HOUSE OF ASSEMBLY

Wednesday 21 August 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

SHOP TRADING HOURS

A petition signed by 930 residents of South Australia, requesting that the house not support legislation which may seek to extend shop trading hours, was presented by the Hon. D.C. Kotz.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 36 residents of South Australia, requesting that the house reject voluntary euthanasia legislation, ensure medical staff in hospitals receive proper palliative care training and provide adequate funding for the palliative care of terminally ill patients, was presented by Mrs Maywald.

Petition received.

TREASURER'S REMARKS

The Hon. K.O. FOLEY (Treasurer): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.O. FOLEY: Last night, during debate on the Statutes Amendment (Third Party Bodily Injury Insurance) Bill, I said:

> I understand the amendment was run past the former treasurer and he is quite supportive of it.

That was my advice at the time provided to me from my advisers. I have since been advised that, in fact, whilst the content of the amendment had been discussed with Mr Lucas in a letter from me dated 13 July 2002, the actual amendment had not been shown to him.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the ninth report of the committee.

Report received and read.

Mr HANNA: I bring up the 10th report of the committee.

Report received.

QUESTION TIME

JUNIOR PAY RATES

The Hon. R.G. KERIN (Leader of the Opposition): Can the Minister for Youth rule out the abolition of junior pay rates as recommended in the UTLC submission to the Industrial Relations Review? In its submission to the Industrial Relations Review, the UTLC has demanded the abolition of youth pay rates. There have been concerns raised with me today that there are many industries, particularly the retail and hotel sectors, that are reliant on junior rates of pay and that without those rates, youth unemployment will skyrocket.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The Leader of the Opposition would well understand that there is a review taking place. This review has been talked about for some time and everybody, except for the opposition, has welcomed it. This review has had bipartisan support and, of course, it provides the opportunity for all the major stakeholders to put forward their submissions, and there is a process in place—

Members interjecting:

The Hon. M.J. WRIGHT: —as the Deputy Leader would well understand, being involved in industrial relations for some 25 years or more, and having been told about this by previous ministers for labour. He would well understand that this side of the house, unlike the previous government, has put in place a process, and a range of major stakeholders, including Business SA, the federal government, and, I understand, even the federal minister the Hon. Mr Abbott, have put forward submissions. Does the honourable member want me to rule out the submission from the federal minister? Of course he does not.

The Leader of the Opposition is playing games, because the opposition is about playing games. It does not want to be involved in policy debate and, unlike the previous government, this government has undertaken a comprehensive review to allow the major stakeholders to make their submissions. Those submission go to former deputy president of the Industrial Relations Commission Greg Stevens, whose responsibility it will be to work through those submissions, unfettered and unspoiled by any other party, and he will make recommendations to the government, and those recommendations will guide the government.

YOUTH EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): Can the Minister for Employment, Training and Further Education advise the house what advice, if any, she has received regarding the potential impact on youth employment if unfair dismissal provisions were to be extended to probation workers and trainees? And can the minister give this house a guarantee that the Labor government will not be extending unfair dismissal laws to encompass trainees?

The Hon. M.J. WRIGHT (Minister for Transport): The Leader of the Opposition should be able to perform better on behalf of the opposition. This is meant to be—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport will come to order.

The Hon. M.J. WRIGHT: Well might you laugh, because you are the favourite to become the new Leader of the Opposition.

The SPEAKER: Order! The minister will direct his answer through the chair.

The Hon. M.J. WRIGHT: You are the red hot favourite.

The SPEAKER: Order! I remind the minister that I am not the red hot favourite, and his remarks will be addressed through the chair.

The Hon. M.J. WRIGHT: My apologies, Mr Speaker. I should not take any notice of interjections from the opposite side, but I am very disappointed on behalf of the taxpayers of South Australia that the Leader of the Opposition wastes question time for his members. If he does not have any questions there are plenty of other people down here—

The SPEAKER: Order! The member for Bragg has a point of order; presumably it is the same as the one I was going to make.

Ms CHAPMAN: It probably is, sir. In direct contradiction of your previous ruling, the minister continued to proceed in the same vein. I ask that he get on with answering the question.

The SPEAKER: Order! The minister will direct his attention to the subject matter of the question rather than the discomfiture of the opposition.

The Hon. M.J. WRIGHT: Thank you, Mr Speaker. As I said in my previous answer, there is a process in place. That process will now take its course and, if the Leader of the Opposition wishes to continue with this line of questioning, the answer will be the same.

ASYLUM SEEKERS

Ms BREUER (Giles): Does the Premier accept the criticism from the federal immigration minister that the state government has failed refugee children imprisoned at Woomera?

The Hon. M.D. RANN (Premier): I am delighted that the honourable member for Giles has asked me this question. I have today written to minister Ruddock, and I would like to read my letter to the house. It states:

Dear Minister

I was greatly concerned to learn of your criticism of the state government's management of children in detention. This follows your criticism of our police earlier this year and your statements in London saying that the issues I raised were not of my concern.

I would like to point out to you that the South Australian government has repeatedly stated that children should not be housed in detention centres and it has appealed to you to find an alternative to this unacceptable practice.

South Australian government officers have also recommended consistently that children should remain with their parents where this is possible. Are you in all seriousness suggesting that we should, as a government, abandon one of the most basic rights of a child to be with its parents?

We live in a civilised society measured in no small part by the way in which it treats its weak and its vulnerable. These children through no fault of their own find themselves in a strange country amongst strangers. The commonwealth's only response to the children's dilemma is to lock them up behind razor wire or to remove them from the only familiarity they know.

The South Australian government and its officers have worked tirelessly to counteract some of the negative impact of the commonwealth's policies on children of asylum seekers. I am told that a review is currently under way of at least four children and that recommendations will be made to you in relation to their accommodation.

We have also provided a wide range of services to asylum seekers in general through state agencies such as: the Department of Human Services, the Department of Education and Children's Services, South Australia Police, emergency services (the Country Fire Services, the Metropolitan Fire Services and State Emergency Services), the Courts Administration Authority and the Department of Correctional Services.

Let me remind you of the costs involved. Over half a million dollars for police services at Woomera over Easter; police costs associated with more recent disturbances at Woomera; approximately $2 million for educating TPV holders in the New Arrivals Program; approximately $400 000 for TPV holders attending TAFE in South Australia; nearly $2 million for settlement packages for TPV holders; and approximately $100 000 for investigation into child protection has been spent to date.

You are reported as being critical of the approach taken by state authorities in relation to the issue of the children of asylum seekers. If you stand by the reported criticisms, would you prefer that the commonwealth take over the entire responsibility for the care and well-being of asylum seekers in this state, including health, education, policing, welfare and child protection? This approach would certainly save the South Australian Treasury and South Australian taxpayers a considerable sum and free up overstretched South Australian government services and human resources that have been diverted to assist the commonwealth. Please let me know if you would like to pursue such a discussion about the handover of these responsibilities.

In addition, I point out to you that my officers received a letter from you and signed by you dated 12 August 2002, addressed to the Hon. Rob Kerin, Premier of South Australia. There has since March of this year been a change of government in this state, which you might like to note for future reference.

COLLECTIVE BARGAINING

The Hon. I.F. EVANS (Davenport): Will the Minister for Industrial Relations give this house an assurance that the government will not accept the UTLC's demands that the current enterprise agreement system be replaced with a collective bargaining framework with unions in the prime position? The previous Labor Prime Minister, Paul Keating, introduced the concept of enterprise bargaining in the early 1990s—a move which signalled an end to the days of collective bargaining and unwarranted union influence. The UTLC's submissions to the government's IR review are now demanding that the current enterprise agreement system be replaced with a collective bargaining framework, with unions in the prime position.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): This is the third question and, hopefully, I will get some more with respect to this matter because I have already advised the house that this government has put in a process with regard to a review of industrial relations. Having put in place that process, would the shadow minister seriously want me to pre-empt that review? Would he seriously want me to pre-empt that review to undermine the process that has been put in place? Is he serious? Quite obviously he would not want me to do that, because he is a very fair man. Also the Deputy Leader of the Opposition, back some time ago, was the minister for labour when the Cawthorne report came down. We are going back some 25 to 30 years, and it is my understanding that he will have the opportunity—

The Hon. I.F. Evans interjecting:

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

The Hon. M.J. WRIGHT: He will have the opportunity to correct me if I am wrong, but it is my understanding that when he was minister he took a similar position to the one I am now taking and I do not believe he pre-empted the Cawthorne report. Ultimately, he disagreed with some of the recommendations in the Cawthorne report and it may well be, whether it be the one the shadow minister refers to or any other recommendations put forward by Greg Stevens, that I disagree as well, but I will not pre-empt the review. We have put in place a process and that process will be followed. We have given an opportunity to all the major stakeholders, and when I have spoken to them and made presentations to IRAC, each and every group, whether employer or employee representatives, have welcomed the review and also welcomed the fact that Greg Stevens is undertaking this responsibility on behalf of not only the government but also the stakeholders involved in this important area. What is the difference between Labor and Liberal? It is very simple.

Members interjecting:

The Hon. M.J. WRIGHT: I will tell you if you are prepared to listen. I am delighted you made an apology, that you took my advice and made an apology to the Minister for Tourism.

Mr BRINDAL: On a point of order, sir, you have repeatedly asked ministers to direct answers through the chair and the minister is again ignoring your advice.

The SPEAKER: I uphold the point of order. Is the minister winding up?

The Hon. M.J. WRIGHT: Yes, I am about to make my final point, unless there are more questions, in which case I will be delighted to take them. The basic difference between Labor and Liberal when it comes to industrial relations—

The Hon. D.C. Kotz interjecting:

The Hon. M.J. WRIGHT: I will ignore the member for Newland, who continually interrupts. The basic difference between Labor and Liberal is that we are fair and they are unfair. The reason why we are fair is that we consult with the stakeholders. What do they do? I will tell members what they do. What they have always done when it comes to industrial relations is change the legislation in an ad hoc fashion without consulting with the major stakeholders. That is the basic difference between Labor and Liberal: Labor is fair; Liberal is unfair.

AFL PRELIMINARY FINAL

Mr KOUTSANTONIS (West Torrens): Will the Premier outline what efforts he has made to convince the Melbourne Cricket Club that it should set aside its contractual rights to host an AFL preliminary final so that it can be played in Adelaide?

The Hon. M.D. RANN (Premier): Today I have written to the General Manager of the Melbourne Cricket Club, Stephen Gough, urging him to consider the rights of Adelaide's AFL clubs and, more importantly, their fans. The MCC—

Members interjecting:

The Hon. M.D. RANN: Don't tell me that members opposite want the preliminary finals played in Melbourne—surely not. It did not take members opposite long to become a whingeing, whining, negative opposition. The MCC has a contract with the AFL which gives the club the right to host a preliminary final each year. The contract was signed in 1989 prior to the entry of Adelaide, Port Adelaide and Fremantle to the national competition. Since the contract was agreed, we have seen the introduction in 1994 of two preliminary finals as part of the competition. The MCC in fact hosted both preliminary finals at the MCG in 1997, 1998, 1999 and 2000. In other words, it has been awarded four more preliminary finals than was originally agreed, which also demonstrates that the letter of the contract has not necessarily been adhered to in the past.

This year the top three teams in the competition are non-Victorian and, just in case any members are unaware, they include, Power, Adelaide and Brisbane. This demonstrates that the AFL is indeed a national competition, not a Victorian competition. We have to explain to the Vics that it is no longer the VFL: it is the AFL and it is supposed to include all Australia. It is time the game's administrators recognised this fact and the achievement of our clubs by allocating games to the most deserving locations. At this point, there is a clear case for a change of venue in Adelaide's favour being considered. I am sure members opposite and, indeed, all members of this house will support me on this point. We need to work together to see whether we can convince the Victorians to allow a preliminary final to be played here in the national interest of the game and in the national interest of the fans around the country.

COMMONWEALTH-STATE DISABILITY AGREEMENT

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Social Justice. Why has the government allowed the Budget Papers to be printed with serious inaccuracies on pages 3.9 and 6.52, which claim an additional $8.8 million as the state government contribution to the commonwealth-state disability agreement in the year 2002-03 compared to last year, overstating the additional amount by $6 million. During the estimates committee, it was acknowledged by the staff of the Department of Human Services that $6 million of the $8.8 million was simply to match the extra $6 million that the previous Liberal state government committed in each of the last two years to the disability agreement. Page 6.52 shows under the commonwealth-state disability agreement an increase in funding of $8.835 million in 2002-03 compared with last year, 2001-02, as an outcome—a statement which is blatantly wrong.

The Hon. K.O. FOLEY (Deputy Premier): The deputy leader refers to what he claims to be an error in the budget papers. I am responsible for the budget papers. I will get an answer and report back to the house.

ADELAIDE TO DARWIN RAILWAY

Mr CAICA (Colton): Will the Minister for Industry, Investment and Trade inform the house what the government is doing to support its investment in the Adelaide to Darwin rail project to ensure maximisation of the operational benefits of the railway?

The Hon. K.O. FOLEY (Minister for Industry, Investment and Trade): As the government has said consistently, this is a bipartisan project, on which both sides of politics have worked very hard. The now Premier Mike Rann, together with former Premier John Olsen in reverse roles, supported the project through many years. As the government we now have responsibility for delivering on the project. I will make some brief comments on some of the work we are currently undertaking as it relates to the Adelaide to Darwin rail project. The important thing for the government is to ensure that we as a state get a fair and reasonable return on our state's very significant financial investment in the project.

I have met with Clare Martin, Chief Minister of the Northern Territory, and Paul Henderson, the Minister for Industry, Business and Regional Development, to discuss how the two governments can work more cooperatively to further develop the landbridge opportunity, particularly to Asia. The previous government had established the Rail to Asia group within the former Department of Industry and Trade to do some preliminary investigations into the landbridge opportunity. Now that this early research work has been advanced, I have instructed the newly created Office of Economic Development to prepare a comprehensive plan to maximise these opportunities. The team is to work with the operator of the rail project, FreightLink, and I will be establishing a regional and industry leaders (RAIL) group to assist in the preparation and implementation of this plan.

I advise the house that today Mr David Klingberg, who formerly chaired the Rail Partnership Group and who is known to many as the Chancellor of the University of South Australia, has been appointed by the government to chair this very important group. Members of the rail group include

business leaders, academics and peak body representatives. The rail group will report directly to me and also to the Economic Development Board through the membership of Dr Roger Sexton. It is expected that the rail group's activities will support the Economic Development Board's program of consultation with industry in the regions to determine the best way forward in terms of strategic planning and implementing initiatives through the rail project which will bring benefits to the South Australian economy.

The rail group's fundamental focus will be to ensure that the Adelaide to Darwin rail project is positioned as a significant trade corridor. It will see the integration of transport and logistics infrastructure into the national transport system. The reopening of the South-East rail network will ensure that the productive regions of the South-East have direct access to the export markets via rail and the ports of Adelaide and Darwin, and the work will be in full swing by December 2002. However, the group will also look at indirect benefits such as the oil and gas opportunities that are presented in the Timor Sea.

I will be meeting with key stakeholders, including the Northern Territory government, again later this year to discuss how they can provide assistance to implement our plans for the rail. I can say that while in Asia last week I met with a number of parties that were very interested in the rail. In particular, one group based in Hong Kong is considering a major investment in transport logistics. Those negotiations are progressing well, but there is particular interest in the rail project now, in both Singapore and Hong Kong. As two-way trade, the markets of Asia will also be able to access Australia, but when you are a free, open trading nation you have to be willing, able and prepared to engage in two-way trade. We are starting to see the rail project being understood in Asia. They want to know more but, importantly, investors are now looking at how they can use the rail corridor as a way of accessing Australia and also, perhaps more importantly, taking food from Australia. I met with one company in particular wanting to take food from southern Australia into the Asian markets.

The former premier, now Leader of the Opposition, would be aware of the work that has been done and the very real interest in our food products in Asia. Work is progressing well. We will be ensuring that the interests of South Australia are properly represented and we will be forging a very significant relationship with the private sector to ensure that we get maximum value out of the Adelaide to Darwin rail project.

The SPEAKER: I call the Leader of the Opposition.

Mr MEIER: I rise on a point of order. Since I have been in this house, and I believe well before that—

The SPEAKER: What is the point of order?

Mr MEIER: My point of order is that traditionally a list system for questions has been used. I have provided you, sir, with a list on each occasion for question time, and I have noticed in the last couple of days—

The SPEAKER: What is the point of order?

Mr MEIER: My point of order is that you choose to ignore the list as presented to you.

The SPEAKER: May I point out for the benefit of the house that, if members feel a little extra argy-bargy, one way of settling them down that I have at my disposal is to leave them seated. In every other parliament in this country that I have visited, if members want a question or the call, they jump, and this was the way it was when I first arrived here. The list system was not necessarily anything that was incorporated in standing orders, and I believe it to be something that has grown up as a matter of convenience but is not necessarily incorporated into the practices of the chamber in any other way than in recent times. It is less than two decades. Frankly, I tell all members that I will recognise those members who respect the good conduct of others in this chamber, and until I see them doing so, I will find it difficult to see them. I have called the Leader of the Opposition, if he wishes to ask a question.

Mr MEIER: On a further point of order, sir.

The SPEAKER: There is no point of order.

Mr MEIER: I seek clarification. You just said that you believe that we should use the system where members rise. If that is the system that you would like, sir, we can go down that track. I noticed that the member for Davenport rose to his feet but you chose to ignore him, sir.

The SPEAKER: May I say—

Members interjecting:

The SPEAKER: Order! May I say to the member for Goyder that I also just pointed out that I would see those people who saw equally their responsibility to conduct themselves in an orderly manner in the chamber. I have warned the member for Davenport. I call again the Leader of the Opposition, if he wishes to ask a question.

CONSTITUTIONAL CONVENTION

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. As concerns have been raised by learned colleagues in another place that the government is pre-empting a diminished role for the Legislative Council prior to embarking on a parliamentary reform process, will the Premier accept the opposition's bipartisan support and appoint the President of the Legislative Council to the Constitutional Reform Steering Committee? The South Australian parliament operates under a bicameral system whereby both houses have been vested with equal authority. It has been brought to my attention that the bicameral structure should be reflected in any deliberations concerning the reform of the system and consequently the reform committee should include the President of the Legislative Council and the Speaker of the House of Assembly in an equal capacity.

The Hon. M.J. ATKINSON (Attorney-General): The government would be happy to place another member of the parliamentary Labor Party onto the steering committee. We were hoping to arrange the convention by negotiation between me and the shadow attorney-general, the Hon. Robert Lawson. My feeling is that, if we included the President of the Legislative Council, we would unbalance the committee: we would then have four Labor members and three Liberal members. I thought the concern about lack of balance on the committee was that the Independents, other than the Speaker in this house, were not on the steering committee and the Democrats were not on the steering committee. I find it merely mischievous that the opposition—

Members interjecting:

The SPEAKER: Order, the Attorney-General! I am distracted from the answer that the Attorney is giving, in which I am very interested, by the altercation going on between the member for Unley and the Clerk. I will ask the member for Unley to resume his seat. If he cannot have a civil conversation with the Clerk, he can speak to the Clerk privately after question time. I invite the member for Unley immediately to resume his seat. The Attorney-General.

The Hon. M.J. ATKINSON: I will write to the shadow attorney-general, inform him of the up-to-date arrangements for the Constitutional Convention, and if the Liberal Party—

Members interjecting:

The SPEAKER: Order! Let me make it plain to all members that, whilst it may not suit them to have an orderly chamber, it is the expectation of the members of the general public.

MEMBER FOR UNLEY, NAMING

The SPEAKER: I will not tolerate any member swearing at the Clerk or at me. The member for Unley has just described me in the chair as 'a bloody disgrace'. I therefore name him.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I think that the member for Unley ought to be at least warned that you have named him in his absence.

Members interjecting:

The Hon. DEAN BROWN: I am simply giving the opportunity for the member for Unley to come back into the chamber and explain himself.

The SPEAKER: The Minister for Government Enterprises.

The Hon. P.F. CONLON: Mr Speaker, I am in your hands in this. I am happy to hear the explanation if one is to be offered by the member for Unley. But, if he is not here, it does make it extremely difficult for us. It is hard for me to move one way or the other. I can simply say that, since no explanation has been offered, I would move that none be accepted.

The SPEAKER: Order! If the member for Unley does not return to the chamber within the next minute, there is no alternative in my judgment other than that some member of the chamber move as to how the misdemeanour shall be dealt with. I recall an instance where I was so named in my absence and dismissed from the chamber without being given the opportunity to be heard in my defence. I have no wish to deny the member for Unley any natural justice, but I point out to the house that the misdemeanour of which I was accused at the time was not as serious as the misdemeanour of which the member for Unley is guilty.

Mr MEIER: Mr Speaker, if I could seek to make an explanation. I believe that—

The SPEAKER: Order! Standing orders do not countenance a set of circumstances—

Mr MEIER: Okay. Then if I could speak, sir—

The SPEAKER: No. I point out to the Opposition Whip that he is not the member for Unley, nor his representative in this chamber. Does the member for Bragg have a point of order?

Ms CHAPMAN: Actually, I was standing in response to your invitation, sir, I think, to the house to give some advice on how this matter should be dealt with.

The SPEAKER: My invitation to the chamber was for a member to move a proposition as to how they want the member for Unley to be dealt with. I remind all members that no member in this place has committed such a serious misdemeanour as to swear at and abuse the Speaker. The member for Unley has now entered the chamber. I have named the member for Unley and I invite him to explain his behaviour in swearing at me, as the chair, and the Clerk.

Mr BRINDAL: I do not know why you named me, sir. You can explain to me why you named me, if you wish.

The SPEAKER: Clearly the member for Unley was not listening when I told him it was because of his swearing and abuse of the chair and his swearing and abuse of the Clerk.

Mr BRINDAL: Mr Speaker, whatever I said to you I said to you in the privacy of the chair, and I have never known it to be repeated. I believe I used the word 'disgrace', and I do not believe that is swearing.

The SPEAKER: You used the word 'disgrace'; you also said, 'You are a bloody disgrace'; and you said other four-letter words which do not warrant repeating into the record. You and your conscience, may I say to the member for Unley and to all the constituents whom you represent, will have to live with that. The house will now have to deal with that. The Minister for Government Enterprises.

The Hon. P.F. CONLON (Minister for Government Enterprises): I move:

That the explanation of the member for Unley not be accepted.

The SPEAKER: In that case, the more sensible proposition—

Mr BRINDAL: I rise on a point of order. Mr Speaker, I asked why you had named me: I have not explained.

The SPEAKER: The member for Unley seeks to engage in a debate with the chair, and the chair is not to engage in debate with any member. The reasons have been given. The member has forgone his opportunity, as I see it. The house must move on. In the normal course of events—

The Hon. D.C. KOTZ: I rise on a point of order.

The SPEAKER: The member for Newland will resume her seat.

The Hon. D.C. KOTZ: Mr Speaker, I have a point of order. Standing orders state that the call must be given to a point of order.

The SPEAKER: Then the member for Newland had better have a good point of order.

The Hon. D.C. KOTZ: The point of order, sir, is that I did not hear the Speaker call for an apology or an explanation from the member who has been named.

The SPEAKER: Regrettably, the member for Newland is inattentive, deaf, or both. The Minister for Government Enterprises can either move that the explanation be accepted or move that the member be suspended from the service of the house.

The Hon. P.F. CONLON: I have moved that the explanation not be accepted in the interests of parliament. At the same time I will move:

That the member for Unley be suspended from the service of the house.

The SPEAKER: I accept the motion that the explanation not be accepted.

Motion carried.

The SPEAKER: The member for Unley will withdraw.

Mr BRINDAL: Mr Speaker, my accusations stand.

The SPEAKER: I name the member for Unley yet again. The member for Unley will leave the chamber.

Mr BRINDAL: Yes, Mr Speaker, but I do not withdraw.

The honourable member for Unley having withdrawn from the chamber:

The Hon. P.F. CONLON: In regard to the first misdemeanour, I move:

That the member for Unley be suspended from the service of the house.

The SPEAKER: I choose to ignore the second for the meanwhile.

Motion carried.

CONSTITUTIONAL CONVENTION

The SPEAKER: The Attorney-General was in the process of giving an answer to a question asked by the leader. I invite the Attorney to resume his answer.

The Hon. M.J. ATKINSON: So, Mr Speaker, I shall write to the shadow attorney-general and update him on the progress of organising the Constitutional Convention. If he cares to write to me on behalf of the parliamentary Liberal Party and propose that the President of the other place be added to the steering committee, I will give it every consideration.

The Hon. R.G. KERIN: I have a supplementary question. Will the Attorney consider making the President of the upper house the Labor Party representative from the upper house on that committee instead of the other member who has no parliamentary experience?

An honourable member: That's not a question.

The Hon. R.G. KERIN: Yes, it is.

The Hon. M.J. ATKINSON: The parliamentary Labor Party will decide who its representatives are, and they are as I disclosed to the house yesterday.

MENINGOCOCCAL DISEASE

Mrs GERAGHTY (Torrens): Following the announcement that vaccinations for meningococcal disease will be available next year, will the Minister for Health provide the house with information on the number of cases of meningococcal that have been confirmed in South Australia so far this year?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this important question about a very serious disease that has affected so many South Australians and their families. To the month of August of this year, there have been 23 confirmed cases of invasive meningococcal including, I regret to inform the house, three cases resulting in death.

There are 13 serogroups (or strains) of meningococcus. Twelve of the cases this year were identified as serogroup B, six were identified as serogroup C and in five cases the serogroup was ungroupable or unknown. As announced by the federal Health Minister on 19 August 2002, the commonwealth will fund states to purchase the new meningococcal C vaccine.

I want to stress that, while this vaccine will immunise against meningococcal serogroup C, it will not protect against serogroup B or other types of the disease. Members will note that, while the serogroup C strain is more prevalent in the eastern states, in South Australia 52 per cent of cases were serogroup B, which is not protected by the vaccine.

The new program will target infants aged 12 months and adolescents aged 15 years, with a catch-up program for 16 and 17 year olds in 2003. States will be responsible for delivering the program, and it is anticipated that vaccinations will commence early in 2003. While this is a welcome preventive measure, I stress that we must remain vigilant in South Australia in early detection of symptoms of the strains not protected by the new vaccine.

SPACE ENVIRONMENT RESEARCH

Mr HAMILTON-SMITH (Waite): Will the Minister for Science and Information Economy advise the house if the government will provide $600 000 of funding over three years to the World Institute of Space Environment Research to develop Adelaide as an international centre for space environmental research? The World Institute of Space Environment Research has an important hub in Adelaide which recently hosted a significant meeting of world-leading scientists in space research. The organisation has sought government interest and support to help build a base for innovation and excellence in space research in Adelaide.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): This is a very interesting unit within the University of Adelaide on North Terrace. I have visited this unit and seen the research that is carried out. For those members who are not familiar with it, it largely relates to space meteorology. Members will understand that the science of space meteorology is an important one in relation to predicting events on our planet. It appears that when there are space showers it is possible to have disturbance to a whole range of wireless technologies, both on ground and below ground, and also in wireless cables. It can cause disruption to navigation, it can have an impact on communications, and it can even damage satellites in geostationary orbits.

This technology is very expensive and requires an enormous amount of infrastructure although, interestingly, when you visit the laboratories you do not find anybody doing experiments at a bench in the way that you would expect scientists to be performing; this is generally the sort of science that occurs on computers using broadband width telecommunications, and it requires a high level of interaction with new economies around the world. In fact, the centre on North Terrace has strong links with world science working in this area, and currently it has the potential to produce some economic impacts in a range of fields.

The member for Waite would realise that the Premier's Science Council has only just been instituted. At this moment it is looking at the assets and opportunities for research. As we do not want to fund projects in a one-off ad hoc manner—we have too little money to waste in that manner—as a government we intend to work through a strategic plan which is driven by economic advantages, employment opportunities and the ability to grow wealth and employment across our state.

It would be very shortsighted of us to fund each project in an ad hoc manner. We expect the Science Council to fulfil its goal of predicting which areas of research will be the most productive to be working on in the next five to 10 years. Of course, the Science Council will not do that alone: it will do it within the parameters set down by the Economic Development Board. We have experts, they will advise us, and we will follow the route they advise us to take.

HMAS *HOBART*

Mr O'BRIEN (Napier): My question is also directed to the Minister for Tourism. Will the minister update the house on progress in the preparation of the former HMAS *Hobart* for scuttling to become an artificial reef for divers?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Napier for this fascinating question. Today I had the opportunity to tour the former HMAS *Hobart*, which is now moored at Port Adelaide, and I saw the progress that has occurred in the remediation and preparation of this vessel for scuttling. Two hulks have now been sunk off the Western Australian coast (the *Swan* and the *Perth*) and both those sites offer exciting opportunities for

divers. This will be the third site in Australia, and we are enormously grateful to the federal government for giving us this ship, which we have been preparing for the past few years.

This project was begun four years ago—I commend the previous government for its actions in this area—and it is now coming to fruition. It has cost almost $2 million to prepare the vessel because of expensive EPA consultation and occupational health and safety requirements. It will be appreciated that vessels of this type have large amounts of fuel on board—oil, hydrocarbons, lead weights and, of course, asbestos—and we have been required to use world's best practice to bring this ship up to a standard where we can let it sink off the Fleurieu Peninsula where, of course, there are very important environmental standards to be maintained.

Beyond the issue of the environment, there are other matters to do with safety. We would not like divers on their holidays to be at risk by having an unsafe site to explore, so large doors have been cut in the vessel, doors have been removed and access points have been developed so that there can be easy flow-through by divers. We are now looking at a situation where South Australia can truly become a credible dive destination. We not only have the opportunities off Noarlunga but we have three very exciting attractions in the leafy sea dragon (an endangered species which can only be found off our coast) and not to mention Whyalla, which is the world capital for cuttlefish breeding; but the preferred site, of course, will be the ship formerly known as the HMAS *Hobart*.

It is predicted that there will be up to 16 000 divers in the first three years with over 50 per cent of those people coming from overseas. That will produce a $10.1 million economic impact and the opportunity for at least 100 new jobs. It is to be appreciated that divers who come so far to explore this site will not be there for one day only but inevitably will be there for at least a week, possibly two weeks, exploring the whole site. They will do this because it is a unique opportunity: it is one of the few sunken ships in the world that comes replete with accessories, gun turrets, engine rooms, galleys—a whole range of facilities that make it a truly exciting dive opportunity. Today during my tour I had the opportunity to meet with Mr Ray Ash, one of the workers at the site, and it is clearly an exciting opportunity, which will bring wealth, employment and economic benefit to the whole region.

DESALINISATION PLANT

Mrs PENFOLD (Flinders): Will the Minister for Government Enterprises advise the house of the action being taken by the government to ensure that a desalinisation plant is put in place on Eyre Peninsula as soon as possible? As you know, Mr Speaker (but many may not), Eyre Peninsula is not connected to the Murray River. Most of the water is drawn from underground basins that are being overdrawn. This year is expected to be another year with low recharge to these basins, bringing about the risk that seawater will be drawn into the basins and contaminate them. This would leave most of Eyre Peninsula, a region from where $1 billion of state income is generated, without a potable water supply, with drastic repercussions now and into the future, not only for the region but also for the state.

The Hon. P.F. CONLON (Minister for Government Enterprises): I thank the honourable member for her question. I acknowledge that the member for Flinders is a more than keen supporter on this subject, but I have not built a desalinisation plant since she last asked me the question a month ago—it takes a little longer than that. As the member for Flinders would know, one of the initiatives taken was the Eyre Peninsula master plan, and in recent weeks—and I treat the issue seriously—the master plan in a condensed form has been the subject of consultation in the community. I indicate to the member for Flinders that, water being such a keen issue on the Eyre Peninsula, I understand there has been a significant level of response and communication with us as a result of that consultation. There are a series of options in the master plan, including desalination.

I further indicate, as I have said many times, that water has been an issue on the Eyre Peninsula since Flinders ran into Baudin, so it is not a new issue and not easy to solve. We are addressing the issue, will look at the consultation and we will certainly be looking at what is available in our capital programs and at what ways the public-private partnerships might accelerate the provision of productive infrastructure. It is an issue on which I have pleaded with the opposition to show support. I assure the member for Flinders that as soon as there is progress to report she shall be among the very first to know.

CAPITAL WORKS ASSISTANCE SCHEME

Mrs MAYWALD (Chaffey): Will the Minister for Education and Children's Services inform the house of the purpose of the capital works assistance scheme, particularly how it is being applied in my electorate?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the member for Chaffey for her question. The capital works assistance scheme was a program set up some time ago to provide schools with the mechanism for funding school activity halls, multi-purpose gymnasiums and performing arts centres. It differs from the standard capital works projects because the school community also makes a contribution towards the project and on occasion the community as well contributes in a financial sense.

The member for Chaffey asked me about her electorate, and I am keen to give her an answer directed towards her interests. One of the most recent approvals I have given is for an all-purpose facility hall to be built at the Renmark North Primary School, because there was a definite need for that school to be accommodated in this way. The lack of an all-purpose facility for that school required children regularly to be bussed into Renmark at a cost each time of some $60, mostly paid by parents I might add, and that meant that consent forms had to be completed for each child each time and alternatives arranged for the children who could not afford to attend. That also meant a loss of valuable instruction time, placing pressure on the school's very strong ethos of delivering promptly. As well as that, students did not have a place to gather when the temperature was extreme.

Therefore, it is with some pleasure that I inform the house that the government has been able to support the school's plans to build a school gymnasium through the capital works assistance scheme. I have approved a project at a cost of $646 000, with a significant portion to be contributed by the department through a 15-year loan to the school. The community is also contributing so that a larger than average hall can be built to serve as a facility for the wider community's use. The Renmark North Primary School community is to be commended for the way it has gone about moving its project forward and gaining the backing of many others in the community. It is certainly a strong reflection on

that school's attitude towards providing better outcomes and opportunities for their students.

I might add that, recently when we visited the South-East for a community cabinet meeting, I also announced that a $540 000 school hall facility had been approved for the Melaleuca school to add to its renovation work.

HMAS *HOBART*

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Tourism. If the sinking of the *Hobart* off Yankalilla is going to be such a great occasion as she has outlined to the house today, why has the minister withdrawn the $40 000 previously allocated to the Yankalilla council to celebrate the occasion and promote the tourism opportunity?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I have to say that the sinking will not be such a glorious event; I think the Deputy Leader of the Opposition misunderstood me. In fact, the sinking will be a sadly unmemorable event. The sinking will occur between four and five miles offshore and will not be a spectator event. Contrary to public opinion, we will not be hiring submarines, bombers or shore-to-ship gunfire to sink the boat, because we know that that would not only be too dangerous but would also not produce a divable wreck. The whole point about this is promoting our future tourism opportunities, and those tourism opportunities require a perfectly symmetrical sinking. They require a controlled submersion.

