Breuer interjecting:

Mr HILL: One of the best parts, as the member for Giles says.

An honourable member interjecting:

Mr HILL: If it were closer to tourism centres it would be subject to enormous tourism. Perhaps it is a good thing it is not, because too much tourism may cause damage to it. However, many people do travel and camp at Coongie Lakes and enjoy the spectacular scenery and the beauty. Unfortunately, it is subject to mining exploration. I know that Santos has had mining exploration leases over this area for some time and, I think, has pretty thoroughly explored the area. Fortunately, it has not been able to find any major substance there that it wants to extract, so that is rather good for the ongoing preservation of this area.

It would be timely, especially this week, given that the Minister for the Environment has scored a few green votes by proclaiming the Gammon Ranges as a single-use park, if he followed that up by agreeing to the motion put by the opposition today, that is, that the Coongie Lakes be protected from mining and mining exploration and that the boundary should be expanded to protect natural values affected by episodic flooding. It would also be good—and I have not said so in this motion—for grazing to be excluded from that area.

However, it is part of a pastoral property and that would need to be negotiated over a period of time because, obviously, there are contractual rights, and so on. It would be a very good first step if this motion passed today and the government acted on it. This would be a very good first step in protecting this unique part of South Australia. I encourage members of the House to support the motion.

Mr LEWIS secured the adjournment of the debate.

FOUNDRY EMISSIONS

Ms KEY (Hanson): I move:

That this House notes the increasing evidence linking foundry emissions with health concerns including asthma, respiratory

ailments, reproductive hazards and cancer and calls on the government to take immediate steps to—

(a) conduct health surveys and make available medical tests for residents located next to foundries in the western and north-western suburbs of Adelaide;
(b) carry out an independent scientific study on atmospheric pollutants created by foundries in these areas;
(c) establish an independent occupational health and safety audit into workers' exposure to toxic foundry chemicals; and
(d) encourage foundries to relocate to the Foundry Park precinct.

This is the second time I have moved a motion of this type, because it has been an ongoing issue. Some residents in the area of Plympton and Camden Park would say that it is an issue that has been going on for more than 40 years. There has been a struggle between the existing residents and the foundry known as Castalloy in the North Plympton area. It is important that members note that, although there has been a lot of positive support in the area for the job creation that has been part of Castalloy, people are saying that they have had enough of what they consider the bad health of people in the area, which has been associated with the production at Castalloy.

Over the years—and this literally is years—I have tried to get some support from the government at least to do something very basic such as conduct health surveys in the area. A number of constituents have come to my office (and I know that the member for Peake has also received a number of complaints from people) saying that they believe that their health and their families' health has been affected by the pollution that comes from the Castalloy factory. I have no reason to doubt the claims that have been put forward, but we really need some medical evidence to support the claims and allegations.

I have written a number of letters to the government. Probably the one that best summarises the position I would like to put forward this morning was to the Hon. Dean Brown on 15 June 2000. What I said to the minister was this:

As you are aware, I have raised the issue of foundry emissions from the Castalloy factory at North Plympton on many occasions in the parliament. I also placed a motion before the House in relation to this matter in October 1999.

That was very similar to the motion that I have just read out. The letter continues:

I have raised these matters because many residents in the area surrounding the Castalloy factory have expressed concern about the health impact of emissions. There is a view amongst residents that there is a greater incidence of respiratory illnesses such as asthma and the possibility of increased risk for cancer. I believe that a comprehensive health survey of residents near the North Plympton factory needs to be conducted as a matter of priority. Such a survey would establish the incidence of illness among residents and any connection between these illnesses and emissions from Castalloy's operations. Given this background, I would appreciate an indication if the government is prepared to conduct a health survey of residents in the area surrounding the Castalloy factory at North Plympton.

I have gone on to raise the issue a number of times in this House. Having the honour of being on the Environment, Resources and Development Committee, I have raised this issue on that committee and was involved in initiating an inquiry into the Environment Protection Agency because of the lack of information and support that I had received from that agency over the past five years. What was not apparent to me when I first became a member was that, because of the protocols that we have in place between the government and the Environment Protection Agency—and I am not necessarily criticising these protocols—a member cannot take up an issue on behalf of a constituent, in this case an issue of health problems, because the matter has to be referred through the minister.

I cannot ring up the EPA and ask it to follow up on a complaint or an issue because I am a member of parliament, although it would probably short circuit a lot of mucking around on behalf of the constituent. In other areas I have been able to speak directly—the Housing Trust being the most notable—and actually get an answer on whether the constituent's problem or grievance is something that can be followed up on. Quite often, I think members on both sides of this House will agree, many of those issues are actually dealt with by the agency and dealt with very efficiently.

The Housing Trust issues—and I think the acting Speaker would understand what I am saying—are often quite complex but are dealt with. I cannot see why issues to do with environmental protection and local residents cannot be dealt with in the same way. However, that is the protocol. As I said, I do understand why this protocol is in place, but it seems to me that this is not a very efficient way of dealing with important issues raised by the community.

In following that protocol, I have also contacted the various ministers for the environment that we have had in this term of government, as well as the Minister for Human Services in his capacity in the health area, and I have to say that I have had absolutely no support. It is of great concern to me that this is an area in which I am not able to get any assistance at all. I note that, although the Minister for Human Services has not bothered to respond to me, on 29 October he did see fit to write to the West Torrens council, in particular to their city manager, Trevor Starr.

In that letter he thanks the West Torrens council for the two letters, one of April 2001 and one of July 2001, outlining the requests from the City of West Torrens council for health surveys in the western suburbs, and says:

I sincerely apologise for the delay in responding to you.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

LOCAL GOVERNMENT REPORTS

The SPEAKER: I lay on the table the reports for the year 2000-01 of the following local councils pursuant to section 131 of the Local Government Act: Adelaide Hills; Berri Barmera; City of Burnside; City of Mitcham; City of Whyalla; District Council of Karoonda East Murray; District Council of Loxton Waikerie; District Council of Mount Remarkable; District Council of Tumby Bay; and Southern Mallee District Council.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. R.G. Kerin)—

Office for the Commissioner for Public Employment—South Australian Public Sector Workforce Information at June 2001

By the Minister for Human Services (Hon. Dean Brown)—

South Australian Psychological Board—Report, 2000-01

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Industrial Relations Advisory Committee—Report, 2000-01

Occupational Health, Safety and Welfare Advisory Committee—Report, 2000-01
Ports Corp South Australia—Report, 2000-01
South Australian Youth Arts Board—Report, 2000-01

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Eduction Adelaide—Report, 2000-01
Budget Results, 2000-01

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Board of the Botanic Gardens and State Herbarium—Report, 2000-01
Coast Protection Board—Report, 2000-01
General Reserves Trust—Report, 2000-01

By the Minister for Water Resources (Hon. M.K. Brindal)—

Department for Water Resources—Report, 2000-01
Eyre Peninsula Catchment Water Management Board—Report, 2000-01
Onkaparinga Catchment Water Management Board—Report, 2000-01
Patawalonga Catchment Water Management Board—Report, 2000-01
South Australian Commissioner for Equal Opportunity—Report, 2000-01
Torrens Catchment Water Management Board—Report, 2000-01

By the Minister for Police, Correctional Services and Emergency Services (Hon. R.L. Brokenshire)—

Emergency Services Administrative Unit—Report, 2000-01

By the Minister for Local Government (Hon. D.C. Kotz)—

Kangaroo Island Council—Report, 2000-01.

REPORTS, PUBLISHING

The Hon. DEAN BROWN (Deputy Premier): I move:

That the following papers which have just been tabled be published :

Budget Results 2000-01
Board of the Botanic Gardens and State Herbarium—Report 2000-01
Coast Protection Board—Report 2000-01
Education Adelaide—Report 2000-01
Office for the Commissioner for Public Employment—South Australian Public Sector Workforce Information at June 2001
Ports Corp South Australia—Report 2000-01
South Australian Commissioner for Equal Opportunity—Report 2000-01
South Australian Psychological—Report 2000-01

Motion carried.

PUBLISHING COMMITTEE

Mr VENNING (Schubert): I bring up the second report (fourth session) of the committee and move:

That the report be received and adopted.

Motion carried.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

Mr MEIER (Goyder): I bring up the interim report of the committee, together with minutes of proceedings and evidence, and move:

That the report be received.

Motion carried.

QUESTION TIME

WESTERN DOMICILIARY CARE SERVICE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. As the senior responsible minister, can he explain why the statement to parliament yesterday by the Minister for Ageing and Disability Services made no reference to allegations made by staff concerning overseas travel, and can the minister tell the House what the Dunn inquiry found about these allegations; and, given the government's decision to introduce fees in June 2000 for frail aged people requiring domiciliary care services, how much has been spent by Western Domiciliary Care on overseas travel?

The opposition has been told that the investigation by Mr Dunn was given information relating to overseas trips by management and other staff at Western Domiciliary Care. The opposition has been told that travel included trips by the Executive Officer and the Corporate Services Director to Los Angeles and San Diego in December 1998; a trip to Malaysia by the Director of Nursing in 1998; trips by a junior officer to Korea in 1999 and the USA in 2001; and a month long trip to Canada this year by the Director of Home Support.

In June 2000, the government announced new charges for domiciliary care services for the elderly, including rental on items such as walking frames and wheelchairs. These are, again, the wrong priorities.

The Hon. DEAN BROWN (Minister for Human Services): From the outset, I urge the House to look at what Minister Lawson said in his ministerial statement yesterday.

An honourable member interjecting:

The Hon. DEAN BROWN: Well, it is very relevant indeed, because this afternoon the member for Elizabeth has once again used the protection of this parliament to stand and make unsubstantiated allegations. These so-called allegations that are being made have not—

An honourable member interjecting:

The Hon. DEAN BROWN: I will come to that in a moment. These unsubstantiated allegations have not—and I stress, have not—yet been put to the people against whom they are being made, and that is a range of people.

Members interjecting:

The SPEAKER: Order! The House will come to order. The Deputy Premier has the call.

The Hon. DEAN BROWN: They were allegations simply made by certain individuals in a climate in which—

Ms Stevens: Are they true?

The Hon. DEAN BROWN: If they are unsubstantiated, they are unsubstantiated. The honourable member opposite asked, 'Are they untrue?' They are unsubstantiated. In fact, the very reason why Minister Lawson has called in crown law—

Ms Stevens interjecting:

The SPEAKER: Order! The member for Elizabeth can remain silent. She has asked her question.

The Hon. DEAN BROWN: This House should be aware that it was Minister Lawson who has called in crown law and said that, if there is any evidence of a criminal offence, the police will be called in. But these are no more than wild allegations. I am delighted that the member opposite said that, in fact, these are criminal offences. The first report (which

has now been referred to twice by the member for Elizabeth) found, in fact, that there was insufficient evidence to call in the police.

Members interjecting:

The Hon. DEAN BROWN: We have had all these unsubstantiated allegations. We have heard about the so-called three inquiries. In fact, the first inquiry handed down a finding that there was insufficient evidence to call in the police. The Dunn inquiry report, which came to Minister Lawson on Tuesday of this week, urged that an independent investigator be appointed from within the government. Minister Lawson has, therefore, chosen a very high level of investigator, and entirely independent, in the Crown Law Department. That is an appropriate thing to do, because there is still no substantiated evidence that, in fact, there has been a criminal offence.

Members interjecting:

The Hon. DEAN BROWN: For certain individuals, if there has been any breach of either the Public Sector Management Act or of the law of this state, this government will come down with a tonne of bricks and make sure that action is taken. We have always maintained that. But, at this stage, there is no substantiated evidence that there has been a breach of the criminal law. When there is any prima facie evidence that that might be the case, the police will, appropriately, be called in. What I object to is the way in which the protection of this parliament is used to make some wild allegations that have not been substantiated.

I do not mind the honourable member raising the issue saying that certain allegations are made that need to be investigated, and we go off and investigate them—as, in fact, Minister Lawson has now arranged to occur. But for it to be done in this way, where there are certain claims that clearly, in that local community, would identify individuals, I think is unacceptable, particularly based on the evidence upon which it has been done—and that is an anonymous individual, sitting down behind closed doors, making certain claims, none of which has yet been substantiated at all. I suggest that, if the member for Elizabeth has any evidence at all, she take it to the Crown Solicitor, who is the appropriate person carrying out this investigation. She should take it to the Crown Solicitor or to Minister Lawson.

Members interjecting:

The SPEAKER: Order, the Leader of the Opposition and the member for Bragg!

The Hon. DEAN BROWN: It is appropriate that I read the first paragraph of the ministerial statement made in another place yesterday, as follows:

> Yesterday in the House of Assembly the member for Elizabeth made a series of extravagant claims in relation to the Western Domiciliary Care Service—

The SPEAKER: Order! The minister is referring to debates in another chamber: I draw his attention to that.

The Hon. DEAN BROWN: I highlight the ministerial statement made in another place. I tabled the ministerial statement here, and I think I can appropriately quote from it.

The SPEAKER: All right, if you have tabled it.

The Hon. DEAN BROWN: The ministerial statement stated:

> Yesterday in the House of Assembly the member for Elizabeth made a series of extravagant claims in relation to the Western Domiciliary Care Service. No-one should be surprised that these claims were raised by the Labor Party on a day when its former deputy leader Ralph Clarke announced his resignation from the Labor Party and embarrassed the party and Mike Rann. Indeed, it succeeded in having the Western Domiciliary Care Service on page 1 of the *Advertiser* rather than Ralph Clarke. These claims need to be put into proper perspective. The parliament should be made aware of the full facts, which I intend to now outline. The government views these allegations seriously.

I reiterate that, as I have done already today. It continues:

> However, they are nowhere near as sensational as the member for Elizabeth sought to portray. The Western Domiciliary Care Service is part of the North Western Adelaide Health Service and is responsible to the board of directors of the North Western Adelaide Health Service. The board is also responsible for the Queen Elizabeth Hospital and the Lyell McEwin Hospital. Western Domiciliary Care presently employs 140 full-time equivalent staff in a range of disciplines, including specialist medical staff, social workers, physiotherapists, occupational therapists, paramedical aides, nurses and administrative staff. The organisation provides home and community based health and supportive care and rehabilitation services to frail aged people and those with disabilities in the north-western metropolitan area of Adelaide.

If members bother to read the full ministerial statement and do not rely on allegations made in this House that have not been substantiated by the member for Elizabeth, they would find that there is another story to be told. I stress the fact that the initial report showed that there was insufficient evidence to call in the police. The second report by Dunn urged that an independent government investigator be appointed. The minister has done that through Crown Law.

STATE ECONOMY

Mr SCALZI (Hartley): Can the Premier comment on the latest South Australian Centre for Economic Studies forecast?

The Hon. R.G. KERIN (Premier): Despite predicting some growth, the latest SA Centre for Economic Studies forecast was fairly pessimistic as against some of the figures we are receiving at the moment. Certainly there are a lot of challenges ahead. Only this week it was confirmed that the world's largest economy, the US, was officially in recession.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: I do not know whether the opposition is interested in this. It is never interested at all in any economic figures.

An honourable member interjecting:

The Hon. R.G. KERIN: Straight from the heart. On the world scene there is pessimism because of the US going into recession and other events. At the same time, in South Australia some people, including the Labor Party, have tried to translate what is going on overseas, and are talking down our economy. At the moment our figures, whether for employment, exports, building approvals, CBD vacancies and a whole range of indicators, are improving at a rate that is a lot better than the national average, which, in turn, is a lot better than the international situation. In our export field over a period we have seen enormous growth. If you look at that growth, some people will say that because other economies overseas are going into recession or seeing a downturn it should automatically transfer here, but that is far from the case. Early in the 1990s under Labor, our exports in this state were just over $3 billion. To the end of September 2001 our exports out of this state totalled $8.5 billion. We have seen an increase of about 2.5 times, and that is driving economic growth here.

If you look at what has been exported, you see that it is not television sets and the things people overseas will cut off quickly. The mix of exports, carefully planned over time, is a range of products which people will continue to buy. A lot of it is rural produce. What is also ignored by a lot of the so-

called experts is the fact that at the moment we are seeing high commodity prices in our major exports.

We see that the Australian dollar is still down low and that there is a mix within our exports and, because there has been some restructuring in our exports, they are in fields which will not feel the impact of a recession anywhere near anything else. I think that has been ignored by many economic commentators. They have not taken into account how important exports have been to our growth. Exports have driven our growth, and the range of our exports is comprehensive. The flow-on of what has happened with exports—

Mr Conlon interjecting:

The Hon. R.G. KERIN: Pat, do you want to listen to this?

Mr Hanna interjecting:

The SPEAKER: Order, the member for Mitchell!

The Hon. R.G. KERIN: Have a good look at that document because, if the honourable member actually looks at it, he will see that the final demand is about seven times above the national average. So, the honourable member should have a good read rather than be selective. As a result of our export growth, we have seen unemployment in South Australia fall to as close as it has been to the national average for many years. As I said, there is no vacancy in the Adelaide CBD for premium accommodation. There is a low level available for the next class and only 10 per cent overall. If members go back to the early 1990s and look at what it was then, they will see that it was a lot worse than that.

One thing about which we need to be careful in South Australia—and we need to be realistic all the time—is that, when we talk about our economic performance, particularly our export performance in the future, we look at what we are growing and selling and the strong commodity prices that are available. As yet, that has not been affected and there has been no weakening of demand for our produce; prices are staying up. We should keep that in mind and not let a self-perpetuating drop in confidence affect this economy because we read it in the paper.

I urge all those who commentate on the South Australian economy to look realistically at where the growth has come from and where our opportunities are, because I believe that, at the moment, we have the right mix to enable us to perform very strongly over the next couple of years.

WESTERN DOMICILIARY CARE SERVICE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services.

Members interjecting:

The SPEAKER: Order!

Ms STEVENS: Given yesterday's statement to parliament by the Minister for Disability Services that Ernst & Young found no evidence of misappropriation or fraudulent conduct at Western Domiciliary Care and that there was insufficient evidence to take the matter to the police, what did the Dunn inquiry find in relation to claims by staff that management ordered the shredding of documents before Ernst & Young conducted their inquiry? The opposition has been told that after the Employee Ombudsman inquiry recommended further investigations into claims of misappropriation, fraud, misuse of motor vehicles, cronyism, nepotism and intimidation, a senior manager—

The Hon. R.L. Brokenshire interjecting:

Ms STEVENS: It's not a joke.

Members interjecting:

The SPEAKER: Order, the Minister for Minerals and Energy and the member for Schubert!

Ms STEVENS: I will begin the explanation again, sir.

Members interjecting:

The SPEAKER: Order! If members remained silent, we would not get into this position.

An honourable member interjecting:

The SPEAKER: I am not sure who that was. They would have been warned.

Members interjecting:

The SPEAKER: Order! Members will remain silent. The member for Elizabeth will continue with her explanation.

Ms STEVENS: Thank you, sir. The opposition has been told that after the Employee Ombudsman's inquiry recommended further investigations into claims of misappropriation, fraud, misuse of motor vehicles, cronyism, nepotism and intimidation, a senior manager at Western Domiciliary Care ordered two staff to shred documents. This is alleged to have taken place over a period of two days and before Ernst & Young arrived. To assist the minister I can, on a confidential basis, provide him with the names of the staff who are alleged to have shredded the documents.

The Hon. DEAN BROWN (Minister for Human Services): I am delighted that the member has asked a subsequent question on this, because I have found the point in the ministerial statement I tabled yesterday that I think the House should be aware of. We sat here on Tuesday and heard certain claims made by the member for Elizabeth. In the ministerial statement tabled yesterday it is indicated that, contrary to the opposition claims, there was no allegation in the report of a $2 million misappropriation.

Members interjecting:

The Hon. DEAN BROWN: We all sat here and heard the allegations, yet—

Members interjecting:

The Hon. DEAN BROWN: Minister Lawson—

Members interjecting:

The Hon. DEAN BROWN: Let us deal with the points that have been investigated. We all heard the member for Elizabeth raise certain allegations. They are in *Hansard* for all to see. Someone might like to look at a copy of *Hansard* of Tuesday and see reference to the $2 million that has been misappropriated. Yet yesterday's ministerial statement states:

> Contrary to the opposition claims, there was no allegation in the report of a $2 million misappropriation.

Another section of the statement is as follows:

> . . . Ernst & Young, conduct[ed] a special audit of Western Domiciliary Care Services in order to ascertain if there was any basis for the allegations of misappropriation. Ernst & Young completed their investigation and found no evidence of misappropriation or fraudulent conduct.

The ministerial statement continues:

> They [Ernst & Young] confirmed that there was 'insufficient evidence to proceed in taking the matter to the police'. The auditor did, however, identify a number of internal control deficiencies, and these were addressed.

I think everyone would agree that Ernst & Young has said that there is insufficient evidence to call in the police. Minister Lawson appoints the Crown Solicitor with the specific instruction that, if any evidence whatsoever is found of a criminal offence that would cover any of the matters raised by the member for Elizabeth, the police would immediately be called. What more could a minister do? That is the appropriate course of action to take. As I said to the member for Elizabeth, if she has any evidence at all, either

take it to minister Lawson or take it to the Crown Solicitor, but stop using the protection of parliament to try to obtain some sensational headlines on material and claims which are unsubstantiated. If the member for Elizabeth can come along with substantiated evidence, I have no complaint with her using this chamber to reveal it. But when they are unsubstantiated claims that have not been put to the individuals involved—and no evidence has yet been tabled to substantiate them—I think it is inappropriate to be pointing fingers at individuals that might suggest a breach of the criminal law. It is all about using appropriate standards that apply within this parliament.

Ms Stevens: You're a good one to talk about that.

The SPEAKER: Order!

CONSTRUCTION INDUSTRY

Mr VENNING (Schubert): My question is directed to the Deputy Premier and Minister for Human Services.

An honourable member interjecting:

Mr VENNING: It has nothing to do with printing. Can the minister outline to the House the impact of the capital works spending in the human services area on the construction industry and jobs in South Australia?

The Hon. DEAN BROWN (Minister for Human Services): In relation to the construction industry, there is no doubt that the Department for Human Services is now playing a huge role in the amount of construction being undertaken in South Australia. Let me touch on some of the key areas, firstly, the hospitals. In the last eight years this government has spent over $700 million on the capital works program of hospitals in South Australia. I highlight the fact that, when we came to government, the previous government was spending a mere $59 million a year on both building and medical equipment. In the capital works area we are now spending, just within the public hospital system, $143 million a year. That is a huge jump and in fact the figures show that, in the eight years we have been in government, we have spent $700 million. Think of the jobs that has created. I know that the construction industry now looks at the hospital rebuild program in this state as one of the key areas that has generated jobs within the industry.

I also cite the example of housing. In the housing area, again, we have had a massive program: in this year, 2001-02, we will spend a total of $89 million in the capital side of the housing program, and that includes new builds and redevelopment, house purchases, double unit separations, urban renewal, the maintenance capital program and some other programs as well, including emergency and crisis housing.

On top of that, we also have the money that is spent and generated through HomeStart. I gave the House the specific numbers on Tuesday, and they are very substantial indeed. This year, 270 new homes will be started under the capital works program of the Department of Human Services. I compare that to the situation about four or five years ago when we were down to about 30 new homes a year. Why? It is because we have eliminated the $350 million commercial debt that sat within the Housing Trust. The $35 million that was going to pay interest on that commercial debt is now going into the construction industry, creating jobs but, most importantly of all, creating homes in the public sector for people who need them. I think the capital works program of the Department of Human Services is now a significant part of the construction industry, the jobs and the economic development of this state.

WESTERN DOMICILIARY CARE SERVICE

Ms STEVENS (Elizabeth): My question is to the Minister for Human Services. As the senior—

Members interjecting:

The SPEAKER: Order! I warn the member for Bragg for disruption of the House.

Ms STEVENS: As the senior responsible minister, will the minister explain why the statement to parliament yesterday by the Minister for Ageing and Disability Services made no reference to allegations made by staff at the Western Domiciliary Service concerning Medicare fraud—

An honourable member interjecting:

The SPEAKER: Order! I warn the member for Waite.

Ms STEVENS: —and will the minister undertake to provide Medicare with a copy of Dunn's findings and copies of all relevant staff submissions made to the Dunn inquiry? The opposition has been told that federal Medicare fraud investigators yesterday requested details of the allegations and the findings of the Dunn inquiry.

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. DEAN BROWN (Minister for Human Services): Minister Lawson was the author of the ministerial statement, so—

Members interjecting:

The Hon. DEAN BROWN: No, a question was asked why something was done in the ministerial statement. I cannot answer on behalf of Minister Lawson. He wrote the statement. I will put that specific question to the minister, but—

Members interjecting:

The SPEAKER: Order! The member for Elizabeth is warned. The deputy leader is warned.

The Hon. DEAN BROWN: I can indicate that I have seen the Dunn report and read its recommendations. I have read the body of the Dunn report and have seen that, attached to it, is the summary of interviews in which a number of unsubstantiated claims were made. I point out to the House, as Minister Lawson has indicated, that nowhere in those claims is there any mention of $2 million.

I know that members opposite are pretty desperate for questions. I could go off and ask any anonymous person to make statements about any member of the opposition but, if I had the gall to stand here and read unsubstantiated claims about a member of the opposition without giving the name of the individual, there would be absolute pandemonium and outcry from the opposition—and quite rightly so.

When it comes to substantiated claims, the former Deputy Leader of the Opposition, the now Independent, Mr Clarke—

Members interjecting:

The Hon. DEAN BROWN: In fact, there were some claims that were substantiated in terms of the endorsed member for Enfield—sorry, the unofficially endorsed member for Enfield.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I will leave it up to the endorsed member for Enfield as to how he would like to be referred to, whether it be self endorsed, officially endorsed by the Labor Party or the leader, or whatever. I point out that the basis on which these allegations are made—without any identification as to who is making them and with no substantiation of the allegations at all, just wild claims indeed—is,

I believe, inappropriate in this parliament. I have heard Labor ministers such as the former Attorney Len King (who went on to become Chief Justice of the Supreme Court) absolutely castigate members of this parliament—

Members interjecting:

The SPEAKER: Order! The member for Spence is warned.

The Hon. DEAN BROWN: —for making unsubstantiated allegations. I refer the member for Elizabeth back to some of the sorts of comments made by then Attorney-General Len King on exactly the same behaviour as she is exhibiting in this House this afternoon.

POLICE FUNDING

Mr WILLIAMS (MacKillop): Will the Minister for Police, Correctional Services and Emergency Services outline to the House the level of funding this government has provided to the police to improve community safety, and is the minister aware of any alternative funding plans?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I am delighted to spend a little bit of time answering the question, because it is an important one. Just this year in the South Australia Police budget we have seen an increase of $28 million. I am very pleased to go out and tell the community that under our Liberal government in the year 2001 we have just delivered a record police budget for South Australia. Nearly $400 million has been delivered to the South Australian police department. On top of that, considerably more will be delivered, such as the $73 million over the next three years to be able to give the police the enterprise bargaining agreement that has just been signed off.

So, on top of the $400 million record budget, which actually comes on the back of an increased budget last year and an increased budget the year before, we have seen $73 million being allocated over a three year period to pay the men and women of the South Australian police force an enterprise bargaining agreement increase. We have $114 million more in the police budget today than there was when the Labor Party was in office in 1993. I am sure that not only members on this side want to put the facts in the newsletters: one day the opposition might also want to put some facts in them, and I am very happy to provide them—

Ms Thompson interjecting:

The Hon. R.L. BROKENSHIRE: Particularly the member for Reynell, because I actually see the member for Reynell's trashy newsletters in the next electorate—not dealing with police budgets or what the government does to support the police but talking down the Morphett Vale area when it comes to crime issues that are being addressed.

There are 4 600 sworn and non-sworn officers currently in the Police Department. That is a 4 per cent increase right up to today compared to what it was under Labor in 1993. By the end of the 2001-02 financial year, we will see a further increase of 100 in the sworn and non-sworn numbers to a total of 4 700, which is a 7 per cent increase in sworn and non-sworn officers under this Liberal government compared to the position under Labor. We have been able to deliver this social dividend and increase the budgets because we know how to manage an economy. We do not put it on the plastic card; we deliver, and when we deliver we pay.

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: The member for Peake needs to understand that a Liberal government can provide more—and pay for it—and live within the means of the budget.

Mr Koutsantonis interjecting:

The SPEAKER: Order! I warn the member for Peake.

The Hon. R.L. BROKENSHIRE: Within this year's budget, $5.2 million is allocated for an additional 90 police officers. Some members on both sides of the House came to the graduation and saw some of those officers the other day. I thank those members, including the very good member for Price, who came along. It will be good to see the member for Price winning an Independent seat against the Labor Party in the next five or six months. With that additional money, 90 extra police will be recruited this year, and that is on top of an additional number of police over the last two years. With recruitment, attritions and increases it totals 500, and 750 police will be going through the academy in a three year period.

Further, in answer to the member for MacKillop's question—and this is also very important—not only have we been able to deliver a record budget; not only have we been able to pay for a good enterprise bargaining agreement for the men and women police for the work they do, but we have been able to provide them with very good accommodation. We have spent millions of dollars in the last 12 months or so in connection with the South-East LSA in Mount Gambier; $10 million was funded for Netley to help the Sturt LSA and to have our special tactical and response force located right next to the airport; $30 million has just been spent on both the new police station in Adelaide, in Wakefield Street, and the upgraded police facilities in Grenfell Street. I could detail a list of equipment longer than your arm.

That is what this government has been doing with its budgets, and that is in very stark contrast to the previous situation under Labor. We have been able to deliver these facilities, and we will deliver more, because we know how to grow South Australia. Have a look at the budget outcomes in 1993 and have a look at where we are today. We will continue to deliver, because we are good economic managers.

WESTERN DOMICILIARY CARE SERVICE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Given that yesterday's statement by the Minister for the Ageing and Disability Services made no reference to allegations concerning nepotism or the conversion of a bequest of $10 000 to the Western Domiciliary Day Care Centre, and given that you have just told us that you have read the report, what did the Dunn inquiry find on these issues, and did the report handed down on 18 October 2001 recommend that any matters be referred to the police? Yesterday, the Minister for the Ageing and Disability Services, in answer to a question, confirmed that allegations about the engagement of contract staff without due process and the conversion of a $10 000 bequest had been considered by the Dunn inquiry.

The Hon. DEAN BROWN (Minister for Human Services): Again, the member for Elizabeth is trying to imply that the Dunn inquiry recommended that certain matters be referred to the police. The facts are that the Dunn inquiry did not recommend that at all. The Dunn inquiry came to three broad recommendations: that there needed to be some reform of the human resource and general management of the Western Domiciliary Care Service; that there needed to be a review of higher payments made in terms of salaries; and that a government investigating officer be appointed.

Minister Lawson, in fact, appointed a government investigating officer by appointing the Crown Solicitor. For those who do not know, the government investigating officers work within the Crown Solicitor's office. He made sure—

Ms Stevens interjecting:

The SPEAKER: The member for Elizabeth is warned again. I ask the member to contain herself.

The Hon. DEAN BROWN: He made sure that it was a lawyer who was appointed so that a lawyer could see all the evidence and see whether there was any evidence of a breach of the criminal law. So, the minister went for a higher level of investigation than that recommended by Dunn. I stress that the question was whether the inquiry recommended that the police be brought in, and the answer is that, no, it did not recommend that the police be brought in. It recommended that there be an independent government investigation—and that is exactly what Minister Lawson has done.

EDUCATION, CONTRIBUTION

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Education and Children's Services. Could the minister advise the House of the contribution education makes to the economic wellbeing of South Australia?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Waite for his question, because education today is up front and centre, and government should make no mistake about that statement. We cannot be the clever country—we simply cannot compete either globally or internally—unless we have the intellectual fire power in our students and in our community to drive our economy.

Imagine, sir, for just one moment that our intellectual friends opposite, and their union friends, set the standards not only for the education system but also for the way that we work with business, both large and small, and the way that we work internationally. Imagine if Labor set the standards. You can see it now: back to basics, union fundamentalism taught through all our schools—their vision of salvation through unionism. Some vision! Some salvation! Some future! That is why we cannot have them back on the Treasury benches. They dumbed down education before and they will dumb down education again.

However, I can advise the House that South Australia is not doomed. We have the highest performing education system in this country. This is backed up by the Evatt Foundation—the Labor philosophy think tank, saying that South Australia is number one in education in this country; and it is next to the best in performance in science and maths. In science, in the international TIMSS test, we came third, and eighth in maths. The only countries above us are countries like Malaysia and Japan. We beat the United States, we beat all the European countries, and we beat every other state in Australia.

But this government will not stop there, as enterprising as it is. We are also innovators. Yesterday I mentioned the maths and science school at Flinders University. That is not only space age innovation: it will also be space age in practice, because we will have students working with researchers (and that has not been done before anywhere in Australia) from Flinders University, training teachers in science and maths, and then those teachers will go out to our schools and extend that knowledge.

We are educationally rich. Let me assure you, sir, that that is not inherited wealth, because Labor, in the early 1990s, left us with absolutely no riches. In fact, the cupboard was not bare; there was a hole in the floor. The fact is that we did not inherit any educational wealth from Labor, and the sad thing is that there have been no lessons learnt on that side since that time. The irony and the sad thing is that, when Labor talks about education, it talks about numbers, numbers, numbers. Time and again, we repeatedly see in this place that Labor is hopeless with numbers. Ask the member for Ross Smith or poor Senator Schacht about numbers in the Labor Party, and how and when they can count.

Members of the Labor Party have forgotten about education, because they talk about leaks; they do not talk about children. And they talk about leaks; they do not talk about learning. If members of the Labor Party have any affinity for numbers, if they think that they are pretty good, they should stand up and be counted on their record of economic management, because it is pathetic. They should stand up and be counted on education, because it falls into the same basket.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for Peake is warned again.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Given that the Premier—

An honourable member interjecting:

The SPEAKER: Order! The Minister for Water Resources is warned also.

The Hon. M.D. RANN: He needs a good Bex and a lie down. My question is directed to the Premier. Given that the present Premier championed the privatisation of electricity—

An honourable member interjecting:

The Hon. M.D. RANN: Oh, he doesn't now. Okay, we will wait for that—will he say whether the government remains committed to the January 2003 date for entry of households into the contestable electricity market, and what advice has the government received about legal action by the new private owners of ETSA if it defers that date? The Premier might want to forget what he said previously, but—

The SPEAKER: Order! I will withdraw leave if the leader does not get on with his explanation.

The Hon. M.D. RANN: —on 17 March—no, you can't flick this past—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I suggest that he listen to the directives from the chair. If he continues with that type of explanation, I will withdraw leave. I suggest that the leader should get on with his explanation.

The Hon. M.D. RANN: Thank you, sir. On 17 March 1999, the Premier told the *Northern Argus*:

> All we want to do is sell ETSA. If we don't sell ETSA we will be in real strife.

He agrees with that now. There have been power price rises for business customers averaging 35 per cent and, in the Premier's own electorate, the Pasminco smelter faces a 60 per cent increase in its power bill. Families could face similar price rises when price caps come off in January 2003.

The Hon. R.G. KERIN (Premier): I think the first question was about January 2003. As the leader knows, there are four options at which we are looking, and he will find out in good time.

As far as my electorate is concerned, in relation to what people have said before, the other day I was looking at some of the editions of *Hansard* from the other place. Some people would know the Hon. Ron Roberts, who is a member of that place. He is from my electorate area. At one stage, a report was given (and I think he spoke about it over there) of the former premier and the member for Stuart having gone to the Port Augusta Power Station. He told a story about that which he thought was a really good story about championing privatisation. It was an attack on the member for Stuart and on the former premier.

The Hon. Ron Roberts thought it was such a good attack that, a little while later, he told exactly the same story, which appeared in *Hansard*, but he removed the member for Stuart's name and inserted my name; and he removed 'Port Augusta Power Station' and inserted 'Port Pirie Power Station' (which we will build when we get SAMAG). He put that on the record in the other house as an attack on me about power privatisation. Labor's record of attacks on members over power privatisation have not been particularly reliable to date. What I said to the *Northern Argus* in 1999 I stick by. You guys put us into the debt position and you also were instrumental in setting up the national electricity market. If you put those two things together: you put together our debt level—

Mr Foley: John Olsen did that.

The SPEAKER: Order! I warn the member for Hart.

The Hon. R.G. KERIN: If you put together our debt level and the national electricity market, both—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for a second time.

The Hon. R.G. KERIN: —of the making of members across the chamber, you will see why we had to sell ETSA. There was no choice for this government. If you guys had not messed up things in the early 1990s and got thrown out so unceremoniously, you also would have had no choice. You would have had to do exactly the same thing and you ought to admit it.