Small charges will be set around the hull, which will allow areas of the hull to be removed and allow a perfectly symmetrical sinking. In fact, one of the greatest risks will be that it should occur on a specified day. One of the decisions we have made is that we will not announce in advance the day of the submersion because it is a very expensive project and, if we are locked into one day, we may have chosen the wrong one. The reason for this is that boats of this kind have substantial amounts of lead in their hulls to make them weighted, and we found it necessary to remove all lead, because, of course, it is a toxic substance and we would not like to have large amounts of lead in an aquaculture or fishing area or an area where there will be seagrasses and an environmental risk.

Having removed the weighting in the bottom of the boat, of course, the next problem is that we have to tow it from Port Adelaide, and we have to choose a day with few waves, no heavy seas and particularly light winds. The risks involved in taking a boat that large distance mean that we cannot predict the day for celebrations. We will have to choose carefully the day when the work is completed, according to the advice of the Bureau of Meteorology, and it will be unwise to have festivities on the shore, because we cannot predict the day or the time. It would actually be a rather unsatisfactory event; you would need binoculars or a telescope to see it, and it may happen two days later than planned. If there are any funding issues with Yankalilla we will work through the council and I will bring back an answer as to what money is to go to the council. I know that Yankalilla council is overjoyed by the opportunities that this presents to it, because it knows that six dive and cruise companies will make money, and that there are 127-odd jobs. It also knows that, if you have overseas tourists staying for two weeks, that means money.

MEMBER FOR UNLEY

The SPEAKER: I invite all members to take out their standing orders and look at what I am referring to—standing order 137, to be found on page 39. I point out to the house that, pursuant to standing order 137, in consequence of the member for Unley's conduct during the course of the debate relating to his naming and suspension from the chamber, I require that, when he next enters the chamber, as and when it will be appropriate for him, he immediately apologise to the house unreservedly, or I will proceed with the naming. I say that with a heavy heart and with some regret that it was ever necessary and trust that, following prayers tomorrow, the member for Unley will be here to be heard in apology and withdrawal.

GRIEVANCE DEBATE

RURAL AREAS

The Hon. G.M. GUNN (Stuart): I wish to raise—

An honourable member interjecting:

The Hon. G.M. GUNN: On another occasion I would be very happy to discuss any relevant matters, but I do not think today is an appropriate time. I wish to draw to the attention of the house the difficulties that certain sections of the rural community are having in South Australia. Monday's editorial in the *Advertiser* was headed, 'SA dry winter turns to drought'. It was a timely reminder of the difficulties facing certain sections of the agricultural community in South Australia. Areas in my electorate are having abnormally low rainfall. They have had the second indignity of being invaded by emus in plague numbers which have moved south from areas which were earlier affected by the dry period. It is obvious that through its instrumentalities the government should be aware of the situation, act whenever possible to relieve the difficulties and ensure that bureaucracy does not get in the way of commonsense. We are aware that these people have had difficult periods in the past, and they will probably need some assistance in the future.

Problems such as excessive numbers of emus need to be dealt with expeditiously, and in some cases people need some assistance to cull them. They not only damage crops but they also do horrendous damage to fences, and therefore can cause problems. There is a need because, in my experience, the number of emus in rural South Australia has exploded over recent years. That is because there is permanent water and permanent feed for them. I sincerely hope that those areas of government that are required to be involved in this issue act quickly and are sympathetic to the needs of these people.

The government needs to keep in mind other matters that may require assistance in the future if the problem is not solved by decent rain in the next week or so. That would be most beneficial to the community because no-one wants to put their hand out for assistance but, at the end of the day, we need to be a little compassionate and be aware of the difficulties that people can suffer through no fault of their own, because South Australia needs a vibrant agricultural community.

Some of these people occupy perpetual lease country, and any suggestion of increasing crown rents would be an added

burden which they do not need and which is not necessary. Unfortunately, the government bureaucracy that has recommended it is particularly insensitive to the needs of rural people, and it is rather sad that a department that once had a proud reputation of being sympathetic to rural South Australia has suddenly put self-preservation ahead of the long-term interests of those people, particularly in marginal areas. That is rather sad because, when I first became a member of parliament and spoke to the lands department, I dealt with people who were sympathetic to the needs of rural and regional South Australia. They had a good understanding of the problems and they were there to try to help.

They were not infiltrated by that anti-farmer brigade, those nasty left wing agitators, who unfortunately have permeated through certain sections of the bureaucracy and who are leftovers from the Whitlam era. South Australia has the most left wing government in Australia, and people should not be under any misapprehension about that. The left wing is in control of the South Australian branch, so we should not be surprised at some of the actions that these people take. I find it interesting that no-one has picked it up at this stage. It was brought to my attention a few days ago, and it is interesting—

The ACTING SPEAKER (Ms Thompson): Order! The member's time has expired.

The Hon. G.M. GUNN: —to learn that an internal power struggle is going on, and I have a letter here in relation to Mr Gary Lockwood—

The ACTING SPEAKER: Order!

The Hon. G.M. GUNN: —and I have also got one—

The ACTING SPEAKER: Order!

The Hon. G.M. GUNN: I will do that tomorrow.

The ACTING SPEAKER: The member for Stuart well knows that a member may finish a sentence but may not start a new one. The member for Giles.

SHIP RECYCLING

Ms BREUER (Giles): I would like to clarify the current situation with regard to the ship recycling industry proposals for the Whyalla area. Whyalla people have built up hopes and had them dashed many times over in recent years through a succession of misinformation and allegations about this industry. Certainly, the prospect of a new industry with 500 jobs sounds inviting. However, we also have to consider the suitability and the feasibility of such an industry. We have some of the most pristine waters in the country and an emerging aquaculture industry. We also have an emerging ecotourism industry with cuttlefish, dolphins, and perhaps even whales after this week's incident.

The best way to sort this out would be through a feasibility study considering all the environmental and economic factors to decide if it is a viable industry. I report that recently I have met on almost a weekly basis with Mr Barry Stanfield, who is Director of the major proponent of the industry, the Australian Steel Corporation, and I have also had regular discussions with state government officials involved in the process, including Pam Martin from the Premier's Department.

At this stage no investor has committed to funding the project or the initial feasibility study, and little can be done until such an investor is found. I believe that the state government will release land if such an investor and operating company is found and the project is economically and environmentally sound. I believe that representatives of the firm Syncrolift Inc, a division of Rolls Royce, recently visited Adelaide, and I know that they met with Pam Martin among other people. I believe they expressed a continuing interest in supplying equipment for the project.

This equipment could perhaps revolutionise the industry, as one of the major concerns for this proposal is the prospect of dirty, pollutive ships breaking up on beach sites, etc., as is carried out in other parts of the world. Using this process, perhaps many of those concerns would be allayed. Syncrolift is interested in suppling the equipment but at this stage has not expressed any interest in assisting in financing or investing in the project. However, it is important to note that Syncrolift technology could revolutionise some of these fears about pollution.

Shipbreaking, or ship recycling, is on record as being a highly pollutive, filthy industry. For example, if you search on the internet, you will produce page after page of sites which quote horror stories about the industry and, of course, this concerns me greatly. However, I would not want this to stand in the way of the industry if it is viable, and again I emphasise the fact that a feasibility study is needed. The Mayor of Whyalla, John Smith, says that he has written recently to the Premier, in May I think, about the project, but unfortunately I can find no record of this letter either with the Premier or through the council. I will continue to follow up this matter with the Mayor, as I know that he is certainly one of the major supporters of this proposal.

But again I go back to my discussions with Mr Barry Stanfield. I know he has hit brick walls because, while he continues to converse with Mr Nicholas Latimore of Rothschild's bank, there has been little progress in finding investors for the project. This is the crux of the problem. I believe that Whyalla residents need to be aware of this. My discussions with the Premier and other ministers satisfy me that they would support the project if it was feasible, both environmentally and economically. However, the state government would have problems supporting an application to fund the study, costing around $12 million, and rightly believes that the major investors should fund this project if the prospects are as good as proposed.

Once again I reiterate that I believe land would not be a problem if this project were approved. There have been accusations, half truths, misconceptions and even lies peddled in Whyalla about this project. Certainly I have borne the brunt of a lot of these, but I can assure Whyalla residents that if the project is viable I will support it. Until we have some concrete proposals, and until the proposals can move on from where they were five years ago, we must not raise false hope and expectations. It is a possibility, but remote at this stage, and I believe that even Mr Stanfield would admit this.

There is supposedly a group of business people in Whyalla who are pushing the project, but at this stage I can find no trace of any of them. It must be kept in mind that we are talking of a development with a capital value of up to $US7 billion, including a power station of about 700 megawatts that would be required. I certainly hope that this puts to rest some of the issues concerning the Whyalla community. I would love to see it in our community, but I wait to hear more about this project.

EYRE PENINSULA FIELD DAYS

Mrs PENFOLD (Flinders): The Eyre Peninsula field days, held biannually at Cleve, have again broken records for attendance, both for the number of exhibitors and the value and quality of the exhibits. President Errol Schuster described

them as the best field days ever, with excellent reports from exhibitors. He described the educational and TAFE exhibits as one of this year's highlights. This is a tribute to the vocational and education training (VET) program that has been a strong factor in the successful transition of students from school to employment.

Students of schools from across Eyre Peninsula demonstrated projects, and the pavilion showcasing the work that students are doing was exceptional. The live bands and singers who showed talent beyond their years came from several local schools, including Cleve and Kimba, and possibly others that I did not hear personally, and added to the wonderful atmosphere of the field days. At the TAFE site, students who had completed the two-year farm training program were judged on their work over the course and their communication skills.

Of particular interest to me was the stand for the Square Kilometre Array (SKA) telescope. SKA outreach project officer Dr Michelle Storey of the CSIRO in Sydney attended with a teacher and students from Abbotsley school in Sydney. Abbotsley and Kimba Area Schools are two of the six schools across Australia helping international scientists track down regions of Australia where the $1 billion international radiotelescope might be located. SEARFE (Students Exploring Australia's Radio Frequency Environment) set up equipment during the week at Kimba school. The field days are a great opportunity for community groups to fundraise via the provision of goods and services, some of which showcase local produce. Two that come to mind are the garfish food stall, run by the Cowell Football Club, and the kingfish stall, convened by the Arno Bay Progress Association.

SAFF (South Australian Farmers Fuel) used the event to publicise work that is being done in using canola oil as a fuel for vehicles. SAFF's biodiesel production facility is located at Millicent, where it will become the site for Australia's first dedicated Biofuels Research Centre. Canola growers on Eyre Peninsula, as well as the general public, expressed keen interest in the production of biodiesel, which is a 100 per cent renewable source of energy that can replace fossil fuels and thus significantly reduce greenhouse gas emissions.

Eyre Peninsula is one of the few areas in Australia where the season promises a generally average return, although there are pockets where rainfall has been limited. The field days always display new machinery that has come onto the market. This gives potential users the chance to discuss pros and cons so they can arrive at what is best for their specific circumstances. Several comments were heard about the size of farming equipment. The scope of the machinery on display points to the diversity of the agricultural scene and the changes in farm methods, some brought about by the fact that farms are larger.

Visitors use the field days to talk with scientists from Primary Industries of South Australia to learn and exchange views and practices. Environmental matters are always well to the fore. Fertiliser-related exhibits featured fertilisers made from everything from seaweed to basalt rock, to living organisms. The diversity of the primary industry scene from the days when cereal and sheep were the mainstays and the usual communication was by letter was evident. Wineries and wine tasting, computers, internet and satellite technology were the faces of this advance.

Secretary Jill Schultz is to be congratulated on the smooth running of such a big event. Her committee of helpers, along with the president, Errol Schuster, were Dennis Hannemann, Gloria Parker, Ken LeRay, Leigh Dreckow, Kelvin Elson, Ron Grosser, Elaine Schumann, Creagh McGlasson and Shirley Dennis. Helen Lovegrove was coordinator of the general interest section, which also was bigger and better than ever. Her committee included Else Wauchope, Marianne Harkness, Mary Edwards, Lorrae Weiss and Leanne Norris.

A 'first time' this year was the special kits designed for hands-on participation in projects as varied as floral art, furniture restoration and greetings cards, and instructors were on hand to take participants through moments of uncertainty. Most of the rural clothing manufacturers were also on hand to display their particular brands. Cooking, beauty demonstrations and fashion parades rounded out a complete showing of all aspects of life in rural South Australia. I congratulate all concerned.

LAST, Mr G.H.

Mr CAICA (Colton): Last Friday, 16 August, I had the immense pleasure of visiting a constituent of mine, Mr Gordon Last—in fact, Mr Gordon Horatio Last. He will not allow me to call him Mr Last, so I will refer to him throughout this grievance debate as Gordon. The purpose of this meeting was that he lives at Crichton Court, which is 20 semi-dependent living units, which was a joint venture between the SA Housing Trust and the then Western Community Hospital. With the possible sale of the Western Hospital by the Adelaide Community Health Care Alliance, the future of this nursing home and living units was brought into the frame. However, after discussions with the executives of ACHA, the nursing home and Crichton Court will be sold as a going concern. So, Gordon and the other residents can feel fairly safe and secure because their future is safe and secure.

Following the discussions on Crichton Court, we spent some time discussing Gordon's life, and what a fascinating life it has been. Gordon was born in South Australia in 1914 and lived most of his early life in the western suburbs; he still lives there today with his wife of 58 years, Beryl. A focus during our discussions was his time as a member of the 2nd/43rd Australian Infantry Battalion, which has a strong association with South Australia. The battalion received its training in mid 1940 at Wayville and then Woodside. It was then entrained at Oakbank on 28 December 1940 and embarked from Port Melbourne the next day for the Middle East. Gordon Horatio Last was amongst the many fine Australians who left that day. As we all know, many would not return.

After further training in Egypt and Palestine, the 2nd/43rd Battalion saw action in the Middle East. Gordon's platoon was part of the contingent making up the 'Rats of Tobruk' and it was also heavily involved in the Battle of El Alamein. Many of us in this chamber know the history of these battles, and I shall not recount them in the short time available because I could not do them justice; suffice to say that the heroic efforts of the 2nd/43rd and other Australian battalions in these engagements contributed to—and, indeed, confirmed—the legendary status of the Australian soldier.

I was struck by Gordon's kind nature and friendly attitude. When speaking of his time with the 2nd/43rd he (like all who have fought in wars, I expect) became very emotional recounting the experience. Gordon is proud of achievements and those of his wartime comrades. Just as importantly, Gordon and others like him understand the folly of war. It is for this reason that the bulk of the people who have been ringing my electoral office expressing concern about the

potential of war between Iraq and the US are those in that category: either they have served in war or they are the children of those who have served in war. In the main, it is these people who are telling me that we should not be involved in such a war, and I agree with them. They have experienced and know the folly of war.

Gordon Last was injured twice during the war—at Tobruk and El Alamein. He now survives on a 90 per cent disability pension. Upon his return to Australia he spent two years at the 105 Military Hospital, which I understand eventually became the Repatriation Hospital. Gordon spent a further 12 months as a patient and another 12 months as a working patient at that hospital. Of interest to members is the fact that Gordon Last's platoon commander was no other than the late Mr Gordon Bruce, a man who was well known to people in this house. Mr Last and Mr Bruce, like all those who have shared a battleground, remained lifelong friends up until the time of Mr Bruce's death.

It was my absolute privilege to spend time with Gordon last Friday and I look forward to visiting him again. As we all know, and as Mr Bailey, the President of the RSL informed the Public Works Committee only a few weeks ago, within 10 years the majority, if not all, of those who survived the Second World War will be dead. It is our responsibility and our children's responsibility to never forget the contribution and the sacrifices made by Gordon Horatio Last and his comrades.

HOLDFAST BAY LIQUOR LICENSING FORUM

Dr McFETRIDGE (Morphett): The member for Colton's comments are very pertinent. People such as Mr Gordon Last fought and died for this country so that we can enjoy the lifestyle that we have. Unfortunately, that lifestyle is not all that may have been wished by those who fought and, nowadays, there are some elements in our society who do not respect other people's rights and who do not respect the privilege of living in a democratic society. It is very important that we, as members of this place, are the guardians of the social mores and, as a result, I move to a meeting that I attended this morning: the Holdfast Bay Liquor Licensing Forum. This was a forum sponsored by the City of Holdfast Bay at the Stamford Grand. Ms Alison Miller, who is the crime prevention officer with the City of Holdfast Bay, organised this meeting of the licensees of the hotels in and around the area. The agenda items included: crime and crime prevention; drugs and alcohol; dealing with disruptive behaviour in licensed premises; and drug action teams.

It is rather sad that this forum could be the last one of its type organised. As we all know, a total of $1.4 million was slashed from the crime prevention units in the last budget. I understand that Alison Miller's job could be in jeopardy and will possibly last only a few months, and that crime prevention officers from the City of Marion no longer have a job. I hope that the member for West Torrens and the member for Colton will urge the government to reinstate the funding for crime prevention as it is a vital part of maintaining the social values for which people like Mr Last fought and, in many cases, died.

The agenda items that were of particular interest to me related to drug activity. Horrendous stories are heard about drug activity in and around the suburbs, and Glenelg is certainly not exempt. I am ashamed to say that but that is just a fact of life, and anything that can be done to assist in local crime prevention is something we should be aiming for. The funding for that should be reinstated.

The drug activity which was mentioned involved everything from marijuana to heroin to crack, as well as all types of illicit drugs; there is also abuse of prescription drugs. The drug fantasy (Gamma-hydroxybutyrate or sodium oxybate), which is the 'date rape drug', was highlighted. This very dangerous drug is tasteless, odourless and colourless and can be dropped into drinking water in glasses and water bottles at hotels and parties.

I was informed today that the drug is not only used to subdue victims for the purpose of date rape, but it is also used to embarrass people. Cases from around the world were pointed to where politicians have been put in very embarrassing situations having had their drinks spiked. So, as a warning to all members, I suggest that they watch their drinks when they are out and about and be only with people whom they trust, because we would not like anything embarrassing to happen to any member in this place, let alone the horrendous date rapes that we hear of.

I urge members to think about the problem with drugs within our society and the penalties that are provided. If people are being made victims by predators who are using date rape drugs such as fantasy, then perhaps more severe penalties should be looked at.

Armed hold-up was another item that was discussed. It is unfortunate that there will be no further armed hold-up training for people in shops and licensed premises because the Crime Prevention Unit officers will not be there. The police do not do this type of training because they feel that, if they give incorrect information, the department could be open for litigation. But, the local crime prevention officers are happy to go out and advise people with training on how to avoid being held up and also how to conduct themselves during a hold-up. I promote the crime prevention units to the house.

HOME LOANS

Mrs GERAGHTY (Torrens): I was recently contacted by one of my constituents who was in the process of obtaining a home loan. As part of that process, and as most people would probably be aware, he was required to pay a substantial sum of money for a valuation to be performed on the property he wished to purchase; and there is nothing controversial in that.

After the valuation was performed, he was somewhat curious as to the result and approached the bank with a view to being provided with a copy of the valuation. It was at this point that he was informed that it was not bank policy to provide customers who were applying for a home loan with a copy of any valuation done as part of that process.

To be fair, the bank allowed him to view the valuation, but only after stating that this was a deviation from the normal approach and that they, by no means, had to allow him to do that. Understandably, my constituent was upset by the attitude of the bank and took the view that, as he had paid for the valuation to be performed, he had a right to receive the information it produced. On speaking with the institution in question, we were informed that the valuation is performed for the bank and is done on a contractual basis between the bank and valuer. The customer, as a result, is not privy to the information and there is very little that a customer can do, as banks have no obligation whatsoever to provide that information.

We then contacted the Banking Ombudsman to get further clarification on this matter. I was informed by the Ombudsman that the charge imposed by the banks with regard to the valuation was a means of their offsetting the cost of processing loan applications. I was further informed that this was an integral and unavoidable part of the process of obtaining a loan and that the customer was required to pay as he or she was requesting the services of the banking institution.

I can accept that this is something of an explanation. However, it is an explanation that does not take into account the dramatic power imbalance between banks and their customers, and the attempt to offset the costs of customers applying for home loans is nothing short of obscene, involving as it does institutions that are making massive profits from the lack of quality in customer service.

In short, those wanting a home loan have no choice but to comply with the demands of banks in this respect. I can accept to a point that it would not be sensible business practice to outlay money without recouping costs in some way. To charge a customer for a service, however, and then not allow them access to the information that they have paid for as part of that service, and then to say that this is because of the request by the customer for a service, seems to lack sound reasoning.

It was the view of my constituent that the charge was excessive but was part of the process. When he vehemently objected that he could not actually obtain what he had paid for, he did not receive a very favourable response. This stance is nicely contrasted with the view of the bank that they paid for the valuation and the information produced on his behalf. This really seems to be another case of banking institutions carefully constructing the means by which they operate so that they can avoid accountability to the customer whilst maintaining strict legal processes and also making a profit from those people.

Over recent weeks, my office has received numerous complaints from customers of banks about various processes that the banks are manipulating and, I think in some cases, to not deal with their customer complaints. Many issues of concern have been raised, a number of which we are putting to the Banking Ombudsman and also to the Privacy Commissioner. I raised the issue of privacy in the house some time ago, where the banks are refusing to deal with people acting on behalf of a bank customer, and using the privacy legislation to avoid any communication and not allowing anyone who is advocating on behalf of another person the right to do that.

There is one case in point in relation to such a matter and I am waiting to hear back from the bank, hopefully with a suitable response. If not, I will raise that matter in the house as well.

WATERWORKS (COUNCIL ROADWORK) AMENDMENT BILL

Mr McEWEN (Mount Gambier) obtained leave and introduced a bill for an act to amend the Waterworks Act 1932. Read a first time.

Mr McEWEN: I move:

That this bill be now read a second time.

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

Leave granted.

The Local Government Act 1999 consists of legislation which promotes a stronger, more efficient Local Government sector which is able to play a complementary role with the State in economic development, and which is prepared to meet the challenges of the 21st Century.

In 1996 the Government decided to review its Local Government reform program, and extended an invitation to councils, stakeholders and the public to identify issues which should be addressed in the review of the Local Government Act 1934. All of the submissions and responses were used to produce Consultation Draft Bills and discussion papers setting out proposals for new Local Government legislation. These were prepared and released in April 1998.

The Local Government Act 1999 is extremely complex and follows the only single comprehensive revision of the original Act of 1934.

Although this Act addresses all areas of Local Government, there are other pieces of legislation in this State that now require amending to be bought into acquiescence with the Local Government Act 1999.

One such piece of legislation is the Waterworks Act 1932. This is also a long-standing piece of legislation that has undergone some changes and additions over the last 70 years, but has not undergone a single comprehensive revision as the Local Government Act has.

Section 217 of the Local Government Act 1999 defines the 'power to order owner of infrastructure installed on road to carry out specified maintenance or repair work'. The Waterworks Act 1932 does not complement council's powers as set out in the Local Government Act 1999.

The Local Government Act 1999 details accountability for assets (eg. road rehabilitation) that may require waterworks infrastructure to be relocated to allow council to effect repairs and rehabilitation. Within this Act, the accountability falls on the appropriate utility to make suitable arrangements to relocate their assets such that council can effect the necessary repairs or rehabilitation. The inconsistency lies in the Waterworks Act 1932 when council's need to undertake repairs and a utility's assets are in the way, for example a water main impeding a road that needs to be constructed. The Waterworks Act 1932 states that in this case, the council must get permission from the utility to move their asset, and must take financial responsibility for moving their asset.

Therefore, I propose amending the Waterworks Act 1932, using the Waterworks (Council Roadwork) Amendment Bill 2002 to ensure that the 1932 Act is consistent with the Local Government Act 1999.

This Bill addresses the inconsistencies between the Waterworks Act 1932 and the Local Government Act 1999, by bringing the Waterworks Act into alignment with the Local Government Act 1999.

Explanation of clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 24

This clause will apply section 217 of the *Local Government Act 1999* to the Corporation so that a council will be able to exercise its powers under that section with respect to the Corporation and its waterworks installed in, on, across, under or over a street.

Clause 3: Amendment of s. 51—Duty to give notice before paving street, etc.

This amendment will exclude the operation of section 51 of the Act when relevant work is being carried out because of an order of a council under section 217 of the *Local Government Act 1999*, including where the council must carry out the work itself.

Mrs GERAGHTY secured the adjournment of the debate.

GENE TECHNOLOGY (TEMPORARY PROHIBITION) BILL

Mr McEWEN (Mount Gambier) obtained leave and introduced a bill for an act to provide for the preservation of the state as an area free from certain genetically modified organisms in order to preserve the identity of non-GM crops for marketing purposes. Read a first time.

Mr McEWEN: I move:

That this bill be now read a second time.

In commencing my explanation, I want to introduce the house to four new terms. To capture this debate, I want the house to come to grips with the terms 'biodiversity', 'commercial diversity' and the 'right to farm'. More importantly, I want the house to appreciate what I mean by 'biosecurity', because the whole crux of this bill is biosecurity, that is, keeping the rest of the environment and all those things associated with the environment free from the genes that are placed in GM crops. This bill is not about genes per se or plants per se: it is about managing the security of genes placed in the plants by technology, because if we do not manage that security those genes will escape and there is no way that we will stop them from escaping.

Recently, I took the opportunity to circulate to the broader scientific community some of my thoughts about the need for biosecurity and, therefore, a moratorium. I emailed to Dr Rick Roush of the Waite Institute some comments that I made and he, in turn, emailed them to Dr Linda Hall, a research scientist at the University of Alberta in Canada. I was delighted that he did so because this debate has been raging for some time in Canada. In response to Dr Rick Roush, Dr Linda Hall noted that it was only a matter of time before the genes that had been placed in canola using this technology would escape into the broader weed population—only a matter of time.

What we are dealing with here is either the genes escaping into other varieties of the same crop (hybridisation) or the genes escaping into similar plants. Either way it is an enormous risk to the environment. Through hybridisation or intergression (escaping into like species) the genes will have escaped and, once they have escaped, they will have escaped for all time. There is no way that these genes can be recaptured. The very nature of biological material is that because it is alive it will be forever replicated in the species in which they have been introduced. So, we now have this gene multiplying through the broader community of other like varieties or related species, and there is no way to recapture that. Over time it will ever more dominate.

So, we have this risk. Unless these genes are in some way tied specifically to the crop in which they are introduced, they will escape and, once they have escaped, we will have to analyse the types of risks to which we are exposed. Obviously, one of those risks is biodiversity. The last thing we want is these genes in the broader gene pool. Secondly, there is the risk in terms of commercial diversity, because, once these genes have escaped into other like crops, growers of those crops cannot then talk about being GM free. If you wish to grow non-GM canola for your marketplace and your next-door neighbour is growing a GM crop, over time, just through the nature of the transfer of these genes you will have a GM crop whether you like it or not. We will put commercial diversity at risk in the same way as we are putting biodiversity at risk.

Of course, that begs a more fundamental question about the right to farm. As a non-GM farmer, I have no problem with GM farmers growing crops unless they impact on my right not to be a GM farmer. I do not challenge their right to be free as long as that does not put at risk my right equally to be free. This has nothing to do with organic farmers; it is to do with broadacre farmers who choose not to have GM genes in their crops for whatever reason. There is no point in saying to them that they will be better off with GM crops. The fact of the matter is that they have a right to choose. If we release GM crops as they are at the moment, we will take away that right.

With biosecurity, until you can guarantee that these genes cannot escape through hybridisation or intergression, do not release the plant material. Some people say that that will put research at risk. The member for Waite has some interest in this debate because the Plant Genome Centre is of interest to him. Some people in the Plant Genome Centre say, 'If you go ahead with this measure you will put research at risk.' What a lot of rot! On the contrary, we expect our scientists to take a long-term vision and not react to short-term economic expediency. It is true that some funding for some of the work they are doing at the moment from those who have an interest in it might be cut off, but in terms of more principled long-term research which we expect from our scientists this creates an enormous amount of work for them because now they must find ways not only to transfer to plants the advantages of these new genes but equally the mechanisms that keep those genes secure within the plants in which these genes are placed.

It is an interesting challenge, one to which they can rise—we do have the intellectual capacity to resolve this issue—and from that point on I will have no problem with supporting GM crops. The minute they guarantee that they are secure, I will have no problem. Am I part of the wacky left here, as some members of the South Australian Farmers Federation have said? Wacky in other ways, yes; wacky in this regard, no. Those who have a vested interest in moving as quickly as possible into GM crops for the short-term advantage—hang the long-term risk—will obviously threaten people like myself, but we only need to turn to an article in the *New Scientist* of 17 August this year which sets out quite clearly that, at this time, the risks are too great to take. This article. which refers to research into sunflowers and sugar beet, states:

> The findings emphasise the need for developers of GM crops to be cautious about which traits they introduce into plants, in case they spread irreversibly to weeds.

That is the key: 'irreversibly'—no biosecurity. Once they escape, they are gone forever and we will never get them back. The article continues:

> They also strengthen the case for using technologies that would prevent gene spread altogether, argues Jeremy Sweet of the National Institute for Agricultural Botany in Cambridge. 'If you are worried about a gene which alters the fitness of wild populations, then stopping the GM plant breeding has got to be a good thing', he says. When eminent scientists from Cambridge are starting to say, 'Hasten slowly, be careful,' surely we should all be listening. We are finding these genes now in places we did not want them. We are finding them in crops we did not want them in, but luckily in Australia to date we do not have that problem.

For the sake of biodiversity, for the sake of right to farm, and for the sake of our commercial future and the future of our environment, I simply ask this house to say, 'Not yet—we are not ready to proceed with the introduction of GM plants in this state until we can have a guarantee.' The guarantee is that those genes will remain secure within the plant in which they are placed and will not be able to escape through hybridisation, intergression or, equally, poor handling through the whole commercial train. A seed that spills off a truck or is left in the paddock for a future generation, a mistake in a silo or a mix-up further down the distribution trail will see these genes now being planted where we did not expect them to be planted and cross pollinating. We cannot afford to take the risks, we do not have the technology and we cannot afford the enormous capital investment needed to maintain this segregation through the whole distribution and value adding stream.

The answer is simple: secure the genes in the first place through further advances in genetic technology and then we have what we want for all time—biosecurity—and from that point on my bill will be meaningless, because those who wish to deal with GM plants will not be taking away from anyone else their equal right not to be involved. With those few words, I seek leave to have the remainder of my second reading explanation and the explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

Remainder of Explanation

What do I wish to achieve with this Bill? Quite simply, I want to see that we, as a State, and possibly a Nation, avoid a repeat of the present disastrous situation in Canada where it is now not possible to grow non-Genetically Modified (GM) Canola. Monsanto released Round-Up Ready (RR) Canola in 1997 and the RR genes in this Genetically Modified Organism (GMO) have now contaminated the entire Canola crop in Canada. Growers cannot grow non-GM Canola even if they want to as their crop will be immediately contaminated by surrounding GM crops. The gene has spread into the common gene pool and beyond. There are claims that this gene is now showing up in other related brassica species, and that a super weed has been created.

To avoid a repeat of this situation in South Australia, I believe we need to ensure there are a number of guarantees in place before we approve any GM crop releases in this State and hopefully across the whole of Australia. We must have a guarantee that there are secure segregation systems on farm, during harvesting, in transport, in storage and in the marketing, distribution and processing chain. This secure segregation must include all biological material containing the gene in whatever form (haploid, diploid, seed, vegetative state, etc).

We must ensure that the gene cannot find its way into other plants, on to other farms, into other related crops, or to other cropping lands, or on to other public lands, or other stored seed etc. Any new introduced gene must be secure at all times.

There must be a quick, easy and cheap test to detect the presence of any GM gene concerned. You cannot guarantee security without an easy way to identify the presence of the gene. Such a test must be available and useable in field situations and in all other storage and processing environments before any release occurs.

There must be a clearly defined duty of care established as part of any GMO release. There must be a mechanism to identify those responsible for any damages caused by any inadvertent escape, contamination, or any other adverse impact of the gene. There must be a clear, simple, transparent and adequate compensation process. The key is to avoid at all costs the escape of any GMOs, and any of the specific genetic material associated with them into the environment, and unless this can be guaranteed, the GMO must be banned. This security must be guaranteed throughout the entire food chain. There must be identity preserving (I.P.) handling systems in place.

This Bill does not intend to restrict the beneficial outcomes possible from modern plant Bio-Technological Breeding methods. I accept that many new plant varieties have been created that would not have been possible using traditional plant breeding techniques. In many respects some of these modern advancements in genetic mapping and gene transfer, the genetic modification of organisms by recombinant DNA techniques (enhancing and/or suppressing genes, transferring genes from donor to host organism etc.) are safer than earlier mutation creating and selective processes.

These modern genetic procedures can offer an enormous range of agronomic and value adding traits to the farmer and society at large. There are already a large number of Transgenic Agriculture Products approved around the world.

In particular, we now see a number of enhanced agronomic attributes like herbicide tolerance, insect resistance (Bt cotton and corn), virus resistance, and even delayed ripening genes, in crops from tomatoes, carnations, chicory, corn, cotton, potatoes, squash and beets. In the case of carnations, the trial is more about value enhancing rather than pure agronomics in that it allows the creation of new colours and therefore new markets. We also have non crop applications of transgenics that give us enzymes used in cheese production and Bovine Growth Hormones produced in bacteria.

Many other transgenic products are in various stages of development. Herbicide tolerance and insect resistance is possible in many agriculture species. Disease resistant to fungi, viruses and bacteria is possible. Other traits like drought tolerance, frost tolerance, enhanced photosynthesis, higher yield, better nitrate utilisation etc are possible. We can add multiple new beneficial traits to plants and the possibilities are ever widening.

On the quality side there are also many many possibilities. We can alter the fat and protein levels in stock feed. We can increase the level of vitamins, and produce low calorie sugars. There are processing and handling traits that can be improved and we can even grow naturally de-caffinated coffee. Plants as bio-reactors can be modified to produce pharmaceuticals, antibiotics, and vaccines, and we can develop transgenic livestock with all sorts of modified features. There is no doubt that as the physical sciences were the spring-board of most of the development of the 20th century, the biological sciences will be the basis of much of the advancement of the new century.

But there are enormous risks as well as rewards. There is the potential for things to go badly wrong and for bio-diversity to be destroyed, environments threatened, and human health put at risk. We must not take risks, we must pace these developments, weighing up all the social, environmental and economic advantages. There are risks when the economic imperatives are driving the debate and accelerating the rate of change beyond what is prudent. We must not allow this to happen.

My Bill uses a moratorium as a key management tool to ensure that we do not take unnecessary risks and that we will be remembered only for the positive benefits that we allow to flow from the Bio-Technology revolution. We do not want to be the Cane Toads of the new millennium. Hasten slowly and we will be judged kindly by history.

Explanation of Clauses

The Provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation one month after assent. This will allow time to give notice as to the commencement of the measure, and to prepare any regulations under clause 4(3)*(f)* (if necessary or appropriate).

Clause 3: Interpretation

This clause sets out defined terms.