Members interjecting:

The SPEAKER: Order! The member for Colton.

GOVERNMENT BUSINESS ENTERPRISES

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House how South Australia is benefiting from the improved economic management of government business enterprises?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Colton for his question. In commencing this answer I am reminded of the immortal words of Dan Quayle, who once said at the beginning of his speech:

> Before I start speaking, there are just a couple of things I'd like to say.

Before commencing the answer, I would like to identify that yesterday, in answering a question from the member for Hart, I made some errors, and I would like to correct the record. I indicated yesterday that the old E&WS Department made a loss of $45 million under Labor: it did not—it was $47 million. I indicated that SA Water's total contribution to government in 2001-02 is $200 million: it is not—it is $225 million.

In response to the question from the member for Colton—

Mr Koutsantonis: Resign!

The Hon. M.H. ARMITAGE: There are some reasons for resignation, but success is not usually one of them, I have to say. Members would well be aware that when the government first came to office we were faced with an array of government enterprises that were being run into the ground. SA Water was one of those, but in turning them around we have not only turned around the economics and values of these government business enterprises with sound financial management but we have also had a direct effect on individuals in the South Australian community because of the success of those GBEs. I would like to run through a few of them and demonstrate exactly why that is.

Because of the financial figures I mentioned before about SA Water, with about 1.5 million people in our state, the $47 million loss in the last year of the Labor government meant that each individual South Australian, for every year that that occurred, was paying an additional $31 on what might be said to be their water rates, because that is what it cost to run the EWS.

The Hon. R.L. Brokenshire interjecting:

The Hon. M.H. ARMITAGE: No, they didn't; they had to pay it out of their own pocket—and that is exactly the problem. With SA Water's contribution in the last financial year ($225 million), the situation is different. This equates to a positive return for every South Australian of $150. That means that there has been a $181 turnaround for every South Australian. That is what it means to individual South Australians when you do well in the government business enterprises.

With regard to the Land Management Corporation, do members recall its predecessor, the Multi Function Polis, when, under Labor, we were the absolute laughing stock of Australia? I well recall the cartoon in one of the national papers that had Wayne Goss, the then Premier of Queensland, jumping around with a huge smile on his face saying, 'We've lost; we've lost' and the then Premier of South Australia, John Bannon, looking hangdog (even though he did not yet know that he was about to take the state into financial disarray with the bank) saying, 'We've won.' We have turned around the Multi Function Polis through the Land Management Corporation. Now under sound financial management it returns in dividends and income tax equivalents a total of $32.6 million. For the year ending 30 June 2002, it is on track to exceed its budgeted surplus of $5.4 million.

That is a fantastic return to individual South Australians. It is not only enough to seek positive bottom lines but we are actually looking to do things. We do not invest, as I have been known to say before, in insurance in the Bermuda Triangle, as happened under the previous Labor government. We in fact seek to leverage off our improved financial situation to provide better and more services to South Australians, rather than delivering very tall buildings in the metropolis of Melbourne: 333 Collins Street is a terrific building, but it should be, given the amount of money that the government wasted on it.

The present opposition says, 'But we are different now.' Well, they are not. My medical training identifies they are not because it is genetic. What happens is union hacks will always waste taxpayers' money: Labor governments always have and they always will. They do not know how to manage financially and successfully. Our government's sound financial management is achieving many things. We have been able to spend the money that we have managed to gain for the people of South Australia on things in South Australia such as the environmental improvement program in SA

Water, of which the member for Lee was so laudatory when we announced that we were taking the sewage out of the Port River. That is a great bonus.

WorkCover has been able to return $108 million to the businesses of South Australia, and this means that there will be more jobs for individuals in the community as the businesses reinvest that money. What it also means (because I have insisted on better work-to-live programs and better rehabilitation) is that in 1993-94 there were 40 600 claims. This year that number has been reduced to 29 161 claims. What sound and good financial management means is that you have money to invest in work-to-live programs, which means that fewer individuals in the community are being injured, and that is a bonus.

The Land Management Corporation is doing lots of good things, but what does it mean for the individuals in the community? It has been responsible for the shack freeholding program. There is a huge income target, but it also means that the people who now own their shacks are actually spending money on improving them, and that creates jobs and means that South Australians are able to enjoy our fantastic outdoors as they would like to do. I refer to our success with the Land Management Corporation with the private sector joint venturers. The member for Wright is enthusiastic about many of the things that are happening in her electorate with the Golden Grove—

The Hon. D.C. Wotton interjecting:

The Hon. M.H. ARMITAGE: No, it's not, actually.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The member for Hart mentions Port Adelaide. I know that he is supportive of the registration of interest process for the redevelopment of Port Adelaide's inner harbor. We can do that only because we have managed successfully. Regarding the $5.5 million Islington Rail Yard remediation, I know that the independent candidate for Enfield—Mike Rann's candidate for Enfield—is totally supportive of what the Land Management Corporation did there. The only way we can do that and return a dividend for the individuals is by managing successfully and financially. There are lots of things that we are doing because we have been managing successfully but the important thing is that we do not gloat about our financial success because we turn that back into services and benefits for individual South Australians in individual communities, and long may it last.

WESTERN DOMICILIARY CARE SERVICE

Ms STEVENS (Elizabeth): Will the Minister for Human Services, as the senior responsible minister who has read the Dunn report into matters pertaining to Western Domiciliary Care, now release the findings of the Dunn inquiry?

The Hon. DEAN BROWN (Minister for Human Services): The answer is 'No.'

Members interjecting:

The Hon. DEAN BROWN: I can tell you why. It is because in the appendix to the Dunn inquiry there is a series of unsubstantiated statements and allegations from individuals about other individuals. To release the report would breach every right of an individual to fair justice that one could dream of. Talk about a kangaroo court! Imagine what would happen if I walked in here with some unsubstantiated allegations from someone whose identity was not even known and laid them on the table. This report does not identify who is making these allegations: they are individuals A, B, C, and D, but they are unsubstantiated allegations. Why would you want to do that in a climate in which it is acknowledged that there has been some personal animosity between some of the individuals involved? Therefore, the reason for not tabling the Dunn inquiry is quite simple: you would defame individuals with no right to get justice in any way whatsoever.

DISABLED PERSONS, EMPLOYMENT

Mr MEIER (Goyder): Will the Minister for Employment and Training inform the House whether the government has had success in helping to provide jobs for people who have disabilities?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank the honourable member for his question, because all members of this House will be equally concerned about the job status of all people but none more so than those with disabilities. Fortunately, because we are a caring government, we have a policy for action in helping people with disabilities to obtain jobs. This government works with those companies which have the foresight to recognise the value of people with disabilities and which want to create employment for them. We believe that this is a vast improvement on the position that we found ourselves inheriting a few years ago.

In November last year the state government launched its Disability Recruitment Coordinator (DRC) program, which helps people with a range of disabilities to find open, and in most cases, full-time employment. To date this program has secured 196 jobs across the private and public sectors with a further 70 positions being offered by two prominent supermarket chains. The program contains a number of initiatives designed to maximise jobs for people with disabilities. Through the Office of the Commissioner for Public Employment an exemption has been sought to place people in the South Australian public sector as a pro-active measure. I think it is important that the state government lead by example.

As a result, under this government, in total contrast to the record of the previous government, 59 people with disabilities have been placed in jobs and agencies right across the government. The DRC program also identified opportunities to place people with disabilities in call centres in South Australia and 10 people have been placed there. But it does not stop in the metropolitan area and I am sure all country members will realise that disability is not confined to city areas. In regional areas including the Fleurieu, the Barossa Valley, the Adelaide Hills and Yorke Peninsula, 35 positions have so far been filled by small businesses specifically for people with disabilities. So far, around 150 people have undertaken training in pre-employment.

I will finish on two notes: Coles and Bi-Lo deserve a particular commendation, because they have placed 70 intellectually impaired persons in stores across this state, and the public of South Australia should acknowledge a valuable initiative. I finish by saying that the government is an equal opportunity employer. It takes young people with disabilities and trains them.

I have come to know quite well a young man with an intellectual disability who lives just down the road from me. He was placed within government service and given a traineeship. When he completed that traineeship, after a little difficulty, he was placed in a permanent job commensurate with his abilities in the government service.

I cannot emphasise to the members on this side of the House and, I hope, on the other side, what a difference it has

made to that young person's life. He will never lead a life like any one of us, but at least he will lead a life that is completely fulfilling and very happy, simply because the government chose to acknowledge him as a human being, to treat him as a human being and to give him help to do the work that he is capable of doing.

I commend the Minister for Human Services and all other ministers, indeed all members of this House, who have supported people with disabilities and who show compassion and caring instead of treating them as just numbers, giving them a pension and forgetting about them.

GRIEVANCE DEBATE

Mr ATKINSON (Spence): Each individual's DNA profile is, like a fingerprint, unique. Our DNA profile can be worked out in a laboratory from a sample of our blood, our hair, semen, a scraping of our skin or, most commonly, a swab from the inside of our mouth. Our DNA profile can be matched with blood, hair, semen or skin left at a crime scene or on a victim's body or clothing. Our DNA profile can be reduced to numbers by computer and matched with the numbers from a sample gathered at a crime scene.

Not only does DNA matching give billion-to-one-on certainty in convicting an accused: it gives billion-to-one-on certainty in clearing suspects. In the United States, 60 prisoners have been freed after giving DNA samples that show that they were not guilty of the crime for which they were imprisoned.

At South Australia's forensic science laboratory there are samples from about 700 crime scenes, some of them from well before South Australia's first DNA matching law was passed in 1998. These samples await matching with DNA samples taken from convicted criminals or suspects. Seventy of the samples are from more than one crime scene and one DNA sample was found at seven crime scenes.

According to Ken Thorsen, a retired police commander and the policeman in charge of the investigation of the Truro murders, South Australia's DNA matching law 'is the weakest in Australia as a tactical investigative and strategic policing tool'. Ken Thorsen argues that a DNA sample should be taken from all people arrested, along with fingerprints and a photograph—and I note the member for Price agrees. He says the principal deterrents to crime are three: the high probability of being caught, the certainty of being convicted and penalties.

In South Australia the only prisoners who can be DNA tested are those who have been sentenced for an indictable offence (a very serious offence) carrying a maximum penalty of at least five years imprisonment and who were sentenced after the law came into effect in 1999. The Family murderer Bevan Spencer Von Einem cannot be obliged to give a DNA sample and Truro murderer James Miller could not be obliged to give a DNA sample, even though this could be done simply and painlessly.

Although 2 051 South Australian prisoners or ex-prisoners can now be obliged to give a DNA sample under even our weak law, by January this year, after 12 months of the law's operation, only 18 samples had been taken. The Attorney-General announced on Radio 5AA on Friday that this number had now risen to 98. That is only 98 out of 2 051. Police or the DPP must apply to the courts before they can take a DNA sample from a convicted criminal in prison. The court has a discretion to refuse such an application.

The court must take into account the nature and seriousness of the offence and any established propensity to engage in serious criminal conduct. This must be balanced by the judge against the right to privacy, the privilege against self-incrimination and the right to bodily integrity. Ken Thorsen says that the importance of DNA testing prisoners is that 80 per cent of crime is committed by about 8 per cent of offenders. Michael Dawson, the Victims of Crime director, is not in favour of DNA testing suspects but he says that the situation with convicted offenders is different. He states:

> We know that people tend to reoffend and, from a victim's perspective, DNA testing for those people is a strategy that is really very useful.

There is a world of difference between the Labor opposition and the Liberal government on this point. If elected, a Labor government would order the DNA testing of all prisoners.

Mr McEWEN (Gordon): I would like to do two things in the few minutes available to me today: one is to reflect on the quality of senior secondary schooling in Mount Gambier and the other is to express some concerns about the WorkCover Corporation's call for expressions of interest for the provision of investigation services. Let me briefly talk first about secondary education in Mount Gambier.

A measure of the opportunities of the future of any community would be the present schooling. The people of the future are in our schools today. Our youth of today are our economic and social engine room of the future. My community finds itself in a most remarkable position. The two public high schools in Mount Gambier have both in the last week been identified as leading high schools across the whole of Australia. Mount Gambier High School last week was rated as one of the top 10 in Australia in terms of innovation.

Since then, Grant High School has received accolades and Tennyson Woods College, the private Catholic college in Mount Gambier, has invested huge amounts of money in redevelopment over the past two years and, under the leadership of Pam Ronan in the past 12 months, has set about making itself a significant presence in the community. The three leaders, Gary Costello, Wayne Johnson and Pam Ronan, deserve full credit for the way they have taken on the challenge of preparing our young people for the future. Our community can be most proud of what we have seen over the past 12 months and look forward to that remarkable effort continuing.

The second effort is a sad tale. I wish to call on the government to review the process that it put in place whereby it called for expressions of interests for the provision of investigation services under the WorkCover Corporation. We have at the moment what I believe is an unintended outcome of what seemed like a good idea. The unintended outcome is that services that in the past could have cost as little as $100 to $150 are now costing over $1 000. And the quality is no better: in fact, in some cases it is worse.

The reason for that is that many people who provide a service in the country have now been precluded from the opportunity to provide that service because they are no longer on the panel that WorkCover makes available to those people requiring those services. On 11 April this year, WorkCover Corporation of South Australia published a document calling for expressions of interest for the provision of investigation services.

In relation to the purpose of seeking expressions of interest, the document states:

> The purpose for seeking expressions of interest is to appoint external investigators to a panel of investigators. . . from which the Corporations, Claims Management Agents and Self Managed Employers may utilise the following categories of investigation services:
>
> Investigation Unit Investigations;
>
> Agents and Self Management Employers' Field Investigations; and
>
> Surveillance.
>
> Panel Investigators will be engaged by the Corporation under the External Investigator Service Provider Agreement. . . Panel Investigators will only be appointed if they have sufficient numbers of Approved Operators in their employment. Investigators may nominate one or a number of persons for appointment as Approved Operators.

So, what we have here is a good idea that will set up these panels. But, in setting up these panels, there are some selection criteria, as follows:

> Expressions of interest will be assessed according to the following criteria:
>
> . . . Investigator has the resources, experience and expertise—

that sounds good—

> [provision of] services in a manner which is consistent with the Corporation's objectives—

that is fine—

> . . . the best level of service and value for money having regard to the Corporation's objectives and the requirements of the External Investigator Service Provider Agreement;

There are many people who can easily satisfy those three criteria, as set out in point 2.2 in the expressions of interest document. What has actually come to pass is that a different set of criteria have been applied. So, suddenly people who had the resources, experience and a proven track record were not rated highly. So, what tended to happen was that, unless you were part of a network as part of a bigger organisation, you did not get a look in. So, suddenly the larger organisations in Adelaide have been nominated ahead of individuals in the country who, in some cases, have been providing a very satisfactory service at a much better cost—in one case for up to 12 years. So, what was a good idea has gone badly wrong.

Mr HANNA (Mitchell): I want to speak today about the proposed Bedford Park Interchange which the government proposes to build in my electorate. The interchange proposal, of course, has a significant history. In the late 1980s, the Labor government proposed what was called the Tonsley interchange. A crucial difference between that proposal and the current one is that there was land available next to the Tonsley Railway Station for the interchange to be built back in the early 1990s. When the Liberal government was elected, the existing Housing Trust homes were demolished and the land was sold off for private dwellings. So, the original proposed site is no longer available for the interchange, and this creates serious traffic problems, because any interchange must now face the barrier of Sturt Road if the interchange at Bedford Park is to link up with the Tonsley railway line.

The consultation process has been seriously deficient. Only some six weeks ago, residents in my electorate were provided with leaflets in their letterbox which contained a thumb nail sketch of the interchange proposed. True, there was also a display at Westfield Shopping Town Marion, but I am sure that there are hundreds of residents who would not have been familiar with the government's proposal in broad terms had I not sent out leaflets myself with a detailed map of what was proposed.

Unfortunately, after the time that I was briefed on the matter, and before the matter went to the Development Assessment Commission on 22 November this year, substantial changes were made to the plan, so that I have a situation where some of my constituents are faced with having a level crossing less than 15 metres away from their houses, yet they have not been told by anyone that that will perhaps take place. The government has certainly not included that in its consultation process, and I have not had a chance in the last week to visit every one of the residents affected. I will do so, of course, in the near future.

The government's consultation process is summed up in a PPK report, an environmental impact assessment and 'a community consultation'. I put that in inverted commas, because it is a very poor community consultation, and it is a shoddy report in many respects. For example, it even has paragraphs left in it about wind farms, because that is what was on the PPK word processor before they prepared this particular report, and they have not even proof read this document; it is so shoddy.

I want briefly to put on the record some remarks made by the Hon. Diana Laidlaw about the Tonsley interchange proposal 10 years ago. The report to which I refer is as follows:

> Opposition transport spokeswoman, Ms Laidlaw, said that it was 'ridiculous' to build the interchange at Tonsley.

She preferred then an interchange on the site near Westfield Marion. She also said:

> The Tonsley bus-rail interchange proposal was an interchange to nowhere.

She continued:

> It has been dismissed by the STA Board, strongly criticised by local government, and to date there's been no guarantee of funding by the federal government.

At this point, I interpose to say that, of course, there has been no guarantee of funding even by the state government in relation to the current proposal. It seems that the minister is simply getting ready for a pre-election announcement, even though there is no money, apart from consultants' money, in the current state budget. Back in 1990, the current Minister for Transport also said that the Tonsley interchange proposal is finished; it is dead. She never said a good thing about it; she did nothing but criticise the proposal, and, as I have pointed out, the current proposal is much worse than the one that we had 10 years ago.

Time expired.

The Hon. G.M. GUNN (Stuart): I am pleased to participate briefly in this grievance debate—

The Hon. M.K. Brindal: And we are always pleased to hear you.

The Hon. G.M. GUNN: Well, I thank the minister very much for his kind endorsement, and I look forward to participating in these debates for a number of years in the future, as I am sure the member for Ross Smith and the member for Price will also be doing—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: —with the concurrence of the member for Spence, who I know is looking forward to the ongoing participation of both members. First, I am delighted that the minister has approved the development of the Honeymoon uranium project, which has been long in coming.

They have had to deal with the frustrations, inactivity and weakness of the Bannon years and the tyranny of Senator Bolkus during the last election campaign. The company in question and the people involved have been resolute in their desire to develop this project, which will be in the long-term best interests of the people of this state.

If one goes to Beverley, one will see what a wonderful development it is. It is professionally managed and operated and providing extensive jobs to people who would probably be unemployed. Many of them are my constituents, and they are delighted to be employed there. I understand that these people now want to extend that excellent project, and I look forward to that decision taking place in the near future. All members in this place should be encouraging them, and I look forward to and hope for the unanimous support of the House in any legislation or activity which may be necessary.

In relation to the Honeymoon project, I can remember going there years ago when the first people set out to operate it.

Mr Atkinson: In about 1982, Gunnie.

The Hon. G.M. GUNN: Yes, and they were frustrated in their activities. However, I am pleased to say that the project is now going ahead and will be a very good thing for those small communities in the north-east of South Australia. The project has the public endorsement of the Mayor of Broken Hill.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: Well, he wasn't saying nice things about the Labor Party and Mr Beazley in the election campaign. He thought that they had taken leave of their senses with their opposition to this project. I thought that, on that occasion, he was correct. So, I am pleased that both these projects will go ahead, because they will have long-term benefits.

I have been perturbed for a long time about the fact that we set up these organisations, such as the EPA and others, and they then become a law unto themselves. They become full of their own importance. They remind me of something like a turkey gobbler, similar to the member for Hart. They become red in the face, blow up their chests and a great gush of air comes out, although it does not amount to a great deal. The EPA, however, can have long-term effects on small communities and small businesses, when there is no justification for it.

If these organisations are going to act in an arbitrary, unreasonable and unfair manner—when some of the staff in them fail to respond to telephone calls or ignore elected officials, such as mayors of councils, then the time has come for this parliament to place them under the scrutiny of the parliamentary committee. Then, the public of this state—if they believe that they have been badly treated by one of these quangos that have taken it upon themselves to behave in such a manner, with the encouragement of the member for Kaurna and other anti-developers and groups that want to see us live in tents with candles—can express their opposition to the way in which they have been treated. The parliament has to act to redress the difficulties that people are facing.

As I have already explained, we have had trouble with the rubbish dump at Quorn. They tried to stop the racing at Port Augusta; and, if they had been successful there, they would have shut down 90 per cent of the country golf clubs in South Australia. They then took notice of three malingerers at Wirrabara. One of those people is, I understand, in receipt of unemployment benefits—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: Well, I don't know if the member is talking about his friend—

Time expired.

Ms BEDFORD (Florey): In what may be my last opportunity to speak in this 49th parliament, I rise to bring the House's attention to the conference that was held here in Adelaide in September of this year, and another that is due to be held here in February 2002, looking at the complex problem of bullying. The one-day conference on 26 September, entitled 'Working Towards a Bully Free Workplace', discussed the consequences for employers who fail to address bullying issues, and it aimed, among other things, to increase awareness about bullying and violence in Australian workplaces; to gain an understanding of the effect such practices have on the lives of those concerned; the impact on productivity and culture of organisations where bullying is identified; and also to look at legislation currently in place and to explore development and implementation of policies and procedures to deal with what continues to be a growing problem. Whatever is being done is certainly not enough. Why else would an unfunded organisation such as the South Australian Employees Bullied Out of Work (SAEBOW) be formed and survive? The fact that this organisation exists is confirmation that not enough is being done. It seems that there is no question that damaging interpersonal practices do exist, and that the term 'bullying' is applied to a great number of behaviours. This is, in itself, one of the problems. Defining the various and often subtle practices that deny workplaces full productivity is difficult. The number of studies undertaken globally clearly support the notion that this is a major problem that destroys lives and livelihoods, and costs workplaces billions of dollars.

The Working Women's Centre here in South Australia undertook a study in 1997 and received a WorkCover grant to conduct the project 'Workplace Bullying: A Practical Approach', aimed at developing policies, procedures and workplace training. The Working Women's Centre is convening the international conference to be held here on 20-22 February 2002, being sponsored by WorkCover and Workplace Services.

The Minister for Workplace Services is to be commended for his support of this conference. He has recently revealed, in an answer to a question in another place, that Workplace Services has not conducted any formal studies into the impact of bullying. So, this conference is not before time. I welcome this step as it has become apparent to me that there is indeed an appalling lack of procedures to resolve such workplace issues. I have spoken out about bullying on many occasions in my time here, initially, in my maiden speech. I did so because I have seen the effects of bullying on many workers. I have spoken out to management on behalf of fellow workers and I have experienced workplace bullying myself. It can happen to anyone, and usually when individuals face other personal issues at a critical level. When anyone feels bullied, they must take action. In the absence of procedures that address bullying adequately, there are two recognised strategies: change the way you react, and tell other people it is happening.

Through personal experience earlier this year, I have become aware of another glaring inadequacy, especially in our own workplaces and their practices: someone can be accused of bullying and there is no proactive initiative or course of action to work through such a situation, and no

avenue of recourse. As the minister's answer has confirmed for us, there are no effective procedures to satisfactorily deal with bullying or accusations of bullying. This leaves the way open for, on one hand, workers to experience misery in the worst cases, and on the other hand, unsubstantiated claims. This is a situation that is not helpful for the longer-term recognition and remediation of the problem.

In my own case earlier this year, defamatory claims were anonymously circulated in this building, and more widely throughout my electorate. Those claims have only increased my resolve to speak out about bullying. It has been suggested to me that the prolonged campaign was designed to silence me on the issue, perhaps because the level of bullying going on unattended within workplaces might be uncovered. These anonymous slurs have rightly been judged as scurrilous and a form of bullying themselves. The conclusion that one could draw from this protracted attack on me is that it was mounted for political purposes. It is worth while noting that, had a procedure been in place to address these claims, I have no doubt that there would have been no disruption to my workplace.

I would like to express my appreciation of the work that my staff have done in the service of the Florey community. Tabitha Lean, my personal assistant, has worked with me for four years and continues to be my greatest asset. Other part-time staff, particularly Matthew Loader, and several trainees, have worked diligently with us, and to each of them I say, 'Thank you for your contribution.'

I would also like to express my gratitude to all parliamentary staff and acknowledge the difficult conditions they often operate within, and assure them that I will continue to explore, on their behalf and in the interests of all other workers, the influence workplace conditions play on the occurrence of bullying.

The Hon. G.A. INGERSON (Bragg): I would like to make a few comments today about the successful failure, twice now, of the member for Peake in organising campaigns in the federal area. I noted with interest how this young Turk of the Labor Party, the convener for the Right—

Mr Atkinson: Young Turk! That is a bit insulting.

The Hon. G.A. INGERSON: I know it is, and that is why I thought I would say it. He is part of the factional machine that keeps rolling on; he stamps on everybody and, I suspect, had something to do with the lack of preselection of the member for Ross Smith and others. I suspect that this young Turk has again shown that he can successfully disrupt the whole of the Labor Party. I thought that it was important, particularly in light of this very good article today in the *Advertiser* (and I do not often read the *Advertiser*, or accept it for its honesty and straightforwardness), but I see several things in it today that are really very significant and important to me. I have always known that Don Farrell was important, but I never realised how good he was. When I was a pharmacist a long time ago, he used to be the union representative who would argue against the rises that we pharmacists required. Here, I find that not only has he risen to the top but he controls the Labor Party.

I am glad to see the member for Peake come into the chamber, because I did start off by mentioning his successful failures. I was really surprised to see that Don is so good, because there are not very many people in the Labor Party, particularly coming from the Right and the poor old shoppies' union, who can rise to the top. I know that the shadow attorney came from the same group, and I notice that they are gradually infiltrating the Labor Party. But let us get back to the member for Peake. He has now run two brilliant federal campaigns, and he has lost them both. He ran the campaign on behalf of Mr Georganas, and lost. He ran the campaign on behalf of Mr Stanley, and lost. And one of the best examples of how brilliant his organisation was is that he had the Hon. Kym Beazley come over and be part of the campaign in the seat of Adelaide on the very day of the election; and in the booth he visited there was an increase of 5.8 per cent for the Liberal candidate. That is how good the member for Peake is: he is such a good organiser that, on the very booth for which he gets the potential Prime Minister to come over, there is a 5.8 per cent swing to the Liberal Party! We lost the booth—and it is fair enough; we lost the booth—but, even with the brilliant organisational skill of the member for Peake and the potential Prime Minister, the Labor Party went backwards. I suppose you could say that The Machine rolled on again. That is all you could possibly say. And the young convener, this brilliant young Turk, will now—

Mr Koutsantonis: Turk?

The Hon. G.A. INGERSON: It's a play on words—take the Labor Party, I hope, to its third straight dismal loss. And this time, hopefully, it will be at the state election here in February.

Mr Meier interjecting:

The Hon. G.A. INGERSON: I know—and I thank the member for reminding me, because I do not think I quite got this in the other day. The other member for the old shoppies union, the shadow attorney-general, has acknowledged that Ralph Clarke is an outstanding member of parliament. I find that absolutely incredible, because I know of the relationship, the special love, that exists between these two people. So, there are two people now, two ex-shoppies—the member for Peake and the shadow attorney—both of whom are, obviously, part of The Machine and neither of whom seemed to like what I said the other day about the member for Ross Smith being the best deputy leader that the Labor Party has ever had. He was a very good deputy leader. I remember working with him and working against him on many occasions.

Time expired.

SELECT COMMITTEE ON GROUNDWATER RESOURCES IN THE SOUTH-EAST

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

SELECT COMMITTEE ON ADELAIDE PARK LANDS PROTECTION

The Hon. D.C. KOTZ (Minister for Local Government): I move:

That the time for bringing up the report of the select committee be extended until Tuesday 12 February 2002.

Motion carried.

SELECT COMMITTEE ON GROUNDWATER RESOURCES IN THE SOUTH-EAST

The Hon. G.A. INGERSON (Bragg): I move:

That the time for bringing up the report of the select committee be extended until Tuesday 12 February 2002.

Motion carried.

STATE SUPPLY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 2932.)

Mrs GERAGHTY: Sir, I draw your attention to the state of the House.

A quorum having been formed:

Mr CONLON (Elder): I say at the outset that the opposition supports the government's amendments to the State Supply Act. The purpose of the amendments, of course, is very clear and simple. The State Supply Act at present does not apply to government contracts for services—there is a discretionary ability in the act, as I understand it, that requires, I think, from memory, the relevant department to request that it be dealt with, but there is no requirement for contracts for services to be covered by the State Supply Act. That is, we believe, a deficiency, which I can illustrate best with a case example, as I will do in a moment.

It has been the position of the opposition for some time, and particularly in the light of the activities of this government in contracting, in the way in which it has gone about business, that there have not been sufficient institutional controls on the process to make sure that government contracting is competitive, open, transparent and truly accountable. We believe that other institutional requirements should be in place for openness, accountability and competitiveness in government contracting and, closer to the election, we will be talking about some of the institutional changes that we believe are required in addition to the amendment that we are supporting today.

One of the best case studies that I could give for the requirement for contracts for services to, in fact, be governed by a process such as the board of the state supply department is, of course, the now famous Motorola arrangements that were arrived at back in 1994 in, I think, a very unsatisfactory fashion. Certainly, history has shown it to be most unsatisfactory. Back in 1994, the former premier (then minister, the member for Kavel) wrote his infamous letter to Motorola, offering it what would euphemistically be called a side deal. What we do know is that that arrangement, that letter, embarrassed and caused distress to the head of the Office of Information Technology at the time, because of the difficult position it put him in when dealing with competitive arrangements for supplying radios. It was also commented upon at the time by, of course, the Auditor-General in a subsequent report.

That side deal to purchase radios was a change of policy by the government's appointing Telstra as the service provider in the whole-of-government radio network, and requiring Telstra to purchase the radios. In fact, I think that was what got the government out of trouble with respect to the State Supply Act, and it converted it from being a contract to supplying goods in a contract for services. A bit of cobbling together went on at the time to put together some guidelines to deal with it.

Obviously, it would have been far more satisfactory, regardless of whether it was a contract for goods or a contract for services, if it was covered by the State Supply Act and by State Supply guidelines. For that reason, we support what the government has put together today. In this day and age when so many government utilities have been sold, so many state-owned assets have been divested and so much of what was formerly done by the Public Service is now outsourced, the argument for making sure that contracts for the supply of services are covered by the State Supply Act is even more compelling. That is one of the reasons we support the bill today. I have one matter on which I seek an assurance and, if I can get it at the second reading stage from the minister, I will not require a committee stage.

I seek members' forbearance to make a couple of comments on the bill that may not seem entirely relevant. This may well be the last time I speak in this place. I know that the government intends to come back in February, but it may not. We will all be up for a contest, but I understand that the minister will not be coming back, regardless. I want to wish him my best and say that for all of his shortcomings I will miss him a little. Similarly, I mention the member for Bragg and anyone else retiring from the place, including your good self, Mr Deputy Speaker, and also the Speaker. I would have to say that for Liberals you are all quite tolerable. That is about as good as I can do. The member for Colton I do not think is contesting Colton again. I will miss some of you a bit. I hope I will be back here myself, but given that I have a 1.8 per cent margin I am supremely confident and comfortable. It is virtually an impregnable margin.

The assurance that I need from the minister is that the bill intends to bring contracts for services within the purview of the State Supply Act by changing definition sections. In short, it now covers contracts for services by changes in the definition section, and we are perfectly happy with that. There is a provision, however, that certain things will be outside the scope of the act if so prescribed by regulation. I can see that that makes some sense. I assume that we do not want to go through a rigorous process if they are minor services or of a minor nature. The assurance I seek is that the regulation making power is not used or intended to be used as an ability retrospectively to make lawful some purchase of goods or services that would not have been lawful otherwise.

I hope that the minister is listening to this and understands what I am asking. The assurance I seek is that the regulation power will not be used to make lawful retrospectively some purchase of goods or services that was not lawful prior to the making of the regulation. I say that, because regulations obviously can be disallowed in this place, but it would not be much good to us if the regulation were to be used after the event. With those comments, I indicate the support of the opposition for a bill that is one step towards requiring a proper process for government contracting.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the opposition for its expression of support for the amendment to the State Supply Act. I am completely comfortable in identifying to the member for Elder that there is no intention at all that this will be used retrospectively to make lawful something that has been found to be unlawful. The regulation making powers are intended to be used for things like prescribed authorities that already have their own legislated supply mechanisms. There is no intention of doing what the member for Elder said. I thank the House for the extraordinarily positive way in which they have

viewed this amendment bill, and I do not intend to respond to the very nice comments of the member for Elder—I will do that in February.

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

RETAIL AND COMMERCIAL LEASES (CASUAL MALL LICENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 2833.)

Mr ATKINSON (Spence): This is yet another initiative of the Hon. Nick Xenophon in another place. It is in the guise of a government bill, but it is the Hon. Nick Xenophon's idea. For years now shopping centre owners have tried to boost their income by allowing traders to use the common areas of the shopping centre, such as the centre court and passageways. When this casual licensing started, it was only during the especially busy times of the year, such as pre-Christmas, but now it happens all year round. The shopping centre owners say it makes the centre more attractive to shoppers by giving them more choices and that it prepares novice retailers to take up a lease in the centre when they have gained experience from licensing.

The Shopping Centre Council says that casual mall licensing is not controversial in the shopping centres of the eastern states where the retail market is buoyant, but it is an issue in South Australia because we are over-shopped and small retailers are feeling the pinch. Existing tenants say that casual mall licensing is unfair competition because the licensees are paying less than the lessees and the licensees do not share the burden of outgoings. Moreover, sometimes the licensees' stall will block shoppers' views of the lessees' shops and sometimes the licensees' range of goods will overlap the lessees' stock. Why go into an established shop, bearing the full burden of outgoings, when the first thing you see is at the stall of a licensee who does not share the burden of outgoings?

Last year the government introduced a bill to deal with the transition to the commonwealth goods and services tax on retail and commercial leases. It was a bill that the opposition was not minded to support, but it was a splendid opportunity for us to tackle amendments we wanted to the Retail and Commercial Leases Act, that is, the parent act. Other non-government members of the other place thought likewise. The Hon. Nick Xenophon prepared amendments to regulate casual mall licensing. As it happened, the government did not persist with the bill, but to his credit the Attorney-General referred the amendments on casual mall licensing to the Retail Shop Leases Advisory Committee. The committee has now agreed, with the abstention of the State Retailers Association, on a code of conduct for casual mall licensing, which is now the schedule to the bill. The State Retailers Association believes, I think, that casual mall licensing is an evil that ought not to be recognised in legislation, even if the legislation purports to ameliorate its worst effects on lessees. I think that the State Retailers Association also believes that the market power of shopping centre landlords will always prevail over changes in the law intended to help tenants.

The code of conduct requires the landlord to prepare a casual mall licensing policy, to circulate it to all tenants and to issue licences only in accordance with the policy. The code also prohibits the business of a licensee unreasonably interfering with the site lines to a lessee's shop or the business of a licensee introducing unreasonable competition to an adjacent lessee. 'An adjacent lessee' is defined as a tenant whose shop is situated in front of or immediately adjacent to the casual mall licensing area. A licensee is an external competitor if 20 per cent of the goods displayed for sale are of the same kind as 50 per cent of the goods displayed by the adjacent lessee, and the licensee is not another lessee in the shopping centre—

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Yes, I agree with the bill; I am support supporting it. To prevent lessees subsidising licensees, the code requires an adjustment of non-specific outgoings to take into account casual mall licences. The code does not permit legal proceedings against the landlord for breach of the code unless the tenant objecting has requested the landlord in writing to remedy the breach and the landlord has not done so as soon as is reasonably practical.

I thank the Hon. Nick Xenophon for initiating this legislation, the Attorney-General for considering it on its merits, the members of the Retail Shop Leases Advisory Committee for deliberating on it and the Hon. Carmel Zollo for seeing it through the other place on behalf of the parliamentary Labor Party. The bill has been parliament at its best.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the shadow attorney for his comments and his consideration of the bill. He has obviously studied it and understands in some detail its provisions, and I commend him for that. In thanking him, I will just say that in South Australia the word is generally pronounced 'mall', as in 'tall', 'call' and 'mall'. 'Mall', as in 'Al' is an English eccentricity, but I understood what the member was talking about. I do thank the honourable member for his support.

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

LOCAL GOVERNMENT (CONSULTATION ON RATING POLICIES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D.C. KOTZ (Minister for Local Government): I move:

That this bill be now read a second time.

This bill was introduced in another place as a private member's bill and seeks to require local government councils to consult with their communities about certain proposed changes to their rating systems. The government supports the bill, and has successfully moved amendments to clarify, and give greater certainty to, the circumstances under which consultation is required and to ensure that the public has access to relevant information about the impact of the proposed changes in the form of a report. The government is keen to encourage councils to engage their communities in meaningful consultation about their decision making, including decisions about rating systems.