Clause 4: Designation of State as being free of GM plant material

It is proposed that the whole of the State be designated as a place where a person must not deal with genetically modified plant material. This measure is to be undertaken on the basis of a decision by the Parliament that there should be a broad prohibition on dealings with genetically modified plant material in order to preserve the identity of non-GM crops within the State for marketing purposes. This approach is intended to provide consistency with any policy principle issued by the Ministerial Council under the *Gene Technology Act 2001*. Accordingly, it will be a law of the State that despite any provision made by any other Act or law (including the *Gene Technology Act 2001*), certain dealings with genetically modified plant material will be prohibited. Subclause (3) sets out some exceptions to the general prohibition (subject to the operation of subclauses (4) to (7)).

Clause 5: Contravention of Act

It will be an offence to act in contravention of the prohibition that applies under clause 4(2).

Clause 6: Sunset provision

The measure will operate for five years, unless this period is extended by the Governor for a further period of two years.

Clause 7: Regulations

The Governor will be empowered to make regulations for the purposes of the measure.

Mrs GERAGHTY secured the adjournment of the debate.

WARDANG ISLAND

Mrs HALL (Morialta): I move:

That this house establish a select committee to—

(a) assess and report on the factors that have impeded progress in providing employment and investment opportunities that benefit the traditional owners of Wardang Island;

(b) support the Aboriginal communities in resolving ownership and native title claims within agreed time frames; and

(c) work in cooperation with the District Council of Yorke Peninsula to prepare an appropriate future development plan to allow

Wardang Island to become a unique eco-tourism destination for South Australia.

Nearly 30 years have lapsed since the Dunstan government declared the island paradise of Wardang Island an historic reserve, with ownership of the land being vested in the Aboriginal Lands Trust. The then attorney-general (Hon. L.J. King) stated at the time that the land transfer was to 'ensure as far as possible that the organisation and operation of the tourist facilities will enable it to form an integrated part of a long-term tourist venture'.

Reading through *Hansard* and the limited number of reports since that time clearly shows that all of the objectives so far have failed. Successive governments over nearly 30 years have supported inquires, environmental impact statements, Aboriginal historic studies, forum seminars, tourism research and surveys, plus development plans. The hopes and expectations of the Aboriginal people have been raised time and again about the potential development that has thus far never eventuated.

Earlier this year, two articles in the Adelaide *Advertiser* raised the question that plans to make Wardang Island a tourist retreat may finally begin with the blessing of the local Aboriginal community. The reality is that once again expectations are being raised and, unless attitudes to this venture are radically changed, nothing will happen. Economically, South Australia and the local community are the losers in failing to develop Wardang Island as was originally proposed. A quick historical run-down and summary of the past 30 years demonstrates how a range of factors always put the kybosh on Wardang Island. Both the member for Goyder and I share the view that Wardang Island, originally called Wauraltee Island, just eight kilometres west of Port Victoria on the coast of Yorke Peninsula, has enormous potential. This was confirmed on our visits to the island and in our discussions with the Aboriginal community of Point Pearce.

As the then tourism minister, I greatly appreciated the support of the member for Goyder for tourism projects and pay tribute to the long-term commitment of the District Council of Yorke Peninsula, which has worked in a most cooperative way with the Point Pearce community. It has employed a project officer to liaise with the Point Pearce Community Council to work through the myriad issues that too often appear to be an immovable obstruction. Hundreds of thousands of dollars have been spent on these feasibility studies, surveys, and so on, that I mentioned earlier.

The frustration and anger at the lost opportunities for education, training and retraining and employment for the local community should concern us all. But, so far that money has been wasted. We have only to look at the most recent statements attributed to a member of the local Aboriginal community to feel the frustration at the lack of progress. I quote in part some of Clem Graham's remarks as follows:

What the bulk of the community is now saying is there is an opportunity for employment of Narrangga people out there. All it needs is some infrastructure to get it moving. Employment is just about zero and they have few prospects. You cannot go on putting people into training programs forever. This will give them some pride. We have to try and break the cycle somewhere.

That is absolutely right. The cycle of 30 years of inaction, promises, fights, ownership disputes, vandalism, frustration and despair must be broken. We must progress this future of this island paradise. As the tourism minister at the time, I offered to assist in the preparation of an asset audit, to prepare a plan of future options, and to look at where assistance could be given jointly with other government agencies at a federal, state and local level. We did not try to impose any specific projects, but we talked about the opportunities and the benefits. We talked about education, training, retraining and the employment opportunities. We offered not only goodwill and cooperation but also the chance to work in a cooperative partnership but with financial resources. It was never progressed.

Ownership issues appeared to be the stumbling block. The members of the local Aboriginal community with whom I spoke always wanted to progress a plan, but confided that progress always seemed to stall when the issue of ownership was raised and when the matter of which structure, or who could ever actually sign an agreement or an understanding to move any project forward, was involved.

This just is not good enough. No-one wins from going around in 30 years' worth of circles. We know that the land is vested in the Aboriginal Lands Trust and that body has to report to parliament every year. The island is leased to the Point Pearce Community Council. Pre 1972 operations on Wardang Island included farming, sand mining, again farming, and then some tourism activities. Since then it has been used as a holiday and outdoor education facility for students, for programs for young Aboriginals considered 'at risk', and was the most intriguing site for the rabbit calicivirus program. It has been used for commercial oyster farming and failed tourist activities.

The Public Accounts Committee reported on the financial management of the Wardang Island project in 1981. There have been allegations of financial mismanagement; there has been legal action; there have been offers of assistance; there have been countless meetings, reports and promises, but through all this very little has been achieved by way of education, training or retraining and the jobs on offer. The development potential of this unique island of approximately 1 800 hectares should be addressed. If we as a community are not serious about it, we should say so, and stop building up hopes for the traditional owners of this ecotourism paradise. The tourism industry of our state generates more than $3 billion worth of economic activity annually and the opportunity is there for it to grow. It employs more than 40 000 people across the tourism, hospitality and leisure industries.

We promote our Aboriginal history. The South Australian Museum's Aboriginal Cultures Gallery is home to Australia's largest collection of Aboriginal artefacts and archival material in the world. We loudly proclaim this state as a wildlife wonderland where our native flora and fauna are so accessible. We spend large numbers of marketing and advertising dollars both here and overseas urging visitors to share all we have on offer. We promote our whales off the coast and at the Head of Bight. We promote swimming with sea lions at Baird Bay. The leafy sea dragon is our marine emblem and the fishing off our 3 700 kilometre of rugged spectacular coastline just cannot be beaten.

Wardang Island should fit into this diverse ecotourism product paradise because it has so much. I refer again to the *Advertiser* article outlining such optimism about some of the ecotourism activities. It talks about the only two colonies of Tammar wallabies in the state, the dozens of bird species from emus to stubble quails to owls, making it a bird-watcher's paradise. It talks about the sea life around the island. It talks about a resident colony of sea lions, and when a boat appears they take to the water and playfully follow. It talks about its being the home for dolphins only too eager to

frolic in the wake of the boat. It also recognises Wardang Island as a fishing mecca with the surrounding waters producing species such as whiting, snapper, snook, and garfish for those who are familiar with their haunts.

It also talks about its being one of the best diving spots in the state; and it talks about the shallow reefs and numerous headlands that have claimed dozens of tall ships over the past century, eight having been located and marked as part of the Wardang Island maritime heritage trail. I was optimistic when I read the most recent *Advertiser* report in March headed 'Wardang Island Tourism Hope'. Inquiries about progress and reality, however, tell a different story. The hype, promises and optimistic statements must be replaced with action. There has to be a serious look at what is wrong and how it can be put right. If this house establishes a select committee (as my motion outlines) into Wardang Island, I trust it will approach its task with a vigour that somehow seems to have escaped the island's lack of development so far.

We have to recognise the difficulties, of course, and some of them include land tenure: who will own, lease and/or build and who will restore and maintain facilities? We have to talk about equity options and how the Aboriginal community, the traditional owners, will benefit from such a project. It is for this and other reasons that I have outlined that a select committee may succeed where others have failed. I urge that this house supports this motion.

Mr MEIER (Goyder): I have much pleasure in supporting this motion and I sincerely thank the member for Morialta for moving it. I would hope that all members will give it serious consideration and that the government will consider it and support it. Wardang Island is in my electorate. I cannot remember the first time I really came to grips with the situation, but I well recall that in 1992 I literally lost my patience when I was taken to Wardang Island and shown the situation. My observations were recorded in *Hansard* on 8 October 1992 when in this house I said:

> Recently, I had the opportunity to visit a somewhat isolated part of my electorate, namely, Wardang Island. It was with a great deal of remorse and sorrow that I noticed what had happened to that island, which is now a disgrace to the state of South Australia. In fact, I was appalled by the wastage and ruination that has occurred to a formerly attractive and potentially vibrant tourist attraction. Last week, I wrote to the new Minister of Aboriginal Affairs pointing out the many problems that are clearly evident and asking him to come immediately to see the problems for himself and, in turn, to act and hopefully rectify this state disgrace. This is an opportunity for the new minister to show whether he is simply a minister in name or whether he can act.

As I said, that was in 1992. The then minister was the Hon. Kym Mayes, who responded on 13 October and did not agree with all my observations. If my memory serves me correctly, he never visited the island, but that is a long time ago and it is not relevant today.

I thank the member for Morialta when she, as minister for tourism, visited the island, together with officers from her department. It looked as though, for the first time, there was to be a close association between the local Aboriginal community, the local council and the state government. I believe that things have progressed since that time—and I compliment all those concerned—but I am very worried that things are not progressing as they should. I ask members to consider Yorke Peninsula. One of the things that has been a real problem is finding sufficient employment for the people who live there and the fact that most of the young people have to leave the area.

However, we have made great strides and, besides the agricultural sector, tourism has been another sector that has helped employ many people. In the northern part of Yorke Peninsula, a significant number are now employed in the tourist sector—and it is growing. A significant number of people are also finding employment in the southern area—not nearly as many as I would like, but a significant number—from Marion Bay to Port Vincent. Members will be aware of the new marina at Port Vincent, which I believe will soon create significant extra employment as a result of all the extra activity that will occur, and it will be a great boost to that area.

The one area that I feel is not receiving sufficient attention is central Yorke Peninsula. Ardrossan is doing very well, despite what Peter Goers said a week or two ago. Ardrossan is a delightful place and certainly has progressed magnificently, together with Tiddy Widdy Beach and the associated minor settlements nearby. Port Victoria likewise is a wonderful area, and Maitland has remained very much static, but the key to unlock central Yorke Peninsula is Wardang Island. If we have Wardang Island as an appropriate tourist venture, people will have to come through towns such as Ardrossan, Maitland and Port Victoria, which will be able to capitalise on the through trade. Likewise, when they leave the area they will have to go through those same towns. It is the key to unlocking central Yorke Peninsula, and it is time something specific was done. In looking back through my notes I see that I attended a Wardang Island forum on Tuesday 23 April 1996. A number of representatives from the Point Pearce Community Council were there. By the way, Point Pearce Community Council does not exist now, but we generally refer to the Goreta and the Narungga people. Also attending were people with an interest in tourism and regional development and from the local council. In fact, a South Australian tourism person was there as well.

An agreement was given tacit approval there with the then Point Pearce Community Council, the District Council of Central Yorke Peninsula (which has now become Yorke Peninsula Council) and the Wardang Island Coordination Committee, but I do not think anything has occurred from that meeting. In more recent times meetings have been held between the district council and the local Goreta people, and in speaking with the council recently I was given to understand that those discussions are still occurring. Unfortunately, it appears that those discussions were occurring through almost all of last year, and now we are nearly through this year so, if we are not careful, by the start of next year those discussions will have occurred for two years, and nothing will have eventuated.

This proposal by the member for Morialta to establish a select committee could be the catalyst to get things going. There is no doubt in my mind that Wardang Island has the potential to offer the people of Australia and the world an area where they can consider the Aboriginal Dreaming that occurs through it. In fact, at Point Pearce they have some excellent illustrations of Dream Time interpretations, and Wardang Island could incorporate Aboriginal culture. It certainly can incorporate the ecotourism side of things and be opened up to the world. It could be a great way of helping to overcome difficulties that may appear between two different cultures. It has it all there, and it is all waiting to happen, but I believe it needs state and local government as well as local

Aboriginal involvement to make sure that it is not just talked about but that action actually occurs.

The member for Morialta's motion identifies the fact that it is important to assess and report on the factors that have impeded progress, to support the Aboriginal communities in resolving ownership and native title claims with agreed time frames and to work in cooperation with the District Council of Yorke Peninsula to prepare an appropriate future development plan to allow Wardang Island to become a unique ecotourism destination for South Australia. Some years ago when I visited Malaysia I put to one of the companies there that had quite a few investments in South Australia and Australia that we have an ideal area and if they were prepared to send some people here to have a chat with the local Aboriginal community and the local council it could be a major development. Their major concern at that stage was, first, a decent air strip and, secondly, a decent water supply. There is an air strip on Wardang Island, but it would need considerable maintenance, particularly for today's type of aircraft. Water will be a problem, but that can be overcome with advances in technology, particularly with desalination plants such as at Penneshaw on Kangaroo Island. I fully support this motion and hope that it will be agreed to by the house.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: TORRENS PARADE GROUND

Mr CAICA (Colton): I move:

That the 180th report of the Public Works Committee, on the Torrens Parade Ground, be noted.

The Public Works Committee has examined the proposal to apply $3.8 million of taxpayer funds to the Torrens Parade Ground upgrade. The Torrens Parade Ground site has a longstanding military association dating back to the early colony and has been used as a mustering point for troops leaving for wars and as a base for army regiments. In March 1999 the commonwealth confirmed it would transfer the Torrens Parade Ground to the state at no cost. A building audit in June 2000 found that, while the building structure was sound, it required upgrading in order to comply with present building, disability and occupational and health standards. During 1999 the government initiated direct consultation with a number of organisations, including the RSL, to seek opinions on the property's future use. In June 2000 the government supported discussions with the RSL, naval and Air Force associations and the Vietnam veterans regarding their becoming the building's anchor tenants. Transfer of the property from the commonwealth to the state took place on 5 October 2001. In April 2002 the RSL, the Air Force and the Vietnam Veterans' Association agreed to occupy and lease part of the building.

The committee is told that the overall standard of the building's electrical, mechanical and plumbing services is low and in fair to poor condition. The general standard of access to the building is very poor, with significant nonconformity with the Building Code of Australia. The building as it stands does not include any features to facilitate access and use by persons with physical disabilities. Without compromising the heritage value of the building, there is scope to attend to the above building and service shortcomings and provide for proposed office and public assembly type users. The proposed upgrade of the Torrens Parade Ground will preserve the building's heritage value and make it useable for appropriate community, art and cultural related activities. The work will comply with statutory and building codes.

The committee has been told that the ground floor will be upgraded to provide five multi-purpose public places suitable for performances, displays, administration, meetings and other uses. Support facilities such as toilets, small kitchens, dressing rooms and store rooms will provide services for users and the visiting public. Access to the ex-services organisations on the upper floor will be via the main entry stairs and the proposed lift. Circulation between the two floors will be separated to maintain security and operational requirements. Refurbishing the upper floor will provide office accommodation and meeting function spaces for the proposed anchor tenants. A common reception will provide an orientation point for all visitors, reached via the main entry stair and proposed lift. Several confidential and two large meeting rooms will provide flexible meeting and social areas for members. Support facilities will provide services for staff and visiting members.

The key terms and conditions of the tenure arrangements with the ex-service groups include a 20 year lease, with the following annual payments to be indexed annually to the CPI: the RSL, $20 000; RAAFA, $11 480; and Vietnam Veterans', $3 210. While the rental payment is below the potential market rate, the government considered it important to find tenants that preserve the building's cultural and military history. The committee is supportive of this proposal. The committee further notes the agreement between the army and the RSL to return the parade ground's ceremonial cannons after their initial removal when the army vacated the building. The committee is told that the budget to upgrade the Torrens Parade Ground, inclusive of fees, contingencies and builders' preliminaries, is $3.8 million.

The project's cost managers recently updated the cost of the project using the latest architectural and services information, and report that, to undertake the current scope of works, it will exceed the current budget of $3.8 million by some $300 000. To bring the project back to budget, a number of changes to the scope of the works can be made, including deferring the airconditioning of the drill hall.

The recurrent costs associated with maintaining the Torrens Parade Ground have been estimated by the Real Estate Management Group to be of the order of $20 000 per annum. REM will use the rental revenue, including rent payments by the ex-service groups, to offset the cost of managing and maintaining the property. Considering the cost of the project and the benefits of preserving the heritage value of the place and to the user groups such as the ex-service community, an economic analysis estimates that the project has a net present value relative to the base case, that is, do nothing, of between $500 000 and $1 million, with a benefit cost ratio of 1.1 and 1.2. The committee was told that construction will commence in October 2002 and be completed in April 2003.

The committee supports the proposal to refurbish and improve the facilities at the Torrens Parade Ground, notwithstanding concerns with elements of the project as presented to it. The committee is of the opinion that the decision to reinstate the bitumen skirting around the building does not pay sufficient regard to future redevelopments of the parade ground site. The present bitumen covered parade ground is not satisfactory from an aesthetic or drainage perspective, and possible future development of the site could, in the committee's opinion, seek to ameliorate these features. The commit-

tee believes that re-laying bitumen around the building as part of the present proposal does not provide either an incentive for or an example of innovative future development of the parade ground site.

The committee notes that, in order to meet budget constraints, the proponents may be required to defer to a later time construction of the airconditioning facilities from the main drill hall. The committee is concerned that the amenity of the hall will be reduced during periods of inclement or extreme weather. The committee was told that, in the interim, the building managers may consider temporary heating or cooling facilities for the drill hall to accommodate events during certain times of the year.

While these measures might contribute towards adequate functioning of the drill hall, the committee is concerned that they may prove more expensive in the longer term and will reduce the attractiveness of the hall as a venue for cultural and community events, thereby eroding the public benefit of the upgrade project.

The committee notes with disappointment the absence of the Naval Association from the group of anchor tenants occupying the renovated first floor offices. The committee is encouraged by the proponent's willingness to accommodate a possible future tenancy by the Naval Association and supports such an involvement should it become the wish of the parties.

With regard to the ground floor foyer, the committee questions the proposed placement of an elevator in what is presently the main doorway to the drill hall. The committee understands the proponent's desire to provide a separation between the permanent tenants and occasional users of the drill hall, but feels that a similar effect could be produced through the retention and reinforcement of the present doors with the adjacent installation of an elevator.

In general terms, the committee is of the opinion that there should be the maximum level of public exposure and accessibility to the refurbished parade ground facilities and that it should not become an exclusive space by virtue of cost or the types of activities conducted therein. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: MAWSON LAKES SCHOOL

Mr CAICA (Colton): I move:

That the 181st report of the committee, on Mawson Lakes School—Permanent Facilities, be noted.

The Public Works Committee has examined the proposal for permanent facilities at the Mawson Lakes School. The Mawson Lakes joint venture agreement, which was completed in July 1997, requires the Department of Education and Children's Services to provide for the construction of a primary school by 2001 to serve the children of residents of the Mawson Lakes development and employees of Technology Park and the University of South Australia.

On 4 November 1999, the then minister for education, children's services and training approved the expenditure of funds on the establishment of Mawson Lakes School and for students to enrol for the start of the 2000 school year. Interim school accommodation was arranged by leasing and modifying part of Building P on the Mawson Lakes campus of the University of South Australia. Mawson Lakes School started with 53 students from reception to year 7 and eight teaching and support staff. As at term 2 this year, the school had 165 enrolled students, including children of local residents, University of SA staff and students, and Technology Park employees. The rate of enrolment growth has exceeded the leased facilities' capacities and the school has a waiting list of more than 120 students.

The university has advised DECS that the extension of the current lease of part of Building P beyond December 2002 will not be offered because of the need to recover the space to accommodate the relocation of services from the Underdale and Magill campuses. This means that most of Mawson Lakes School's current enrolments will not be accommodated for the start of the 2003 school year unless the proposed construction of new permanent facilities at the school can commence promptly. There is also unsatisfied demand within the local community for preschool and early learning services.

New permanent facilities for the school are urgently needed to accommodate rapid enrolment growth. Over the next five years to 2007, the school will increase from its 2002 student capacity of 180 to a potential demand for more than 600 places. During this period, two sites will be developed to accommodate local enrolments for the primary years.

It is planned to locate the school next to the town centre, and it will remain closely linked to the university through participation in the proposed Mawson Centre. The new school will be built on Garden Terrace, directly opposite the planned Mawson Lakes town centre. Buildings in the family unit, that is, the teaching area, will form the eastern property boundary, and part of the school will be visible to the street and to the passing community. Student security will be ensured by fully enclosing boundary walls and screens to the courtyards that are connected to each family unit.

The major elements of the current project for the development of Site East are:

- teaching and learning support spaces for 440 primary students in four buildings, each accommodating 110 students;
- site administration facilities and a temporary library resource centre;
- general activity/multi-purpose room and a canteen;
- paved covered walkway linking all buildings;
- site development of hard and grassed play areas, general landscaping and environmental plantings appropriate for the school curriculum;
- car parking with 36 spaces for school staff and visitors; and
- site location for a future gymnasium/activity hall when such a hall is justified.

The design proposes the construction of six separate single storey buildings of between 300 square metres and 400 square metres each. Of those buildings, four are teaching area modules of a repeated design, with each unit accommodating 110 students equivalent to a traditional learning unit of four classes. Each of the family units is completely self-contained, with both serviced and unserviced learning spaces, staff and student toilets, stores and a fully enclosed specialist teaching space.

The permanent buildings at Mawson Lakes School will reflect the principles of ecologically sustainable design. The measures comply with the government's energy efficiency action plan, particularly regarding passive design principles outlined in that action plan. The committee was told that possible future expenditure in relation to the school may

include becoming a shareholder in the Mawson Centre, construction of a preschool and stage 2 of the school complex on Site West, and a contribution to a sports and recreation precinct.

The committee was told that DECS proposes to contribute up to $1.25 million to the Mawson Centre project in order to share its library and administration facilities. The current plans for the Mawson Lakes School on Site East do not include elements of the administration area or library/resource centre. If the Mawson Centre does not proceed, these will be briefed and costed as a supplementary stage of the school. Mawson Lakes School is intended to act in partnership with the University of SA, Endeavour College and the commercial sector in Technology Park to enable the Mawson Lakes community to have lifelong learning opportunities.

The project has a capital cost of $7.035 million (with $1.6 million for land acquisition and $5.435 million to construct the school and contribute to recreational areas), with recurrent costs reflecting the per school P21 allocation amounting to $102 351 in 2002-03 and $204 702 in each of 2003-04 and 2004-05, with all other recurrent costs as per the P21 per capita funding allocations.

An economic analysis of the project considered three options, including a 'do nothing' alternative, and produced a net present value of between $13 278 935 and $12 030 479. The committee was told that construction for site east will occur in 2002-03 with full occupation by late 2003. The Mawson Centre is scheduled to be constructed in 2003-04 and occupied by late 2004.

The committee notes that the design features of the school buildings seek to encourage innovative and productive teaching practices, emphasising a facilitative relationship between staff and students. The committee further notes that the buildings are of open space design; however, they are designed and constructed in such a way that the configuration of the internal spaces can be altered if future teaching methods and/or other circumstances require it. This may require additional expenditure.

The committee notes the intention of the proponents to integrate the Mawson Lakes school with other community and educational facilities in the surrounding area. The committee is concerned that the links being forged by this project between educational institutions and community bodies are capitalised on so that students at the Mawson Lakes school enjoying such accrued benefits are able to effectively progress their educational and life skills development into later life.

Further to this, the committee is of the opinion that the benefits that are proposed to flow from community and education centred projects, such as the Mawson Lakes school, should be extended to include the whole northern regions of Adelaide and not become exclusive to the Mawson Lakes community. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr VENNING (Schubert): I support the motion. I say again how pleased I am to be a member of the Public Works Committee. The committee works hard; indeed, it is a much harder working committee than I thought it was. I always thought it was a junior committee, but I am somewhat amazed not only at the amount of material that we as committee members have to go through but, more importantly, at the difficulty it causes the staff in writing these reports which, as members know, are a vital part of the whole program of government in this state. Any project over $4 million has to come under the scrutiny of the Public Works Committee.

Our committee has a very responsible position. Since being the chair of the Environment, Resources and Development committee, I know how effective and how important the work of committees is in the parliament. In this instance, first and foremost, I say that the work of the Public Works Committee is very important and we appreciate the honour of being on that committee. I do note with some concern that this committee is considered a junior committee when it comes to salary. This committee would meet more than any other committee of the parliament—and I challenge anybody to say it does not—and for the salary levels to be less than those involving any other committee is, to say the least, a joke. It ought be to be addressed immediately, not that I am looking for any greater remuneration, but I think it is ridiculous that this committee meets every week and does not get the same remuneration.

With respect to this 181st report, on the Mawson Lakes school, I reinforce the comments of the Presiding Member today and will not repeat them. I am amazed at how schools have changed since we went to school, when you see the modern facilities we are building today. I note the design of the school building, and I had some concerns which I raised at the time when examining the witnesses and which I raise now. I am very conscious of set-down areas at schools today, with busy roads and busy people. We must have adequate space off the main highway where people can let down their children with safety. I was not happy about that in the case of this plan, but I am assured that it was satisfactory and that when it is completed there will be adequate provision. However, initially there may not be, and I hope that issue will be addressed; indeed, if it is in any way dangerous, the matter should be addressed immediately.

I also note the energy efficiency of these buildings. It is brilliant that at long last our architects are using commonsense in their designs by using chimneys to get rid of hot air. These are then baffled off during winter. The buildings are so designed that they can make use of the northern sun in the winter and the shade during summer. These schools at long last are not only energy efficient but also very pleasant for our children to work in and are a proper precinct and atmosphere to encourage learning. This building certainly meets those criteria, but with the one proviso which the chairman raised in relation to its design, and that involves open space. As soon as that matter is mentioned, my hackles go up and I become very concerned. Some 20 years ago when open space units first came into vogue, I was involved with designing a new school, and I visited an open space school at Nuriootpa which was all the go. All I can say is that I am very pleased that we never copied that school, because it has been an ongoing problem ever since.

In this instance we have an open space design unit. I am assured by the witnesses who appeared that, if the mode of teaching changes or this unit does not work, it can be altered without great cost. I know that some architects are taking their revenge out on a misspent childhood, and some of these schools look like wild and wonderful creations, but they are hopeless when it comes to maintenance and managing children, particularly when it comes to supervision.

Mrs Geraghty: And efficiency.

Mr VENNING: And efficiency, as the member for Torrens says. It is great to have architects expressing

themselves, but the bottom line is that it has to be practical. I had some concerns with the new Tanunda Primary School. It looked wonderful, but now we are finding all sorts of problems with water leaks, dead spots, pondage—lots of problems that you would not have believed could arise when it was first constructed.

Also, we have to consider the harsh climate here in South Australia. If you are going to use exposed timber, it has to be durable. In Tanunda we have all this timber that is cracking and it will have to be capped at great expense; in some areas it will need to be replaced. It should not happen in a building that is less than five years old, but it is happening. In this instance the architects assure us that this open space unit can be changed at minimal cost to a closed system at a later date. I certainly hope that is true.

I was upset that I was unable to be here for the chairman's earlier speech on the Torrens Parade Ground, as I wanted to express my support for that motion. Members of the committee went for a site inspection, and I am thrilled to bits that the Torrens Parade Ground is being saved for its original purpose: that is, a dedicated area for the military people of our state. As a national serviceman, and even as a school cadet, I frequented that place when we practised our drills whilst training for Adelaide shows. That place plays a very important part in the history of this state, particularly in relation to its military history, including not just soldiers but also young people. I am pleased that eventually the federal government has handed it over. It was great to inspect the place. It certainly is in bad repair, but the money will be extremely well spent. The historic and heritage nature of the complex will be preserved.

I was concerned that they were going to install right across the front of the current main entrance a lift to provide access to the second floor. I thought that was an extremely foolish idea. If ever they wanted to change the use of the building, and wanted to use the main entrance and not the garage door as will be the case, they could not do so because they had put a lift there. I suggested that they put the lift to one side, which was possible. Even if they left the door there and locked it, or made it out of heavy timber which would make it very secure, I would prefer that to be the case. If one day they wanted to use the main entrance to the drill hall through that door used by personnel, they could do so. But if they put a lift there, that option has gone forever. I was also very pleased to see the use—

Mr Hamilton-Smith: Did they change it?

Mr VENNING: The member for Waite asked me if they changed it. I am not aware of that. The Presiding Member may be aware, but I am not sure. They certainly should have changed it, because the drill hall will be multi-use, namely, for community and military use, which is pleasing. I think it will look absolutely magnificent when it is finished, and I hope that they do not cut any corners in relation to airconditioning, because it can be extremely cold and extremely hot in that building. First, I hope that the community knows that it is available for use and, secondly, I hope that the community does make use of it.

In closing, I must say that the Army, the Air Force and the Vietnam Vets are moving in, which is great to see, because our Vietnam Vets deserve far more recognition. However, I am concerned that the Navy is not moving in, because it has its own premises externally. I hope that it will do so in the near future and that it will share this facility. I hope that the planners have left space for the Navy, because I think all the forces should be housed there, together with the RSL. In addition, a special room has been set aside for memorial occasions.

It was great to see at our meeting Mr John Bailey, whom I have known for many years. Mr Bailey was originally from Jamestown, and I have known him for probably 30 or 40 years. He was in pretty good health for a man well into his eighties—our own Bruce Ruxton, you could say.

I am enjoying my time on the Public Works Committee because these are very interesting projects.

Mr Caica: And you're contributing, too.

Mr VENNING: Thank you, Mr Chairman. I hope I am contributing. It is certainly a very interesting committee, particularly after the ERD Committee, which related to environmental matters, whereas this is more hands on in nature and there are more inspections. I commend the committee on both reports and the staff who have worked so hard to put them together. I certainly back my Chairman.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Ms BREUER (Giles): I move:

That the 47th report of the Environment, Resources and Development Committee, being the annual report for 2001-2002, be noted.

This year, the election brought about a change in committee membership and, with it, inevitable changes in focus and issues that the new members wished to pursue. Whilst we have chosen to continue with the inquiries into the Hills Face Zone (a report was tabled on 17 July) and urban development, we will not continue with the inquiry into smart communities.

It is pleasing to observe the bipartisan approach for which this committee has been so long credited and, indeed, this approach is still being continued by the current membership. I have been impressed by the cooperation of agencies and individuals with which the committee has dealt over many years and I trust that this will continue for the duration of my term as Presiding Member.

Once again, this year has passed with all the reports being tabled by the committee without a minority report being included. Since the government does not have (nor ever has had) the numbers on the committee, clearly it is a reflection of the resolve of members to focus on the issues before it.

This afternoon, I take the opportunity to summarise briefly some of the key activities of the committee over the past financial year. First, the committee tabled its 43rd report, being an interim report on ecotourism, on 26 July 2001, followed by its 44th report—the final report—on 25 September 2001. This inquiry arose as a result of concerns regarding the impact of tourism on ecologically sensitive land, the methods being used to deal with managing the issue and the limited recognition of South Australian ecotourism in the 2000 annual National Tourism Awards.

Since 2002 is both the International Year of Ecotourism and the Year of the Outback, the inquiry could not have been more timely. The inquiry confirmed the significance of ecotourism to the South Australian economy and identified it as being the fastest growing sector of tourism throughout the world. There are many outstanding opportunities to develop South Australia's natural assets in a way that promotes economic and community development, whilst protecting and enhancing natural assets for current and future generations. These need to be identified and marketed, and

I see that many of the recommendations of the report suggest ways in which that can be achieved. The recommendations of the report were summarised as follows:

- that greater emphasis be given to developing and marketing ecotourism in South Australia;
- that further funding be provided to identify and promote theme-based tourism based on international special interest niche markets;
- greater use of the existing tertiary educational facilities for research, policy development and development and monitoring of ecotourism products should be made;
- regional education courses should be provided to enable the development of ecotourism business opportunities;
- ecotourism products should be promoted to international and domestic education institutions as a means of attracting educational tour groups;
- the allocation of further resources for monitoring impacts of ecotourism to identify emerging management issues and prioritise infrastructure development, particularly in our national parks;
- the promotion of Aboriginal involvement in national parks and associated ecotourism projects;
- world heritage listings for key sites; and finally
- the provision of appropriate power infrastructure, that is, mains power or alternative energy systems.

The Hills Face Zone Inquiry was started as an outcome of its deliberations on the Hills Face Zone PAR. At that time, it was determined that the Hills Face Zone was of such significance that a report on the zone was warranted. The first time that the Hills Face Zone was introduced into the South Australian planning policy was in 1962. The original intention of the Hills Face Zone was to define an area that was unable to be easily serviced with a water supply. Coincidentally, since then we have gained a scenic backdrop to the city of Adelaide that is now being promoted as one of the city's greatest assets.

Today, the Hills Face Zone simultaneously provides a number of vital roles for metropolitan Adelaide, including catchment for Adelaide's water supply, farming pursuits, industry, residential housing and tourism. The committee believes that, despite the best efforts of many to maintain a healthy balance, the Hills Face Zone is not consistently being used or conserved in line with the long-term stated objectives. Even now, large conspicuous houses are being built and extended which are eroding the zone's visual landscape.

Mr Venning: Even today it's happening.

Ms BREUER: Even today, as the member for Schubert says. Without going into the detail of all the recommendations, the key findings of the committee were as follows: a regionally consistent approach is needed in the assessment of development applications; the enforcement of breaches of development approval; and action against illegal development is also needed. There needs to be a clarification of the rights and obligations of all interested parties as to what can and cannot be done in the Hills Face Zone.

The Hills Face Zone should be administered by a single regional assessment panel. A number of policy changes to the Hills Face Zone need to be considered that are consistent with the planning strategy and the establishment of policy areas which facilitate more diverse and locally responsive policies for land within the single zone. The committee looks forward to the response of the Minister for Urban Development and Planning to the recommendations of the report.

An inquiry commenced by the previous committee was titled 'Urban Development'. The current committee has resolved to continue the inquiry, and the first matter being considered is the urban growth boundary. We anticipate that the full report will consist of a number of minor reports, with the first being tabled in parliament within the next few months. This committee has a broad charter. I will list quickly those issues that are being considered in some depth by the committee:

- the Mount Lofty Ranges PAR;
- the proposed aquaculture development at Seal Bay;
- site remediation at Brukunga Mine;
- aquaculture legislation and development assessment criteria;
- an integrated natural resource management bill; and
- the environment protection motor vehicle fuel quality policy.

With the enactment of the Aquaculture Act 2001, the committee has been given further statutory obligations to review policies relating to the management of aquaculture ventures. These policies will deal with the identification of zones in which aquaculture development will be permitted; the development assessment criteria that we have placed on proposed developments; and the penalties that will be applied for any breach of licensing conditions.

For some time the committee has pursued its interest in acquaculture development assessment criteria and we now look forward to the opportunity of being actively involved in the scrutiny of these policies. I would also like to take this opportunity to extend my sincere thanks to the members of the committee: the Hon. Malcolm Buckby, the member for Light; the Hon. Mike Elliot; the Hon. John Gazzola; the Hon. Diana Laidlaw; and Mr Rory McEwen, the member for Mount Gambier. I appreciate their commitment to the work of the committee.