The provisions of the Local Government Act 1999 provide councils with considerable flexibility in the design of their rating systems. They are based on the premise that councils understand their local areas best and are in a position to design a rating structure that is consistent with local perceptions of fairness and equity. It is up to councils to make this a reality and to answer fully to their communities for their rating decisions, including the level of rates raised. However, this year significant hardship is being faced by some mem-

bers of the community due to changes in certain councils' rating policies. On 31 August 2001, as the Minister for Local Government I issued a joint circular with the President of the Local Government Association advising all councils that changes to rating systems that significantly alter how the rates burden is distributed should be planned for well in advance in consultation with the community, and that councils need to consider using the flexibility available to them under the Local Government Act 1999 to phase in the effects of significant changes over a period of time.

However, given that some councils have recently failed to consult with the community at all, or with insufficient detail available, about significant changes to their rating systems, it has become difficult to argue against the inclusion of a statutory requirement for councils to consult about significant changes to their rating systems, and as a consequence the government supports this bill. The amendments to the act contained in the bill extend the existing minimum requirements for consultation by requiring a public meeting and the preparation of a publicly available report which addresses a number of issues, including the reasons for the proposed change; the relationship of the proposed change to councils' overall rating policies and structure; the likely impact on ratepayers; and issues concerning equity within the community.

Councils will be required to consult in this manner before changes are made to the basis of rating or the basis on which land is valued for rating purposes, including where the council proposes to impose a separate rate or charge, or introduce or remove differential rating. This change will provide councils with an ideal opportunity to re-examine their public consultation policies and procedures in order to satisfy themselves that they provide for and encourage appropriate levels of participation by the community in the affairs of council and the exchange of meaningful information. I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

Motion carried.

Ms HURLEY (Deputy Leader of the Opposition): The opposition takes pleasure in supporting this bill and considers that it is a very constructive and positive measure in order to increase public consultation and awareness of council measures whenever there is a significant change in rating policies. This bill was introduced in another place by the Hon. Nick Xenophon. Both he and I attended quite vigorous meetings in Gawler and Freeling regarding rate increases that had been announced by the Gawler and Light councils. Nick Xenophon chaired both those meetings, which were held in September this year. In the case of the Gawler meeting, the Gawler council had actually undertaken public consultation about the change in their rates. They had put out a notice about the proposed rating change and also had a public meeting beforehand, which I understand was not particularly heavily attended. So, they had done the right thing. I think it was widely expected that Gawler would move to the type of rating system that eventually it did.

However, once the notices went out and those people who were getting the increases realised they were getting an increase, there was an outcry, and indeed some of those rate increases were very hefty—in the order of a couple of hundred dollars. Of course, some people got rate decreases. I talked to those people and they were very happy about the rate changes, but those people who had been adversely affected were most perturbed to find that, because of the way the announcement was made and given their budgeting and previous rate notices, what they expected to be a relatively minor rate increase was in their view a major increase. That is what caused the outcry. I have a great deal of sympathy for those residents. In these tight times when family budgets are often stretched by increased user-pays charges, taxes and levies and with the GST coming in this year, most family budgets are feeling the strain, and this additional hefty rates notice on top of that was enough to cause a great outcry.

Nick Xenophon came along to the Gawler recreational centre and chaired that meeting. It was a very constructive meeting, because the people involved were quite willing to look at the issues and the reason for change and form a residents' action group as a result of that meeting. Therefore, the Gawler council went back and reviewed its decision and there has been some alteration in the way that those rates are now imposed, so it is phased in over a period and people have time to adjust to this additional tax impost. That was a very good outcome, and I commend the Gawler Council for being prepared to be flexible and also the residents for the constructive way in which they approached the issue and were prepared to compromise as well as the council.

Nick Xenophon chaired another meeting not so long later at Freeling, because Light Council had also changed the basis upon which it rated properties. A huge group met at the Freeling oval, where 350 to 400 people were crammed into the relatively small hall.

Mr Venning interjecting:

Ms HURLEY: It will be; it will be my electorate very soon. The Freeling meeting had standing room only, and again we saw that people were faced all of a sudden with a very hefty rate increase—up to $500 for some of these people. It particularly affected people living on what are commonly called hobby farms, where they might have some small farming interests or it might be purely a residential block but on a five or 10 acre property. What particularly annoyed these residents was that, as with most rural residents, they receive very little in the way of council services. They do not get their rubbish removed and they often live on dirt roads and do not get much in the way of grading, so they have very little in the way of services and up to a $500 a year rate increase.

In this case there had been no consultation beforehand. Light is a relatively small council. The Mayor and a number of councillors from the Light Council were at that meeting, as was the Chief Executive Officer of the council, Mr Peter Beare. They very patiently answered all the questions put by the residents. The residents were again, by and large, fairly constructive in their criticisms, but I am not sure that resolution has been achieved in that case, which is very unfortunate.

I was pleased to see the Hon. Nick Xenophon bring in this bill as a result of those two large meetings, which cannot have been very easy to chair. I am pleased to see that he has produced a very constructive result out of those two meetings and the experiences of those ratepayers. It is always of great concern to people that rates seem to be increasing constantly; it is very difficult to afford. I feel that having this form of consultation at least lets people have a say before there is any significant change in the way their rating has been prepared.

The opposition has consulted with the Local Government Association through our shadow minister for local government, the member for Hanson, and I thank Brian Clancy for his rapid response—this bill has been dealt with fairly quickly

in both houses of this parliament—and the way in which they have responded to the bill. I know that the LGA has been consistently working on codes and guidelines for councils and that this bill, which establishes further consultation with ratepayers, is something to which the LGA has had a philosophical attraction over many years. The opposition is very pleased to support the bill.

Mr CLARKE (Ross Smith): I am happy to support the bill, for all the reasons that have been advanced by the speakers in support of the legislation. I think this issue of how we get a more equitable system of rating needs to be looked at more closely over time. We have a problem in the sense that, when it passed legislation with respect to local government reform, the last parliament unanimously encouraged councils to amalgamate, eliminate duplication of services and lower the cost of local government services to commercial and resident ratepayers, the idea being increased efficiencies and savings that would help the state's economy. Regrettably, many of those savings were found simply by the exercise of cutting people's jobs and there are now fewer people employed in local government than there were before. Since a number of local government bodies got together and amalgamated—doing exactly what the government or this parliament encouraged them to do—what has now become manifest is that in one sense we now have competition between those local government areas that are on the borders between adjoining councils.

In some areas you are getting ratepayers saying, 'Just across the street, that council's rates are cheaper than what I have to pay. It's a smaller council and I feel closer to it and would rather be there.' I refer particularly to the Port Adelaide Enfield council area. Just along the fringes of some of its borders, ratepayers are getting attracted by the thought that just over the street there are cheaper rates. The Port Adelaide Enfield council did what the parliament of the day wanted it to do, which was to amalgamate. It is now a very large council able to provide a whole range of services it was never able to provide before, and on a more effective basis, but some of its ratepaying base is now being undermined because adjoining councils, which are small pocket boroughs, in a sense, do not offer the same range of services and their rates are cheaper.

I am particularly concerned about the Corporation of the Town of Walkerville, because that council has steadfastly refused to countenance any amalgamation whatsoever. I was highly critical of the Corporation of the Town of Walkerville at a recent public forum called by the Port Adelaide Enfield council. A number of ratepayers wanted to secede from that council and go to Walkerville on a number of grounds, not least of which was that they felt an affinity for the Corporation of the Town of Walkerville. They may well do, but there is also about a 40 per cent rate differential.

Of course, the Corporation of the Town of Walkerville can be up to 40 per cent cheaper in rates than its adjoining council areas because it does not do anything. It does not have to, because it is all done, since it has been around since 1840. All the roads are paved—I do not know if they are paved with gold, but it is pretty close to it. They have their sporting bodies, small as they may be, and basically say, 'We've got the money; we've got all the development. We don't have to do anything. We don't care about the outlying reaches.' The people in Walkerville are very fortunate in the sense that—

Mr Koutsantonis: They're good people.

Mr CLARKE: Exactly, as the member for Peake interjects. My parents live there and I was raised there. But the simple fact of the matter is that for many of their services they use the City of Adelaide, in terms of library services, the shopping facilities in North Adelaide, or they go up to North Park or Sefton Park and use a whole range of other services in and around that area, but they do not feel the need to contribute towards those costs.

The City of Prospect has wanted to amalgamate with Walkerville but has been rejected on a number of occasions. Walkerville council only want the area that they feel they have an affinity with, which is Thorngate and Fitzroy. They think that is not a bad idea. I find the government's inactivity with respect to the Corporation of the Town of Walkerville a bit rough. I think that the Corporation of the Town of Walkerville ought to be told by the government: 'You just can't stand out as an isolationist.'

We have compelled a number of councils (like the City of Port Adelaide Enfield) to amalgamate and, as a result, they are bigger. They do not have the same parish feel and there is some dissension in the ranks in the sense of some secessionist feelings in outlying areas, part of which is due to the fact that their neighbouring councils have rates that are 40 per cent lower but without having to provide those services. There is another broader argument on rates, and that is where we see, in the City of Onkaparinga, Port Adelaide Enfield, the City of Salisbury and the City of Tea Tree Gully, new families moving out into these areas and needing new services, and council rates are getting very expensive in basically low income areas.

It is not necessarily where the property values are substantial, as they are in the inner city areas, but, because the demand for services in those areas is so great, the council rates are becoming a major source of concern for individual ratepayers. That is because there is not an equitable base as there is for those who have had the benefit of the past 180 years of settlement and where there is no further development, storm drainage, sewerage or anything of this nature to take place; it is simply ticking the car over and keeping it maintained.

As part of an overall society there ought to be a sharing of the burden, so that those in the outer regions of the state or those who live in areas where there are significant social and economic problems and who need some assistance, specialist services and the like, can afford to access them without having to pay astronomical council rates. Many of the people concerned live either on very low wage incomes or on fixed incomes and commonwealth government benefits and are not able to pay significant council rates and, therefore, are not able to access services that many people in the more built-up areas, the more settled areas of metropolitan Adelaide, take for granted because those services have been available for 150 years.

I support the bill. I think it was unconscionable for some councils simply to change their rating policy without any advance notice to their ratepayers so that they could adjust their budgets accordingly in sufficient time. I commend the Hon. Nick Xenophon for taking up the cudgels and bringing in a private member's bill in another place as an Independent, and I commend the government for seeing the wisdom of the views put forward by an Independent member of parliament, embracing those views and getting a fair bit of justice as a result. I think that the government ought to start looking at some of the concerns that I have just expressed about the rating system generally.

Mr LEWIS (Hammond): The other part of the story that I would like to tell is that I think the minister, too, is to be commended. Not only is the Hon. Nick Xenophon, who drew attention to it in the first place, to be commended, but the minister saw an even wider implication for rating systems and immediately, after speaking to Mr Xenophon, understood the opportunity that was there and grasped it. And we stand here today to pass the law that will ensure that people are not ambushed. I agree with what the member for Ross Smith had to say—that is, the Independent candidate for Enfield, as I understand it.

Mr Atkinson interjecting:

Mr LEWIS: Is it? Did he have Mike's support or didn't he?

Mr Atkinson: No. None of us, actually.

Mr LEWIS: St Michael or St George! The important point about that is that after amalgamations, as the member for Ross Smith has said, some councils, much larger in area, have not achieved any of the cost savings that the government and the minister believed they would achieve for their ratepayers. Indeed, there have been cost blow-outs because there has been little, if any, reduction in staff and, in country areas, a substantial expansion of the number of services for which the expanded council has found itself liable.

In those circumstances there has been an expansion in the number of staff. More particularly, the rate revenue base has gone up so high that many of those higher ranking officers whose rates of pay are related to the rate revenue base in the council are now getting much higher salaries than they were previously. Worse than that, it seems that they do not have the administrative competence to understand the way in which they need to manage the additional revenue and its expenditure, so they have spent more than they should have in the mistaken belief that, because the money was in the bank, it was available to them. They have overlooked the fact that there are journal entries in their accounts hypothecating a substantial part of the money that was in the bank into particular purpose accounts. Having spent that money, they now have to recover it and put it back there, because their auditors have drawn attention to, if you like, the malpractice that has occurred—and that has been very embarrassing for them. So, what they are seeking to do is whack the rates up to recover their position and restore the funds that need to be held in those hypothecated accounts to those accounts for the purposes for which they were originally placed there.

I am pleased that the minister has blown the whistle on it by ensuring that all rate systems, not just those that are collected from properties that do not have any concessions applied to them, are to go under review at the one time if the council is looking at a substantial change, and an increase at that. So, I say, 'Thank you, Minister' and 'Congratulations, Mr Xenophon.' I want to go further than that and point out to the member for Ross Smith, though, that, whereas he got the first bit right, the second bit is not entirely right. Walkerville council, like some other council areas, has done all its work and everything is in place. He is right to say that it is ticking over and all they have to do is keep it there. However, the people who live in Walkerville, and the businesses located there, pay more for the premises that they occupy. The unit value per square metre of land and the unit value per square metre of housing and office space is much higher in Walkerville for that very reason, and, although the rate in the dollar may be lower, the actual number of dollars which are multiplied by that rate result in the total revenue being collected being more akin to what it is elsewhere. Whilst I acknowledge the general truth of his statement that they are marginally lower in gross amount of rates for similar premises, they are not substantially lower. The rates are much lower as a rate in the total dollar of the value, but there are more dollars in each unit area required to purchase that, so that is reflected in the valuations.

I believe that Walkerville is a council that is ideal in size. It makes it possible for everybody to accept a measure of interest in, and responsibility for, all the decisions made within the township and the community that is there. I think it was a mistake to force the amalgamation of councils. I do not believe that we can make Australia as a nation function more efficiently by expanding the size of local government, making it impersonal, calling it regional, devolving to it a diverse range of responsibilities and powers and requiring it to recruit a public service of its own and then abolish the states. I do not subscribe to that view.

I have seen other societies and the way they function since I was a much younger man than I am now, and they are going in the same direction as we are. They are introducing more and not less levels of government. The United States has done that, and in the states where there is no local government they are now introducing it. Indeed, as I have told this House before, there are five levels of government in California, and there are five levels of government in Massachusetts. In the United Kingdom, in the last few years, we have seen the establishment of provincial parliaments in Ireland and Scotland.

Mr Clarke interjecting:

Mr LEWIS: Well, that's beside the point. The fact is that they feel the need for representation at a parochial level which reflects the different culture they have in that society, and that different culture in Australia will arise with greater divergence than it has in the United Kingdom, because the factors which affect culture are predominantly climate. You do not wear heavy woollen suits in Cairns, Cooktown, Townsville or Darwin, but you do in Tasmania and Melbourne—and even in Adelaide. The way in which people behave, the things that they expect to be able to do and, therefore, the conduct that needs to be regulated by local by-law, is different as a consequence of the impact of that climate on human behaviour—the times that shops open; where, if you have a dog, you can take or not take it and why, and so on. For example, you would not dream of letting your dog swim in the tidal creeks around Cairns, but you certainly would let it swim in the tidal creeks around Strahan in Tasmania. The reason you would not do it in Cairns is that the dog would be crocodile meat in no time. But there are no crocodiles in Strahan or, for that matter, Brighton—

Mr Atkinson interjecting:

Mr LEWIS: Yes, I can tell you that it is cold there, and it is for that reason that I think local government does need to be local and not regional, for God's sake.

Mr Atkinson: What bill are we on?

Mr LEWIS: We are on local government—consultation on rating policies. I am saying that all those things are influenced by the mores of the people—their expectations of what local government will do—and that we were wrong to insist that local government should get bigger.

Ms Ciccarello interjecting:

Mr LEWIS: And I am pleased that the member for Norwood understands the point I am making in that respect. It has not delivered the main game which everybody was told it would provide: it has not delivered lower rates. We would not be debating this legislation now if it had. Having made

that point plain, I think I will simply commend the measure to the House and trust that it gets not just swift passage but rapid assent because of the things that I know are happening, or are being planned, in local government in my own electorate.

Ms CICCARELLO (Norwood): I commend the member for Hammond for his comments in the defence of smaller local government, and I take issue with the member for Ross Smith, because he obviously does not understand local government and what it is about. Local government is about local issues, and councils can best respond to their community by limiting the size. We have a former Mayor of St Peters in the gallery, and I am sure that he would not take umbrage at my—

Mr Atkinson interjecting:

Ms CICCARELLO: Well, thank you. As a former Mayor of St Peters, he would agree with me that small local governments are very efficient and can certainly respond to the needs of their community. Some years ago, when councils were forced to amalgamate, we were all told that it was voluntary amalgamation, but there was nothing voluntary in it.

Mr Clarke: You could have done a Walkerville.

Ms CICCARELLO: The member for Ross Smith says that we could have held out; we did our best, but at the end of the day a decision was made to amalgamate because the majority of the members of the councils which amalgamated felt that it was best to make our own decision rather than have an amalgamation—like an unwilling bride or bridegroom—thrust upon us.

Mr Clarke interjecting:

Ms CICCARELLO: I think that Walkerville is to be commended for responding to it, because it did a lot of surveys and found that the majority of its community had indicated that it did not want an amalgamation. I think that it is a furphy to assume—and I am on the record with regard to local government amalgamations—that amalgamations are better; they are not necessarily better or more efficient. On the eastern side of town, we had a grouping of six or seven councils that had many efficiencies in place. We had our own identity and independence, but we were able to have economies of scale. We had a regional waste authority to which all the councils contributed; we had an eastern region health authority; and we were also able to achieve efficiencies in tendering services with the different councils pooling their resources together and tendering for roadworks and footpaths.

The member for Ross Smith says that one of the things that did happen was the cutting of jobs. That is exactly right. This is one of the things that we said would happen: that amalgamation would lead to the loss of jobs in the community. And what has resulted from many of the amalgamations is that a further structural bureaucracy has been created at the top, and the people at the coalface, the people in the engineering area, in parks and gardens, are the staff who were cut. A lot of those people not only looked after the footpaths, roads, and trees, but they also knew the community very well, and when they were doing their rounds, if Mrs Bloggs' light was not working, they were able to go in and change the light bulb. They knew—

Ms Key interjecting:

Ms CICCARELLO: Yes, the Gil Langley situation. It is certainly a very good thing, particularly in this day and age, when, in many of our communities, we have an ageing population, with a lot of elderly people isolated in their homes, that there are people in the community who know who those elderly people are and can respond to their needs.

The DEPUTY SPEAKER: I would respectfully request that the member for Norwood come back to the provisions in the bill. We have been wandering around on this piece of legislation for long enough, I think. Could we come back to the provisions?

Ms CICCARELLO: I do not know if I can take exception to what the Deputy Speakers says, but I think I have been one of the few people in this parliament who has refrained from wasting the parliament's time. On the few occasions when I do get up to speak on issues which I think are important, I would appreciate not being interrupted, not even by the Deputy Speaker.

The Hon. M.H. Armitage interjecting:

Ms CICCARELLO: Well, you have been here longer darling! I would like to commend both the Hon. Nick Xenophon for this measure and the minister for the amendments, because they are very good amendments. They highlight the complexity of local government and the rating issues. I think that this bill will prove very positive for councils.

Ms Key interjecting:

Ms CICCARELLO: I will not talk about climatic discrimination. The issue of rates is very important. The member for Hammond highlighted the fact that the issue with rates is the rate in the dollar, and not the final amount which is paid, but I think that sometimes people in this chamber do not look carefully into local government and how it works. I commend this bill to the House.

The Hon. D.C. KOTZ (Minister for Local Government): I would like to add my thanks to the Hon. Nick Xenophon, as I have already stated in my second reading speech. This is an initiative of the member in the upper house, and the government has been quite happy to add the government's amendments to make sure that the initiatives of the Hon. Nick Xenophon are picked up and come into place within the next six months, all to the benefit of our communities at large. I also thank all the members in the upper house for their contributions and their support; and I thank members for the contributions that we have had in this House. I must admit that at one stage I was not quite sure whether we were actually talking about a rating bill. However, it has been very interesting and I do thank everyone for their contributions.

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

JOINT COMMITTEE ON TRANSPORT SAFETY

The Hon. D.C. KOTZ (Minister for Local Government): I move:

That this House concur with the resolution of the Legislative Council contained in message No 142 that, should the Joint Committee on Transport Safety complete its report on its inquiry into traffic calming schemes while the Houses are not sitting, the committee may present its report to the Presiding Officers of the Legislative Council and the House of Assembly, who are hereby authorised, upon presentation, to publish and distribute that report, prior to the tabling of the report in both Houses.

Motion carried.

SITTINGS AND BUSINESS

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

FREEDOM OF INFORMATION (MISCELLANEOUS No. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 2971.)

Mr ATKINSON (Spence): The opposition supports the bill. It is a government bill, which was drafted in response to private members' bills moved in another place by the Hon. Nick Xenophon and the Hon. Ian Gilfillan. Those two private members' bills were both based on a unanimous report of the Legislative Review Committee, calling for a recasting of the Freedom of Information Act in South Australia.

The Legislative Review Committee found that there was a culture in the South Australian Public Service of resisting freedom of information requests, and that the 1992 act was really a 'freedom from information' act. In particular, the committee was concerned about the business and commercial in-confidence exemption in the existing act.

In his bill, the Hon. Ian Gilfillan proposed to make cabinet documents available under freedom of information, provided that it was in the public interest to release them. The opposition did not support that aspect of the Hon. Ian Gilfillan's bill. Our members in another place realised that it would be very difficult to get the Gilfillan or Xenophon bills through the other place, even if we did support each element of those bills. Eventually, the government brought its own bill to another place and we thought that, in the interests of achieving modest reform in this parliament, we would support the government's bill. That bill applies the 'contrary to public interest' test to a larger number of exempt documents, so that now, in the Freedom of Information Act, certain documents are just exempt, period. But if their release is not contrary to the public interest, under this bill, they may be released. We think that is progress.

The bill before us provides for a reduction from 45 days to 30 days in the time for agencies to respond to applications, and we think that is a good thing, although there is still provision for a government department to appeal for an extension of time, having regard to a number of matters such as the need to consult with third parties, the length of the search or the volume of documents requested. An applicant who is dissatisfied with delay in processing an application may appeal to the Ombudsman.

I think it is also a good thing that the bill is proposing an accredited freedom of information officer for each agency and that these officers will receive suitable training. The Legislative Review Committee was concerned that some FOI officers in the department were too junior, and that it was seen as an onerous and undesirable task to have in a department. The committee preferred that the person who held the office be a senior person with the authority and confidence to make decisions.

The bill also now embraces local government and universities, and we think that is desirable. With those remarks, and wanting to expedite the passage of the bill before the Christmas break, and before debate on this matter perhaps gets out of hand at this late stage, the opposition indicates its assent to the second and third reading of this bill.

Mr HANNA (Mitchell): I think the key thing in relation to this legislation is that the problem in the past few years has been the practice of processing freedom of information applications, rather than the law. I have put in literally dozens of freedom of information requests over the past few years. Some of them have been dealt with properly and adequately. Most of them have been subject to political interference. In just about all cases, as far as I am aware, applications from opposition members of parliament are, contrary to the law, sent up for vetting by the minister's office of the relevant department, and then there is an unholy practice of the minister's office trying to persuade the appointed freedom of information officer to change what would otherwise be their determination in these cases. One freedom of information officer who spoke to me by telephone was just about in tears—they were certainly in a great deal of distress—talking about the very heavy-handed pressure applied by a ministerial officer to persuade that freedom of information officer not to release certain documents. So, the whole process has had a nasty political pall cast over it. That is why the legislation is not working as it should be.

I can give a couple more examples. The most prominent outstanding FOI that I have at the moment goes back, I think, about two years, and that was in relation to communications between Western Mining Corporation and the Department of Treasury and Finance in relation to electricity supply. That was the case where WMC was suspected of making public announcements to suit the political agenda of the government at the time. I have to say that, both from a government point of view and from WMC's point of view, that FOI application has been strenuously resisted, and I would say on spurious grounds. It is still being fought out. Just recently, after negotiation through the Ombudsman's office, a promise was made to me that the matter would be quickly resolved if I was to put in another fresh application with more appropriate wording, to catch the kind of documentation that I was after. I did that, and the undertaking given to me by Treasury officials was breached. They let me down and, essentially, broke their promise to me that the matter would be resolved satisfactorily. So, that dispute still continues. Again, it is an example of the way in which the legislation is practised, and not followed, rather than problems with the legislation itself.

Another example where political factors are again at work relates to my long outstanding request for the valuation prepared by the Saville's valuation firm in relation to the Woodend Primary School site. That valuation, in the context of other documents that I already have, would help to prove that the government handed the Hickinbotham Group approximately $1 million over the true value of the property at the Woodend site. My application for that document to be released has been strenuously resisted by Hickinbotham. It is quite clear to me that there is no longer any commercial value in the valuation. The figure in the valuation already has been publicly disclosed, so it is clearly an attempt to cover up the deal into which the government entered with the Hickinbotham Group and, therefore, it is for political and not commercial reasons that Hickinbotham exercises its third party rights to block the release of that document. That matter has been going on, I think, for about a year.

With respect to this bill, we are talking about whether we should have a 45 day limit or whether it should be 40 days or something else. That is a joke. It is academic, as far as I am concerned, because I have seen so many cases where either a third party, a government department or a minister interfering in the due administrative process can drag out these FOI

requests for up to two years. So, to talk about 45 days is a bit of a joke. That is all I will have to say about the matter.

With respect to FOI legislation, whether or not these amendments are passed, the key point is whether there is goodwill on the part of the bureaucracy and the ministers of the day as to whether or not the law works effectively.

The Hon. R.B. SUCH (Fisher): As members would be aware, I have before the House my own private member's bill dealing with this topic. Nevertheless I am pleased that the government has seen fit to advance this matter. 'Beggars can't be choosers', to use an old phrase. My measure sought to bring about some key reforms. This bill before us does not go that far, but nevertheless represents some advance. If you want a democratic society people have to have before them information and have to be able to access it: that is an absolute prerequisite to having an open and democratic society, hence my strong support for ensuring as far as possible that people have access to information.

The Legislative Review Committee carried out an assessment some time back. I think it reported just over a year ago, on 15 September, in which it indicated that in respect of personal information it was fairly easy for people to get access and the system worked relatively well, but when it came to non-personal information such as policy documents the system did not work anywhere near as well. Without delaying the House any longer, I welcome this slight advance in terms of where we are at and agree with the contribution just made that pointed out that the spirit in which an act is administered in a matter such as this is critical and not simply the letter of the law. What matters is the spirit and the openness with which the government of the day responds to what are legitimate and reasonable requests. I commend the measure to the House.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for their contribution towards the expeditious passage of what is an important bill.

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

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)(MISCELLANEOUS No. 3) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 2835.)

Mr ATKINSON (Spence): This is the third of these amendment bills before parliament this session. One, which seeks to regulate the uploading of offensive material onto the internet in South Australia, is controversial but is now before the House. This bill should not be controversial. It brings the South Australian law into line with nationally uniform legislation and the changes before us are necessitated by changes to the commonwealth template in March this year. All jurisdictions will proclaim the amendments no later than 23 March next year. It is a pity that the clause notes do not, with a couple of exceptions, explain the substance of the changes. The clause notes explain the changes only in terms of their compatibility with the equivalent sections in the commonwealth act. Although the legislative scheme is nationally uniform, the South Australian legislation is of necessity slightly different because South Australia keeps its own Classification Council that has authority to reclassify an item for this state only. Let the Eros Foundation and its allies be aware that this authority will be retained under a Labor government.

I now turn to the substance of the changes. The definition of 'film' is changed out of an abundance of caution to specify that the soundtrack is part of a film. The Classification Board will now be able to stipulate that an unrestricted publication be sold in a sealed bag. The minister says that this could be used to prevent minors from leafing through a publication in a shop. I would like the minister to elucidate this point in his reply.

The bill also permits the Classification Board authority to insist on consumer advice for an unrestricted publication. This gives the board useful flexibility and I think the minister could help the House by giving us examples of when the board might use this authority. The range of those people or organisations that have standing to apply for a review of a classification by the Classification Review Board is expanded to embrace those who have a role in the contentious aspects of the theme or subject matter of the publication, film or computer game.

The definition of 'international voyage' is tweaked to exclude international flights passing through Australian airspace as part of a longer voyage. Could the minister give examples of such flights? The minister says that he has found an anomaly in the wrapping required of categories 1 and 2 publications in restricted premises, to wit, a sex shop. I hope I do not over simplify the categorisations if I say that category 2 publications are hard-core pornography and category 1 mere pornography. The act says that a category 2 publication may be sold only in a sex shop and may be in a sealed opaque wrapper when delivered. It may then be unwrapped and displayed in a sex shop. A category 1 publication must be in a sealed opaque wrapper while in the sex shop. Given that category 1 is the lesser category judged by harm, this is an anomaly. The bill resolves the anomaly by allowing the category 1 publication to be displayed in a sex shop without its sealed opaque wrapper. The Classification Board may, however, specify that a particular category 1 publication be in a sealed opaque package wherever it is sold.

The act already allows the State Classification Council to categorise a series of publications on inspection of the content of one edition. The bill allows the classification of a magazine or other series to be revoked if one edition contains material, including an advertisement, that would breach the existing classification. I have spoken before in the House about how the High Court judgment in R v. Hughes protects the federation by insisting that commonwealth officers who purport to be exercising authority conferred by state legislation must be able to justify that authority by reference to commonwealth heads of power. The minister claims that the bill makes ministers and officials exercising authority under this legislation immune to challenge of the Hughes kind. This is a proposition we can test in committee.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL (Minister for Water Resources): I think you should take your Valium. My apologies for the delay. I had to consult the officers because of the detailed and learned nature of the questions asked by the shadow attorney, and I would hate to give him less than the answers he deserves, despite the protestations of the member for Peake. When a publication is classified unrestricted, it need not be bagged but it may, nevertheless, be intended for a mature audience. This amendment will make it possible for such a publication to be sold in a bag.

Mr Atkinson: What is to stop the publisher of an unrestricted publication from bagging it up now?

The Hon. M.K. BRINDAL: Nothing. Is that the point you wanted to make? That is fine: it is conceded. Consumer advice regarding any such publications could in fact identify that they are intended for mature audiences. As the member has pointed out, they could be bagged now: this just changes the law. As to airline flights, it is not intended that films shown on international flights be required to be classified in terms of the part of the flight that goes through Australian airspace: so it is not intended to classify films on airflights. There was a third question and I think we have missed it.

Mr Atkinson: In what circumstance would an unrestricted publication need consumer advice?

The Hon. M.K. BRINDAL: It is going to depend on its content. It is a matter of examining each qualification to ascertain that matter. I do therefore, having answered those questions, thank the shadow attorney for his usual diligence in the study of this legislation and for his support for this bill.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr ATKINSON: I want to be clear on the question of international flights. Is it the government's intention that the act apply to films screened on an international flight taking off from or coming into an Australian airport?

The Hon. M.K. BRINDAL: An international flight is 'a flight which passes through airspace over the territory of more than one country', and that includes any part that may occur in Australia. Provided it is an international flight, which, by definition, has to pass over another country, while it is passing through Australian airspace on the way in or out, it will not be classified.

Mr ATKINSON: So do I take it that a refused classification film could be screened on an international flight coming into an Australian airport or going out of an Australian airport while the aircraft was in Australian airspace?

The Hon. M.K. BRINDAL: This act is a state act, part of a suite being done in cooperation with the commonwealth, as the shadow attorney knows. Under this part of that suite, under the state act, it would not apply. But, under the commonwealth act as well, there is no intention to classify or to require the classification of films on international flights. My advice is that, if Alitalia or another airline decided that it was in the interests of customer satisfaction to screen a film such as Salem, which caused a row some time ago, or a similar film (although I doubt that they would), they could make a decision and do that.

Clause passed.

Clauses 4 to 9 passed.

Clause 10.

Mr ATKINSON: The minister, in his second reading speech, makes reference to the High Court case of R v Hughes. Can the minister explain the outcome of that case and the principles enunciated by the High Court in that regard?

The Hon. M.K. BRINDAL: Members will be aware that, in the Hughes case, the High Court indicated that, to the extent that state legislation seeks to confer duties on commonwealth officials, such duties must be supported by commonwealth heads of power. Further, a duty may even be found where the expression of the statute merely suggests a power—and that is the suggestive power, as the shadow attorney knows—if in reality that power is coupled with a duty. And that goes to the nub of this matter. This may be the case where the state act does not confer any similar duty or power even on a state officer and, as the shadow attorney knows, that was the crux of the case.

Mr ATKINSON: Can the minister explain how the act is 'Hughes-proofed' by the bill?

The Hon. M.K. BRINDAL: It does that in two ways. The Classification Council in respect to call-in powers mirrors the call-in powers of the national director, so there can be no confusion that there are differing roles. The power of the national director to exempt is removed, and that power then remains solely with a South Australian minister. In that way, we believe that this bill is 'Hughes-proofed'.

Mr LEWIS: This is the first clause in which penalties are mentioned, and I make the observation that the penalties provided here are a tenth of the penalties provided for chopping down a tree: and I wonder which does greater harm in society? To my mind, the effect on minors who are subjected to the consequences of being exposed to this kind of stuff is far more likely to be damaging to their lives and the society in which they live than simply removing a tree that is a nuisance where it is located.

Remember that the tree can be reinstated, and one assumes that, under the legislation which has been passed just this week, an order will be given to cause that tree to be replanted—at least in kind if not in precise fact—with no apparent detrimental consequence. But the fine that will have to be paid can be $50 000. Here, however, the penalties we see are a maximum of $5 000. I think that is inadequate, because the damage, in my view, that will be done to the public good, and the injury and the action that is taken against the public interest, is far greater here than there. I think we have our priorities—and I will not use an existing phrase but will just say back-to-front, not 'something-or-other-up'.

The Hon. M.K. BRINDAL: I note and will pass onto the Attorney in another place the member for Hammond's comments on penalties. Can I say that the penalties throughout the act, as the member for Hammond would acknowledge, need to be consistent, and these penalties are consistent. The member for Hammond argues, if I understand him correctly, that, while there may be consistency of penalty throughout the act, in terms of penalties for other actions, the consequence of this action is, in his opinion, perhaps worse than uprooting a tree, yet the penalty attracted is a lesser penalty.

The member for Hammond is absolutely entitled to that opinion, and it may certainly be shared by other members of this House. As I said, I will pass that on to the Attorney. I will just say to the member for Hammond that the matter of penalties is often subjective; what penalty do you apply for a tree that is uprooted? What damage is done in this case? What penalty do you impose on somebody who is guilty of rape and what compensation do you give to somebody who has been raped? They are difficult questions which occupy this House frequently. I do not have an answer, but I note the member for Hammond's comments and will pass them on to the Attorney.

Mr LEWIS: I am sure you will agree, Mr Chairman, that my simple point is valid: the amount of injury done to the sustainability of civilisation in the society of humankind will be far greater as a result of the publication of this kind of material than it will by the removal of one tree or one item of native vegetation. The maximum penalty here is $5 000 and there is a provision for expiation—that means no bother in going to court and no criminal record results—yet, on the

other hand, in the comparison I have made, there is no expiation fee available and in my judgment the injury to society is far less in the sustainable longer term. You can replant another piece of native vegetation but you cannot undo the damage that is done to a young mind—or any mind for that matter. Once that injury has occurred, it has occurred. Once innocence has gone, it has gone forever for that person. One can be reinstated; the other cannot. An expiation fee for the one which does permanent damage and a fine of one tenth of the amount in maxima to my mind is back-to-front, woolly thinking.

It may be that the minister and other members—indeed, those people in society who want to participate in this kind of stuff and let it happen—think that it is not too bad, but then where do you draw the line, anyway? I say that we do not want to behave like the Taliban. We ought to have consistent and comparable penalties. The minister has hit the nail on the head when he says he thinks that this level of penalty is disproportionately low compared to the injury which is done by other crimes and offensive acts that are committed elsewhere. The minister who brought the measure into the House and the government party room ought to have taken note of that and increased the penalty substantially to bring it into line with the kind of injury it does to the values to which I have referred.