To the staff appointed to the committee, I extend my thanks for their support—particularly to those of us who are new to the committee—and their commitment to the business before us. I thank Knut for his support and advice in my early days as chair and for his unfailing efforts in bringing me up to scratch before each meeting. I also thank Steven Yarwood for his excellent reports which are well written and informative and make life for the committee members much easier. I would also like to thank Glenda Lloyd for the excellent catering arrangements she makes for each meeting. I must also acknowledge the work of the previous committee and I am pleased to see in the chamber the previous chair, Mr Ivan Venning, who I thank for his support and advice to me in my new role. I know that he was disappointed not to be re-appointed to this committee and I would have welcomed his experience and advice on the committee, but I am pleased to hear from the member's comments today that he is very happy in his new committee.

I know that the other members were also committed to this committee and they contributed greatly to its results. My acknowledgment also goes to the Hon. Terry Roberts, the Hon. Mike Elliott, the Hon. Stephanie Key, Ms Karlene Maywald and the Hon. John Dawkins. I commend this report to the house.

Motion carried.

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

Adjourned debate on second reading.

(Continued from 17 July. Page 881.)

Mr HAMILTON-SMITH (Waite): I oppose the bill in its current form. My reasons for doing so relate to the very hub of clause 7A. In effect, the bill extends the definition of 'putative spouse' which at present 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 were, on a certain date, the 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 so on. In essence, I think the flaw in the bill is that in order to achieve its object it redefines same sex couples as 'putative spouse' which, in turn, means 'husband and wife'. In raising this concern and objection to the bill in its present form, I would ask: if the parliament is called upon to agree that same sex couples are husband and wife for the purpose of this bill, how could it not also agree that same sex couples are husband and wife for the purposes of any of the 39 measures that may be affected by this precedent, involving adoptions, IVF, organ transplant and a range of other matters?

The argument could be put that this bill is a bill in its own right and that there would be no flow-on effect. However, the practice in this place has been to regard precedent as having weight and carriage, and I am sure that the argument would be put in any subsequent debate that the parliament, having agreed to a definition of same sex couples as husband and wife for the purpose of this bill, should imply some obligation to do so for the purpose of other bills. We could debate that issue, but I think it is a precedent that should be avoided.

In effect, the bill would allow the surviving partner in a same sex relationship to receive the same benefit in relation to state superannuation as would be received by the surviving partner in a heterosexual relationship. The bill does not seek to alter any other legal entitlements but, as I have mentioned, it is an important precedent. In my view, the house cannot deny the definition it agrees to in this bill for the purpose of any other act; and I have mentioned other acts involved. It comes down to whether one accepts a place for same sex couples within the definition of 'marriage', which leads to my next point. In my view, another flaw in the bill is that it fails to grasp the nature of same sex relationships for the majority of the same sex community.

I commend the member for bringing the bill forward, as I did in the last parliament, and I also thank her for the briefings she has arranged for me from some of the lobby groups involved, which I found most informative. Since that time, I have been approached by a person working in my constituency who tragically lost his same sex partner to a heart attack, and he has lobbied me on behalf of the principle enshrined in this bill of achieving an outcome for people like him. It involves a situation experienced by many same sex persons who have lost their partner, and I have talked the issue through very thoroughly with him as well.

My point is this: I think that many same sex couples would like the benefit of the superannuation entitlement that this bill seeks to enable. They would like the same recognition, but they do not want their relationship to be described in heterosexual terms in order to achieve it. I think that many of them believe that their relationships—same sex relationships—are unique; that they are couples, but they do not need to be described as spouses or as husband and wife, with the literal extension of that definition, in order to achieve the legal entitlement that this bill seeks to provide for them.

So, in my view, the bill not only creates a dangerous precedent: it also fails to fully comprehend the nature of same sex relationships and in some respects, therefore, does a disservice to the nature of those relationships. I also think that the bill fails to recognise the uniqueness of marriage and the nature of other relationships. When I spoke to this bill in the last parliament, I mentioned two constituents (sisters) who came to see me. They had been in a loving long-term relationship for almost 20 years and were not in receipt of entitlements they might otherwise receive had they been husband and wife.

I note another bill on the *Notice Paper* put forward by the member for Hartley that deals with this broader issue, and I think the introduction of that alternative bill has relevance to this matter. I will work with the other bill, as indeed I will with this bill, to achieve an outcome that I think is the best and proper outcome for the people of South Australia. I am attracted to the other bill in many respects over the bill we are now debating. I think there is a credible argument that if we are going to extend the entitlement to same sex couples we should also look at other co-dependent relationships, but I will leave that matter for another time.

That leads me to the definitions of 'putative spouse' and 'marriage'. I will not, as some members of the house do from time to time, try to impose a moral viewpoint on people, but I will quote Anglican Archbishop Peter Carnley's contribution to *The Bulletin* of 22 May 2001 where he attempts to define this issue. He basically puts the argument that a relationship between two people—

The Hon. M.J. Atkinson: That's an amoral point of view.

Mr HAMILTON-SMITH: The member for Spence interjects. I look forward to his contribution.

The Hon. M.J. Atkinson: I am just saying that, if it's Carnley you're quoting, it's not a moral point of view; it's an amoral point of view.

Mr HAMILTON-SMITH: Well, that's your view. Archbishop Carnley 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, at least in these specific social and legal respects, resemble the institution of marriage. But is it marriage? 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. The article 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.

The parliament might do better to concentrate on what might be said positively about the spiritual quality of such friend-

ships 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 in my view does not do them a favour or achieve the object that the member seeks to achieve.

I believe this matter should be a conscience issue for the whole house. I note that the Labor Party has decided to vote on it as a party. I would like to hear each member's individual view on this subject, but we will be denied that in this debate. I foreshadow that I will vote against the second reading of this bill but, should it be passed by the house and move in to committee, I may suggest some amendments to the bill. My amendments will seek to change the style of the bill so as to better present it so that it achieves the outcome that the member seeks, so that, if it passes through the second reading according to the will of the house, it will be in a manner which I feel is more presentable. I may propose amendments or I may rest with the alternative bill on the *Notice Paper*—I will certainly focus on the other bill. I raise those concerns about the bill. I understand and respect the member's intention in putting them forward—I think they are credible, there is an argument—but I think this bill is not the best way of achieving it.

Mr MEIER (Goyder): As the member for Waite has just said, this is a conscience issue for members on this side of the house; and understandably so, because it deals with a subject that has caused a lot of discussion—and I guess we could say dissension—over the years.

Members interjecting:

Mr MEIER: I will be interested to hear the views of members on the other side, in due course, if they wish to make a contribution. I have little time for this bill because I do not think it is going down the right track.

Mr Hanna interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

Mr MEIER: I acknowledge that the member for Florey has had this bill before us for a long time; I accept that it is high time that it was debated and, at long last, we are having that debate. I do not believe it is right to give due recognition to homosexual relationships, but my point of view goes further than that. The member for Hartley's bill seeks to accommodate extending superannuation entitlements. I do not know whether I will be able to support that bill, but I will give it due consideration when it is debated in this house. As a member of the Lutheran Church, I sought advice on the church's position. I suppose that that is not relevant—what is relevant is the biblical position—but as I happen to be a member of the Lutheran Church—

Mr Hanna interjecting:

The ACTING SPEAKER: Order!

Mr MEIER: I will get to the Bible in due course, if you give me time. I note that the Lutheran Church of Australia has a paper from the Commission on Social and Bioethical Questions on Homosexuality. The paper gives a definition and describes to a fair extent causation, treatment and problems of the homosexual, and then there is a section entitled 'The church and homosexuality' in which it is stated:

> In its assessment of, and attitude towards, homosexuality and homosexual behaviour, the church must, as in all matters, be guided by holy Scripture. The available medical and psychological evidence must guide the church in this assessment as it seeks to know God's will in his word. God's word is silent about homosexuality as a propensity. In view of this and in the light of medical and psychological evidence, the church may not condemn or judge homosexual propensity. Homosexuality is part of the mysterious disturbance and distortion that has entered God's creation and his created social structures.

It goes on to describe various other factors along that line. Under another heading entitled 'The church and the homosexual', it states:

> God's will as expressed in his word is, however, clear in regard to homosexual behaviour. Such behaviour is against the will of God—

as identified in various biblical passages. The first of those passages is in Leviticus 18:22. We should remember that this is from the Old Testament and that we no longer have to abide by the laws of the Old Testament; they have been replaced by the New Testament thankfully because none of us would be doing too well if we had to abide by the laws of the Old Testament. Leviticus 18:22 states:

> No man is to have sexual relations with another man; God hates that. No man or woman is to have sexual relations with an animal; that perversion makes you ritually unclean.

The second biblical quote is from Leviticus 20:13:

> If a man has sexual relations with another man, they have done a disgusting thing, and both shall be put to death.

Again, I emphasise that that is in the Old Testament and, thankfully, we do not live under that law any more. We as Christians now live under the gospel not under the old law. The third quote is from Romans 1:24-32. I will particularly read from verse 27.

An honourable member interjecting:

Mr MEIER: Yes, the Apostle Paul, speaking to the Romans, says in verse 27:

> In the same way the men give up natural sexual relations with women and burn with passion for each other. Men do shameful things with each other, and as a result they bring upon themselves the punishment they deserve for their wrongdoing.

There can be a further explanation there, but time will not allow me to go into full detail. The fourth quote is from 1 Corinthians, 6:9:

> Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither the immoral nor idolaters, nor adulterers, nor homosexuals, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God.

Members interjecting:

Mr MEIER: I hear laughter from members—it is no laughing matter. Anyone who has any knowledge of the New Testament, of the good news, knows that none of us would inherit the kingdom of God if it were not for the mercy of God and the fact that Christ died for us. As Christians we can be very thankful for that.

I re-emphasise what the Lutheran Church has said: that the church may not condemn or judge homosexual propensity. I make that very clear. At the same time, the Bible makes clear that we should not seek to promote such relationships, and in my opinion this legislation goes down the track of seeking to promote such relationships. Certainly I for one, just as with the church, cannot and am not there to judge anyone in their relationship. We are told specifically as Christians that our job is not to judge others because those who judge others will be judged themselves. However, that does not mean to say that anything we do not believe is right let us make lawful. We know that very clearly in this parliament.

I have huge problems with things such as speed limits where we impose a limit of 110 km/h. I have little time for

that on some of my major roads, but I know that if I transgress it I will be punished, and that is perhaps a very minor issue.

Mr Hanna: They don't take away your super, though.

Mr MEIER: The honourable member is saying, 'They don't take away your super.' I can see that he is passionately in favour of this legislation, and I respect his passion. As I said at the outset, personally I do not believe this is the right way to go. I am prepared to give the bill, introduced by the member for Hartley, some consideration, but we need to be careful how much it broadens the institution of marriage, which has been very special in our society. Maybe society is changing. Whether that change is for the better or worse is open to argument itself.

The submission by Mrs Roslyn Phillips of the Festival of Light to the Senate Superannuation Financial Services Select Committee identifies anthropological studies, which indicate that stable marriages are the basis of stable civilisations. In fact, one J.D. Unwin of Britain carried out exhaustive research on every known culture over 50 years ago and found that each followed the same pattern. He stated:

> . . . during its early years of existence, premarital and extramarital sexual relationships were strictly prohibited. Great creative energy was associated with this control of sexual expression, causing the culture to prosper. Much later in the life of the society, its people began to rebel against the strict prohibitions, demanding sexual freedom. As the mores weakened the social energy abated, eventually resulting in the decay or destruction of the civilisation.

It is an interesting observation undertaken by that particular researcher, Mr Unwin.

Time expired.

The Hon. W.A. MATTHEW (Bright): I oppose this bill. I see this bill as a Trojan horse bill that endeavours to put a foot in the door for further reform. I see the way in which the bill is being introduced as being a dishonest way for a government that is serious about legislative reform to introduce such a bill, but I understand full well the reasons for the bill being introduced to the chamber in this way. I will come back to that in a minute.

It is important to examine just what the present situation is, the intent of this bill and where this bill is a foot in the door for further legislative change. It is recognised that under current legislation the partner in a same sex relationship would have to rely on receiving any share of a deceased partner's superannuation as an inheritance under the will. The criticisms of those who are concerned about this process is that, as a result of 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.

My concern with the bill, in endeavouring to address what some regard as being the anomaly of the present situation, is that it seeks to define same sex relationships as marriages, using the device of taking the definition of the putative spouse or de facto to include same sex couples. The effect, therefore, of this bill, if passed in its present form, will essentially be acceptance by the parliament of a law that defines certain same sex couples as husband and wife. I object to that, and I believe that many members here would object to it also. My colleague the member for Goyder has capably represented in this chamber the views of many members of our community who find such a definition change in this way unacceptable.

The proponents of this bill would argue that all the bill seeks to do is amend the four state superannuation acts, but indeed it goes further than that because this precedent is relevant to at least 39 other pieces of legislation for which this parliament has responsibility. It has implications for a whole range of other things such as adoptions, in vitro fertilisation, and so on. This bill is a Trojan horse. It is a starting point of intent by its mover and its close supporters.

I find it interesting that this bill has been introduced as a private member's bill. I freely acknowledge that the member for Florey in a previous parliament endeavoured to introduce this legislation. She intended to amend it previously.

The Hon. M.J. Atkinson interjecting:

The Hon. W.A. MATTHEW: The Attorney-General interjects, and I find that interesting. I put to the Attorney-General, through you, sir, that he has the opportunity to do that which other Labor governments have done. If we look at what has happened in Victoria, I argue that at least the Bracks Labor government has been honest and open in its approach. In Victoria, the Bracks Labor government introduced a bill, which has now become law—the Statute Law Amendment (Relationship) Bill. There, the Attorney-General, Mr Hulls, introduced a bill. I will share with the chamber the start of his second reading explanation, as I believe it is relevant to this bill. He said, in relation to his bill:

> This bill takes a significant step in implementing the government's pre-election commitment to reduce discrimination against people in same sex relationships. This is part of the Bracks Labor government's commitment to the creation of a socially just and cohesive society in which each person has their place and in which diversity in all its form, including diversity of sexual orientation, is valued. As the government stated in its pre-election commitments, it considers the achievement of substantive rights for lesbians, gay men and transgender people as being vitally important. Human rights necessarily involve a respect for the equal dignity of all persons without discrimination. Lesbians, gay men, intersex and transgender people have historically been denied their human rights. This bill is an important step in redressing that historical injustice.

They were the first few sentences of the second reading speech of Victoria's Attorney-General. I put it to our Attorney-General that, if that is what the Labor government in this state wants to do, why does the Attorney-General not bring forward similar legislation to impose similar change in this state, if that is what the Attorney-General believes and if that is what his colleagues believe? However, knowing the Attorney-General as I do, I very much doubt that he personally would seek to make such a change because, were he to do so, it would be inconsistent with those things he has claimed publicly to stand for both in this place and outside. Indeed, it is well known to members on this side of the house by virtue of comments made by members of the Labor right that the Labor right is opposed to this bill. We know that there has been a very contentious caucus debate. We know that the Labor right does not like it, but it has to tow the party line because no conscience vote has been allowed by the Labor Party in relation to this bill.

In relation to this bill, the Liberal Party has a conscience vote but the Labor Party is being denied that. However, we know that there are members of the Labor Party who oppose this bill and I leave it to those members to identify themselves if they so desire—

The Hon. M.J. Atkinson interjecting:

The Hon. W.A. MATTHEW: The Attorney-General is indicating that he supports this bill.

The Hon. M.J. Atkinson: Yes.

The Hon. W.A. MATTHEW: If the Attorney-General wishes to support it, I look forward to hearing his second reading contribution, but the Attorney-General surprises me. I put the challenge to the Attorney-General directly: if, as he has indicated, he is now supporting this bill, I ask the Attorney-General to be honest and open about this bill and its intent, and likewise to do what the Bracks government has done, if that is what the Attorney-General believes is appropriate. He knows full well that the intent of this bill is to put the foot in the door. This bill is a Trojan horse and an endeavour to change by stealth the statutes as they exist today.

As I indicated, at least some 39 other pieces of legislation could be so affected by this bill. I would argue that this is an indecent and dishonest way to bring legislation before the house, particularly when compared with the ways in which other governments have put legislation forward. Having looked at the Victorian model, it is not one I subscribe to, but at least the Bracks Labor government was open and honest in the way it pursued this matter. This Labor government continues to claim that it is an honest, open, accountable government, yet time and time again we see that its rhetoric is not matched by its actions and this bill is another case in point.

I find it astounding that members of the government would break the principles they claim to subscribe to so quickly and so early in their term of office. The Attorney has indicated that he supports this bill, and I look forward to his saying so and putting his viewpoint very firmly on the record. I look forward to the Attorney-General explaining to this chamber how he sees this precedent being handled by his portfolio, because it is the Attorney-General who will have legislative responsibility for that which follows. I look forward to seeing how the Attorney-General will administer that.

The only other way in which the Attorney-General may handle it is that he may have every confidence that the bill, if passed in this house, will not get through in the upper house; or, alternatively, if it does, he may ensure that the act is perhaps never proclaimed. However, I will watch with interest to see what the Attorney does in the future and I look forward to the Attorney's contribution to this debate.

Mr WILLIAMS (MacKillop): I also rise to speak against this measure—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Me, too.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order! The member for MacKillop.

Mr WILLIAMS: Thank you, sir. I, too, am amazed that the Labor Party in government is not allowing its members a conscience vote on this measure. It has been the long held practice of both major parties represented in this place to allow their members a conscience vote on this type of matter—

Members interjecting:

Mr WILLIAMS: If members opposite will stop their inane interjections, I will get to the fundamentals of this bill which, as the previous speaker has pointed out very well, has little to do with superannuation: it has much more to do with the Labor left and its social engineering agenda. It disappoints me greatly that members of the Labor Party, who find in all conscience that they could not and would not wish to support a measure such as this, cannot freely stand up in this place and express their opinion, the opinion of their electors, and vote accordingly. I think it is reprehensible for this Labor government and its caucus to do this to some of its very fine members in this instance—

Members interjecting:

Mr WILLIAMS: Members opposite are interjecting that this is to do with superannuation. Let me talk a little about superannuation, its purpose and what it actually is, because I think some members are very confused about that. Superannuation has nothing to do with sex or sexuality. Superannuation is all about people being able to provide for their retirement, to provide for themselves when they—

Members interjecting:

The ACTING SPEAKER: Order! Members on my right will refrain from interjecting.

Mr WILLIAMS: Thank you, sir. I am delighted that the member for Mitchell used the word 'dependants' because it is a word that I want to use in my contribution. Superannuation is about people being able to provide, in their retirement, for themselves and their dependants. I have no problem with any member bringing a measure into this house which will allow for superannuants and their dependants to benefit from their hard work and the savings they have made during their working life, but there is no mention of dependants in this bill. It is all about same sex couples, sexuality and social engineering. It surprises me, as I have said, that the Labor caucus has allowed the loony left to bring this matter on in the way it has.

Anyhow, as I say, the principle of superannuation is a compulsory saving scheme so that working men and women can put away money for that day when they finish their working life and retire. Well managed investment funds which have been put away by them through their own efforts and that of their employers over their working life enable them to maintain their lifestyle. I think it is only fair and reasonable that, if a man or a woman happens to die shortly after commencing their retirement, their dependants are also adequately cared for by that superannuation scheme: I have no problem with that. In fact, the reason why superannuation schemes recognise spouses goes back to the recognition of the family unit and what the family unit is all about.

The family unit is all about the carrying on of the race. It is all about a partnership between a man and a woman to have and to raise children. Superannuation schemes recognise that in that partnership it is very convenient for one of those partners to be the breadwinner, to continue in the work force and to bring the money into the family; and for the other partner to raise the children—and I did not ordain that it be the female partner who bears the child, but that is the way it is and, unfortunately, we are stuck with that.

It is not necessarily the case that the female partner must remain as the home maker, rearing the children. That is not ordained, and in quite a few cases that is not the way it happens. I know of couples who have decided in their partnership that the wife, often because she has a greater earning capacity, remains in the work force after bearing the children and the husband rears those children. The superannuation schemes recognise that often one of those partners becomes financially dependent on the other. That is what this is about: it is about financial dependence on the other.

There is also recognition that children under the age of 18 are dependent on one or both of their parents. This bill does not acknowledge any dependence; it is about trying to bring into the statute books of South Australia the idea that same sex couples can be recognised as putative spouses. That is

what it is about; it is not about protecting the rights and benefits of a worker's dependants beyond their death. If a member were to bring in a bill which allowed that to happen and recognised those dependants, I would support it wholeheartedly. I suspect that the bill that the member for Hartley has introduced goes part of the way towards doing that. I am not totally wedded to his bill, because I see some flaws with it. It is something that the house should work through, but to confuse one's sexuality and sexual peccadilloes with dependence is a nonsense, and for that reason I will not support this bill. There is plenty of downside to this bill. The member for Bright's points were well made, and I totally agree with him: this is a Trojan horse and it is about social engineering. I sincerely hope that the house does not pursue this bill into the third reading. I hope that the house defeats at the second reading and that members who are interested in pursuing this matter do it in an honest way and get back to the fundamentals of what superannuation should be about, that is, supporting the dependants of a deceased superannuant.

The Hon. G.M. GUNN (Stuart): I oppose the bill, as I consider this measure to be unnecessary and certainly not in the public interest, as it sets a very bad example to people who value the sanctity of marriage and human relationships. Even the title of this proposal is offensive to me: the Statutes Amendment (Equal Superannuation Entitlements for Same Sex Couples) Bill. Some people believe that this is progress or social justice. There is no justice in this legislation. This bill does nothing to enhance relationships; it does nothing to value marriage, the bringing up of families and setting a good example to the next generation of South Australians. It does nothing to uphold what we have been taught is right, morally proper and protecting the dignity and sanctity of marriage. In certain narrow circles this may be a popular measure; it certainly has no popularity in my constituency, where we have hard working, decent people who value relationships.

I strongly support what the member for Goyder and others have said. When one examines this legislation, one sees that it concerns a putative spouse and provides '(a) had so cohabited with each other continuously for a period of five years immediately preceding the date', and it goes on. What is the situation where people in that unfortunate relationship have dependants from another, heterosexual relationship? What will happen to them? Will they have first claim to the superannuation, or will this latest, unnatural relationship have the first claim? That is what I want to know, because which relationship will take precedent? Which relationship has the community valued and supported over a long period of time? For generations, we have valued the relationship between men and women, not this sort of thing.

In the course of her address to the house, the member for Florey went on at some length talking about the Federal Human Rights and Equal Opportunity Commission. That is an organisation which I think on many occasions leaves a great deal to be desired. It certainly has no regard for decent relationships, and one could say it has little regard for the real values which society supports. It states that some concern may be expressed about what is called the 'moral message'. It certainly has no regard to what one might consider to be the moral message.

I find that this parliament is taking a considerable amount of time this afternoon sitting in judgment of this legislation when there are far more important things to which this parliament should be addressing its attention. I think the community at large would want the parliament to be addressing other far more important issues than this social engineering, which is pandering to the whims and aspirations of a few. May I say they are misguided individuals for whom one should feel sorry, but one should not be legislating (I feel so annoyed about it that I have lost my breath, which is not often for me)—

An honourable member: By-election!

The Hon. G.M. GUNN: You're not that lucky. My superannuation is deteriorating, not improving.

The Hon. M.J. Atkinson: Resign; go now.

The Hon. G.M. GUNN: Under the present regime, you wouldn't win, anyway.

The ACTING SPEAKER: Order!

The Hon. G.M. GUNN: Mr Acting Speaker, I would hope that you as a good family person would be expressing concern about this social engineering to pass laws which will give these people rights when previous relationships may be ignored. It is setting a very bad example to the young people of South Australia. It is not a course of action which I believe the public at large want. This is purely at the whim of a few and is against the best interests of the majority, and it is a sad occasion. I can say one thing: I have been consistent in my views on these sorts of issues ever since I have been in the parliament. I have not supported them and I do not intend to change at this point in my political career, because I believe there is no demand for it.

Debate adjourned.

STAMP DUTIES (GAMING MACHINE SURCHARGE) AMENDMENT BILL

The Hon. K.O. FOLEY (Treasurer) obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

As Parliament is aware, the Government announced amendments to the taxation of gaming machine licensees as part of the 2002-03 Budget. Those changes included the introduction of 'super tax' rates on the largest gaming machine venues.

Subsequent to the Budget and following consultation with the hotel industry, the Government agreed to make some changes to its gaming tax proposals.

The Government will adopt alternative thresholds and rates but also put in place a surcharge on the sale or transfer of ownership of gaming machine businesses. These changes are designed to address industry concerns whilst maintaining the Government's budget bottom line.

The revised tax structure is implemented through amendments to the *Gaming Machines (Gaming Tax) Amendment Bill (No. 36) 2002*. To provide certainty to the industry and its employees, the new tax structure will remain unchanged for the life of this Parliament.

The *Stamp Duties (Gaming Machine Surcharge) Amendment Bill 2002* amends the *Stamp Duties Act 1923* to introduce the gaming machine surcharge on the transfer of the ownership of a gaming machine business. This includes the transfer of an underlying interest in a gaming business (for example, shareholding transfers in a private company holding a gaming machine licence). In the case of a partial transfer of ownership, the surcharge would apply only to the proportion of ownership transferred.

The surcharge will not apply to venues being granted new licences or increases in machine numbers (which, in any event, are not currently permitted given the freeze on gaming machine licences). It will also not apply to not-for-profit businesses (mainly clubs) by virtue of the fact that they cannot transfer ownership.

The surcharge is based on the proportion of the gaming machine business transferred and will be charged at the rate of 5 per cent of the net gambling revenue (NGR) (as defined in the *Gaming Machines Act 1992*) of the gaming venue. Annual NGR will be calculated for this purpose as the sum of the NGR for the last 12 completed months immediately preceding the licence transfer. Where a licensee has not carried on business for the whole of that period, the Liquor and Gambling Commissioner will determine an amount of NGR having regard to the NGR derived during that period from similar businesses.

It is estimated that the surcharge will raise $5 million in a full year. The actual revenue raised in any given year will, of course, be influenced by the number of transfers occurring in that year and the NGR of the venues changing hands.

The surcharge will be administered by RevenueSA.

The surcharge will not apply to transactions entered into before the commencement of the Amending Act.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This provides for the commencement of the new legislation on proclamation.

Clause 3: Insertion of ss 71EA to 71EJ

This clause provides for the insertion of the operative clauses into the principal Act.

71EA. Interpretation

New section 71EA contains definitions that are necessary for the purpose of the new surcharge provisions.

71EB. Direct interests

New section 71EB defines what is meant by a 'direct interest' in a private entity and provides for the expression of an interest as a proportion.

71EC. Related entities

New section 71EC defines a related entity as a private entity that has a direct interest in another. It also provides for the quantification of this interest.

71ED. Indirect interests

New section 71ED defines an indirect interest and provides for the quantification of the interest.

71EE. Notional interests

New section 71EE provides that a person who has a direct or indirect interest in a private entity that owns a gaming machine business or an interest in a gaming machine business is taken to have a notional interest in the business. The new section also provides for the valuation of a notional interest.

71EF. Application of this Division

New section 71EF provides that the new Division applies to a transaction that results in a complete or partial transfer of an interest or a notional interest in a gaming machine business.

71EG. Imposition of surcharge

New section 71EG provides for the imposition of a gaming machine surcharge on a transaction to which the new division applies. If the whole of the business is transferred the surcharge will amount to 5 per cent of the net gambling revenue for the last 12 calendar months. If a lesser interest is transferred, the amount of the surcharge reduces accordingly.

71EH. Exempt transactions

New section 71EH provides that if a transaction is effected by a conveyance that is exempt from ad valorem duty, it is also exempt from the gaming machine surcharge. Hence (for example) the transfer of shares belonging to a deceased estate in accordance with a will or an intestacy will not attract the gaming machine surcharge.

71EI. Notice of transaction to which this Division applies

New section 71EI requires the parties to a transaction to which the new provisions apply to lodge a return containing the information necessary for calculation of the surcharge and to pay the duty on lodgement of the return.

71EJ. Recovery of duty

New section 71EJ provides that in the event of the parties failing to pay duty as required under the previous section, it may be recovered as a debt from the parties or, if a private entity is involved, from the private entity.

Clause 4: Application of amendments

This clause is inserted to make it clear that the new provisions only apply to transactions entered into after the commencement of the amending Act.

Mr HAMILTON-SMITH secured the adjournment of the debate.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 August. Page 1038.)

The Hon. I.F. EVANS (Davenport): Before we get onto the topic of the debate, for the record I would like to discuss the consultation process that the opposition has endured in relation to this bill.

The Hon. M.J. Atkinson: Well, consulting each other for a start.

The Hon. I.F. EVANS: Certainly we have consulted each other. I have no doubt that the member for Spence, who has always enjoyed the warm support of the SDA, has had some interesting discussions within his own caucus about what would benefit the SDA most out of this arrangement and what was politically acceptable to which faction, and faction within faction, in relation to his own caucus and the union.

As it turns out, the bill was tabled in the house last week, I was contacted on Friday by the minister's adviser, and we agreed that the opposition would have a briefing at 12 o'clock on Wednesday. With that in mind, I prepared myself for a briefing at that time, which was today. The adviser was told that the Liberal Party, according to longstanding tradition in this place, meets on Tuesday and that it would go to the Liberal Party room next Tuesday, that is, next week. During question time on Monday, we were told by the manager of business in this place that we would be debating it Wednesday. In short, that is essentially what happened in relation to the process, so we are debating this measure with that background.

In fairness to the adviser, he said it was the minister's preference for the bill to be debated this week. I told him I thought that was totally unrealistic, given the importance and nature of the bill, and we then set the time for Wednesday at 12 o'clock. As a result, to fit into this new timetable, we had to cancel a number of briefings on other bills, and we approached other members of the house to try to adjourn the debate on this matter so that a proper consultation process could be undertaken. We did not win the support of other members, so we are now debating it tonight.

The opposition is disappointed that the government has taken such an arrogant approach and thinks we can knock off this bill in less than five hours of debate. I suggest to the minister that we will be lucky to be through the second reading after five hours. As I understand it, the government has said that we are debating this tonight. I do not think that we will be sitting past 12, which means that we will probably debate this tomorrow, and I know that the member for Bragg had prepared other matters to be debated tomorrow, according to the government's program. However, if the government thinks it can get a shop trading hours debate through in a world record time of five hours, it would be the first time in the parliament's history that such a complex and controversial topic (and shop trading hours are always complex and controversial) has been dealt with in that way. I wish the government all the best, but my reading of it is that a lot of people want to go home at midnight.

The Hon. P.F. Conlon interjecting:

The Hon. I.F. EVANS: Well, we will see. That is where we are at. The other point I want to make in relation to the

consultation is that we thought that the usual process was that a bill would sit on the *Notice Paper* for a full seven days, that is, from Sunday to Sunday in essence—a full clear sitting week—which would normally—

The Hon. P.F. Conlon interjecting:

The Hon. I.F. EVANS: If the member for Elder is going to continually interject from behind me, out of his chair, while I try to contribute to this debate, I am happy for that standard to be set, and it will be returned in spades.

The Hon. P.F. Conlon: You wouldn't know about standing orders.

The Hon. I.F. EVANS: Oh, really?

The ACTING SPEAKER (Mr Snelling): Order! The member for Davenport will continue his remarks.

The Hon. I.F. EVANS: This is something that the house might want to contemplate, now that we have gone to this sensational system of four-day sittings. Last week, I was here until at least 2 o'clock one night and 12 o'clock another. With Monday, Tuesday, Wednesday and Thursday this week and Tuesday, Wednesday and Thursday last week being sitting days, essentially we have had Friday, Saturday and Sunday to do any consultation outside the parliament, which, we acknowledge, does not stop people coming in, but it does restrict us considerably in relation to the available consultation.

I submit there needs to be some adjustment or more tolerance in the system if we are going to have four-day sittings and if we continue to insist that important bills such as this one be debated. If it was a minor bill, I do not think the same point would be made. However, with a bill that requires considerable consultation, to impose on the rest of the parliament such a short and unrealistic time frame is a sign of arrogance on behalf of the government in relation to this issue. It is not just the opposition that believes that, it is a lot of the industry lobby groups that actually believe that, and we will reflect on that as we proceed through the debate. I think the four-day sitting actually makes a bit of an issue of that consultation process.

That having been said, this is about shop trading hours. As I said earlier, the issue of shop trading hours always engenders long debates. It always engenders our passions, and everyone has a vastly different view. During question time today, we asked half a series of questions, because we got cut short, in relation to industrial relations matters. The minister, as is his wont, laughed them off. One of the reasons we asked the questions was that we thought it was a fair point that if the government is considering deregulating an industry, then the industry needs to know the ground rules on which they will be deregulated.

So, this week we have the UTLC putting to the government a view about a whole range of industrial relations matters. In fairness to the minister, because the minister said in question time, 'I am fair', there have been a number of other organisations that have also put submissions to the minister, through his industrial relations review being undertaken by Mr Stevens. The minister may accept some of those recommendations, whether they be from Business SA or from the small business lobby. He may also accept some of the unions' suggestions.

So, if the minister is having the review, which he is at the moment, and the Stevens review as I understand it is due to be completed by 15 October—I think the parliament returns near that date after it breaks from the end of next week. I cannot tell you the exact date but one of my colleagues will tell me what date we come back in October—

An honourable member: The 14th.

The Hon. I.F. EVANS: So we will have the Stevens review finished by 15 October. This bill will not pass the upper house next week, so the bill will sit around in the upper house for six weeks with this chamber not having the knowledge of the Stevens review. So the upper house will ultimately stall this bill next week and it will be then subjected to broader public debate, as you would expect a bill laying on the table would be, and the Stevens review will be released.

One of the reasons we asked the questions today in relation to the UTLC's submission to the Stevens review was that, if the government is deregulating shop trading hours, we were trying to establish the ground rules, not only for the small end of town but also to some degree for the big end of town. We know that in the big end of town some have done their EBs under the federal award, and we will come to that down the track, but if we are to deregulate, small business needs to know what the rules are.

The minister has put forward in his bill the proposed rules in relation to who can trade and sell what product at what hours. There are some changes to the hours, and we will come to them later, and there are changes to what can be sold, and we will come to them later too. But at the end of the day, that only picks up part of this whole debate. Are they paying penalty rates on Sundays? Are there any changes to the retail award proposed in relation to rostering? Are there any changes being made in relation to the relationship between landlords and tenants? Is any action being proposed in respect of the relationship between buyers and sellers in relation to a market share of goods? None of these issues is in effect being addressed by this bill.

One could nearly argue that the minister has deliberately set up the bill to fail. One could argue that the consultation process has been so bad, the outcome has been so designed, and the industrial relations system has been so ignored, that ultimately the parliament would have no choice but to vote down the legislation. Well, some could argue that. The reason we asked the questions during question time today was to try to establish the ground rules.