The Hon. M.K. BRINDAL: I again note the member for Hammond's comments; he has been consistent on this point over a decade. In the time I have known him in this place he has argued this point consistently. I point out to him that in this case the final $5 000 is in respect to a failure to comply. If somebody does not do something there is a $5 000 fine. In respect of the taking of the innocence of a young person or the corruption of their mind, if you look at the penalties for showing an RC or X rated film to a child you will see that the penalty has been indexed to $20 000. I think the member will agree that that is much more commensurate with the sort of damage that could possibly be done. I thank the member for Hammond. I do not seek to justify what is, and will clearly remain, a debating point among members of this chamber. Suffice to say, however, that the regime under which we work attempts to acknowledge the valuable points which the member for Hammond makes in terms of the care, nurture and protection of our young people.

These types of publications are dealt with throughout this act and, for the reasons espoused by the member for Hammond, they are not able to sold in places such as delicatessens. They are subject to regimes that contain their sale and try to limit their exposure to the young person. If then the person who goes into places like the Pink Pussy on Unley Road (a place at which I was once accused of shopping but which I have never been to in my life) and buys this sort of material, there is an argument which says that perhaps the damage has been done to that person or their mind well before they went in and bought the material. I do not know what is to be gained by the sale of it at all. I do not know what this sort of trade does for anybody, even the users of the trade.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: I didn't say I've never seen it: I said I have never been into that particular sex shop. Don't misquote me.

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: No, not that one—and none ever in Australia. I have been to a few overseas.

Members interjecting:

The Hon. M.K. BRINDAL: If the House really wants to know, in Westminster in 1975, out of prurient interest. All I am saying is that the sorts of people who go into those sorts of places are covered by a regime that we have had in place since the early 1970s. It appears to work. Some of those places have been open for 30 years, so they must have some sort of patronage. I do not know why; I do not understand it. I accept the member for Hammond's point; I think it is a very valid point, and again promise to pass it on to the Attorney-General.

Clause passed.

Remaining clauses (11 to 26) and title passed.

Bill read a third time and passed.

SELECT COMMITTEE ON GROUNDWATER RESOURCES IN THE SOUTH EAST

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That, should the select committee complete a report while the House is not sitting, the committee may present the report to the Speaker, who is authorised upon presentation to publish the report prior to the tabling of the report.

Motion carried.

STATUTES AMENDMENT (BOOKMAKERS) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (COURTS AND JUDICIAL ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 2930.)

Mr ATKINSON (Spence): The bill effects five changes to our courts legislation. The most welcome is the change to facilitate the publication on the internet of the sentencing remarks of Supreme Court and District Court judges. Part 3 of the bill gives the members of the Courts Administration Council, the administrator and staff the same immunity from suit in publishing the remarks on the internet as the judge has in speaking or publishing the remarks in court. It is good that the judges should have the fortitude to disseminate their sentencing remarks more widely and so quickly, while the journalists and the public are eager to read them and comment on them. Court reporters from the media will now have fewer excuses for getting reports of sentencing wrong or for giving a report an improper emphasis.

I hope that public debate on sentencing, now that it has the capacity to be better informed, will be more intelligent. Unlike the Attorney-General, I will not shelter from public discussions of our criminal justice system and, unlike critics of my participation in radio talkback, I will treat the callers and listeners as full citizens of this state. It is noteworthy that the immunity does not extend beyond the Courts Administration Authority. Use of the sentencing remarks by reporters, radio commentators and members of the public would have to be faithful to the original remarks and responsible.

A second change is to give the District Court the same authority to deal with contempt as the Supreme Court. The District Court has authority to publish contempts in its face, such as a litigant shouting obscenities at the judge in court, but not other contempts, such as a story in the *Advertiser* prejudicing a criminal trial in the District Court. That would

be punishable by the Supreme Court. Although the Attorney could apply to the Supreme Court to have the latter contempt punished, because the Supreme Court has authority to punish contempts of inferior courts, I agree with the government that it is desirable that the District Court should have power to punish contempts of itself but not of lower courts.

The third change is to permit retired District Court judges to be a appointed as auxiliary judges in the Environment, Resources and Development Court and as deputy presidents of the Workers' Compensation Tribunal. The Law Society does not like the appointment of auxiliary judges because their appointment is casual compared with the appointment of other judges, and this casual appointment may undermine the independence of the judiciary. The Law Society thinks that auxiliary judges may be influenced by the government in contemplation of their reappointment. The President of the Law Society, Mr Chris Kourakis, has written to me as follows:

> No judicial officer should be in the situation in which there is even the remotest possibility that there might seem to be any compromise on the critical independence criterion.

Labor in government would continue to appoint auxiliary judges. Although we acknowledge Mr Kourakis's point, we think it is precious.

A further change is an increase in the maximum monetary values with which the Magistrates Court can deal. The maximums have not increased for nine years and the Attorney says he is lifting the thresholds roughly in line with the CPI. The Attorney says that cases are going up into the District Court that the government thinks the Magistrates Court could handle. He proposes that the general monetary limit should go up from $30 000 to $40 000 and crash and bash from $60 000 to $80 000. The small claims jurisdiction, from which lawyers are usually excluded, will be capped at $6 000, up from $5 000. The bill goes through a similar procedure in the criminal jurisdiction.

A fourth change is to the Mining Act and the Opal Mining Act, to increase the cap for the Warden's Court to $40 000 and to allow the court to order payments from one partner to another in a prospecting or mining partnership. The latter aspect of this change overcomes an interpretation of the full court of the South Australian Supreme Court.

The fifth and final change is to give the Supreme Court the same authority as the Magistrates Court and the District Court to waive fees where a person is unable to pay them owing to financial hardship. The opposition supports all these changes and will support both the second and third readings of the bill.

Mr LEWIS (Hammond): I could say ditto to what the member for Spence has just said except that I disapprove of what is proposed in the provisions relating to the publication of sentencing remarks. Those provisions say that, if the court clerical staff make a stuff-up and put the sentencing remarks that are suppressed onto the internet, they are indemnified of any risk or liability under law yet, if an honest citizen takes the judge's remarks in sentencing or any other remarks the judge has made, which have been suppressed and put on the internet by mistake by the court staff, the honest citizen acting in good faith republishing them is immediately liable not only for contempt under criminal proceedings but for any civil action that may be brought against them by an aggrieved party. I do not think that is fair.

I think that if the court stuffed it up and put the wrong stuff on the net, then the citizens, if they act in good faith and in all innocence, having reproduced what they saw on the net, should not be exposed to damage and risk of either criminal or civil action.

Mr Atkinson: I don't think the government would proceed with a prosecution in those circumstances.

Mr LEWIS: The government does not have any say in the matter: it is the judge who decides, and he or she may take extreme exception to what has happened. I just do not think that is fair. As members of parliament it is our duty to ensure that we protect in a fair way the rights of citizens. In this case, what I propose to do is move an amendment which, in effect, would say that a person, who in good faith subsequently publishes sentencing remarks that have already been published on the internet site maintained by the Courts Administration Authority and put there by its staff, may claim, if any charge is brought against them in respect of that subsequent publication they have made, that the same privileges and immunities should apply to them as honest citizens as apply to the court staff.

Let us be fair about this: why should one rule apply to one group of people, the citizens, and another rule apply to the court staff? I think that the court staff need to be indemnified and immune, and so should any other citizen who innocently publishes it. Accordingly, I commend the measure to the House. I will not go over the other points—

Mr Atkinson: Do you think that we should talk in parliament about suppressed material in a court case?

Mr LEWIS: Yes.

Mr Atkinson: Do you think that we can?

Mr LEWIS: Yes, we should be able to, because we are the highest court in the land. The Supreme Court talks about suppressed material in lower courts, so why cannot members of parliament do the same? There is no standing order preventing it now. Accordingly, anyway, with respect to the other measures, in order to save time, I conclude my remarks and trust that I will have the support of the House for the amendment.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank those members who contributed to the debate. I look forward to the discussion in relation to the member for Hammond's amendment in the committee stage. I thank the shadow minister for his support, and commend the bill in its next stage to the House.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr LEWIS: I move:

Page 5—

Lines 6 and 7—Leave out paragraph (b).

After line 7—Insert:

(3) A person who, in good faith, subsequently publishes sentencing remarks published on an internet site maintained by the Courts Administration Authority may claim, in respect of the subsequent publication, the same privileges and immunities as apply under subsection (1)(a).

I explained this amendment in the substantive part of my remarks in the second reading debate, namely, if we give immunity to the court staff who make an inadvertent mistake and publish on the internet the remarks of the sentencing judge which have been suppressed by the court, the same immunity should apply to any citizen who, acting in good faith, republishes them.

The Hon. M.K. BRINDAL: The government believes that the amendment would remove the restriction on the immunity conferred by clause 6 of the bill which ensures that the immunity applies only to court staff who post sentencing remarks on the Courts Administration Authority internet site. Instead, the new clause 3 proposed by the member for Hammond would extend the restriction to apply to persons who, in good faith, subsequently published the sentencing remarks which were initially posted on the court's internet site. This appears to arise from a concern, as I understand the member for Hammond, that a person could, in good faith, copy the sentencing remarks from the court web site and reproduce them, for example, in a newsletter. If there had been an inadvertent breach of a suppression order by the courts—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: The member for Ross Smith may well laugh—in posting the material, that person may also become liable for prosecution. The issue was given consideration when the proposal to provide an immunity to court staff was under consideration. The purpose of limiting the immunity to publication by court staff was to ensure that no-one could abuse the immunity by simply seeking to rely on the immunity without taking care to ensure that protected material was not being published.

The situation for members of the public or the media in terms of publishing sentencing remarks which have been obtained from the courts does not change. Currently, a person can obtain a hard copy of the sentencing remarks as released by the sentencing judge by application under, for example, the Supreme Court Act. The same exposure to prosecution will occur currently if a person publishes in good faith material which has already been obtained in hard copy from the court. The reason for the immunity is that court staff will be posting the remarks on the internet—not the sentencing judge. The court staff will not have a choice of whether to publish and will not obtain any benefit from doing so.

Importantly, the immunity only applies where the sentencing remarks posted on the internet site have been released by the sentencing judge. The fact that the means of disseminating the sentencing remarks is electronic rather than in hard form does not justify, in the opinion of the government, the extending of immunity where the concern is to ensure that all possible care is taken to avoid publication of prohibited material. I do thank the member for Hammond for drawing this matter to the attention of the House. However, the government opposes the amendment.

Mr LEWIS: Well, I think that is outrageous. The amendment explicitly addresses all the matters about which the minister has said the government is concerned, namely, the person who takes the material from the internet that has been put there by the court system and who republishes that in good faith, believing that it is there for publication and circulation, as happens in the case of community newsletters. The minister needs to understand that, if you take it off the court's internet site and put it into your community newsletter web site, you have bloody well published it. Then, later on, you discover that the judge did not want it published and the court staff stuffed up. The court staff are clear, according to the bill the way the government wants it, but you, poor sod, are going to get screwed.

Mr Atkinson interjecting:

Mr LEWIS: Because you have published it.

Mr Atkinson: But what is the action?

Mr LEWIS: The action is that you have published it in the interests of the people who want to look at your Neighbourhood Watch web site and to look at the sentencing remarks that have been made about a crime that was committed and turned down.

Mr Atkinson: But what is the offence?

Mr LEWIS: The offence, in this case, could be not only a criminal one but also you have published stuff that is subject to suppression orders, and that is a contempt, and the judge and not the DPP has control over that. The other problem I see with it is that the third party who feels aggrieved, where the judge has said, 'No, we won't publish this; we will suppress it, because it is defamatory of a third party or something,' and who finds that it has been published on the community newsletter web site can then take action against the secretary of the community newsletter web site and claim damages against them for defamation. The DPP has no say in the matter.

So, I am strongly of the view that the government has got it wrong. I commend the government on publishing the stuff on the web site. I give them a round of applause for that—as much as you want—but I cannot agree that one law ought to apply to the people who work in the court and inadvertently publish what the judge said had to be suppressed and then somebody else who copies that off the court's web site and puts it on the community newsletter can get screwed from two directions—by the judge himself, if he is of a mind to do it, or a third party person who feels aggrieved that they have been defamed in some way or other.

The government has rocks in its head if it thinks the public will wear this kind of approach. Yet, on the other hand, the government deserves kudos and commendation for having taken the step and bringing itself and the court system into the 21st century by doing what it sets out to do. Why does it not go that extra step? When referring to a person who acts in good faith, I am not talking about a journalist who is trying to make a quick quid out of a sleazy story. Rather, I am talking about people who genuinely pick up stuff off one site on the web and put it on another and/or print off a hard copy of it. They are the people who need protection, because they would be acting in good faith. What is the matter with the government? Does it really feel so heartless in its attitude to innocent citizens who act in good faith?

Progress reported; committee to sit again.

STATUTES AMENDMENT (MOBIL OIL REFINERIES) BILL

The Legislative Council agreed to the House of Assembly's amendment without any amendment.

ADJOURNMENT DEBATE

The Hon. DEAN BROWN (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday, 12 February 2002 at 2 p.m.

In moving this motion, it is traditional at this stage to also wish everyone a merry Christmas. It is appropriate to recognise what has, I think, been the outstanding work of the staff of the parliament over the last year and to wish them a merry Christmas.

I would like to briefly touch on those groups of staff involved. We appreciate the wisdom and guidance that the clerks of the House, Geof Mitchell and David Bridges, give us in, at times, difficult circumstances. We appreciate the

work of the attendants and extend our thanks to all of them, Perry, Joy, John, Mario, Jim and Gary. We especially appreciate the extent to which they run around, deliver bills, papers and other messages in this House, and put up with the very long hours that we put up with at times. They do not have any say in that even though we might have. I also want to acknowledge the table officers, Paul and Malcolm; and the committee staff, who do not sit in or come near the chamber, but who work tirelessly on the work of the committees.

I appreciate the support staff: again, people whom we do not see day to day, but the people behind the scenes who make this parliament operate effectively and who facilitate the work of members of parliament. I also want to acknowledge the Hansard staff: Joan Richards and all the staff in the division; Howard Coxon and the staff in the library; Elaine and James and the catering staff; the finance manager, John Neldner, and staff; the building services staff, particularly Denis Hixon, who makes sure that we get the airconditioning right and that everything operates; and, finally, the people who operate the Parliament House telephone service. I extend my thanks to all the staff of parliament.

This is a time of the year when we now start to wind down for Christmas and the new year. Most members will take some holidays. It is appropriate that at this time of the year we remember our families and our friends especially. It is a joyous occasion. It is a time also, I think, to remember those within our community who are without, those who are in serious need and those who are sick. I would urge the South Australian community, at this time and over Christmas, to think of and care for others within our community, because it is a time of caring and sharing.

I wish every member of this House a very happy and holy Christmas, and I wish you all the very best for the new year. In political terms, I suspect that there could be an election in the new year, although I will not make any specific forecasts at this stage! I am not a betting man, so I will not bet on that fact, but I just have a hunch that there may be an election sometime next year.

I also pass on specifically for the Premier his Christmas greetings to all members of the House and to the staff with his personal thanks. And here he is—I am just passing on your Christmas cheer, Premier. I wish everyone a very happy Christmas indeed and may you enjoy the break.

The Hon. DEAN BROWN (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 6 p.m.

Mr LEWIS: Hang on, we already have a motion before the chair. You cannot have another motion.

The SPEAKER: We have a procedural motion to go past 6 p.m.

Motion carried.

Ms HURLEY (Deputy Leader of the Opposition): I would just like to second the Deputy Premier's remarks in extending Christmas greetings. This has been a minority parliament this term; and this year, it seems, has been particularly prone to twists and turns. It has not been conventional in that respect. We have had quite a few changes of direction, and that has required a great deal of patience and sound advice from many different people. It has resulted in quite a bit of pressure at times. I would therefore like to thank the Speaker for his patience during all this; he has been very calm during some quite difficult times; and also the clerks, Geof Mitchell and David Bridges, who have provided advice when the situation has often been changing very rapidly. This has also put pressure on other people in connection with this House: Hansard, who have done their usual sterling job in reporting our activities; and the attendants, as well as the other House of Assembly staff.

I would also like to thank my counterparts in the government who have managed the business of the House during that time. For most of this year it has been Rob Kerin, who is now Premier, but who was Deputy Premier through most of that time. We have got along quite well in trying to manage the business of the House. Although procedural business has been very slow at times and quite difficult, such as these last two weeks, there has been good cooperation between ourselves and the government. I would particularly like to thank Alexander Drake, who is the staff member associated with that business. The Whips have also had to carry a good deal of the pressure involved. I would like to thank the Government Whip for his cooperation. I would also like to thank the Independents, who were responsible for much of the twisting and turning, toing-and-froing.

Mr Clarke: There should be more of them!

Ms HURLEY: Yes, they have mysteriously multiplied of late. I am not quite sure what is occurring here. I think that, along the member for Adelaide's lines, perhaps we need to look at a bit of gene technology: it must be genetic. I would also like to thank the Nationals. We have often had to have consultation on various matters and that has always been conducted in good spirit.

That, I hope, deals with the people who are involved with the business here in the chamber. Parliamentary counsel have also been under pressure. At times, we have had many amendments and amendments to amendments, often at very short notice indeed. We have put through several bills at short notice just in these last couple of weeks and parliamentary counsel has responded excellently.

There are other people in this building, of course, to whom the opposition would also like to extend Christmas greetings: Denis Hixon and the building services staff, including John Loring, whose son's cricket team thrashed my son's cricket team last weekend (but I still wish him Christmas greetings); and the catering staff, who keep us going through the long nights, as we have had this week. I think that the new chef deserves our congratulations.

I also thank the parliamentary network support services. We have all, I think—most of us, anyway—become accustomed to being a little more automated. We have seen laptops appear on several desks here in Parliament House, and I am pleased to see that that system is increasing. There were some teething problems, and the current parliamentary network support services staff have really worked very hard to solve those problems. They have been very helpful to members of parliament and staff, some of whom—probably particularly the members of parliament—have taken a lot of getting up to speed, in some instances. They have indeed been very patient, and I thank them.

I also would like to thank, on behalf of the opposition, the finance staff, who keep the finances going and who pay us. Indeed, I hope that everyone here has a peaceful Christmas—it will not be a relaxed Christmas. The Deputy Premier is correct when he says that we will have an election in the new year, and certainly most of us in the opposition will be out working hard during the break. Many of the journalists in this state still seem to believe that we have a holiday whenever we are not in parliament. But I wish them a very merry

Christmas also, and I hope that they are able to have a holiday some time during this period.