I know that the member for Fisher approached the minister today. We had a meeting with the member for Fisher to discuss his amendments. We put to the member for Fisher that the consultation process has been so bad in relation to this bill that the bill should be halted in the lower house to allow us the opportunity to undertake that consultation during this six to seven week break we are about to have between the end of August to about the middle of October. That would give all members of this house an opportunity to undertake proper consultation in relation to the bill.

I think small businesses out there will actually want to know what are the ground rules with respect to industrial relations. The first question today from the Leader of the Opposition was in relation to what I think is a crucial issue for retail businesses and other business, that is the youth wage rates. The UTLC has put in a submission about junior pay, and they argue that they should abolish junior pay. That would affect a large number of industries, retail included, and if the government is suggesting it is going to deregulate and abolish junior pay rates, then come out and say it. If the government is intending to deregulate and not abolish junior pay rates, well, come out and say that.

But how do we as a parliament address the industrial relations issues if they are not put before us by the government in relation to this legislation? We would argue that it

should be a total package. That is, the minister should have brought before the parliament a package of reforms for the parliament to consider, and if he wishes to deregulate, put that before the parliament for consideration. He should also put before the parliament for consideration the industrial relations conditions that will apply, and what changes, if any, to the relationship between tenant and landlord that will apply in a deregulated market. But we do not have that before us.

We have been narrowed in the debate to a piece of legislation that includes the operations of the day-to-day business, with respect to hours, with no mention of industrial relations reform. This is not done by accident. This is a deliberate move by the government, because the government announced the Greg Stevens review with great fanfare, trumpeting it as the first major review in 25 or 30 years of the industrial relations system. The government is of the opinion that there must be something wrong with the industrial relations system, so it has championed this industrial relations review well before it brought this bill into the house.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. I.F. EVANS: Prior to the dinner adjournment I started to touch on the topic of the total lack of industrial reform or, indeed, reform to the relationships between tenant and landlord that are not dealt with in this bill. I will continue to explore that avenue.

As I mentioned before the dinner adjournment, the government's position on a whole range of industrial relations matters would have an impact on the support or otherwise of many of the lobby groups that undoubtedly contacted or spoke to the minister prior to the introduction of the bill and that contacted the opposition after its introduction. Before the dinner adjournment I gave the example of the abolition of junior pay rates—a submission that was made by the UTLC to Mr Stevens' report into industrial relations that appears in today's *Advertiser*.

It may well have been in the minister's interests to delay the introduction of the bill, to deal with that issue and, indeed, to deal with a whole heap of industrial relations reforms that Mr Stevens will give to the minister some time after 15 October. Some of the small business groups that currently oppose deregulation may have been more lukewarm to the minister's desire to deregulate had industrial relations reform been attached to the bill or decided prior to its introduction. For his own reasons, the minister has decided not to do so.

None of the parties who made submissions to the Stevens industrial relations review—the Australian Retailers Association, Business SA, the state Retailers Association, the Newsagents Association or various segments of the union movement—is aware of the government's direction in relation to industrial relations reform. Obviously, they have submitted their recommendations to the minister with respect to shop trading hours reform based on the current industrial relations environment.

I doubt that this will be a one-off, but the government has badged it as a trial. So, given the opportunity to delay the trial until after the Stevens report had been received, after the minister had considered the Stevens recommendations and after he had brought to the parliament industrial relations reform, there may well be a different approach to this issue by a whole range of parties. To some degree, the minister has lost that opportunity by his enthusiasm to deregulate shop trading hours (to the extent that this bill does) and other matters, such as allowing electrical stores to trade. There are other matters, of course, that the UTLC has now placed in the public arena via the release of its submission to the Stevens review of industrial relations. All these would to some degree have an impact on this debate.

With respect to the concept of bargaining fees, for example, where unions could be allowed to demand such fees from non-union members who benefit from union-led pay deals—whether or not the government supports that principle, whether or not it will write that into the awards, and whether the government will foist that principle onto the sectors in the economy that it can—it would have had an influence on the submissions that the minister, and indeed the opposition, received in relation to this bill.

At this stage, of course, we are in the dark as to the government's view on that matter. Whilst that item might not have been a deal-breaker in relation to the legislation, it all adds up to part of an industrial relations system that may or may not involve a business-friendly environment. The minister has not done a service to the debate on the bill by rushing it into this place before the Stevens industrial relations review has been completed.

You have to ask yourself the philosophical question: why would a government allow a non-unionist to be charged a bargaining fee by the union for a pay deal from which non-unionists may benefit, even though the non-unionists had not requested the union to negotiate on their behalf? You would have to ask why a non-unionist would need to pay for a service that was never requested. The union's approach and that of small business as to whether the shop trading hours reform is good would have been influenced to some degree by that type of industrial reform, if it had been clarified by the minister.

However, with respect to the junior wage rates, which could be abolished (and we asked today whether the minister would rule out the abolition of junior wage rates, and he took the opportunity not to do so), one can only assume that at least at this stage it is a possibility. I have no doubt that in due course the minister will clarify whether that is to be part of the package when he releases his legislation.

The other issue that has not been dealt with in relation to this legislation is that of unfair dismissal. The majority of the retail sector tends to be small business, and I think it is fair to say that, as a collective, it would put to government that it has difficulties with unfair dismissal and the current provisions. I know that the federal government has moved on a number of occasions to try to simplify the unfair dismissal rules, and it has been knocked back by a hostile Senate. Indeed, one of the great protagonists against unfair dismissal was herself dismissed today, in effect—an irony not lost on some.

The minister could have taken the opportunity to clarify the government's position as to whether it intended to change any of the laws relating to unfair dismissal for small business. Various proposals have been floated about businesses of fewer than 15 people being exempt from unfair dismissal provisions. That would have been welcomed by the small business community and more than likely opposed by the union movement. However, again there is no direction from the government in relation to the industrial relations reform with respect to unfair dismissal.

Today, the great concern was that when the Minister for Small Business (Hon. Jane Lomax-Smith) was asked about the effect of expanding the unfair dismissal regime to probationary workers and trainees—and it is the UTLC's submission to the government that trainees should come

under the unfair dismissal regime—that would certainly have an impact on the retail sector. I am sure the retail sector was not consulted in relation to the UTLC's submission. Again, we sought to clarify that issue because we are debating deregulation of the retail sector tonight, in part at least, yet there is no guidance from the government in relation to whether those businesses will have to deal with the unfair dismissal legislation or provisions spreading across to probationary workers and trainees.

I have worked in the retail industry, and I put on record that prior to entering this place I owned three paint shops and a hardware store which I sold in about 1995 or 1996; so, I have some experience in the retail sector. Traineeships were always an opportunity to be looked at as it gave people a chance to get a grounding and, to some degree, cut their teeth. Traineeships were not quite as formal as apprenticeships. We also had building companies and always had apprenticeships in plumbing and carpentry.

It seems to me that, if the government is trying to extend unfair dismissals to traineeships, the small business community will see that, in general, as a negative and that may well dampen the enthusiasm of the retail sector and, indeed, other sectors to be involved in that scheme. It would have been easy to say, 'We understand that the UTLC has put it to the government, but we are rejecting it.'

In his answers today, the minister made great play about considering every submission; and I can, to some degree, understand why the minister gave that answer. But, occasionally, there is such an outrageous suggestion that it can be ruled out straight away. The minister did that himself when he ruled out total deregulation prior to receiving a submission. So, if you can rule out total deregulation without receiving a submission, it seems to me that, if submissions are received from organisations, be they union or other, that are so outrageous, they could be ruled out straightaway and it would save everyone a lot of pain.

But, as it turns out today, we did not get any direction on that issue from the government as to unfair dismissals for probation workers and trainees; and, as a party that has stood firm for small business over many decades, we would have great concern if the minister and the government accepted a recommendation from the union that unfair dismissal should extend to trainees.

A further issue on which we tried to seek clarification from the government today during question time was the concept of individual bargaining and the push by the union to restore collective bargaining with unions in the prime negotiating role. That will certainly raise a red flag to the business community, indicating that the unions are seeking to wind back the concept of bargaining and to restore collective bargaining and remove or retract individual/enterprise bargaining. Of course, as the question asked in question time highlighted today, it was the Keating Labor government, as I recall, that actually started to role out Australia-wide the concept of enterprise bargaining. So, when the opposition asked questions today about individual bargaining and whether that would remain, it was to try to seek some guidance in relation to this debate.

The constant theme in the first part of this debate is that we believe that there was an opportunity for the government to hold up the legislation on extended shopping hours; decide what it wished to do in relation to industrial relations reform; bring the industrial relations reforms to the parliament; and obtain guidance from the parliament on those reforms that the parliament found acceptable. Those reforms, whatever they were, would have then been adopted and, given the then industrial relations environment, the retail industry could have been asked what was the community's view on any or all deregulation in relation to retail shop trading hours.

But that opportunity has not been taken; we have put the cart before the horse. What we are saying is, 'We are going to deregulate, in part, shop trading hours', and then once that is done we are saying, 'We'll try to change the industrial ground rules from under you and, in a more deregulated environment, you will just have to wear whatever the parliament dishes out in regard to industrial relations.' There seems to be no hurry on the government's part to bring this measure in as a permanent measure, if the Premier is to be believed when he talks about a trial. However, the reality is that there is nothing in the bill that says it is a trial. So, we can only assume that the word 'trial' was basically a media grab and the actual intent of the legislation is that it will be permanent and we will have this piece of deregulation on a permanent basis.

Given the amount of discussion this measure has had in the media over the last six or eight weeks, I think it is clear to everyone that, if we go down the path of deregulating shop trading hours as proposed by the minister, it will be very difficult indeed to wind back the provisions, particularly in relation to Sunday trading. So, we argue that the proper process would have been to illustrate to the parliament what industrial relations reform was proposed and then consult the various community and industry groups as to whether they wanted to deregulate shop trading hours, given the new industrial relations environment, and then bring that to the parliament. I believe that the minister may have received different submissions from some of the groups that are anti-deregulation if there had been clarification about whether the industrial relations environment was going to be more user friendly; and he might have received a different response from other groups if the industrial relations environment was going to be less friendly.

So, the parliament to some extent is flying blind. I know the minister had a lot of fun at the expense of the opposition today during question time.

The Hon. M.J. Wright: You made it pretty easy for me.

The Hon. I.F. EVANS: The minister says that we made it easy for him, but the fact is that his answers were not about getting a yes/no on the record. As far as the opposition was concerned, at least in part, our questions were about trying to get some direction as to where the government was trying to take industrial relations reform in this state. During estimates committees we asked questions about whether the government was going to introduce common law claims back into the WorkCover system; we asked questions about whether it was going to have the costs of injury occurring in journey accidents to and from work reinstated in the WorkCover provisions; and the reason we did that was that the minister had announced an enormously expensive review of WorkCover.

We are suggesting that, if we had had some clear direction of where the minister was going to take it, that would have affected the consultation on shop trading hours. It will have an effect. I know that business groups will be concerned if changes to WorkCover result in higher WorkCover premiums. They will naturally be concerned about that and would be aware that in Victoria WorkCover premiums have gone up in double digit figures as a result of changes made by the Victorian Labor government. We know that the

equivalent of the WorkCover scheme in New South Wales is an absolute disaster and has huge unfunded liability.

So, having done all the hard work over the past eight years to bring WorkCover back into basically a fully funded entity, it is a concern to not only the opposition but many business groups if the government is now going to tinker with WorkCover or, indeed, savage WorkCover, depending on the government's approach, only to deliver higher WorkCover costs to the business community in relation to WorkCover fees through making changes to the WorkCover scheme.

The other issue raised today by the UTLC in the list of demands it has sent to what it believes is a friendly government—if the *Advertiser* is to be believed—is the trade union role. It wants to ban workers and employers negotiating pay without unions. I know that the Premier idolises Don Dunstan—and Dunstan was around in the 1970s—but it seems an unusual approach to take industrial relations back to the 1970s just because we like Don Dunstan. It seems unbelievable to me that the government would not rule that out today.

If the government is not considering that issue—it is not on the agenda, it would not have been hard for it to come out and say, 'Philosophically, we don't agree with that; we won't put the union into a position where they can interfere with negotiations between employers and workers if they are not required.' It seems to me that the government did not take that opportunity today to rule out those provisions. So, again, the parliament gets no direction on key industrial relations reforms that will affect all sectors, and particularly in this case the retail sector.

These are only the UTLC's demands. I would love to see some of the other demands placed on the minister in regard to his industrial relations review. Let us just walk through them. The union is saying that the trade union should be able to ban workers and employers from negotiating pay without unions. On individual bargaining, the union says that the government should restore collective bargaining with unions in the prime negotiating position. In relation to unfair dismissal—

Mr Snelling: What's this got to do with the bill?

The Hon. I.F. EVANS: I can tell you what it's got to do with the bill.

Mr Snelling: Have you got anything to say on the bill?

The Hon. I.F. EVANS: Yes. I have plenty to say on the bill, Jack.

Mr Snelling: I've been waiting for it.

The Hon. I.F. EVANS: I appreciate that the member for Playford has close affiliations with the SDA, that he has an interest and that he would have argued furiously—

The DEPUTY SPEAKER: Order! The member for Davenport should not respond to interjections. I draw his attention to relevance.

The Hon. I.F. EVANS: In my view, the relevance—

Mr Snelling: It's very tenuous.

The Hon. I.F. EVANS: I don't think it is tenuous. I am referring to the whole debate about deregulating shop trading hours without an associated package of industrial relations reforms when the government has before it its own review which we know is coming down in six weeks, on 15 October. We know that this bill will not get through the upper house next week. We will sit to a ludicrously late hour tonight because the minister and the government wish to push through an important debate in one day. That is fine; we will be here late. I am happy to debate it all night; it does not worry me. But, I say to the member for Playford: do you know what will happen then? It will sit in the upper house for six to eight weeks when we are not sitting, and we will have sat here all night for what purpose I am not sure. The bill will sit in the upper house and all these matters can then be consulted on in a proper fashion. This measure has not been consulted on in a proper fashion, and I will come to that in a minute.

Industrial relations reform is important because on 15 October, the very week that we come back to parliament, Greg Stevens, the minister's reviewer of the industrial relations system, will hand his report to the minister; then, we will get some guidance as to where the government may be going, and the minister will bring in his legislation within a few months thereafter.

So, there is an opportunity to fix up the industrial relations system, for the parliament at least to address the issues which the government wants it to consider and which other parties by amendment wish to consider, and then deal with the deregulation issue. But you want to say to the industry groups, 'We know we're reviewing WorkCover; we're spending hundreds of thousands of dollars on the WorkCover review; we will spend hundreds of thousands of dollars on an industrial relations review; but we will deregulate you first and then, after you have been deregulated, we will change all the ground rules.

Therefore, I think it is relevant, especially when we are talking about shop trading hours. It goes to the cost structure, the flexibility of the business, and how business people can operate their businesses—in this case, retail businesses. If you think the retail groups are not interested in these issues, go and speak to the State Retailers Association, the SDA and the Australian Retailers Association and ask them if they are interested in the industrial relations review, the WorkCover review, unfair dismissals or union bargaining fees being charged to non-unionists, and the answer you will get is, 'It is all relevant.'

I accept the fact that the member for Playford likes to interject and stick up for his SDA mates and make his point, but I argue that anyone would accept that the lack of industrial relations reform in this debate is a fundamental mistake in the bill. That is why the member for Playford will have the opportunity to join with the opposition in seeking to suspend standing orders at the end of the second reading debate to move for a select committee to sit over the next six to eight weeks so that these things can be properly consulted.

The Hon. M.J. Wright: A select committee?

The Hon. I.F. EVANS: The minister laughs about a select committee. I am glad he does. We will see about that, because, ultimately, if a select committee does not get up in the lower house we will support a motion to that effect in the upper house. Then we will see what the consultation process brings, and we might even put to that consultation process some of the issues that the member for Playford thinks are relevant to the issues tonight. I put to the house that those industrial relations reforms that have been laid out today by the UTLC are central, in some degree at least, to the whole debate on this issue.

Ms Thompson: Are you going to sit down now?

The Hon. I.F. EVANS: No.

Mr Williams: You used to be a champion of consultation, Gay.

The DEPUTY SPEAKER: Order!

The Hon. I.F. EVANS: I want to take up the issue of consultation at this point.

Ms Thompson: First of all, define it.

The DEPUTY SPEAKER: Order! The member for Reynell is out of her seat and out of order.

Ms Rankine interjecting:

The DEPUTY SPEAKER: Order! The member for Wright should take heed of what the chair has said because warnings may soon be given.

The Hon. I.F. EVANS: During question time today the minister made light of the fact, stating:

> The reason why we [the Labor Party] are fair is that we consult the stakeholders.

I laughed at that point. I think I was warned after that and as a result lost my right to ask questions during question time. That is how I think it happened. I laughed because I had actually been on the phone to a few of the industry groups over the last 24 hours trying to establish what consultation was undertaken in relation to this bill. Most members would have seen the news release put out about trading hours on Friday of last week. It states:

> Trading hours—small business replies. Press conference Friday 16 August 2002.

This was a pre-press conference notice that was put out saying that small business leaders in South Australia had called for a press conference to reply to the state's trading hours proposals and that it would be held at the Stamford Plaza last Friday at 10.30. The groups involved in this conference were: the Foodland Chapley Group, the Newsagents Association, the Meat Traders Association, the Pharmacy Guild, the Main Street Program, IGA Everyday, the Motor Trade Association and the State Retailers Association. I thought, 'Here's a go.' The minister whacked the bill in last week; he is demanding that it be debated within seven days; we will sit for all hours of the night on Wednesday night debating this issue, so perhaps I will ring these groups and ask them to whom the minister has sent the bill and had a meeting with in order to explain it and brief them.

It was not the Foodland Chapley group. I rang Nick Chapley and he told me that the minister's office did not send him a copy of the bill and did not provide a briefing. It was not the Newsagents Association. It said that it had to source its own copy of the bill and did not get a briefing from the minister's office. The Pharmacy Guild was not sent a copy by the minister's office and was not offered a briefing. IGA Everyday says that it was not sent a copy by the minister's office and did not get offered a briefing. I thought that surely the government sent one to the Motor Trade Association. So, I rang that association and, surprise, surprise it did not get a copy of the bill from the government, either, and was not offered a briefing by the minister.

Then we asked the State Retailers Association whether it got one from the minister's office and whether it was consulted about the bill. No, it did not get a copy of the bill from the minister's office and was not consulted about it, either. So I rang the Australian Retailers Association. That association actually got a copy of the bill because it took its own initiative and contacted the minister's office or the parliament and got a copy of the bill when it was tabled, but it was not offered a briefing ultimately by the minister's office, as I understand it, once the bill was tabled in the parliament.

I even contacted the union. I rang Don Farrell this afternoon and said, 'Don, mate, how are you going? Shop trading—the old argument—is back on the agenda. Don't tell me, Don—please don't tell me—the minister didn't give you a copy of the bill and didn't provide a briefing to you after the bill was tabled.' To my surprise it appears that even the SDA was not offered a briefing by the minister's office after the bill was tabled. So, the reason we support the bill's going to a select committee—

The Hon. M.J. Wright: Because you can't make up your mind.

The Hon. I.F. EVANS: We have. The reason we want it to go to a select committee is that all these groups are contacting us about issues that seem to be unresolved, so at least a select committee would give them a chance to put the facts before it so that we can properly consider them in October when we come back. The minister knows he will not get the legislation up between now and October when we come back, so it seems that no harm—

The Hon. M.J. Wright: I don't know that. You're saying you know it, but I don't know it.

The Hon. I.F. EVANS: The minister has not been talking to another place—that is the minister's role. It seems that there is an opportunity between now and October to sit down with those groups and listen to them on the bill. In fairness to the minister I acknowledge that he met individually with groups or associations and talked to them about what they may or may not require in relation to the bill. I accept that there was an initial process of being involved in some discussion with groups, but I understand that, once that process had finished and the bill was drafted and introduced, none of the groups has seen it.

We rang up the small business groups two days ago to say that the government was forcing us into debate this Wednesday—as we were told Monday afternoon—and we asked them, 'What is your view?' They all said, 'Where's the bill?' It was up to the opposition to fax out the bill to the various associations (or at least to those that did not have it) in order to get back some consultation on the bill. That is the whole point. We understand there has been a consultation on a broader issue, but on the details and ramifications of the bill itself there has been, in effect, no consultation.

The appropriate course then is to send this matter to a select committee, which can deal with it over the next six to eight weeks. Obviously it can be a bipartisan select committee and can report back to the house on a whole range of issues we may be able to address. We will consider some amendments at some ungodly hour tonight, and in large part consultation has not been undertaken on those amendments. That is not a criticism of anyone proposing them but a reality of the time pressure the government has put upon the parliament to debate this issue. I do not think there has been nearly enough consultation on those issues. When the minister says in question time that he is a great one for consultation, that is a farce.

Ms Rankine: It's not a new issue.

The Hon. I.F. EVANS: The member for Wright says that it is not a new issue, and that may well be so. The principle of deregulated shopping hours may not be a new issue, but the mix of what is proposed is certainly a new issue and it needs to be debated.

Mr Snelling interjecting:

The Hon. I.F. EVANS: The member for Playford talks about a royal commission. If the government has money available to have a royal commission, back the member for Hammond in. If the member for Playford is saying to the parliament that the government has money for a royal commission, back the member for Hammond in. Let him have his royal commission in that regard.

The consultation on the bill has been a farce. We were having people fly in from interstate as late as this afternoon to try to consult the opposition on this bill, and we argue that the appropriate procedure for the parliament is ultimately to go to a select committee on this issue so that a lot of the industrial relations issues can be placed before it. The select committee could address a whole range of issues in relation to shop trading hours. It could discuss things like the control of shopping centres, that is, the control of the landlord and/or core tenant over the other tenants, particularly in regard to the renewal of leases or hours that need to be traded. There could be debate about that and more reform brought in on that issue as part of the bill if the consultation process—

Ms Rankine: Give us an example.

The Hon. I.F. EVANS: I will give you a big tip. Ring the Pharmacy Guild and it will tell you that we consulted very well on shop trading hours in 1995 when the then government changed them. I spoke to that person today. Ring the Pharmacy Guild and it will tell you that. You can sit there and interject all night: it simply means that you will be tired tomorrow.

Ms Rankine interjecting:

The Hon. I.F. EVANS: Yes, it does, because the more you interject the more I will talk. I am in the member for Wright's hands. Other issues could be brought up in relation to having a select committee, for example, things like trying to get almost anti-discrimination provisions into various acts so that the landlords cannot unduly influence the prospective tenant into signing contracts or force tenants into signing for more core hours than they need or desire. I will deal with that issue later. However, there is an opportunity for a select committee to take evidence on the whole question of core hours and the influence between the landlord and the various tenants.

There are also employment implications. This is one of the intriguing arguments about this whole bill. What are the employment implications? If we are to believe it is a trial, who will take on more staff for four more Sundays of shopping and two hours on week nights? Unless there is some certainty for the employer, I suggest there is a fair chance that, until the government gives some guarantee that the hours are permanently into the system, the extra hours made available during the so-called trial will more than likely be spread across existing staff. I am not convinced that with a one-off trial people will rush out and say, 'Whoopy-do! I have four more Sundays for a trial; let's employ more staff.' Ultimately they will have to deal with the staff at the end of the extra four Sundays trial. For an extra two hours a day I am not sure whether they would take on more staff or spread it out among existing staff. It may trigger extra penalty rates if they do that because of the core hours worked and a whole range of industrial relations matters. I am not quite sure what the employment implications are in relation to this bill.

We could talk in the select committee about exemptions, that is, exempt shops, as the government has sought to change in this bill. There may be others who could put evidence before us about the need to either change exemptions, keep exemptions or not. We could take evidence on that. We could look at other tourism precincts. Some would argue the Glenelg tourism precinct has been a success in relation to retail shop trading hours and building up a tourism precinct at Glenelg. Maybe there are other areas within the metropolitan area where the same result could be achieved without needing the measures put forward by the government in this bill. That is, you could target and deregulate two or three other tourism precinct areas and not necessarily go down this whole path. The committee could take evidence on that, for example.

We could take more evidence about these competition payments, the NCP review and Mr Graham Samuel and the threat of part of or up to $54 million being withdrawn from the state government in relation to the national competition review payments if more competition is not brought into the retail trading hours argument. We could flesh that out and take some evidence about the reality of that threat versus the perception of that threat. We could take some evidence on and look at the whole concept of enterprise bargaining agreements and how they could benefit the small business sector or, indeed, the whole retail sector. We could look at the award payments and penalty rates. The lobby groups have been talking about the need to try to bring small business onto a level playing field with the larger enterprises in relation to the industrial relations agreements, the EBs and the EAs.

Let us take some evidence on it and see how easy it is to achieve, because if it is easy to achieve, it may actually change some people's view in relation to the whole debate. However, we are denied that at this opportunity. Then, of course, we have the general heading of industrial conditions which we could talk about in relation to the retail industry. The final point is in relation to the review of government services. What government services will now be available on the extra Sundays? Do the industrial inspectors operate on Sundays? Will the Workplace Services inspectors operate after hours and on the extra Sundays? Will other government services such as the various WorkCover reporting systems be available on the weekend, or is it only the private sector that needs to deregulate and offer their services all hours of the week and weekends and not government services?

We could take some evidence on that because I am unclear on that matter. I have not checked that matter and the minister may well seek to clarify that matter during his response to members' second reading contributions after midnight. I think there is an opportunity through a select committee to say to the broader community, 'This is the government's proposal to deregulate shop trading hours. We think a whole range of issues need to be thrown on the table. We want to consult with the community by throwing them on the table, and we have until about October to do that.' We think that that is a reasonable proposition and we know that many of the organisations that have lobbied us over the last seven days in particular have a view that they have not been listened to in enough detail and, now that we have the bill, they would like to talk to someone about the bill.

That is a point that the house needs to consider. While the member for Wright and others say that the issue of shop trading hours is not a new issue—and that is true—this model of deregulation of shop trading hours is new. The major industry players have not seen the bill and we would like them to have the opportunity to appear before a select committee, tell us what they think is good or bad, and then the select committee can recommend to the parliament what they think the view should be and then the parliament could deal with it. I think that is the appropriate course of action.

Another reason why the opposition supports a select committee is that the Attorney-General has not sent the bill to the Retail Shop Leases Advisory Committee. Why would you have a Retail Shop Leases Advisory committee? The government brings a bill before parliament that actually amends the Retail and Commercial Leases Act 1995. It is talking about amending the act by trying to reduce the core

hours to 54 hours—I think that is the general principle of the amendment—and the Attorney-General has not even bothered to send it to the Retail Shop Leases Advisory Committee. The lower house members of parliament are asked to vote on the bill within two days—told Monday, vote Wednesday. The government has been floating around consulting everyone under the sun except its advisory committee in relation to retail shop leases. Why would the government not give the Retail Shop Leases Advisory Committee an opportunity to comment when it is made up of a whole range of industry people who have experience in retail shop leases?

If they have experience in retail shop leases, then it seems to me that there is a fair chance that they may have a list of other amendments that they may want the parliament to consider in relation to retail shop leases. Why not flick them the bill and ask them what their view is? It seems to me to be the height of arrogance to rush the bill through. The government has not sent the bill to any of the industry associations: it has not even sent the bill to the Retail Shop Leases Advisory Committee. It gave the opposition the final notice on Monday: 'We are debating it Wednesday. We will cram it through in one night.' We ask for a select committee so that there can be proper consultation and we are told that it will not support it.

It seems to me to be an extraordinarily arrogant approach to take in relation to this issue. What harm can possibly be done by holding it up for six to eight weeks during which time a select committee can look at all the issues placed before it, because it may well be that the government does not have it right. It may well be that, if it had bothered to speak to people such as the Property Council, the State Retailers Association, IGA Everyday, the NTA, Foodland, the Newsagents Association or the Pharmacy Guild, the government may have found that they have a view on the bill or that they could even suggest an improvement to the bill. But, as it turns out, the government does not even do them the courtesy of sending them a copy of the bill.

The government then says that it wants to rush the bill through tonight. It then says it will not support a select committee to consult with the community. It ultimately admits, through omission, that it could not even be bothered to send it to the Retail Shop Leases Advisory Committee. Why was the Retail Shop Leases Advisory Committee set up? The reason that was set up was that we all know that the relationship between landlord and tenant, particularly in major shopping centres, is a difficult and complex relationship and different powers play in that relationship. One of the reasons that the Retail Shop Leases Advisory Committee was established was so that the government of the day (and, through the government, the parliament) could get some advice on amendments to leases.

At the end of the day, it may well be a good thing that the government is proposing to make the amendment to the Retail and Commercial Leases Act 1995 so that hours do not exceed 54 hours a week and do not include any time on a Sunday, but it may not be the only amendment if we went down the path of speaking to the Retail Shop Leases Advisory Committee. I was very surprised today, because the Attorney tends to be a little sharper than most in relation to these issues, that the Attorney had let slip through the cabinet and indeed into the house, a bill that deals with retail shop leases without sending the bill to the Retail Shop Leases Advisory Committee.

If my information is correct, the Retail Shop Leases Advisory Committee has met only once since the government took office, and that was on 3 April. I suspect that that meeting had been planned under the previous government and just happened to fall due on 3 April after the current government took office. So, from 3 April to 21 August we have not had a meeting. We have had the whole debate about shop trading hours, and submissions have been made by the Property Council and the shopping centre owners association. Naturally enough, all those people would be interested in the relationship between landlord and tenant, yet the Retail Shop Leases Advisory Committee, set up to deal with those exact issues, is not consulted. So, between houses, it may pay the government to flick the bill to its own advisory committee and see what it says, because it may well suggest an improvement to the bill that we could all consider.

What upsets me most is that, when we have significant debates (and shop trading hours is always a significant debate, given the variety and colour of the views that are expressed in relation to the issue), it seems to me that the parliament is denied hearing the views of various organisations on the bill. Many organisations have written to the Liberal Party on the principle of what the government is proposing through its press releases and media reports, but very few have had direct access to the bill and been briefed by the minister's office it, and then been able to put in a submission. So, the parliament does not have that information before it, and that is unfortunate.

It would be good if the parliament agreed in either this house or the other house to set up a select committee in relation to that issue. I will make clear to the minister that if we do not get a select committee in this house we will support or move for the establishment of one in the other place to achieve an end to the debate that I have been on about for the past half hour or so. We may not win that debate in the upper house, but we are happy to run the debate in that regard.

As I understand it, the Australian Retailers Association has been doing a lot of work on trying to establish enterprise agreements for the retail sector, because there is an acknowledgment across the sector that, while some of the major players have established enterprise bargaining agreements under the federal legislation, there are very few equivalent enterprise agreements at state level under state legislation. I got this from the minister's officers, who were reasonably certain, so I think I am right in basing this on their advice. In their defence, they were reasonably certain; they did not say it was 100 per cent right, but they were very confident. If these sources are correct, we understand that since the enterprise agreements have been available at the state level, which was about 1994-95 to 2002, not one enterprise bargaining agreement for the retail area has been registered under the state system. Some are registered federally—for instance, I think Coles has one federally—but not one is registered under the state system.

The state government changed shop trading hours in 1994 or 1995, enterprise bargaining agreements were offered up as an industrial relations reform to try to deal with this issue and none are registered, so we would have to ask whether we need to go back and look at that system to see how we can streamline it for small business. If none have been officially registered, that should flag to the parliament that the system possibly needs to looked at—not necessarily demolished or abolished. As I understand it, the Australian Retailers Association has done some work in relation to developing an EA agreement for small business that deals with a whole range of issues. I have not seen the documents, but I suspect that the issues they deal with are trying to bring a level

playing field to the small business retail sector compared with the large retail sector.

As I understand the principle they are driving at in relation to the EAs, because of the no-worse-off provisions, the larger retailers who have EBs under the federal award have essentially lifted the normal rate of pay for normal weekdays and spread the cost of the overtime that was normally paid on Sundays out across other days. So, there is not a huge disincentive to a business to have the extra penalties on Sundays; they are not as bad. That then frees up the business with other things in the EB on a whole range of rostering issues and brings flexibility to the business, and with flexibility comes a whole range of benefits for the employee and employer. That seems to be working for the larger retailers; I do not think there is any argument about that, and I am not critical of that.

But, I think what the Australian Retailers Association and the smaller retailers associations are trying to do through the arrangement they have been working on is to try to bring that system to the small retailers. You would have to suggest that, if it works for the large retailers and if some organisations can work their way through the mire to deliver that to the smaller associations, that would be a good thing.

If the minister is not aware of that, he should be. His officers should have picked that up through the consultation process—we certainly did. If he is aware of it, why not wait five or six months, give the Australian Retailers Association the opportunity to bring in that system and listen to the small retailers and the other retailers who will use the system or mechanism they propose? I have not seen it, but why would you not give that an opportunity to work before changing the ground rules? I cannot quite understand that. There seems to me to be no rush. I do not recall my office being rushed by people wishing to deregulate shop trading hours; it was only when the minister put it on the agenda and a couple of interstate retailers became involved that it suddenly become a public issue; the minister might have been doing some work on it behind the scenes. It seems to me that there was an opportunity to say, 'Hold on; there is this idea for small businesses. We will sit back and wait and see what the Australian Retailers Association can do in relation to that issue.'

You would have to ask: if we have had the opportunities for EAs at the state level since 1994-95 and none is officially registered, what does that mean? I think it means that the system needs to be looked at, simplified and clarified, if that is possible. It may well be that some businesses have written the EAs or EBs and not officially registered them. I suspect that has probably happened. I suspect that businesses out there have drafted a document, got their employees to sign it and probably have a written agreement about how they are operating but have not actually gone through the formal process of lodging it. That may well be happening out there; it would not surprise me. There was an opportunity for the minister to let the industry have its head and complete its good work on that issue before we jumped in and really confused the whole argument in regard to retail shop trading hours.

Another issue could have been addressed in that whole process. I understand that some discussions might be happening between some associations about this as we speak. I do not have great knowledge of the retail award; I have slept since I got out of retailing eight or so years ago, but to my memory there was a clause in the retail award that under normal hours the employee could nominate one day of late trading; and in the suburbs they nominate Thursday and in the city I assume they nominate Friday. That is covered as part of their normal hours in the calculation of their pay. The government has said that retailers can open two extra hours on week nights until 9 o'clock, but it has not changed the retail award. If a business chooses to stay open Monday, Tuesday, Wednesday and Friday night in the suburbs, Thursday night already being open and at normal hours, my understanding of the position we now find ourselves in is that the minister wants retailers to pay penalty rates to do that. There will be penalty rates on those hours because the late night trading on those nights is outside the one night that is nominated as late night trading and therefore will attract penalty rates.

There was an opportunity to hold back the legislation and deal with that issue if the minister wanted to, but the minister decided he did not want to hold back to deal with that issue and a whole range of other industrial relations issues. That is why we were hoping the minister might have agreed to delay debate on the legislation until October so these issues could be worked through. We were also hoping the minister might have accepted the concept of a select committee in the lower house so we could work through those issues, but we do not have that either, so this is what we are left to debate.

What the government is saying to businesses is that they can open on Sundays and pay penalty rates; they can open after hours, 7 till 9, four other nights of the week and pay penalty rates; but the parliament is not going to offer one scrap of industrial relations reform, not one benefit in that scenario for employers, whether they are big or small. The big employers tend to belong to associations, usually bigger ones, and those associations have advisers and industrial relations people who can help them with a whole range of issues, including EBs and EAs.

The really big retailers have huge human resources departments that spend every minute of every day negotiating industrial relations issues with unions and staff, and those departments themselves would be bigger than most small businesses in the retail sector. So they have an advantage in dealing with these issues. The small three or four person retail business, of which two or three are family members, do not have a hope in Hades of dealing with some of the very complex issues that can arise in relation to EAs.

That is why the Australian Retailers Association and others were probably trying to work through a process to deliver a simplified package to a whole range of users, because it recognises that, if it can bring the smaller business community onto a level playing field with some of the bigger retailers, more people might accept the argument that deregulation is a good thing. I understand where the association is heading. I can see the advantages in what it is trying to do and I do not criticise the association for that. It is quite smart politics in relation to that organisation's view of deregulation. It takes away one of the barriers that is always thrown up about deregulation on this issue. However, I was hoping that the minister might have delayed the process in relation to that so that the Australian Retailers Association and others could work through that process.

My contribution over the last hour has really been about one principal theme in respect of the introduction of this bill, that there is no need for us to debate this until all hours tonight. There is plenty of time to deal with this issue. It is being rushed through the lower house for the government's own purposes. I suspect it will not get through the upper house next week because of the workload and priority of that

chamber. We have not had a proper consultation process in relation to the bill itself.

When we rang the State Retailers Association, the Australian Retailers Association, the IGA group, the NTA, Chapley Foodland, the Newsagents Association, the Pharmacy Guild and the SDA, we discovered that none of them had received the bill direct from the minister or the government and none of them had received a briefing from the minister after the bill had been introduced. It seems that the consultation process was flawed, and a select committee would be the appropriate mechanism to let the various parties bring to a head the issues that will no doubt arise during the six or eight weeks that the parliament will not be sitting. The upper house will adjourn the matter until October, I suspect, and those issues can be dealt with then. Why the minister wishes to ram it through the house tonight is just beyond me, given that circumstance.

We have received some submissions on the principle behind the bill, and because there are not very many of them, if the house will bear with me I intend to go through a number of those submissions in detail so that members are aware of the various arguments. This might take some time. The first issue I bring to the house is the view of the IGA group. It made its position very public with a full page advert in the *Advertiser* on Thursday 15 August. The advert states:

> Mr Rann, your new trading hours are all over the shop.

That is quite a catchy headline. It continues:

> The Rann government's new shop trading regulations announced this week are a sad mistake. More than that, they have the potential to do significant damage to the South Australian economy with major job losses.

The advert goes on to talk about job losses. It claims:

> For every job lost in a small independent store, only 0.4 jobs will be picked up in the large corporate stores due to their existing management infrastructure.

This comes back to an issue that I raised earlier about the confusion as to the employment effect of the government's bill. If it is a trial, which is exactly the word that the government used, I do not believe anyone will take on extra staff, and what this advert is trying to say to us is that, if we follow the path of deregulating, there will be a shift from the smaller retailer to the larger retailer, and that shift will result in fewer jobs in the small retail sector. It is acknowledged that it will result in some extra jobs in the large retail sector, but it will not be an exact transfer. If there are 100 jobs lost in the small retail sector, only 40 might be picked up in the large retail sector. IGA argues that that is because of the existing management structure, which is code for the capacity to staff and roster.

The point I made earlier about having the capacity to bring the small retailer and the large retailer to a level playing field on staffing matters would probably help the IGA group and others. The reason that there might be only 0.4 jobs is the size of the store. If you are shovelling people through the old cash register, you do not necessarily need that many people on the floor of the actual shop itself. There will be some job losses in the small retail sector and there will be more jobs lost than jobs gained.

When I asked the minister's advisers about job losses and job gains, they were brutally honest, and I congratulate them on their honesty. The minister's advisers said that the reality was that the statistics show whatever the industry groups wish to prove. The larger retail associations will use exactly the same statistics to show that there will be enormous jobs growth in the retail sector as a result of deregulation. The associations representing smaller retailers will say that the same figures will basically illustrate that there have been job losses. That was direct from the minister's advisers. I am not critical of them in respect of that. I think they have stated what some have believed for some time. I accept that trying to prove exactly where a job goes is a difficult if not impossible exercise. They go on to say that they believe it would lead to an increase in grocery prices. They argue:

> There are only so many dollars to be spent on groceries in any given week. If small independent stores have to operate extra hours, then prices must logically be increased to cover these increased costs. Prices in the eastern states are 5.6 per cent higher than in South Australia. Do you want the same thing to happen here?

This is interesting, because it was not that long ago that Australia had a debate whether we should put a 10 per cent GST on food. The Democrats and others went to the wall. The Labor Party might have supported the Democrats in the Senate in another place about removing the GST on food, yet here is the state government, if you believe the IGA argument, saying that we do want to deregulate, and the IGA saying it will result in higher food prices. If it will have a price effect, it will affect the battlers as much as it will affect the non-battlers.

The Hon. M.J. Wright: Do you believe it?

The Hon. I.F. EVANS: The minister asks if we believe it. Let us work through the argument. The argument is that if you open longer hours it will cost more. I think IGA would argue it this way.

The Hon. M.J. Wright: But I want to know what you believe.

The Hon. I.F. EVANS: No, we will go through IGA's argument. The business is currently open, say, 60 hours a week, and now it will be open 70 hours a week. So that means 10 extra hours of salary, 10 extra hours of electricity, cleaning and all those sorts of things, so there are obviously extra overheads. So there are fixed costs. The IGA is saying that the extension of shop trading hours will lift the expenses in relation to fixed costs. I think there is no argument about that. Even the minister would agree that, if a business trades longer, its salary bill would go up and its electricity bill would go up. So, the costs of business increase.

Then it comes to a question whether they actually make more sales—and that is the difficult question. IGA would argue that there is only a given amount of money to be spent each week on food, and that you are spreading the same amount of expenditure on food or their products over longer hours with higher fixed costs. Ultimately, that leads to less profits. It may not lead to losses in the sense that the business goes from a profit to a loss in one year. What it will do, they argue, is reduce profits so that the company may make a smaller profit than it did the year before.

A natural response to that is to put up your price to protect your profit. I know that when I had my paint shops and hardware store, if our costs went up, I would look at trying to trim costs elsewhere. If I could not trim my costs elsewhere, ultimately the consumer would pay. So, if deregulation has not increased the costs interstate, it would be interesting to know why they are 5.6 per cent higher than they are in South Australia.

There is a submission in which I think the Foodland group argues that we have the cheapest food in Australia because of the independent mix of retailers here. So, IGA would argue that it is a shift in market share. It states:

Extending trading hours is not about meeting customer demand for extra shopping hours. Stores are already able to trade longer than they do now, but choose not to. All this latest move will do is shift market share from the independents to the national chains. Administrative dollars to run those chains are all spent in the eastern states, further sideswiping the South Australian economy.

That just reinforces the point that they believe that, for a whole heap of reasons, this legislation will result in a shift from the smaller independent retailer to the larger retailer. They believe ultimately that many family-owned businesses are likely to close as a result, and they would argue that the family members who go out the family business door may not necessarily be picked up immediately in the employment market. They would argue that business closures will have an effect.

If we look at the shifts in retail demand over the last 10 years, we see that there is a whole range of businesses that were once there but are not there now. The corner deli is an example of where the introduction of these 24 hour service stations, and the introduction of supermarkets being able to trade later at night, has impacted on those small family delis that have now been virtually wiped out in a whole range of suburbs. Some would argue that that is a good thing; others would argue that it is a bad thing. I make the observation that that is an example of where retail trading changes have led to the demise of longstanding businesses.

The fifth point made by the advertisement from IGA relates to the interruption to family life. It says:

Working mums and students predominantly make up the teams that currently work from 7 p.m. until 10 or 11 p.m. These shifts now become 9 p.m. until 1 or 2 a.m.!

This happens with members of my cricket team. They all run off after cricket practice at 7 o'clock to stack the shelves, because a lot of them are school or university students. That was at 7 o'clock, but now it is 9 o'clock. It basically shunts them two hours later in that duty. That will affect some of them. Some of them will not be able to continue to perform that role because of long-term tiredness with their studies. I had that experience when I was going to university. I used to get up at 3 a.m. and work at the East End Market but, after six months of that and complying with my university studies, I found myself struggling, so I ultimately gave up my work. To some extent that may happen here. It is just an example of how family life will be interrupted. The advert further states:

The government claims that these changes have been brought about by consumer demand—what consumer demand? Make no mistake, these changes have been brought about by the insatiable greed of the eastern states based corporate retail giants to further enhance their market share and push South Australian enterprises out of business.

It goes on to say:

We strongly believe that extended shopping hours are NOT in the best interests of South Australia.

It is our view that any extension to the current trading hours should be rejected!

We encourage all South Australians to contact their local member of parliament. . .

So, IGA has put out a fairly expensive and public opposition to the proposals. It summarises in its advertisement the view of the small independent retail sector in relation to this bill.

I guess that in a lot of minds this debate comes down to big versus small. I know that the Australian Retailers Association has put an argument, not about big versus small, but about shop keepers having the right to trade when they wish. That may well be the view of the Australian Retailers Association, but other associations have the view that it is a matter of big versus small, and all about a transfer of business from small family-owned businesses to the large corporations. I guess it depends on your view as to whether it is a good thing for the consumer, and that question is probably central to the whole debate tonight. As I mentioned earlier, the opposition has received a number of general submissions in relation to the principle of trading hours. After the IGA submission, one submission was from the Motor Trade Association. It might be regarded as unusual for the motor traders to place a submission before the opposition, the government or, indeed, the parliament, given that, as I understand the bill, it does not affect their profession directly.

However, the association makes the point that it opposes the proposal. The Motor Trade Association says that it represents some 1 500 automotive industry retailers ranging from new vehicle dealers right through to service stations and convenience stores, and the operators of the convenience stores are not all oil companies. The association handles collision repairs, parts supplies (new and used) and hire car operations. So, the association has a wide spectrum of representation with respect to the automotive industry. The association has written to me expressing this concern:

The government seems inclined to further deregulate trading hours in the state. The MTA believes the issue of trading hours is but a small part of a much bigger issue about market power, market dominance and the future business profile of South Australia. The MTA believes that there is little protection, or inadequate protection, for small to medium businesses in relation to the market power and the market influence of big business. Until such time as national competition laws are strengthened in line with many of the submissions made to the federal government's Dawson inquiry into the Trade Practices Act and/or suitable controls are available at state level, any further deregulation of hours should be avoided.

The Motor Trade Association would argue that this bill should not be supported, although it does not directly impact on a huge number of its 1 500 automotive members. The association continues:

While the MTA and our members are not uncomfortable with sharing some general trading hour restrictions with cities such as New York, London, Tokyo and Toronto, as reported in the media, they do believe that further deregulation of hours must be balanced by greater protection from big business practices that discriminate the smaller independent operators and companies. Their members' experience with the petroleum industry and the oil companies and their treatment of service station operators and the insurance industry in relation to their exploitation of the collision repair sector suggests that further deregulation without checks and balances will be to the detriment of the smaller independent South Australian businesses.

Here is an association that is not really directly affected; the bill does not impact on its members as much as it does on any of the direct retailing associations, yet the association makes the very point that I made some hours ago in relation to other reforms that should be made. The Motor Trade Association states:

There needs to be better balance by providing greater protection from big business practices that discriminate against the smaller independent operators.

This is a similar point to that put forward by the IGA. It also states that, from its own members' experience with the petroleum industry and oil companies, it will be 'to the detriment of the smaller independent South Australian businesses,' which is again a similar point made by the IGA. The association further states that the laws need to be protected in line with its submissions to the Dawson inquiry. I would like a copy of those submissions, because if we had a select committee it could examine them to see whether something could be picked up at state level that might address

some of those issues. I am not sure what those issues are, but they could be examined at state level to try to fix up some of the trade practices involved in these issues. The point is also made:

> There is little protection, or inadequate protection, for small to medium businesses in relation to the market power and the market influences of big business.

That is another question that we hinted at earlier: a select committee may well wish to examine whether a recommendation on that issue could be put to the federal government or the appropriate body. There is a consistency of representation, bearing in mind that neither the IGA nor the MTA at this stage has seen the bill. Without seeing the bill, the MTA makes a submission stating that it thinks these matters need to be looked at in the whole debate. Just as the Australian Retailers Association says that this is not a matter of big and small: it is a matter of businesses being able to trade whenever they wish and the government should not set trading hours, the MTA believes it is not about trading hours at all. The MTA believes that trading hours are such a small part of it: it is all these other issues that have a greater impact on the competitiveness of the retail sector, and parliament should be focusing on those issues.

I think we can see a consistency at least with those first two submissions, but it is interesting that the Motor Trade Association has decided to make a submission even though it is not directly affected. Of course, the motor trade tends not to trade on Sundays. The minister would argue that, under his change, you should be able to buy furniture, carpets or electrical goods in the suburbs on Sundays, but apparently families would not shop for cars on Sundays. I am not necessarily arguing for the motor trader to operate on Sundays but, if you extend the minister's own argument to its logical conclusion, apparently families do not shop for cars, because, if they did, the motor trade would be operating on Sundays. There is a gap in that logic, as there is with a whole range of issues in this shop trading hours debate. However, motor traders should not get too worried: I am not arguing that they should open on Sundays. I think that they should have the opportunity to spend Sundays doing whatever they wish.

Another letter we received in relation to the shop trading issue is from the Chapley Group. This submission, which obviously had a lot of work put into it, says no to Sunday trading, no to extending weekday trading and no to extending the existing summer period trading. Its view up front is pretty obvious. The Chapley Group believes that the present situation provides a good balance between the needs of the shopping public, preserving healthy competition and safeguarding the livelihood of thousands of South Australian families. The group voices very strong opposition to any further deregulation of retail trading hours and specifically Sunday trading.

For apparently over 50 years, the Chapley Group has been continuously involved in shopping centre development and retailing. It currently owns and operates the Munno Para Shopping City, Frewville Shopping Village and six large Foodland supermarkets, as well as a number of small retail outlets with a work force of some 800 staff, serving around 130 000 customers per week. So, I think it is fair to say that it is not an insignificant operation; it is obviously a bit bigger than my paint shops and quite a big organisation. The group argues that it is not particularly motivated by self-interest. As I read its submission, if deregulation goes ahead as proposed by the minister, the group is well placed to benefit.

The letter states that their shopping centre precincts and supermarkets are well planned and in position to benefit in the long term if Sunday trading is introduced to the suburbs. They argue that they are not motived by self interest and that their objection is based on principle and fairness, as they believe that further deregulation has the potential to destroy hundreds of South Australian family businesses. They are in a unique position to view this issue from both retailer and landlord perspective. Due to their continuous involvement of some 50 years in the industry, their experience assists them in understanding the needs of the consumer and the need for the longer term survival of the South Australian retail businesses. They then go on and detail a range of questions and answers in relation to the retail shop trading issue. They say:

> Who are the protagonists who push for extended trading hours?

I guess a lot of people would ask that question. In fact, I recall a similar question was asked by the IGA Group, as follows:

> The government claims these changes have been brought about by consumer demand. 'What consumer demand?' ask IGA.

IGA claim it is all about the greed of the eastern state based corporate retail giants. As I said, Chapley asked about who are the protagonists who push for the extended trading hours, and they answer their own question. They say:

> Certainly not the thousands of South Australian family retail business operators or the 60 000 shop assistants and their families who are opposed to extended weekend trading hours. The chief advocates for seven-day unrestricted trading hours seems to be a handful of large interstate-owned shopping centre developers and large chain retailers with interstate headquarters wanting to increase their market dominance in South Australia. We suggest that extended trading hour surveys conducted should not only include a small number of national chain operators, more importantly they should include ALL the thousands of South Australian business operators and employees.

What they are really saying there is that the polls and surveys that have been done have been skewed towards one sector of the market. I do not have any evidence on that, so I take their word on that issue. They then ask a second question:

> Are certain aspects of the present retail trade legislation anti-competitive?

And they argue that they are not. They say:

> Certainly not. Often government legislates specifically to preserve competitiveness by preventing monopoly situations in the marketplace. A recent example is the failed national retailer Franklins who recently placed all of their stores on sale. Because of the already dominance by the chains in the marketplace, the ACCC intervened and limited the number of stores the major chains could acquire. The result was that the independent operators acquired a large number of Franklin stores.
>
> One of the arguments promoted is that deregulation will increase competition. This agenda relies on the premise that a maximum number of competitors will remain in the marketplace. If deregulation actually drives a large number of independent retailers out of the market, the result will be a reduction in real competition. For healthy competition to occur, there must be a strong independent operator presence in the marketplace as well as the chains.

And they wished to highlight as an example:

> In the eastern states, because of deregulation of trading hours, the national chains dominate over 80 per cent of the supermarket trade. In South Australia, the Independents (trading under the Foodland and IGA banner) hold a market share of more than 30 per cent, this is due to the fairer trading regime environment and because the Independents fiercely compete with the chains as well as amongst themselves.

That is an interesting argument about reaching the point where competition narrows the range of operators, through driving some operators out of the market, to the stage where

competitors are so few that the opportunity for price increases and other matters arise. There has been much debate about our petrol industry and whether that same situation occurs within the petrol industry. So, Chapley raise an interesting argument; and the Franklins argument is also interesting. What is being said there is that if the market gets so competitive that some of the independents leave, the major retailers will end up with such a large market share that there is the appearance of competition on the surface but the reality is that prices will increase and there will not be the competition that we all think there will be.

That is the argument of the Chapley Group, which are the only group that state it in such a succinct way in their submission. But, I think the point about at what point does a competitive market become uncompetitive in the real sense even though it is perceived to be a competitive market is certainly a submission worthy of consideration by the parliament. They argue that it is the result of this competition from the independent retail sector that helps South Australia to be the cheapest place in Australia for groceries. They make this point:

> South Australia is the cheapest state in Australia for groceries. This is not by accidental occurrence or by the generosity of the large national chain retailers. The real reason is the strong independent retail sector. Over the last 12 months, retailers have incurred substantial increased costs on power, insurance and WorkCover levy costs.
>
> If deregulation of trading hours is extended, the cost of running the business will further increase. In addition, wage costs will increase, because of overtime penalty rates will apply. Independent retailers do not possess the equal resources to implement an EB award into their businesses as the chains.

So, that backs up a theme that I was developing earlier in this address in regard to the capacity of these smaller independent chains/stores to compete against the far larger organisations in respect of EBs; and I will not go through that argument again, although I can if the minister wishes me to. They do reinforce the whole argument in regards to the issue about the increase in costs because of longer hours being passed on to the consumer. They also reinforce the point that we are the cheapest state in Australia for groceries. Why is that? Chapley would argue that if deregulation has provided the opportunity for consumers to buy more expensive goods more often, is that in the consumers' interests? Is it in their interest to let them buy more expensive goods more often or, according to the Chapley argument, is it better to have a situation where it is regulated and cheaper goods are provided, with less of them but on a reasonable basis? That is an interesting argument.

It would be interesting to hear the public response to the announcement that parliament wishes to let you buy more expensive goods more often; and I do not think it has been put in those terms. It is all about how you market that question. It would be interesting to establish why South Australia has the cheapest grocery prices, and we have a regulated system. The other states are deregulated and they are 5.6 per cent higher—why? I cannot say to the house that I have the answer, but it is an interesting question to contemplate. Chapley, I think, have put forward a reasonable proposition that it might be because we have a fiercely competitive independent sector. If anyone can present to me another argument I will be happy to listen to it. But that is the submission that has been put to us and there is no other submission that we have cheaper groceries here for other reasons. But I would be interested to hear what those other reasons might be. When the minister responds in the second reading, I wonder if he will advise whether he will set up any price watch mechanism to see whether retail prices increase as a result of the proposed reforms.

I remember that, when I was putting through an uncontroversial piece of legislation about emergency funding, I was asked at length whether we would put in place a mechanism to check whether insurance companies would pass on savings to remove a fire levy from insurance premiums and deliver it through another instrument. I now ask the minister that question: if the minister is going to deregulate, what price watch mechanism is he proposing to make sure that we maintain South Australia's position as having the cheapest groceries in Australia, because it would be unfortunate if he brought in mechanisms which meant that South Australia lost its place as Australia's cheapest state for groceries.

So, Chapleys raise some interesting issues in relation to South Australia's being the cheapest state in Australia for groceries. They then go on to this chestnut of a question whether the public demands or even needs seven day trading. This is Chapleys raising the question, not I. They say that they do not need the experts to determine whether there is a need or even a demand by consumers for extended trading hours. They state that the answer is simply there to be seen in a very practical manner in retail shops: that, if there was a need or a demand, one would expect to see large numbers of customers shopping until the last hour of trade, but that, on the contrary, the majority of shops are, indeed, undertrading, and by 5 p.m. there are few customers in their stores.

Although shopping centres stay open until 7 p.m. (with the exception of some majors), specialty shops within these centres tend to close their doors at around 5.30 p.m. due to the lack of consumer demand. They say it appears that one of the proposed changes is to extend weekday trading from 7 p.m. to 9 p.m., and they highlight that approximately nine years ago weekday trading hours were extended to 9 p.m. for a trial period but, because of total lack of consumer support, that was abandoned.

I want to talk about that for a moment. If my memory serves me correctly, I think it was one or two years prior to the 1993 election, the Arnold government—it might have been in the dying days of the Bannon government—announced reforms to shop trading hours. There are theories about why that announcement was made; others may go into that but I will not. Ultimately, one of those changes was to extend shop trading hours to 9 p.m. but, as Chapleys point out, it was a dismal failure.

I put to the minister—and he can address this in his second reading reply if he wishes—what has changed? What has changed from nine years ago? What consumer pattern has changed from nine years ago so that suddenly people will flock to retail shops between 7 and 9 p.m.? The minister might wish to respond to that. Can he confirm that Chapleys are right? His advisers might be able to tell him what were the details of that trial and why it was ultimately withdrawn if Chapleys were right. I think Chapleys raise an interesting point: if shops can open until 7 p.m. now but are not doing so, why would they open until 9 p.m.? If the consumer demand is not there to open until 7 p.m., will the consumer demand be there to open until 9 p.m.? The answer to that is: probably not.

Chapleys go on to say that another example is the failure of the existing pre-Christmas extended Sunday trading period. They say that, for the first three weeks, shopping centres are devoid of any worthwhile customer numbers and specialty shops generally do not open (apart from the last two weeks)

due to the lack of demand. There also seem to be contradicting claims by the major national chains. They say that, if there was a demand for further deregulation of trading hours, one would ask why in the suburbs a number of DDS and department stores do not open before 9 a.m. and have reduced closing time in from 7 p.m. to 6 to 6.30 p.m. and why, in the city, most department stores, although they can trade up to 9 p.m. on weekdays, presently shut at 5.30 to 6 p.m.

Again, Chapleys are making the point that they—I think they use the term—'underopen'. They could open for longer hours but they do not do so because of the lack of consumer demand. So, they argue: why open on weekdays, and in particular why open on weekdays if they are going to pay penalty rates for those two hours? This comes back to the whole point about the minister's not being prepared to delay the legislation so that we can deal with the industrial relations issue.

Chapleys then raise a further question: what financial impact will the deregulation of trading hours have on South Australian small business assets? The answer that they put forward is:

> The push for deregulated trading hours has to consider the issue of how we move from an environment in which people's decisions were made on the basis of existing trading hours. Shopping centre owners and retailers secure loans from financial institutions based on the value of their property. Generally, financiers stipulate in default clauses that the borrowings must not exceed the agreed ceiling ratio to that of the valuation. Deregulation will accelerate the flow of trade to major shopping centres away from the smaller centres. It is therefore reasonable to assume that valuation of smaller shopping centres will decline, resulting in financiers calling in loans based on default arrangements.

This is exactly the same argument (in principle) that was put to us about the government's move to bring in the increase in poker machine tax on hotels. This is exactly the same principle, but the money is going to a different cause. With poker machines, they have changed business financial ratios by taking in an extra $34 million plus the $18.5 million through the land transfer levy but, on the day-to-day turnover of the business in relation to the hotels, they are taking the money out of the business off their turnover (not off their profit) and giving it to the government.

Chapleys would argue that, in a retailing sense, deregulation will, in effect, do the same thing except that the money will be taken off the smaller retailer and given to the big retailer. Ultimately, Chapleys believe that the argument is that the shopping centre (the retailer) is then worth less. If the valuation of the property is less because the retailers are turning over less money, they generally make less profit. The sale of the business is normally based on some formula in relation to your net income—it can be based on turnover but normally it is the net income (depending on the type of business)—so the business is worth less when it is sold. If the business is worth less on the open market, that means that, if you have a mortgage against the value of the business, the value of the business drops, the mortgage is at the same rate, the equity ratio changes, and the banks call in the loan.

That is exactly the same principle that applies in relation to poker machines and hotels. A number of hoteliers of which I am aware have concerns about bank pressure in relation to changes that the government has brought in regarding poker machine turnover tax. It seems to me that this indicates a government that is inexperienced in relation to business and the effect that its decisions might have on business. In the previous cabinet, about 11 out of the 15 members had direct small business experience. The government has a similar ratio but it has more union experience than business experience at the cabinet table. Very few of them have any experience in day-to-day business and, therefore, these sorts of issues crop up as a result of the decisions they make.

So, Chapleys say that that is something that could occur if the transfer of retail sales from the small end of town to the big end of town occurs. They then say:

> Is South Australia shut for business?

I hope the media are still listening to this because the media occasionally go on about South Australia being shut for business. Chapleys raise this question, but argue that we are not. They say:

> Let us put this into some perspective. The hours that shops are not allowed to open are limited.

Already a large variety of retail services open seven days a week. They say that, if they choose, shops in the suburbs can open 19 hours per day on Monday, Tuesday, Wednesday and Friday, 21 hours on Thursdays and 17 hours on Saturday. So Chapleys would argue that, if you are open 19 hours a day on Monday, Tuesday, Wednesday and Friday, 21 hours on Thursday and 17 hours on Saturday, the state is hardly shut. They would go on to argue that shops in the CBD and some defined tourist precincts can, if they choose, open for the same total hours as in the suburban shopping centres, plus Sunday trading. They reinforce that the state certainly is not shut for business.

Then they go on and try to address the question I raised earlier of whether deregulated trading hours will increase sales and create more jobs. The Chapley Group agrees with the *Sunday Mail* editorial of 11 August 2002. If someone is listening in the leader's office, I would not mind a copy of the *Sunday Mail* editorial dated 11 August 2002. Chapleys go on and quote the editorial as follows:

> It is worth noting, however, there is only so much cash available and the extended hours don't necessarily mean a windfall but rather a shuffling of the spend.

The effect of unrestricted trading hours will not add extra sales and has the potential of increasing the unemployment queues. It is a fact that when you concentrate retail trade in fewer hands, for every one new job created two jobs are lost elsewhere. Further to this, more people will lose full-time jobs to part-time and casual employment. Chapleys argue, as did the IGA Group, that for every two jobs lost one is created, so for one job lost in the small retail sector about .5 is created. The IGA says that for every one job lost it is about .4 jobs created, so those two submissions are roughly similar and demonstrate that some research has been done somewhere.

I also raise the point about casualisation of the work force and part-time jobs. If you are extending it by two hours on Monday, Tuesday, Wednesday and Friday nights, there is a likelihood that people will go to casual labour, particularly since this will be a trial. Businesses will not take on permanent staff for a trial, so if you do not simply spread the hours across your existing staff you will bring in a few casuals to fill in the trial and see what the government does. Chapley raises an issue that parliament needs to consider in relation to the transfer of full-time jobs to part-time and casual employment. I know that members opposite have often raised matters about the significant increase in the casualisation of the South Australian work force and I know that the Democrats in the other place have often raised the matter of jobs transferring from full-time to part-time. I will not comment on its leadership—I was going to make a flippant remark, but that would be unfair.

Chapleys raise the question of how the small family trader operates and how the retail centres will be affected. They go on to say that most of the small operators are family businesses, which is fair comment. If they choose not to extend their trading hours they will lose market share to the chain operators. They do not possess the resources of the large chain operators to extend their trading hours. If they do open they will lose any quality time they now enjoy with their families. Further to this, any goodwill they have established in their businesses over the years of hard work will also disappear as fewer people will be prepared to purchase businesses with seven days' trading. All these small business people, whether they are owners of shopping centres or retailers, have significant mortgages and, if they lose their businesses, they have lost everything—all this heartache for the benefit of a small number of interstate chain operators.

All these people are South Australian families: they live, work, invest and spend their hard-earned dollars in South Australia and create employment for themselves, their families and the community. They argue that this will have a significant detrimental effect on the small family operator for a whole range of reasons, one being the inflexibility of the small operator to bring in extra staff. Ultimately, if you believe Chapleys, the family units tend to work those extra hours. Because of penalty rates, the family tends to work Sundays. When I had the paint shops the pay rate used to be around $24 an hour on a Sunday: I understand now that it is around $30 to $32 an hour. It seems that people will not pay that, so ultimately the family works it because it saves them $32 an hour, but it takes their time away from their families and has that impact.

The final part of Chapleys' submission queries whether the tourism industry would benefit if the trading hours were further deregulated. Suggestions have been made that if shopping hours are further extended tourists will come in greater numbers. To Chapleys this argument does not seem logical. Tourists will visit places primarily to see the sights, attractions and lifestyles of the people, and they will easily adapt to the shop trading hours in place. Cities such as Rome, Athens, New York and London, which do not open on Sundays, attract millions of tourists a year. Further, if large shopping centres are open on Sundays they will be competing for the tourist dollar with the traditional tourist destinations.

The losers in this equation will be the tourist destinations, such as the CBD, the Barossa Valley, Hahndorf, Glenelg, Victor Harbor and others. They acknowledge that the government and opposition members are under pressure from the major players in the retail industry for total deregulation. Because further deregulation of trading hours could cause so much damage to South Australian families, Chapleys believe that with any changes introduced in the parliament all members should be allowed a conscience vote on the matter. That certainly is not happening. I have gone through their submission in some detail but Chapleys, for those who believe in the small business argument, summarise well all the arguments in their submission relating to those issues.

It seems that, in fairness to the people who believe in the deregulation argument, we need to go through some of the submissions we have received in relation to deregulation. The proposed changes to shop trading hours have received some support from the Australian Retailers Association. For those who are not aware, the Australian Retailers Association is the peak retail body in South Australia. Its members operate over 2 000 stores in the state and represent the significant players in the retail group. Its membership profile closely matches that of the industry: close to 90 per cent of the members of the Australian Retailers Association are small retailers. They believe that, with such a diverse and widespread membership, the shop trading hours issue is a difficult one to deal with. It is a difficult issue for virtually all organisations.

There is a wide divergence of views within the Australian Retailers Association, which put to the opposition that this is not simply an argument of big versus small or the only businesses wanting to deregulate being big business. They argue that, whilst it is true that most larger retailers would like to trade seven days, there are many small or medium-sized businesses that would like the opportunity to do so. These retailers want greater flexibility in trading hours to ensure that they meet public demand for their services. Therefore the issue, according to the Australia Retailers Association, is not about working longer hours or trading for 24 hours a day: it is about being able to open and shut when there is sufficient customer demand. Their association's position is simple; that is, the government should not be in the business of regulating when the public can buy basics such as food and clothing, and it should not be a crime to shop. For those who believe, as the Australian Retailers Association does, that the government should not be in the regulation of shop trading hours, their argument would be that South Australia should slowly but surely move to a position where government does not regulate shop trading hours at all and let the market forces apply. I think it does make a fair point that not all small businesses are opposed to deregulation. I would imagine some small businesses would favour deregulation for whatever purpose.

The Australian Retailers Association supports the government's proposal that the metropolitan area should trade until 9 p.m. Monday to Friday, believing as it does that it will be of particular benefit to families who live in the outer suburbs. I know that the member for Fisher, whose electorate is centred around Aberfoyle Park, has made the point to the opposition that around 80 per cent of married women are in the paid work force, and he believes that, by allowing the two extra hours Monday to Friday, it would give them an opportunity to shop locally on the way home. If that is what member for Fishers' electorate is telling him, I can understand why he would want to put that argument before the house.

The Australian Retailers Association goes on to say that independent surveys have shown that this group—that is, the families who live in the outer suburbs—are very keen to have supermarkets trade an hour or two later than they do now. However, very few general retailers will trade until 9 p.m., as there is little public demand for their goods and services on most week nights. The Australian Retailers Association, the IGA and others are telling us that a few supermarkets may stay open a couple of hours if you are lucky, but the general retailer will not stay open because there is simply no demand. I think that is the message that the Chapleys, the IGA, and so on, gave us.

Then we go on to the Sunday exemption for electrical stores—

Ms Ciccarello: Aren't you tired, Ian?

The Hon. I.F. EVANS: No, not yet. The Australian Retailers Association supports this option as an interim step. It would like to see the current size restriction placed on smaller supermarkets increased to 1 000 square metres, and, importantly, a timetable put in place for consistency of Sunday trading among all retailers in all areas. That would be a position that the Australian Retailers Association could

put to a select committee, if the minister gave us one, and we could look at what the ramifications might be. I am not sure what the ramifications of increasing it to 1 000 square metres would be. I have not been able to speak to groups about exactly what that means. I am not sure what the approach would be to putting in a timetable about other deregulation.

I make the point to all the groups who might read this *Hansard* (if they get this far) that, if a program for deregulation was put forward and if that was matched by a program of industrial reform, the people who are opposed to deregulation might be more persuaded to accept it if they believed that the balanced approach to industrial reform gave the smaller retailer a chance against the bigger retailer. The Australian Retailers Association should not be discouraged from its view that, at some time in the future, there might be an opportunity to put in place a timetable, but, as I said from the outset, we believe that it needs to be matched by a timetable of industrial relations reform that brings in a level playing field.

The Australian Retailers Association goes on to say that the main issue with exempting solely electrical retailers is that it creates a problem for other retailers which sell a sizeable amount of similar goods but which will not be able to open due to their also selling, say, clothing and cosmetics. This is the 80 per cent rule and, as I understand it, if you sell electrical goods and they make up 80 per cent of your sales, you can open. Of course, Harris Scarfe's city store can open, but its suburban stores get caught up in this because its electrical sales do not meet the 80 per cent mark. In other words, because it sells a whole range of non-electrical goods, it gets caught.