Mr CLARKE (Ross Smith): I would like to add my congratulations to everyone—and I will not list the names of all the people and the positions that already have been adequately covered by the Deputy Premier and the deputy leader. I also send them my best wishes and thank them for the work that they have done. Also, in terms of next year being an election year, I extend my best wishes to all members of the House. Of course, inevitably, in elections there are wins and losses. I trust that I will be amongst a class of the 1930s style of revival of a number of Independents—Independent Labor, particularly. There are, as I said, always political casualties after any election, and I extend my best wishes to whomever they might be. I may be premature, there may not be an election until after we next sit again in February, so I will not dwell on that too much longer. It may be later, rather than in February.

I think that all of us here give of our best, despite the journalists' mass distortion of what members of parliament do. They tend to try, basically, to convey a picture that we are here for the basest of reasons. That is demonstrably not true. Each member in this House—and even in the other chamber, when they deign to sit and deign to work—tries to do their level best by the public of South Australia, although, of course, we do it from different political viewpoints.

I would like to thank Geof Mitchell, who is retiring at the end of this year. He will not be back here for us on 12 February.

An honourable member interjecting:

Mr CLARKE: He is going through to the election now, is he? Sorry, I was thinking of 31 December. I will leave a lot of my thanks, as far as Geof is concerned, until 12 February, or whenever we get up prior to the next election. I would just like all the advice that he gave to the former Speaker, the member for Stuart, in the last parliament. Obviously, the member for Stuart never took Geof's advice on those occasions when he ruled against me for raising my eyebrows and various other things—for making comments in Port Augusta rather than in the House and being suspended. But I thank the member for Stuart, in particular, for raising my profile; otherwise, I could never have been as successful in that as the member for Stuart was for me.

In particular, I thank you, Mr Speaker. You have had a trying year. It has been a very difficult year for you and your family, and it also has been difficult to control this rabble here in parliament, in some very trying circumstances. Because the government of the day is a minority government, tempers are always a little short at times, particularly during question time, and you have carried out your task, I think, admirably. I am not sure if I am the only one whom you have suspended during the course of the past four years.

Mr Atkinson interjecting:

Mr CLARKE: Thank you to the member for Spence. Like the Deputy Premier, this is a time when we can afford to relax a little, at least up to Christmas, and spend some time with our families, who are really the unsung heroes of every parliamentarian—other than our electorate staff—because we could not do the work without their moral and physical support. They are too often overlooked in terms of what time we can spend with them. I wish everyone here a very merry Christmas—and out onto the hustings and good luck to everyone.

Mr LEWIS (Hammond): There needs to be a fairly representative expression of Christmas greetings and good cheer from across the chamber on both sides. I acknowledge the grace with which the leader of the House has made the remarks on behalf of the government, and the Deputy Leader of the Opposition has done so on behalf of Her Majesty's loyal opposition—and I look forward to the occasion of Her Majesty's visit next year, which will be after Christmas. In the meantime, I join them both, and the member for Ross Smith, who has recently joined the ranks of the Independents—from a different corral but, nonetheless, joined the ranks of the Independent members in this place—in expressing my gratitude to all members of the staff who serve us in this place to try to make this place function more realistically. That is despite the fact that the government of the day is so scared of having an Address in Reply that we have now had two Christmas greetings in this session.

The parliament, when it adjourned for the winter recess, on returning in spring for the session, was not reopened. There was no statement from the government as to what its legislative agenda would be. And all these bills with which we have been dealing we were not told about when parliament was last open, in the opening remarks that are usually made by the Governor, because there were not any: we did not have one. What is more, that is the reason for the logjam of private members' business on the *Notice Paper*: we were all conned into believing, before the spring recess, that that was the last day of sitting before the new session would be opened. So, some measures were voted upon and knocked off the *Notice Paper* and dispensed with. Having been voted upon, it is not possible to bring them back, because a new session has not started. Those of us who have some penalty hanging over our head have had to wear that not just for 12 months, but the next time we were suspended we would have to go for three days, not one. That has been an unreasonable imposition on some of us.

Mr Atkinson: Who was chucked out this session?

Mr LEWIS: I was—and I am not sure how many other members there were.

Mr Atkinson: What were you chucked out for?

Mr LEWIS: I don't know. I think it was for being accurate in my description of the conduct—or misconduct—of some members in this place, to which whomever was in the chair at the time took exception and decided, for the first time in our 140 odd years of history, that the words I used were unparliamentary. We did not censure the Auditor-General for using the same words.

An honourable member interjecting:

Mr LEWIS: I don't know. I was denied natural justice, in the circumstances.

An honourable member: Again?

Mr LEWIS: Again. Notwithstanding any of that, I am not here to antagonise people: I am simply here to tell them what they need to know, and that is not necessarily what they like to hear. And I trust other people do likewise. I have never been offended by anyone who has come to me and told me plainly what they think I need to know.

An honourable member interjecting:

Mr LEWIS: No, it is not very regularly. Christmas is a pleasant time of the year for most of us. At this time of the year, as we approach Christmas—and this will probably be the last sitting day before Christmas—my hearts, thoughts and prayers go to those people who do not have family with whom they can share Christmas Day, or to the people who will not be able to make contact with their family for

whatever reason. I make a point on Christmas Eve and Christmas Day of going to see such people in my community, those who are alone, wherever they may be, and letting them know that someone is thinking of them. I know that that makes them feel a hell of a lot better about the year they have lived and about the prospect of the new year.

I think that is what Christ and his disciples intended because, after all, we are celebrating the feast of Christmas, the anniversary of Christ's birth as determined by Christendom. Too many of us forget that. It is a point we all ought to remember. We are not only a society that derives our law from Anglo-Saxon or British traditions but also a society that derives our law more particularly from the Bible. If you look for annotated authority in scientific and literary documents and keep following back that authority through the documents that are sighted, you will end up, as I have done on many occasions, finding that the Bible was the ultimate authority quoted in the documents further back in history as being the basis for the belief that was stated in the paper prepared, whether by a monk in years gone by—and they were the places of learning—or by scholars in the last thousand years or so. That is in our society and we are fortunate, because we do this kind of thing once a year. Other societies with different traditions do not set aside their animosities or their misgivings and apprehensions and join with one another to celebrate a great event.

Mr Atkinson interjecting:

Mr LEWIS: I was not aware of that quaint custom. I am saying to the House that we are very fortunate to be able to do what we do in our society because of its roots and origins. Whether or not we believe, we ought to remember that we all enjoy the benefits that we have inherited from those people who have believed, in the majority amongst our forebears (not our ancestors), in our legal and social mores.

I conclude by saying that I have appreciated the work that has been done for me as a member in this place by my staff, the library, the people who clear out the rubbish, the people who provide us with information in other parts of the building and who look after our creature comforts in the dining and refreshment rooms. I refer not only to the attendants in this chamber but also to the assistance I have had from the staff in the Legislative Council and the good counsel I have received freely not only from Geof Mitchell but also from other people in this and other parliaments. I am grateful to them for what they are able to provide to me as counsel and advice.

I thank the people who daily raise the flag. It may seem like nothing to most of us because it happens every day and we see it as having been done, but they raise it and it means a lot to people who visit us because, by doing so, the people who raise the flag show to our visitors from overseas that we care in some measure about what we are, who we are and what our symbols are, and to them that means something. If any of you have travelled overseas (and I am not sure how many have), you will notice that those societies which pay attention to their origins and the symbols of the solidarity of their law and the empowerment of their society, to go forward in confidence and certainty, are the societies and places that are more pleasant to visit, the societies with which you can have more sensible and relevant interaction. I say to the people who make it possible for us to project the same image, 'Thank you for that.' I wish them, too, a merry Christmas.

I also thank the people who look after our stores and supplies, whether the attendants of this building or those who come from State Supply to ensure that we get our supplies in our electorate offices or here in this building. I also thank those people in FleetSA who from time to time casually have had the good fortune or misfortune to have to take me places that I have needed to visit throughout the year. I say to them, 'Thank you and merry Christmas.' Finally, thank you, Mr Speaker, and merry Christmas.

The SPEAKER: One of the great advantages of being on the JPSC is that it makes you realise what a diverse and large number of staff members we have working in this building, both permanently and on a temporary basis. To them I extend our Christmas greetings and our thanks for the work they do behind the scenes to help us perform as members of parliament. One of the observations I made last night was that when we walked out of here at 2 a.m. members of our own staff and the attendants were here for another hour to ensure that the work was finished. The table officers stay on for many hours after we leave thinking that we have been hardly done by. That can be reflected all through the building at all levels of the staff who are here to service us and to ensure that we perform in our duties.

I wish the table officers and our chamber attendants a very merry Christmas. Please pass on to your families our best wishes also for a happy and holy Christmas. To those in the library, Hansard and the catering division, I extend our sincere thanks for the work they do and to their families also. I thank the building services manager and his colleagues, Parliamentary Support Network and police security, those officers, who only recently came onto our premises, doing a marvellous job. I thank members for their cooperation. One of life's great experiences is to be the Presiding Officer of parliament and for that I thank you. I hope in some respects that we do come back next year, because on that last occasion after 22 years there are a few more things I would like to say. I will keep them for that occasion. Merry Christmas to you all: have a safe Christmas, a very enjoyable and restful period, and I look forward to seeing you all back here in the new year.

Motion carried.

SITTINGS AND BUSINESS

Mr LEWIS (Hammond): Mr Speaker, presumably that is the motion to convey greetings to everybody. I wish to amend the date on which we return.

The SPEAKER: The motion has been put.

Mr LEWIS: That did not seem to worry us at any time in the last couple of days.

The SPEAKER: Yes, it does.

Mr LEWIS: I move:

That the motion be recommitted.

The SPEAKER: You would need to suspend standing orders to do that.

Mr LEWIS: I move:

That standing orders be so far suspended as to enable me to move that the motion be recommitted.

The SPEAKER: The motion I put was that the House at its rising adjourn until 12 February 2002 at 2 p.m. The member for Hammond has asked for a suspension of standing orders.

Mr Lewis: So that I can move that it be 5 February.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of the members of the House present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: The question is that the motion be agreed to. For the question say 'aye', against 'no'. As there is a dissenting voice, there must be a division. Ring the bells.

The House divided on the motion:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P. (teller)	Rankine, J. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C. (teller)
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Scalzi, G.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

The SPEAKER: There being 21 ayes and 21 noes, I give my casting vote for the noes.

Motion thus negatived.

Mr ATKINSON: I rise on a point of order. Given that the motion has not obtained an absolute majority, your casting vote is not necessary.

The SPEAKER: That is true also.

STATUTES AMENDMENT (COURTS AND JUDICIAL ADMINISTRATION) BILL

In committee (resumed on motion).

(Continued from page 3010.)

Clause 6.

The committee divided on the amendments:

AYES (2)

Lewis, I. P. (teller)	Maywald, K. A.

NOES (37)

Armitage, M. H.	Atkinson, M. J.
Bedford, F. E.	Breuer, L. R.
Brindal, M. K. (teller)	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Ciccarello, V.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.

NOES (cont.)

Hanna, K.	Hurley, A. K.
Ingerson, G. A.	Kerin, R. G.
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rankine, J. M.	Scalzi, G.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Venning, I. H.
White, P. L.	Williams, M. R.
Wright, M. J.	

Majority of 35 for the noes.

Amendments thus negatived; clause passed.

Remaining clauses (7 to 35) and title passed.

Bill read a third time and passed.

AQUACULTURE BILL

The Legislative Council agreed to the bill with the amendments indicated in the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No.1. Page 24 (clause 50)—After line 12 insert the following:

(5) The minister must, at the request of a person who has made a written submission to the minister under subsection (1) or (3), give the person a written statement of the minister's reasons for the decision made by the minister in relation to the matter on which the submissions were invited.

No.2. Page 38—After line 28 insert new clause as follows:

Review of the Act

92. The minister must, within 5 years after the commencement of this act or any provision of this act (a) cause a report to be prepared on the operation of this act; and (b) cause a copy of the report to be laid before each House of Parliament.

Consideration in committee.

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments be agreed to.

These are Labor Party amendments, which were moved in another place. The government in another place has agreed to the amendments and we are willing to support them here.

Motion carried.

ADJOURNMENT

The Hon. DEAN BROWN (Deputy Premier): I wish everyone a merry Christmas and move:

That the House do now adjourn.

Motion carried.

At 6.52 p.m. the House adjourned until Tuesday 12 February 2002 at 2 p.m.

Corrigenda:

Page 2486, column 1, line 26—For 'DEET' read 'DETE'.

Page 2789, column 2, line 3—For 'Selamus' read 'Selamis'.

HOUSE OF ASSEMBLY

Tuesday 27 November 2001

QUESTIONS ON NOTICE

CALL CENTRES, CITY OF ONKAPARINGA

57. **Ms THOMPSON:** What action has been taken to ensure that appropriate infrastructure exists for the establishment of large call centres in the City of Onkaparinga?

The Hon. M.H. ARMITAGE: The appropriate broadband telecommunications infrastructure required for the establishment of large call centres in the City of Onkaparinga already exists. Telstra is currently the sole provider of this broadband technology in the Onkaparinga municipality.

FIREWORKS

107. **Mrs GERAGHTY:**

1. Do penalties apply for the contravention of a Schedule 9 Permit issued under the *Explosives Act 1936* in relation to the use of fireworks and;

2. If so, what are the details and;

3. If not, why not?

The Hon. M.H. ARMITAGE: The Minister for Workplace Relations has advised that:

l. Schedule 9 permits to use fireworks during the fire danger season are issued by officers authorised under the *Country Fires Act* not the *Explosives Act.* Penalties do apply for the contravention of a Schedule 9 permit.

2. The penalty for not complying with the conditions of a Schedule 9 permit issued for the use of fireworks during the fire danger season is, in the first instance, division 6 fine or division 6 imprisonment. That is, a fine of up to four thousand dollars or imprisonment for up to twelve months.

3. These penalties for Schedule 9 infringements can not be applied by inspectors gazetted under the *Explosives Act* because such infringements constitute an offence under the *Summary Offences Act* and explosives inspectors are not authorised officers under this *Act*.

Officers that can pursue legal action against individuals who fail to comply with the conditions of a Schedule 9 permit include those persons authorised under the *Country Fires Act*, police officers, and any other person authorised under the *Summary Offences Act*.

BILINGUAL SCHOOL SERVICES

120. **Ms WHITE:**

1. How many bilingual school assistants are employed in government schools and DETE, respectively?

2. Has the department investigated the establishment of mother tongue maintenance programs for each of the first languages of government school students for which English is a second language and if so, what are the conclusions?

The Hon. M.R. BUCKBY:

1. The Department of Education, Training and Employment administers two programs which provide bilingual assistants to children.

The *Bilingual School Services Officers Program* provides a range of services within schools including classroom support, facilitation of cross cultural communication, interpreting and translation.

The *Preschool Bilingual Assistants Program* provides support to preschools in the maintenance and development of language and literacy for students from diverse cultural and linguistic backgrounds.

Bilingual SSOs are employed by the school and departmental systems do not record numbers employed as these vary significantly due to the nature of individual school arrangements.

The department does maintain a register of approved Bilingual SSOs and provides this list to schools on request. Currently 176 staff are approved for this work. Not all people on the list will be in employment and many work in small packages across a number of sites.

There are 135 preschool bilingual workers currently registered with the *Preschool Bilingual Assistants Program*, of whom 76 are currently employed.

2. Both the *Languages Plan 2000-2007* and the *Multiculturalism in Schooling and Children's Services* policy acknowledge the importance of first language maintenance and development for students from diverse cultural and linguistic backgrounds. The department is meeting the needs of these students through a variety of programs offered for students through the School of Languages.

The School of Languages, established in 1986, complements and supplements existing language programs in mainstream and ethnic schools, from year 8 to SACE Stage 2. During 2001, the school is offering after-hours and in-hours language programs in Chinese, Croatian, French, German, Indonesian, Italian, Japanese, Khmer, Korean, Persian, Pitjantjatjara, Polish, Serbian, Spanish and Vietnamese.

20 Full Time Equivalent, Tier 2 salaries are made available annually for First Language Maintenance programs in schools with junior primary and primary enrolments to support 24 languages including Vietnamese, Khmer and Aboriginal languages.

Distribution of funding occurs annually and is based on application of specified criteria following expressions of interest from schools. The funding criteria include an assessment of the number of students identified within a school to ensure the viability of a program, the complexity of the school and continuity of existing programs.

In addition, the Government provides per capita funding for Ethnic Schools to support first language maintenance and development in South Australia. The per capita grant is provided to Ethnic Schools for every school aged child enrolled in an Ethnic School. From the beginning of 2001, there were 41 languages taught through Ethnic Schools.

PRIMATES FOR PRIMATES REPORT

145. **Mr ATKINSON:** What is the government's response to the Primates for Primates Report sent to the minister earlier this year and will a code of practice to regulate the keeping of primates be introduced?

The Hon. I.F. EVANS I have been advised as follows:

There is no intention to introduce a code of practice to regulate the keeping of primates in South Australia.

BUSHFIRES

147. **The Hon. G.M. GUNN:**

1. Does the government support the construction by private landholders of fuel breaks that prevent bushfires entering their property from National Parks or bushfires entering National Parks from their property?

2. What steps are taken to ensure there is adequate fire protection in National Parks?

The Hon. I.F. EVANS I have been advised as follows:

1. On private property, the need for, and location of, fuel breaks is determined during the preparation and annual review of Bushfire Prevention Plans under the Country Fires Act 1988.

2. The *Native Vegetation Regulations 1991* and the Country Fire Service provide the framework for all landholders, including National Parks & Wildlife SA, regarding construction of fire breaks in native vegetation. Prior to each fire season, National Parks & Wildlife SA staff attend District Bushfire Prevention Committee Meetings, develop local priorities for risk management, and undertake prevention works. This includes undertaking equipment maintenance checks, and ensuring staff meet current fire training and fitness requirements. In accordance with its Fire Management Policy, National Parks & Wildlife SA constructs and maintains fuel breaks and access in strategic locations within reserves, balancing the integrity of native vegetation blocks with responsible fire management planning. To assist in the suppression of wildfires, where necessary, access tracks are constructed on the boundaries of reserves.

SENIORS CARDS

148. **Ms STEVENS:** What is the basis for charging $10 for the replacement of lost seniors cards and how many were replaced during 2000-01?

The Hon. DEAN BROWN: The charge of $10 to replace a lost Seniors Card has been in place since 1992. It has not been increased over time. The charge partly defrays the administrative and other costs associated with having a new card manufactured and delivered to the recipient.

The charge is not always levied, eg where a card is stolen.

During 2000-01, approximately 1,000 cards were replaced due to loss.