That means that its market will be attacked by electrical good retailers that will now open on Sundays in the suburbs—and one assumes, given his comment, that it will be Harvey Norman and others—and, because of its product mix, Harris Scarfe's suburban stores will remain closed. Other retailers will probably find themselves in the same position as Harris Scarfe. I have not checked that, but I guess that other retailers would be in the same position as Harris Scarfe. That is why some people would argue that it should be fully deregulated: then these rules will not trip up anyone, and one can sell whenever one wishes. The Australian Retailers Association is doing the right thing by its members by bringing that issue to the attention of the parliament.

I think I heard the Managing Director of Harris Scarfe correctly on radio a week or so ago when he said that it is likely that Harris Scarfe will continue to trade if this provision goes through. The government will then have to decide whether or not it implements the act in relation to imposing a $100 000 fine on Harris Scarfe and telling a couple of thousand people to go home because it cannot trade. That would be an interesting dilemma for the government if it went down that path. It has not gone down that path with the electrical stores that have been flouting the law. It has not imposed the penalties on them, as I understand it. It will be interesting to see whether it dares to do it to Harris Scarfe, if indeed it remains open.

Then the Australian Retailers Association goes on to say that approximately 30 supermarkets, which are larger than the act allows, currently trade on Sundays. I have no evidence of that, so I take it at its word. This issues relates to the point that was raised with me in response to my questions to the minister's advisers who briefed me. They tell me that there have been no prosecutions in relation to businesses trading when they should not. The inspectors tend to inspect on industrial relation matters first and shop trading matters second; and the volume of the industrial relation matters are such that they rarely, if ever, get to the point of shop trading matters. So, that might be a reflection of that point.

The Australian Retailers Association then discusses the additional four Sundays of trading. It supports that option, provided that it is on an optional basis for the retailers. Some will benefit from it, while others do not believe they can trade viably. The main issue relates to staffing. With consistent trading days and hours, retailers can opt to put on extra staff. When it is only for a limited period, they attempt to cover it with existing staff, as the ideal is not to put on staff for six to 10 weeks and then terminate their services. That becomes another variation on that theme of employment. We have previously raised the issue of casualisation of the work force and the part-time nature of the work force. We have said that, if it is a trial, no-one will put on extra staff; they will merely employ their current staff for longer hours.

The way I read the submission, the Australian Retailers Association is saying that, even if it is permanent for six to 10 weeks, they will not put on staff for that time and then terminate their employment. So, they are really saying that either they will go to casual employees, which will mean the further casualisation of the work force, or they will spread the work out over longer periods of time for their existing staff members. That is the way I read their submission. The Australian Retailers Association supports the proposed change to core trading hours. Apparently, the government gave a commitment that it would streamline the law. The Australian Retailers Association says it is not appropriate to comment on that until it sees what the government proposes. The government did not have the courtesy to send it a copy of the bill, so I assume that between the houses the Australian Retailers Association will seek from the government what streamlining is proposed in relation to the law. It could then provide its view of that streamlining through letters. I am not aware of any streamlining proposed by the government other than what is currently in the bill.

The only area where I can see that the Australian Retailers Association fiercely opposes the bill is in relation to the increase in fines. I guess it would be no surprise that the group representing business would oppose the fines. Many businesses, particularly small businesses, have been meeting the public's need for some time, yet under the proposed changes they would be forced out of business. They are saying that some 30 seven-day supermarkets could currently be trading outside the law and, if the new measures in the bill are supported and the penalty becomes $100 000, the Australian Retailers Association believes that those 30 stores could be fined up to $100 000 for operating outside trading hours. We will be taking up that point between the houses to find out the details. It is of concern if that is the position, because such fines would be a significant windfall gain to the government. We would want to seek some details in relation to that matter so that we could get a proper understanding of exactly what the Australian Retailers Association is saying.

They are some of the submissions that have been put to us. All members of parliament have received detail from the member for Fisher. I will not go through the member for Fisher's submission in as much detail as I have done previously; obviously, the member for Fisher can speak for himself. I know he has some amendments before the house and no doubt he will speak to them, so I will not go through them, but I think it is fair to say that the member for Fisher's general position is that he supports the concept of the further deregulation of shop trading hours. That has been the member

for Fisher's pretty uniform position during his time in this place.

I want to take a little time to bring to the attention of the house some other issues in relation to the bill. First, I re-emphasise the Harris Scarfe position. We all recognise the support and emotion that went through the South Australian community in relation to the difficulties in which Harris Scarfe previously found itself. I have a letter here from Robert Atkins, the Chief Executive Officer of Harris Scarfe, written to the member for Fisher saying that he concurs in the views expressed in a letter the member for Fisher had written to him. He goes on to say:

> I left Adelaide as a child not ever believing I would one day return, mainly because when you live in Sydney and Melbourne you are led to believe that South Australia is unlikely to offer you the opportunity for personal and financial growth. In November last year when I made the decision to invest in South Australia by buying the Harris Scarfe business out of receivership, I did so having had the opportunity to properly research the potential for the business and this state. Since then I have bought a home in Adelaide and brought my two sons here for their education. This personal and financial commitment to South Australia is based on a belief that this state can win.
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> To win it needs to compete openly and aggressively with other states. . .with no artificial barriers to competition or limitations on its people and business to develop and prosper. I passionately believe in the capacity and the need for South Australia to be successful, and I can only hope your fellow MPs share this passion. It would be sad indeed if South Australia embraced a political solution to the issue of trading hours reform when what it needs to embrace is competition and to encourage others like me who will come here with a belief that we can win.

I think it is a fair summary that, as I understand it, Harris Scarfe's position is that it does not support the current bill, because it is a halfway measure that puts its stores at a significant disadvantage. As I understand its position, it would prefer to leave it as it is, but its ultimate preference would be to go to a full deregulation model even if that is to be achieved over a period of months or years through some negotiated process. It is probably a reasonable representation of the position of Harris Scarfe to say that it would rather see the situation head in that direction. We also have—

Members interjecting:

The Hon. I.F. EVANS: His speeches had a similar effect on me. We also had representations from the Shopping Centre Council of South Australia. Strictly speaking, we did not have representations; it is fair to say that the minister has had representations from the Shopping Centre Council of South Australia. I understand that the council has written two letters to the minister with regard to the bill. So far in my speech I have dealt with the larger retailers—the Australian Retailers Association and Harris Scarfe—and we have dealt with the smaller retailers—the Australian Retailers Association say they also represent them—and all the other groups I mentioned, such as the state retailers association, and the various associations, including the Newsagents Association and the Pharmacy Guild, etc. Now, it seems, we want to deal with the Shopping Centre Council of South Australia, so we get to the property owners to some degree. We will come to the property council later on.

The Shopping Centre Council wrote to the minister on 12 August. You would expect that the deregulation of shopping hours would be supported by the shop owners, because I suspect they would argue that if their tenants' premises were open longer that would allow them to seek more sales; if they seek more sales they would make more profit; if they make more profit then the centre is successful; it is therefore worth more and a successful centre can charge higher rents. That is probably a reasonable representation of the philosophy behind why shopping centre owners would generally support the deregulation of shop trading hours. So, a letter was sent to the minister on 12 August on behalf of the Shopping Centre Council of South Australia by the Executive Director, Milton Cockburn. The letter states:

> Dear Minister,
>
> I am writing to express our great disappointment with the government's announcement on changes to shopping hours. We have no doubt, considering the package as a whole, that the proposed legislative changes will place retailers in shopping centres at an even greater competitive disadvantage to most other retailers.

If the Shopping Centre Council of Australia is to be believed, retailers in shopping centres will be at a greater competitive disadvantage. The letter continues:

> I understand the government proposes to introduce this legislation on Wednesday. I would respectfully request that the government allow time to permit further discussion with relevant parties before the legislation is introduced or before it proceeds with debate.

That is an interesting point. It is not just the opposition saying, 'Hold the bus, let's stop, take a deep breath, talk to everyone and consult.' It is also groups such as the Shopping Centre Council of South Australia. Its letter states:

> I note that some of the proposed changes—such as the proposed changes to maximum hours of trading in shopping centres—will have significant implications for shopping centres. These have not, however, been discussed with this council, whose members own 18 shopping centres in South Australia, all with the Property Council of South Australia.

As I read this letter, the core hours have not been discussed and as of 12 August the minister had not spoken to the Property Council or to the Shopping Centre Council of Australia. The letter continues:

> The only concession granted to shopping centres in the package is an additional five days of Sunday trading a year. This still means that shopping centres in metropolitan Adelaide will be closed on 42 Sundays while all retailers in the CBD and Glenelg, as well as most supermarkets and all hardware, furniture and electrical retailers in the rest of Adelaide, will be open on just about every Sunday.
>
> In a year when the governments of Tasmania and Queensland have joined all other state and territory governments (except Western Australia) in giving the residents of their capital cities the freedom to do their shopping on every Sunday, it is difficult to understand why the residents of Adelaide are to continue to be treated as second class citizens. Nor will the addition of simply a few more days of Sunday trading generate the positive full-time employment effects that the experience of other states and territories has shown will follow from Sunday trading. Retailers would have no option but to cope with such a small extension with existing staff rather than employing additional staff.

Even I am beginning to think that I am sounding like a broken record, but the Shopping Centre Council of Australia has reinforced two key points. It clearly supports further deregulation, perhaps not this model and, if it had its preference, it is clear from the letter that it would go to a fully deregulated model, but it is also saying that there is no employment impact on this. Retailers will have no option but to cope with such a small extension with existing staff rather than employing additional staff. I have not yet seen a submission that tells us there is going to be an increase in employment in this exercise.

The Shopping Centre Council also argued in the letter about the need for further consultation. For 2½ hours tonight, or longer, I have argued for the opposition that there may well be some things in this bill that will gain parliamentary support, but more things might have gained parliamentary support if the minister had the courage to delay the legislation for further consideration and consultation with the groups, or

let it be put to a select committee. A whole range of issues that have been raised tonight are not addressed in the bill and there is hardly a group that has not said it would rather extra time to speak to the minister and his officers about those issues.

The letter did raise one interesting issue that no-one else raised with me, and a select committee of this place or the other place could think about this as well. The letter goes on to say:

> Incidentally, we note from your [the minister's] media statement that the government proposes to legislate for five Sundays before Christmas and five Sundays after Christmas. Although we do not believe this is a significant concession we hope, if the government proceeds, that there is some flexibility in the government's thinking on this issue. Given the patterns of Christmas and new year shopping, it would be far more beneficial to customers if the bulk of these trading Sundays were to be permitted before Christmas. This is another reason why we believe the legislation should be discussed further with the relevant parties before it proceeds.

The Shopping Centre Council is saying it would rather the Sunday mix be changed to, say, seven before Christmas and three after Christmas, or eight before Christmas and two after Christmas, on the basis that, in the lead-up to Christmas, more people are looking to shop because of the retail impact of Christmas. After Christmas, a lot of people go on holiday and there may not be the same impact. Given that I have a wife and a son with birthdays in November, I would prefer if we do proceed to keep them after Christmas because it will keep the budget intact. That is an interesting issue that we could throw to a select committee. The Shopping Centre Council's letter goes on to say:

> Nor will the additional two hours of trading on Mondays, Tuesdays, Wednesdays and Fridays (from 7 p.m. to 9 p.m.) be of assistance to retailers in shopping centres. While supermarkets will take advantage of these additional hours—they will need to in order to compete with stand-alone supermarkets—it will not be economic for department stores to open for this additional trading period. Without the anchor tenant being open there will be no economic incentive for specialty traders in shopping centres to remain trading after 7 p.m. and we note, in any case, that the government also intends to legislate to prevent retailers being forced to open during these hours.

Mr Cockburn makes the same point that the Australian Retailers Association makes, that effectively we will get some supermarkets open from 7 till 9, but not a lot else. There is a lack of consumer demand, and it goes back to nine years ago when this 7 to 9 business was trialled under the Arnold Labor government and it proved to be a fizzer. The next argument is this:

> . . . it seems to us to be inconsistent (if media reports are correct) for the Premier to threaten that these additional two hours of midweek trading will be taken away from retailers if they don't take advantage of them while, at the same time, the government is proposing legislation to ensure that retailers in shopping centres are not forced to trade past 7 p.m.
>
> The discrimination against retailers in shopping centres will be further compounded by the government's intention to permit electrical retailers to join hardware and furniture retailers to be able to trade on Sundays and public holidays. This adds another class of retailer that will have the freedom to trade on Sundays and further tilts the playing field against retailers in metropolitan shopping centres.
>
> For these reasons, I would seek the opportunity to discuss the legislation with you before it proceeds.

That letter was from Milton Cockburn on 12 August.

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. I.F. EVANS: As I understand it, another letter from the Shopping Centre Council of Australia was sent to the minister dated 19 August and, credit to the minister, it appears from this letter that, between 12 and 19 August, he took the opportunity to meet with the Shopping Centre Council of Australia. The letter states:

> I appreciated meeting with you again on Friday. As promised I am writing to formally request the government to amend its present intention to permit five days of Sunday trading before Christmas and five days of Sunday trading after Christmas. We believe that a spread of Sunday trading along the lines of eight Sundays before Christmas and two Sundays after Christmas—or seven Sundays before Christmas and three Sundays after Christmas—would be a more appropriate mix for reasons I outline below.

The letter goes on to outline the following argument:

> Obviously the bulk of retail spending in the December-January period is done in the weeks leading up to Christmas and in the days immediately after Christmas with the post Christmas/new year sales. This was recognised last year when, following consultation with the retail industry—

I highlight that point—

> the government permitted Sunday trading on five Sundays before Christmas (November 25 and December 2, 9, 16 and 23) and one Sunday after Christmas (December 30). That is why the Sunday trading initiatives in the Shop Trading Hours (Miscellaneous) Amendment Bill really only amount to the granting of an additional four Sunday trading days, and these would, under the present legislation, all fall in the month of January.

The letter goes on:

> Many people in Adelaide in January will be taking holidays (and many of these people will leave the city during this period) or be distracted by sporting and other summer events. Our expectation, based on the existing patterns of retail spending, is that these additional Sundays in January will be poor trading Sundays, despite the promotion that will be undertaken by retailers and shopping centres.
>
> If that proves to be the case, specialty retailers will certainly decide not to trade on all those Sundays—since it will be costing them money—and, under the bill, those in shopping centres cannot be forced to be open.
>
> One of the virtues of permanent Sunday trading is that poor Sunday trading days are balanced by good Sunday trading days over the period of a year.

In other words, they are saying that good trading days during the summer would offset the bad trading days in winter, if you had permanent Sunday trading everywhere. It further states:

> This will not be possible in this case because of the very small number of Sundays on which the government is permitting trading. In addition, with permanent Sunday trading, retail spending becomes more balanced over the seven days of the week, with people no longer scrambling to do the bulk of their shopping after work or in the crush of Saturday trading and transfer their shopping time to the more leisurely Sunday. This transfer effect will not occur with only limited Sunday trading.
>
> In order to give a fair trial to Sunday trading and in order to ensure it is of maximum benefit to consumers, we believe the pattern of Sunday trading should be tilted more towards the pre-Christmas period. A pattern of eight or seven Sundays before Christmas and two or three after Christmas would be more beneficial to everyone. It would still ensure a 'summer period of Sunday trading' which is apparently the intention of the government. We would be grateful if the government favourably considered this request.

So, there is an argument that has been put to us. It is the first time it has been put to us during this debate, and we would argue that it is an illustration of something that could easily be put to a select committee or put out for public consultation in relation to the issue. Some of the retailing groups would argue that there is an argument that Sunday trading, in the

later period of January and February, would be quieter than the pre-Christmas sales period. But I bow to the wisdom of the Shopping Centre Council of Australia in relation to that issue.

We then come to the Property Council of Australia, which I understand wrote to the minister on 19 August and did the courtesy of a forwarding a copy of the letter to me, the Premier, the minister for planning, the Leader of the Opposition and the Hon. Rob Lucas. I certainly appreciated receiving a copy of the correspondence. Essentially, the Property Council of Australia wrote to express the property council's concern in relation to the process that has led to the proposed amendments to the Shop Trading Hours Act.

The property council wrote this letter, I should indicate to the house, as a result of letters written by the Shopping Centre Council of Australia to the minister dated 12 and 19 August, and the property council supports the views raised in those letters. So this marries in, if you like, with the previous correspondence brought to the attention of the house. So, the Property Council of Australia writes to express its own concerns in relation to the process that has led to the proposed amendments to the Shop Trading Hours Act. It goes on to say:

> As you would be aware, the property council consistently advocates for rational reform to South Australia's discriminatory trading hours regime. Such reform must be based on equity and should have regard to government policy.

In fairness to the property council, it was one of the first associations certainly to contact the opposition, and I assume all parties, in relation to this issue, and it was very active on behalf of its membership in its representation to the opposition. The letter continues:

> Existing anomalies and exemptions to the provisions of the act operate prejudicially to the interests of the owners of, and investors in, our regional and district centres. This threatens the profitability of superannuation investors who are greatly exposed to the performance of shopping centres in this state.
>
> However, equally important is the inherent contradiction between the act, the proposed amendments and the government's planning strategy which seek to provide a rational and predictable framework for economic development.
>
> Combined with the exceptions for non-traditional retail, generally conducted outside of established centres (i.e., bulky goods, direct factory outlets/warehouses) and which operate under a far less restrictive regime, the integrity and viability of our major centres are being further eroded.
>
> The announced compromise does not adequately address these underlying policy deficiencies, nor does it offer any framework for future rational reform.
>
> The property council believes that many of the problems with the current proposal could have been avoided through a proper process of engagement with relevant industry stakeholders, and a greater regard for the impact of this policy adjustment on broader state objectives.
>
> In that regard we are disappointed by the absence of any meaningful consultation with the SCCA and the property council prior to the announced changes.

Let us get it really clear. It is not just the opposition that is saying that this consultation process has been a farce. It is the Shopping Centres Council of Australia, a group such as the Property Council of Australia, and a number of small business associations, including the Newsagents Association of South Australia, the Pharmacy Guild of Australia, the IGA group, the Chapley Foodland Group and the state retailers association. Even the union itself did not get a copy of the bill direct from the government and then have a briefing with the government after the introduction of the bill.

So the consultation process for this has been, I think, unfortunate, because the government has an opportunity to reform shop trading hours if it manages the process. It is clear to us that the government has gone through the process in a rushed manner, has reached a hasty decision and then rushed the bill into the house. That is why we say to the house that it is not such a bad option to refer the matter to a select committee so that all these issues can be addressed and further considered either in this chamber or in the other place. We are disappointed that the minister has taken the view that all the consultation is over and done with and that the matter will go through its process in this place in relation to the debate, and we will have to deal with it as best we can, given the circumstances in which we find ourselves.

I now come to the *Sunday Mail*. I thank the members of the leader's office for their contribution to this debate. I am surprised that they are still awake. The *Sunday Mail* ran an editorial about the shop trading bill, and I would have thought that the minister would be fairly pleased with the editorial. It says:

> Trading Scheme: A step in the right direction. The end of South Australia's limited shop trading laws is finally in sight after more than a decade of debate and indecision.

It goes through a whole range of arguments, and says:

> Responding to the groundswell of consumer demand, the state government will today announce the introduction of a suburban Sunday trading pilot scheme.

I emphasise that point, a pilot scheme, because it is clear that this is a leak to the *Sunday Mail*. You do not write editorials saying, 'Today the government will announce something', unless it is a leaked document. Clearly it is a government leak to the *Sunday Mail* that it will be a pilot scheme. The editorial states:

> The pilot scheme is sensible, allowing the state government to gauge community support and business needs before a decision on its permanency is made.
>
> It also means that South Australian shops will no longer have to operate by stealth to open on Sundays, as has been demonstrated in recent weeks. Retailers have resorted to dividing stores, taking advantage of flexible hours allowed on federal land, displaying products without staff and increasing businesses in exempt areas to trade on Sundays.
>
> Harvey Norman Chairman, Gerry Harvey, waded into the debate suggesting a campaign of civil disobedience was needed to force the government to relax shopping laws. Until now, progress on expanded shopping hours has stalled with the debate polarised. Unions have claimed it will destroy the family life of shop assistants; small retailers insist it will not be viable to remain open, with supermarkets and department stores swallowing the lion's share of the profit.
>
> Surveys have shown the majority of South Australians want to shop in suburbs on Sundays—and late nights during the week. An *Advertiser* poll last month of 500 people found more than two-thirds supported Sunday trading in the suburbs, while 56 per cent wanted late trading hours on week nights. If shops are unhappy with the new hours, they don't have to open—but there will be plenty of stores eager to capitalise on extended hours. Adelaide's northern and southern suburbs are amongst our greatest growth areas, yet those residents currently wanting to shop on Sundays must travel up to 45 minutes into the city.
>
> In addition, hectic working lives of modern families will be eased considerably with the extended trading, allowing them to shop together. It is worth noting, however, there is only so much cash available, and extended hours don't necessarily mean a windfall but rather a shuffling of the spend. Premier Mike Rann's Labor government has heard the people's plea and has responded sensibly. Whether or not Sunday trading is here to stay depends on how well it is supported and how businesses and employees cope.

I quote that editorial because I think it raises a really interesting question, and one that is not addressed in the bill or in the second reading explanation. It is an issue that could not be addressed by the officers who briefed me, with due respect to them—and that is not a criticism of the officers, because

I think they made a genuine attempt. The Labor Party went to the *Sunday Mail* and said, 'Have we got a story for you! You're the Sunday paper, so we're going to give you a leak about Sunday trading, and it's going to be a pilot scheme. It's going to be extended trading.' 'Whether or not Sunday trading is here to stay,' says the editorial, 'depends on how well it is supported and how businesses and employees cope.' Really!

On behalf of the small retailing sector, I will ask a few questions, because those who have been following the debate will know that I have been placing virtually every sector's view on record so that people reading this can understand the complexities of the debate. If it is a trial—if two hours on a Monday, Tuesday, Wednesday and Friday and four extra Sundays is a trial—how is it to be judged a success or a failure? How will that happen? If you believe the *Sunday Mail*, it states:

> Whether or not Sunday trading is here to stay depends on how well it is supported, how the businesses and employees cope.

How will we know how employees cope? How will we know how employers cope? How will we know how businesses cope? There are hundreds of thousands of customers, thousands of employees and thousands of businesses, and I suspect that all of them will have a different view. The minister can address this matter in his second reading reply, but I ask: how will he judge this pilot scheme? The major retailers, who support deregulation, will run massive marketing and sales campaigns during the extra four Sundays. That only has to be done for four Sundays to convince the government that it works. So, they could sell their goods at a loss for those four Sundays to convince the government it works, and then they have won those four Sundays forever and, ultimately, they will reap the reward of that exercise.

On behalf of the small retailers, I ask: how will the government judge whether the scheme is a success? I think that is a very complex issue for the government, because on what basis is it decided that it is a success? The government needs to put before us some way of measuring success. Will it be the number of new jobs created? If you believe the submissions made to the opposition, not one says that jobs will be created—not one. So, job creation probably will not be a measure of success of the pilot scheme.

Will it be the number of businesses that stay open on the extra week nights? I assume the minister may wish to clarify this: will each week night be judged separately? We may end up with a situation where the retailer decides to close Monday, Tuesday and Friday nights but stay open Wednesday and Thursday nights. I assume that is an option available to the government on reviewing whether the trial has been a success. How will it be judged that Sunday trading is a success? If it is successful in the suburbs and there is a detrimental effect on the city, is that a success?

I remember well the debate on the introduction of Sunday trading in the city. At the time it was argued that this was a foot in the door for further deregulation and that, once it was deregulated and Sunday trading (on six Sundays) was allowed in the city, it was only logical that Westfields and the owners of suburban retail centres—West Lakes, Noarlunga and Marion—would say, 'The property owners in the city are getting a return on investment seven days a week. Our shops are losing trade from the suburbs to the city. That devalues the suburban shop, and the owners have a duty to the shareholders to seek seven-day trading in the suburbs to protect the value of their business.' It is no surprise that eight or nine years down the track we are debating the opening up of more suburban Sunday trading for that very purpose.

If members read the original debate in 1994 or 1995, they will see that great concern was expressed that giving the six Sundays would open up the city to further trading. It was argued that it would make the city alive and that people visiting Adelaide would be able to enjoy the experience of Sunday shopping together with a whole range of other events. Some would argue that if suburban shopping centres were open on Sundays that would skew the market away from the city to the suburbs. For those who believe that the city needs to be vibrant and alive, that would probably create some concerns, because the number of people coming to the city would reduce and less money would be spent in the city. That ultimately would mean that fewer shops would open long term because they would be less profitable and would decide to close, so the city would not be as vibrant as it is now. However, some would argue that that would not matter because the suburbs—the Marion Shopping Centre, the West Lakes Shopping Centre etc.—would be more vibrant.

So, there are two arguments, and depending on which side of the fence you sit will determine which argument you believe. But it is clear that the Westfields of this world that have been arguing for decades for suburban shopping centres to be opened will try to encourage the tenants of their centres to capitalise on that opportunity; and no-one could criticise them for that if the parliament gave them the opportunity.

If the suburban shopping centres are opened on Sundays, the argument could be that there is likely to be a shift of trading from the city to the suburbs. And, as I say, some might say that is a good thing and some might see it is a bad thing. But, I think that creates a dilemma for the government, because how is the success of the scheme judged? If the shopping centres in suburbia increase and the city dies, is that a success? I am not sure. However, no guideline is given to the parliament on how this pilot will be judged.

This raises one further point, and that relates to strip shopping centres. If the shop trading provisions are passed and the suburban centres open, what impact does that have on strip shopping centres? For instance, if the West Lakes Shopping Centre opens more regularly on Sundays, what impact does that have on the strip shopping centre three or four kilometres down the road; or what impact does it have if it opens on week nights; and how will that be judged?

The concept that this has been floated to South Australia as a pilot or a trial I think is a high farce. I think it was a deliberate attempt to persuade the small retailer not to panic because it is only a trial and it will be judged in the end. However, the legislation does not say it is a trial. It does not say that there is any criteria to allow it to be judged. So, the legislation is really saying that, if we can sneak this through, it is in for keeps; and there is no doubt about that. To revoke retail shop trading hours would be very difficult indeed once they were in. That is why we have consistently mounted the argument that there should have been a select committee on this issue.

We hope the upper house supports us on this if the lower house does not; and there should have been better consultation from the minister once he introduced the bill. So, the *Sunday Mail* editorial, whilst giving the government somewhat of a pat on the back, raised an interesting prospect that I think a lot of people have missed, that is, that the government promised that this would be a trial; the government promised this would be a pilot; and the government has absolutely no idea how they will judge whether the trial or the

pilot is a success. If the government gets the bill through the parliament, it will come out at the end of the period and say, 'Well, we have trialled it. The issue is really very divisive. Everyone has a different view. We will let it continue.'

Some people will be happy with that, but others will not. I am not expressing a view one way or the other. I merely state that I think it is unfortunate that the government has gone down the path of painting it as a trial rather than saying that it honestly believes that this is good. So, that issue needs to be looked at, and the minister needs to respond to whether guidelines will be laid out for us to judge whether this trial will be a success.

Some time earlier I spoke on the topic of an option of having a select committee to deal with various industrial relations reforms. I have had some information given to me on some of the disadvantages that South Australian businesses faced compared to interstate retailing in the same field. I think this comes back, in part at least, to something that a Mr Atkins from Harris Scarfe was saying about South Australia's competing with interstate enterprises; and it also comes back to what we have been saying right through this contribution, that is, about giving small business the opportunity to compete on a level playing field.

As I understand it, if a comparison was done (and I would like the minister to check these figures while the bill is in between houses; I know he will not be able to do it tonight or during the lengthy committee stage later on this evening), I am interested to know whether the information provided to us is correct. It has been put to us that schedules 1 and 2 of the Retail Industry SA Award state that all work on Sundays is considered overtime; and schedule 3 states that all Sunday work is double time, and a 100 per cent loading applies regardless of which branch of the retail industry is involved, be it clothing, electrical, or furniture, etc.

The award applies by common rule to all retail, regardless of which sector is worked in and, for those who work for a large retailer (such as Myer) and who have come to an enterprise bargaining agreement, a no-disadvantage test is applied to ensure that all workers get as good a deal as, or better than, that under the award. If an enterprise bargaining agreement exists, it has already passed the no-disadvantage test—and I think up to that point it is accurate.

The information I have then goes on to compare pay rates per week for those in the retail industry in other states who work a common roster which is Wednesday, Thursday, Thursday night, Friday, Saturday and Sunday. If the pay rates are looked at for that week between the states, it brings up an interesting facet. It states that in Queensland you would get $542 per week; in New South Wales, $571 per week; in the ACT, $581 per week; in Victoria, $629 per week; in Tasmania, $707 per week; in South Australia, $709 per week; in Western Australia, $728 per week; and in the Northern Territory, $745 per week.

So, as it stands, we are the third highest. The weekly wage is higher only in the Northern Territory and Western Australia. I would like the minister to check those calculations because I think this point is interesting. A series of contributions will be made by members (once I am finished) in support of the bill and deregulation. They will say that Queensland, New South Wales, the ACT and Victoria have deregulated, but all those states have wage rates somewhere between $50 and $150 a week less than South Australia. Why? Is it because of enterprise bargaining agreements? Is it because the award is different? Is it because those states put through industrial relations changes at the same time as their deregulation measures? I do not know; I have not had the time to check. However, if these figures are right, I think they pose an interesting question because, going back to what Chapleys said earlier: if we have the cheapest groceries but we somehow have the third highest wages, how does that work?

It probably means that our businesses are fiercely competitive. Chapleys would probably argue that that is because we have an independent stream in the market and because the New South Wales and Victorian markets are dominated more by the big players that have enterprise bargaining agreements and have therefore had an opportunity to drive down their costs as a result of deregulation. Those states that have not been able to get enterprise arrangements off the ground appear to have higher costs. That illustrates some of the reasons why we might want to take some evidence from a select committee on this issue, because I simply do not know why this happens.

Generally, South Australia's cost of living and business operating costs are less than in the eastern states. We know that our grocery sector in particular is the cheapest in Australia. Yet, if we believe the figures that have been provided to the opposition, our salaries are third highest. So, I understand why some of the small business sectors say to us that they may not be totally opposed to deregulation in principle if the government tacks on some industrial relations reforms.

When I began this contribution, everyone said, 'Why is he raising this?' If you go through my contribution and look at the submissions that I have put to the parliament, you will find a consistent theme which indicates that we do not have the industrial relations environment right for the small business sector in this industry. I cannot wave a magic wand and fix it, but I think we could at least establish a select committee and listen to the evidence to see whether we cannot do something to try to address this issue. I put to the parliament that the evidence before us mounts an interesting argument.

Earlier I talked about the Small Retailers Group, the Independent Supermarket Group, IGA and others that have put in submissions. Today, members' electorate offices would have received a copy of an independent supermarket survey. I raise this with the house because many members would not have had the opportunity to go back to their electoral offices today, or they may not have had it faxed through to them, as I have. So, I will just walk through what is said in this independent supermarket survey.

Mr Scalzi: Slowly, slowly.

The Hon. I.F. EVANS: Slowly, for the member for Hartley.

The Hon. R.B. Such interjecting:

The Hon. I.F. EVANS: Are we happy to pass this bill tonight, Bob? The independent supermarket survey was published on 24 August. I am not quite sure whether that date is right, but that is what it says on top of the survey. Given that it was faxed to me on 20 August, I am not quite sure how that could occur: it is a mystery. The survey asks the independent supermarket group a whole range of questions. In relation to a question about the number of years in business, it appears the average throughout this sector is 14.2 years. In relation to a question about the total investment per supermarket, it is just a touch over $750 000 which, according to the survey, makes it around $182 million for the sector.

In relation to location, 59 per cent are in the metropolitan area and 41 per cent are in the country, and it appears that in

the country 51 per cent are deregulated. With respect to current opening hours, the figure for weekdays is around 57.3; for Saturday the figure is 9.7 hours, on average; and for Sunday, about 11.8 hours. So, in total, it is about 67 hours per week if only Saturday and weekdays are included. The figure for a Sunday trading organisation is 78.8 hours, on average, per week.

According to this survey, the government proposes a further eight hours on weekdays, and it also wants to limit the core hours to 54 hours. Now that I read this survey, I believe this must be the point that the Australian Retailers Association has made in relation to 30 supermarkets which, if the law goes through, may be breaching the law. So, I ask the minister to clarify that point in relation to whether the Australian Retailers Association is right in saying this legislation capture 30 supermarkets that currently trade. The minister can clarify that for me—I know he is listening.

The survey goes on to state that the government also proposes Sunday trading, which could add a further six hours per week. The next question is, 'Are you in a shopping centre?' The survey results show 42 per cent are in a shopping centre and roughly 58 per cent are not.

In relation to the average number of years left on the lease, the answer is approximately eight. With respect to the average rental per year, it is around $70 000 or, in other words, an eight-year commitment at $70 000 per year amounts to a $560 000 commitment that they face over the next eight years. Across the sector, that would equate to an average annual rental of $16.9 million or $133.1 million for the eight years.

The next question is, 'Is your current rental affordable?' The Property Council will be interested in this response because 72 per cent say it is and 22 per cent say it is not. The next question is, 'Can you renegotiate the rent if necessary?' In response, 17 per cent can and 82 per cent cannot. A question was asked about the spread of business and there was not a very great response. That is understandable given the commercial sensitivity of the nature of the business.

It goes on to the issue of what preferred compulsory deregulation would consist of. Options were put to participants, and C and D were closest to the government's decision. The options were:

- Monday to Tuesday 10 p.m.—35 per cent.
- Wednesday/Friday or Wednesday/Thursday in the country until 10 p.m.—35 per cent.
- Monday to Friday 10 p.m. closing—only 8.4 per cent supported it.
- All Sundays in January and February—only 9.6 per cent supported it.
- No preferred deregulation—12 per cent supported it.

The next question was, 'Indicate from the previous options the likely weekly impact upon your store.' Interestingly, the Independent Supermarket Group is predicting that those who believe they will survive believe their turnover will be up around 5 per cent and those who believe they will have problems believe the turnover will be down around 19 per cent and staff hours worked down 22 per cent. That is what the industry is telling us in the industry supermarket survey. They go on to say that because options C and D came closest to the government's decision, only these two were finally considered, but we also took into account the percentage of supermarkets that indicated they would survive the options as compared with those who saw problems or failure. From other data provided by the respondents on the basis that individually it is not to be disclosed, they have been able to ascertain certain things. Given that it will not be disclosed, I will not put it in.

The next question was, 'What is your current trading performance?' About 65 per cent are marginal poor and about 33 per cent are profitable. Under the options only C and D were polled and asked, 'How do you rate your future?' They say that 13 per cent will fall, 50 per cent will remain marginal and 36 per cent will survive. Options C and D were Monday to Friday, 10 p.m. closing, and all day Sunday in January and February, which is the option that most closely reflects the government's proposal.

They were next asked, 'Will deregulation affect other traders in your centre?', with 42 per cent saying yes and 57 per cent no. As to 'What will be the overall impact on your centre?', 62 per cent believe there will be a decline. To the question, 'Does your landlord understand the likely impact of deregulation?', 40 per cent said yes and 60 per cent no. To 'Do you donate to local clubs and charities?' 89 per cent said yes and 10 per cent said no. They argue that over $1 million annually goes to charity that could be at risk because of this measure.

I near the completion of my contribution in relation to this matter. There are a few other measures I want to touch on. One is the principle that the worker does not have to work if they do not want to if you open Sundays.

Mr Hanna: Very important.

The Hon. I.F. EVANS: The member for Mitchell says it is very important. I want to flesh out the debate in relation to this issue. Some argue that it sounds well in theory to say that the worker does not have to work. Some would argue that the reality of it is that, when you get into the workplace, particularly small enterprises, it is noticed by the employer whether a worker makes themselves available to work the more unpopular hours among the staff. Some would argue that that means that when other hours are available, maybe during the popular times, that worker would be overlooked or other opportunities provided by the employer could be overlooked and through that mechanism pressure put on the employee to work through that mechanism. Some would argue that. This bill does nothing to address that issue. Some employer groups would say that is a lot of rubbish and would not occur.

A similar argument would apply to the argument that shops do not have to open in shopping centres, in other words, the shopping centre cannot dictate to that you must open further hours if you do not want to. I want to walk through that argument for a minute. Some would argue that what is happening currently is that landlords say to a prospective tenant, 'If you wish to rent my shop, you need to write to me and offer on behalf of your business to rent my shop. Wink, wink, nudge, nudge, the number of hours you trade might be a critical factor.' That is a signal to the tenant that, unless the tenant conforms in his or her offer to the landlord's wish, they will be the unsuccessful tenant. The tenant then writes a letter to the landlord putting in that requirement. If someone then challenges the landlord by saying, 'You use unfair practices to get tenants to open the hours you wish,' the landlord simply pulls out the letter and says, 'What are you talking about? The tenant wrote to me and offered, at the very first stage, to open during these particular hours.'

There is nothing in the bill that addresses those concerns raised with us by certain groups. Of course, existing tenants face this problem: they believe that there are instances where the landlord notices which businesses open at hours that best suit the landlord (that is, the centre mix) and they notice

which tenants do not open at hours that best suit the shopping centre mix.

At the expiry of the lease, the landlord only has to say, in effect, 'Look, we're looking to change the tenant mix. You've had your five years, there is not an automatic right of renewal. The market has moved, and we therefore do not intend to renew your lease.' By doing that, the landlord ultimately gets a mix of tenants in their centre that meets the core hours they require. I am not saying whether that is necessarily a good or a bad thing; it depends on your view. Some would say that the landlord should be able to exercise that right; some would say that the tenant is being hard done by in that respect.

There is nothing in the bill that looks at that issue. That is why I believe it would be good to have a select committee look at it. You may actually come up with a better solution for those people to whom that is a concern. Certainly, the Retail Shop Leases Advisory Committee could look at that issue, and it is unfortunate that this bill was not referred to that advisory committee at any stage on behalf of the government.

I have spoken at length about the city versus suburb argument and the suburb versus strip centre argument, so I will not go through those and unduly delay the house.

Members interjecting:

The Hon. I.F. EVANS: I can, if you want me to. I will just touch on a couple of other points—

Members interjecting:

The Hon. I.F. EVANS: These are all points that people have raised with us, so I will put them on the record and the government can deal with them. Some people have raised the issue of Sunday trading and the unavailability of child care in that respect as well as the availability of child care up until 9 p.m., and the impact that has on employees. I would be interested to know what negotiations, if any, have taken place with the union in relation to the provision of child care. We understand that the childcare sector does not generally open on Sundays.

The other issue I raise—and the minister can bring back a reply in between houses if he wishes—is what plans to change public transport are proposed, and I ask whether there is a cost to government as a result of public transport changes. With people working until 9 o'clock at night, if public transport does not change, it will create some issues for some people. I know that public transport to my electorate and that of the member for Fisher is awful late at night. It is certainly terrible on weekends, especially on Sundays. Therefore, public transport needs to be addressed in relation to that issue.

The only other issue I wish to raise relates to what government departments will be open during any of the extra hours. Do Workplace Services staff and inspectors now work extra Sundays as a result of the bill? The minister can obviously provide us with some details on that.

It is fair to say that I have covered reasonably well the arguments about a whole range of issues. Some minor changes occur in the bill, such as the provisions for an exempt shop to trade to be based on shop area only and not employee numbers. There was an old provision that, if there were more than four employees, you could not trade. The minister wants to get rid of that provision, and there is probably some sense to that. The minister also wants changes to exemptions to be brought under one exemption power. As I understand it, some exemption powers currently sit with the Governor and some with the minister. The minister is proposing that the various exemption powers be centralised under the minister, and this will free the Governor from dealing with those issues.

The exemption powers currently in the act, as I understand it, relate to things such as trade shows and VIP nights, and are generally granted by the minister. Exemptions for shopping districts are generally granted by the Governor. Exemptions for other events such as town centenary events and those sorts of things are generally proclaimed by the Governor. The minister wants to bring them back under his domain. That is probably a reasonable position, given that it is really an administrative change. The minister also seeks to change the definition of 'interested persons' in relation to ballots. The 'interested persons' definition has changed. From memory, it was persons resident in the area of the council and the shopkeepers and the shop assistants resident outside the area but employed or engaged in shops within it. It is now defined as:

(a) persons resident in the relevant shopping district, or part of a shopping district; and

(b) shopkeepers and shop assistants who work in shops within that shopping district or part of a shopping district.

They are attempting to change the definition of 'interested persons', and there is some understanding as to why it has done that.

The penalties clause is interesting: it is the only area where the Australian Retailers Association really takes firm opposition to the government. We want to know why the government is increasing the penalties to $100 000, given that not one prosecution has been launched in the last three years—and we were in government during part of that time as well; I accept that on the chin. However, members would have to ask why the government is increasing it to $100 000 if no prosecutions are being undertaken. What is the end benefit? Would the government be better concentrating its efforts on providing more inspectors rather than concentrating on belting businesses with penalties?

The bill also looks at clarifying the powers of the inspectors, who get quite significant powers. Inspectors will now have the authority to take photographs, films, video or audio recordings. They are significant powers on top of the powers that already exist. The minister might face some questioning from some of my colleagues about the powers of inspectors. If the Attorney-General is in earshot, he may wish to give the minister an update on the review of the powers of inspectors. The former attorney-general, the Hon. K.T. Griffin of another place, was undertaking a review of the powers of inspectors in order to bring some uniformity to the powers, and we are hoping to see what changes are recommended.

I do not want to hold up the house any longer. I do have some questions to ask about the bill in the committee stage when we get there. I put on record that I am disappointed that the minister did not seek out the opposition for a briefing until Monday—two days before we debated this bill. I still believe it would have been in the better interests of the parliament to delay this matter for a week to enable proper consultation to be undertaken. Every single association group essentially has raised that point in relation to this bill. We still believe that the best mechanism to deal with this bill at this stage is to put it to a select committee. If we do not get the support of the house to put it to a select committee, then we will be putting it to a select committee in another place. I look forward to hearing my colleagues' contributions on this most important matter.

The Hon. R.B. SUCH (Fisher): In recent weeks I have had two near death experiences—one was estimates and one was listening to the contribution of the member for Davenport. We are very generous in this place in allowing a lead speaker to have unlimited time. I think we may need to revisit that standing order. What we saw tonight was largely repetitious and an attempt, I believe, at filibustering. It saddens me to see the party that claims to be the party of free enterprise and freedom of choice, that in its name has the word 'liberal', engaging in what is really a very negative approach to a very important issue. As I understand it, the opposition is not putting up any amendments. It is not trying to improve the situation. It is simply digging in its heels trying to oppose the legislation. If it continues down that path it can expect to be in opposition for a long time because it is out of step with the wider community.

I commend the minister who has introduced this measure. It is not an easy issue to deal with. The previous government nibbled at and made a very modest attempt at change and that has worked very successfully. This is not about significant deregulation. This is a very minor, modest change. It does not satisfy many groups in the community, and I guess that is what one would call a compromise. It certainly does not meet my ultimate objective, which is greater deregulation, but it is a step forward. I commend the minister for getting hold of this issue and trying to advance it in a positive way. It is not a difficult matter in one respect: you can have the status quo; you can have modest change, which this bill is; or you can have major change, which this bill is not.

All these arguments about people needing a long time to consider the issues is a lot of piffle. They do not need a long time to consider these issues, which have been around for years. All we are now seeing is a delaying tactic. I will not be supporting a select committee. If I was sympathetic before, I am no longer sympathetic after hearing the member for Davenport. What we will get with a select committee is delay and all the excuses in the world not to take action. The only thing we did not hear tonight in relation to shopping was the effect of global warming on shopping and how it would affect shopping trolleys and other things. We did not hear anything about world peace and supermarkets and we did not hear anything about asteroids hitting people shopping late at night during the week. This was the most drawn-out contribution I have ever heard in this place, and it saddens more than it angers me, although there is an element of that, too.

The issues before us are very modest. The extension to 9 p.m. during the week is a very minor change, and it will certainly help the people in my electorate. I have surveyed the people in my electorate. That might be a surprise to some people, and I suggest that other members try that. I surveyed them some time ago and found that a majority of them favour total deregulation. This is not total deregulation: this is a very modest step. A majority of the people in my electorate favour total deregulation, and they expressed this through a vote where I asked them to indicate where they stood on this issue. I suggest that all members, particularly the opposition, might look at opinion polls on this issue, because they will find that they are very much out of step with reality.

Last year when I introduced a bill into this house I consulted all the key players. I met with Don Farrell from the SDA union; the State Retailers Association, John Brownsea's group; Max Baldock; and also the Australian Retailers Association, Stirling Griff's group, as well as talking to small business people. My bill last year represented input from those groups. I do not believe it is necessary to revisit all the issues; I think they are well known, and any group or association in the community that is not up with the issues should have been so a long time ago.

The classic conservative defence is that it is never the time to do anything; the time is not right; we have other issues—it is the classic defence of the conservative to say that now is not the time. The same arguments were used to keep slavery, to keep children working down the mines, to deny people compulsory education and to suppress women. The same arguments were used: it is not right; we can't afford it; it is not the time; we have other issues. If we took that approach we would still be living in caves, back in the dark ages or in primitive times.

The other day I was interested that a young lass came up to me in a small shop and said, 'I'm delighted you're trying to extend trading hours. I work in a retail facility for six days of the week and I can never go shopping myself.' That was an interesting viewpoint from someone who works in the industry. Ultimately this is a small step in terms of democracy, freedom of choice, the freedom to shop and the freedom to trade. It is not total deregulation: it is a very minor, modest step forward. I welcome this as a step forward, even though I would like it to go much further. During the committee stage I will test the parliament in relation to extending shopping in the suburbs on a Sunday, the same as in the city.

The member for Davenport mentioned the problems of shopping in the city, and the fact that maybe they will suffer. Well, to some extent it is the fault of the Adelaide City Council, which has done everything possible to discourage people coming into the city. People in the retail industry in the city have not gone out of their way to make things easy, either. In the United States if you spend more than, say, $30 in a city store, you have your parking fee paid. They could have done that in the city long ago.

It is time the city operators and the city council got their act together and made it easier for people to access shops in the city, not only on a weekend but also during the week. They have made it very difficult for people to shop in the city, and it is no wonder that people go to the suburban centres, because they can park for nothing, even though the price they pay for goods covers the cost of the parking provision. The city could do the same if they got off their backside and introduced some of the innovative practices that exist in the United States.

For a long time we have had a dog's breakfast regarding shop size and the number of employees, and some but not all of those things are cleaned up in this bill. If members look at the ABS statistics from Victoria—not mickey mouse statistics but genuine ones from the Australian Bureau of Statistics—they will see that all the gloom and doom did not happen there, and it has not happened in any other state.

The so-called surveys that were trotted out tonight have no credibility. I have had quite a lot of experience in that area. There is no mention even of the number of respondents who were involved. So, that would rule that out, and it would get a fail at year 7 level in terms of methodology in surveying. It has no credibility at all.

It is interesting that people talk about changes in shop trading. What has knocked the small store out—the corner store, the deli—is not the big operator; it is not Coles or Woolworths. It is the service stations that have incorporated mini-marts. They are the ones (and I would imagine they come under the umbrella of the Motor Trade Association) that have knocked out the corner store. We are seeing an unusual coalition: I suspect that many of the Motor Trade

Association's members are actively involved in competing against the corner stores, with their 24 hour service station and mini-mart combination. So, there is an interesting activity that people might want to look at.

Ultimately, this should be about the right of people to choose to shop when it suits them, and for traders to open when it is profitable to do so. This bill does not quite go that far but it is a step towards it, and that is why I will support it. But, as I said earlier, I will try to provide some amendments to give the parliament the chance to express a view on some variations. I have previously indicated the first amendment. The second amendment is consequential on the first one not being accepted, and that would allow for an additional 10 Sundays per year. If it is okay to trade on a few Sundays a year, I cannot see the logic in not also allowing other Sundays to be used and, ideally, all shops to be open on Sundays in the suburbs as well as in the city.

The third amendment I will not push hard, because I think it is too radical; that is, to have a global shopping hour entitlement. I suggested as a nominal figure 80 hours, which is made up of Monday to Friday 8 a.m. until 9 p.m., Saturday 8 a.m. until 5 p.m. and Sunday 11 a.m. until 5 p.m. The 80 hours is not a magical figure; it is not locked in concrete. It is a variation of the English model, which says that you can trade within a global allocation but you need to register the hours in which you trade and display them on your premises. That amendment is, I think, too far-reaching at this stage, so I will not push it hard. But I believe that it has merit, and I know that many people within the opposition are quite keen on it. I will, basically, have it presented, but I do not expect or anticipate that it will get much support.

The next amendment is in relation to dealing with the issue of pay rates on a Sunday. I believe that it addresses many of the issues that were raised as a concern by the member for Davenport. It should have happened a long time ago that small businesses are not disadvantaged by paying double the rate on a Sunday that, say, Coles or Woolworths pay. A lot of that fault should rest with the associations, and one would have to ask: why has not the State Retailers Association been actively involved in making it easier for the small traders to enter into an enterprise agreement to have the same arrangement that the big stores offer their staff? Woolworths and Coles have basically averaged the hourly rate for the week, and that seems to work well. The union supports it, and I have not heard one complaint against that averaged hourly rate. Small businesses cannot compete if they are paying $34 an hour and Coles and Woolworths are paying half that, or something close to that. My amendment seeks to address that issue to some extent, but it does not discourage or prevent associations seeking to vary the award or take other action to bring about what, in effect, would be a level playing field.

My final amendment relates to the need to review this act after two years, and I think it is appropriate to suggest an independent review after two years to see how these changes have worked. That is the essence of the amendments that I am proposing.

We hear the argument that this is big business versus little business. My view is very strongly that small business benefits from big business because big business acts as a magnet and it is better to have people out and about than sitting at home watching television where they spend no money, or in some cases playing poker machines on a Sunday when it would be a lot better if they were out with their family, shopping, having a coffee in a shopping centre and buying the odd item. I draw that particularly to the attention of the Hon. Nick Xenophon and the Hon. Andrew Evans, because they might like to think of Sunday shopping in the suburbs as a better alternative to having mum or dad playing the pokies down the pub on a Sunday. It would be better to get the family out together, spending time together in a shopping environment.

As the member for Davenport highlighted, an ad in the paper purported to reflect the views of the Foodland chain. However, I advise the house that not all Foodland operators are against extended trading hours. Indeed, several have expressed to me that they had reservations, but since the extension came in a few years back they have responded to that and their business has increased and they now welcome a further extension in trading hours. People should not assume that everyone under the Foodland banner supports the status quo. Some want to see things move on.

The issue should be about flexibility of hours, not just more hours, but, as I said earlier, this bill is a modest extension. I do not have time to respond to all the arguments—unlike the member for Davenport—but most of the arguments put forward in that recent newspaper advertisement under the Foodland-IGA name just do not stand up to close scrutiny and, for members who are interested, those arguments are canvassed in the paper I issued the other day.

People have predicted gloom and doom if we allow shopping, almost as if it is some sort of bad activity. The United States, which I have visited on many occasions, despite its very strong religious orientation, has trading on Good Friday. I am not suggesting we need that here, but the United States is hardly a place that is going backwards in terms of retailing and other economic activity. It is much more dynamic than South Australia and, contrary to what people might expect, the Americans do not regard shopping or trading as a crime, which we do in South Australia and which, to my amazement, the Liberal opposition wants to maintain. In this bill, the penalties are unnecessarily excessive, so we fine much more heavily people who want to shop or trade than we do a lot of criminals out in the street, and I find that a bit bizarre. If you have a regulated approach to things, you need a regulator and an enforcer, and that seems to be something that the Liberal opposition also strongly supports.

Barry Urquhart, who is an independent authority on shopping in Australia, has summed up in two words the argument that further deregulation will be the end of small business—absolute rubbish. I have circulated to members a copy of the transcript of an interview with him on this issue. He talks not only about tourists leaving South Australia with $1 200 unspent in their pocket but the fact that small business has revitalised itself, and that can be seen in the city.

After the changes a couple of years back, we now have a boom in mini-marts in the city. Following the 1999 change, people said that it would be the end of the world as we know it and that Henny Penny would make an appearance. That was all nonsense. In the city, we now have a mini-mart across the road on North Terrace, we have one near Southern Cross, there is one in Wright Street and there are others in the city, and that is despite Coles being a very vigorous competitor in the Victoria Square area and Woolworths expanding its supermarket in Rundle Mall.

So, contrary to this view that it is the end of the world, what we are seeing is a revitalisation and reorientation of small business. The smart small business operators do not wring their hands and wear sackcloth: they get on with it. One

of the best examples is an IGA at Belair where they bake bread. I drive quite a long distance to go there on the weekend, because the people offer good service and innovative products such as fresh bread. Instead of wailing, crying and getting into the tissue box, the smart small operators are innovative. Another classic example is Sam's Deli, opposite the Belair Hotel. The previous owners of that business walked out because they could not make a go of it. However, Sam turned it into a successful business because of his operating technique. There is too much doom and gloom from a few of the commentators and members opposite. I suggest that, rather than wailing and crying, people look at being innovative.

This measure—a very modest proposal—deserves support. It is a step in the right direction, and it is saddens me that members of the Liberal Party will hold themselves up for ridicule, because they will get caned by the media and everyone else for their negative approach. There is no way that I will support a select committee, because I do not believe it is necessary. It is just a delaying tactic. Let us get on with it, and let us get on with life. Let us get South Australia moving forwards rather than backwards.

Mr HAMILTON-SMITH (Waite): I rise to follow on from my colleague the member for Davenport and, of course, the member for Fisher to indicate that this bill has fatal flaws. The bill is an attempt to change retail arrangements in the state. However, it is not a genuine effort at retail reform. Essentially, we have the horse without the cart. We have a bill that is designed to change hours of trading without any of the other changes that are needed to make that work. It is a bill with some merit, arrived at through a process with very little credibility. As I mentioned, it has several fatal flaws, one of the most important of which—and I am surprised that this minister has brought the bill forward without recognising this important defect—is that it does not really identify the industrial relations issues that need change in order that the bill can work. It does not pick up the necessary efficiencies that need to be achieved so that the trading hours regime put forward in the bill will work.

As my colleague the member for Davenport has explained, the bill also contains a number of naive initiatives which indicate that the government is extremely lacking in experience in small business, in business management and in its knowledge of the way in which shopping centres operate and leases are affected. That is not surprising because, as my colleague the member for Davenport explained in his opening remarks, the process of consultation for this bill is astonishing.

The opposition is aware that certain groups support the bill; for example, Coles, the Property Council, Business SA, the Australian Retailers Association and some consumer groups. We are also aware that a lot of the general public would support the bill. I do not want to be too negative about the bill, because I see a lot of good in it. I see some merit in the bill, as I mentioned. The opposition is also aware that a large range of groups have concerns about the bill. I refer, for example, to Foodland, IGA, the Newsagents Association, the Meat Traders Association, the Pharmacy Guild, Mainstreet programs, the Motor Trade Association, the State Retailers Association, and many more. As my colleague explained earlier, most of these organisations have not been formally contacted by the government. They have learned, by hook or by crook, of the government's plans, and have instigated some comment, but the formal process of consultation has simply been appalling. If you want to introduce genuine retail reform, you need to talk to the people whose livelihoods will be affected by that reform. You do not just barge forward like a bull at a gate and turn the world upside down.

So, I am not completely negative about the bill, but I am astonished at the way in which it has been conceived. I am astonished by the abrupt, arrogant way in which this government has charged forward, ill prepared, into the unknown with a bill that simply needs more work, consultation and improvement. Very simply, it is unworkable in its present form. It is a poorly thought through bill. However, as I mentioned—and I acknowledge the comments of the member for Fisher—there is some merit in it. I have come from a small to medium business background. I have been an employer. I have run a number of businesses—six at one stage in two states. In one year I sent out nearly 130 group certificates. I have paid the wages and the WorkCover and superannuation entitlements of those employees. I have even been secretary of a national industry body and president of a state industry body. I have represented the industry body in the Industrial Commission. I have participated in award cases on behalf of employers.

Like many on this side of the house, I have grappled with the issues raised in this bill. I see some sense in what is proposed. I agree with the member for Fisher that small business needs to look at the basis upon which it competes. The businesses most threatened by this bill will be the businesses that are trying to sell the same products that are available in supermarkets and in the retail outlets of the big players, the people who are competing predominantly on costs. The people less threatened will probably be the small businesses that have differentiated themselves from the big players by selling slightly different products—those products not available in Coles, Woolworths or Harvey Norman; small businesses that compete on the quality of their products, a quality unavailable in the big outlets; businesses that compete on convenience—and the member for Fisher has mentioned petrol stations; and, of course, those that compete on service—the small businesses that get people to come to them rather than the big players because they provide a fabulous service.

I think there is some merit in what is proposed by the government and I agree with the member for Fisher that small business does need to decide the basis upon which it will compete. I see that the government has grasped this point. If this bill were to pass, it would not necessarily mean the demise of small business in South Australia: I accept that. But let us at least go and talk to small business before we introduce such a substantial change. Let us at least talk to them about who will lose their livelihood here, who will have to say to their family and workers, 'Sorry, you are out of a job. We've just been knocked off by government changes to regulations, laws and government bureaucracy.' Let us go and find out whose business will be devalued by 50 per cent because their goodwill has walked out of the door as a result of this poorly designed piece of legislation. That process simply has not occurred.

The nature of the economy is changing, and I accept many of the arguments put by the government, as well as those that the member for Fisher will no doubt put—and I note his intention to move amendments to the bill. There is a momentum here, and I agree with him that, if you were to stop anyone out in the street, they would say, 'Yes, give me more flexible shopping hours. I'm living a seven-day week nowadays. I work odd hours; I want to be able to shop late at

night or at any time on the weekend, and I want more flexibility.' But if you walk along the street a bit further and ask a retail employee what they think, you might get a different answer. This process simply has not been carried out by this government, and I think my colleague the member for Davenport has made that point very forcefully.

If we are to have genuine retail reform, let us look at all of the issues that prevent small businesses from effectively competing with the big players. In particular, let us look at industrial arrangements, because that is the main cause of concern for small business. The government proposes to allow the big players to open freely on Sunday, or for a summer of Sundays, and it is offering to allow certain outlets which sell electronic goods, etc., to open pretty well with free rein, and to extend the hours of trading to 9 p.m. every night as well as a range of other initiatives, as has been explained.

But, of course, the problem for small businesses is that they have to pay penalty rates or overtime in order to employ staff to work at those times. In particular, a husband and wife team running a small deli or a small retail outlet might employ their son or daughter and maybe one or two casuals to see them through the roster. Suddenly, they will need to fill Sundays or, if they are going to compete with the big players, how will they afford to keep their doors open if they have to pay penalty rates?

The big players are in a slightly different position. They employ a lot more staff; they are able to engage specialists to advise them on negotiating enterprise bargains or workplace agreements; they have perhaps an IR wing within their company; they have a lot of people so they have flexibility in the way they manage their staffing; and they can negotiate agreements with people, to everybody's benefit. As a Liberal opposition, we welcome that process. In fact, Liberal governments—both federal and state—set up those arrangements, and they work extremely effectively. But if you are a small business, you do not have the wherewithal—the money, the people and the resources—to negotiate a workplace agreement or an enterprise bargaining agreement to the same extent as the big players. You are stuck with the award.

I am not sure how many members have read the award, but I have a copy of it in my hand and it is a very interesting read. It has two schedules: one schedule deals with wages and allowances for employees in establishments that do not trade after 12.30 p.m. on Saturday in any given week, and the second schedule deals with wages and allowances for employees in establishments that do trade after 12.30 p.m. on Saturday. Of course, it costs the employer more to employ people if they trade after 12.30.

I commend a good read of the award to members because that award will prevent small businesses from effectively competing with the big players. I urge the government, if it is genuine about retail reform, to hear the opposition's call for further work to be done, for further consultation to occur, for a select committee and, in particular, for more work on how we can make the industrial arrangements for small business a little more workable, both for the small business proprietors and their workers so that everybody is a winner in this process and nobody is disadvantaged.

It goes further, because I am sure the minister is sitting there thinking to himself, 'The industrial arrangements are just perfect, the award is just fine, South Australia is the most competitive place in the nation and what on earth is the member for Waite talking about?' I want to provide the minister with some information on how uncompetitive South Australia is in the retail sector and, in that regard, I seek leave to have incorporated in *Hansard* some statistics in tabular form on each state.

Leave granted.

South Australia
Calculations based on classification of full-time shop assistant (Schedule 2)

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday	9.00	0.5	17.00	7.5
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				45.5

	Hrs Wkd	Rate $	Sub Total $
Ordinary	30.5	13.58	414.19
Saturday	7.5	13.58	101.85
Sunday	0	-	-
Late night	0	-	-
O/T (x1.5)	0	19.37	-
O/T (x2)	7.5	25.82	193.65
		Total	709.69

Note: Ordinary hours cannot be worked on Sunday; therefore 38 hours must be offered Mon-Sat.

Tasmania
Calculations based on classification of full-time retail employee grade 2

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday	9.00	0.5	17.00	7.5
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				45.5

	Hrs Wkd	Rate $	Sub Total $
Ordinary	27.5	12.12	333.30
Saturday	7.5	18.48	138.60
Sunday	0	-	-
Late night	3	13.86	41.58
O/T (x1.5)	0	19.37	-
O/T (x2)	7.5	25.82	193.65
		Total	707.13

Note: Ordinary hours cannot be worked on Sunday; therefore 38 hours must be offered Mon-Sat.

Victoria
Calculations based on classification of full-time retail work grade 1 (class A exempt shop)

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday				0.0
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				38.0

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	12.91	490.58
Sat (AM)	3	3.23	9.68
Sat (PM)	4.5	5.06	22.77
Sun	7.5	12.91	96.83
Late Night	3	3.23	9.68
O/T (x1.5)	0	19.37	-
O/T (x2)	0	25.82	-
		Total	629.54

Australian Capital Territory
Calculations based on classification of full-time shop assistant

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday				0.0
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5

Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				38.0

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	12.89	489.82
Sat (all day)	1	33.40	33.40
Sunday	7.5	6.45	48.34
Late night	3	3.22	9.67
O/T (x1.5)	0	19.34	-
O/T (x2)	0	25.78	-
		Total	581.23

New South Wales

Calculations based on classification of full-time shop assistant (general shops)

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday				0.0
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				38.0

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	12.89	489.82
Sat (AM)	3	3.22	9.67
Sat (PM)	4.5	3.22	14.50
Sunday	7.5	6.45	48.34
Late night	3	3.22	9.67
O/T (x1.5)	0	19.34	-
O/T (x2)	0	25.78	-
		Total	571.99

Queensland

Calculations based on classification of full-time shop assistant (exempt shops)

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday				0.0
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				38.0

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	12.43	472.34
Sat (AM)	3	3.11	9.32
Sat (PM)	4.5	3.11	13.98
Sunday	7.5	6.22	46.61
Late night	0	-	-
O/T (x1.5)	0	18.65	-
O/T (x2)	0	24.86	-
		Total	542.26

Northern Territory

Calculations based on classification of full-time retail worker grade 1

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday	9.00	0.5	17.00	7.5
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				45.5

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	13.58	516.04
Saturday	7.5	3.40	25.46
Sunday	0	-	-
O/T (x1.5)	0	19.37	-
O/T (x2)	7.5	27.16	203.70
		Total	745.20

Note: Ordinary hours cannot be worked on Sunday; therefore 38 hours must be offered Mon-Sat.

Western Australia

Calculations based on classification of full-time shop assistant (general retail shops)

	Start	Break	Finish	Hours Wkd
Monday				0.0
Tuesday	9.00	0.5	17.00	7.5
Wednesday	9.00	0.5	17.00	7.5
Thursday	13.00	0.5	21.00	7.5
Friday	9.00	0.5	17.50	8.0
Saturday	9.00	0.5	17.00	7.5
Sunday	9.00	0.5	17.00	7.5
				45.5

	Hrs Wkd	Rate $	Sub Total $
Ordinary	38	13.59	516.42
Sat (AM)	0	-	-
Sat (PM)	0	-	-
Sunday	0	-	-
Late night	3	2.72	8.15
O/T (x1.5)	0	20.39	-
O/T (x2)	7.5	27.18	203.85
		Total	728.42

Note: Ordinary hours cannot be worked on Sunday; therefore 38 hours must be offered Mon-Sat.

Mr HAMILTON-SMITH: The roster is for a full-time shop assistant in each state of Australia. This worker works a six-day week: Tuesday, nine to five; Wednesday, nine to five; Thursday, 1 to 9 p.m.; Friday, 9 a.m. to 5.50 p.m.; Saturday, nine to five; and Sunday, nine to five. It is a 45.5 hour week, and there is some overtime. The table looks at the award arrangements in each state and it explains how much the proprietor of that small business needs to pay that shop assistant in each state. The table reveals that in Queensland the small business proprietor would be paying that employee $542 per week; in New South Wales, it would be $571 per week; in the ACT, it would be $581 per week; and in Victoria, $692 per week. They are the four cheapest, most affordable employees. In Tasmania, it is $707 per week; and then in South Australia, $709 per week. The only two states in which a proprietor would need to pay more for that worker than in South Australia are: Western Australia, $728 per week; and the Northern Territory, $745 per week.

Under our industrial arrangements, we are one of the most expensive states in Australia for a small business employer to employ a shop assistant. The states that, arguably, are booming (New South Wales, Victoria and Queensland) are, as in the case of Queensland, almost $180 more affordable than South Australia for a weekly wage packet. The minister might say, 'Well, isn't that great?' Let me simply say that if small business cannot compete, it goes broke, everybody loses their job and the workers are on the dole or out of work. If the minister wants to come up with genuine retail reform, I urge him to look at the industrial arrangements, to come up with a better package of measures, amend this bill and come up with something that is really workable and that will really make a difference.

I am cautious about the member for Fisher's approach of passing laws in this place which directly intervene in the award and which provide for the eradication of penalty rates. It is matter that needs to be resolved by employers and employees in accordance with given, set-up industrial arrangements and laws presently in place. I urge the government to take up the cudgels and sort out this industrial issue because, without solving that, you cannot just throw open trading hours. Small business has to be helped to compete. As I said before, small business needs to understand it needs to compete on quality, convenience, service or differentiation of its products, but give it a level playing field and give it the arrangements it needs to tackle fairly the big players.

Earlier, the member for Davenport mentioned child care. I happen to have a bit of experience of that business, having been the proprietor of several child care businesses. The member made a very good point. Child care centres generally are not open beyond 6 p.m., only one or two child care centres in the whole state are open on weekends and there are very few 24-hour child care centres. If workers are required to work on Sunday, young mothers, single mums possibly, single parents, if we are going to require them to work late how can we provide for their child care needs when if a child care worker is required to work on Sunday they must be paid a 100 per cent penalty rate—double time? How can a child care centre afford to stay open if it has to pay penalty rates at 100 per cent loading? It cannot be done.

I would urge the minister to look at the childcare arrangements, look at the industrial arrangements and at a whole package of measures and come up with something a bit more sensible. Unfair dismissals is another issue related to this problem. Then we have the UTLC in today's *Advertiser* making demands for the abolition of junior pay, a review of labour hire arrangements, virtual abandonment of enterprise bargaining, toughening up of unfair dismissal, and more of a role for the unions. If you really want to drive small business into the ground, go along and shake hands with the UTLC.

I know that the minister is saying that there is a big review going on and one day all will be revealed, but as someone who has run a small business, I say that if you want these people to go under it is very easy to arrange: just set up industrial arrangements that are unworkable for small business and you will get rid of them. If that is the agenda, go ahead: it will be achieved.

In summary, this is a bill with some merit, but it should be knocked into shape by the government over the next couple of months. I hope that it supports the select committee that we will be initiating. If the government really wants it to get through both houses it needs to go away and come up with genuine retail reform, not this scatter gun approach of more flexible trading hours with none of the necessary supporting infrastructure to go with it. Whether or not this succeeds will depend on more time being spent, more consultation, and concessions to small business so that they are able to compete. I hope the government can pull it off. This is one of the first significant bills that has come forward from the government but, boy, on the basis of what is before us, I cannot see it becoming a reality.

Mr KOUTSANTONIS (West Torrens): The hypocrisy of members opposite is absolutely astounding. I remember members opposite in the 1993 election campaign swearing black and blue to anyone who would listen that there would be no Sunday trading in the suburbs, no Sunday trading in the city. I remember Graham Ingerson, the former Deputy Leader of the Liberal Party, on the front steps of Parliament House in 1993 saying that if the Liberal government was elected and the Arnold government defeated there would be no Sunday trading. It would not happen, because they were the party of small business. They would not abandon their small business friends.

What is the first thing they do in industrial relations when they get into this place? What does the former member for Bragg do? What does he bring into this place but a set of regulations to completely deregulate shop trading hours, with no thought for small business, no thought for traders, no thought for retail workers and no thought for their families and the consequences. It took an affiliate of the Labor Party, the Shop Distributive and Allied Employees Association, to take the government to the High Court of this land and succeed, because the government was trying to ram through regulations it promised it would not do through the house illegally.

It was forced to bring to this place for a vote of the House of Assembly and the upper house its deregulation—not limited deregulation, not limited changes, but total open slather deregulation, 24-hour trading. And what happened? They had a 37-seat majority when they tried this and they got rolled because they could not make a decision. They cannot make decisions. They cannot govern. They have no policies. And what do we have here today? We have had two party room meetings by the Liberal Party and they cannot make up their mind.

They have had debate. The leadership of the Liberal Party is saying, 'We have to support this, otherwise we will be torn to pieces by the *Advertiser*.' The backbenchers are saying 'No, we can't abandon small business again. We've been abandoning them for the last eight years: we can't abandon them again.' So, what do they do instead? They come back and want to form a committee. We have been criticised every day in this house because the new government has been reviewing policies of the former administration, and what is the first compromise they come up with—a committee! The Liberal Party solution to the ills of South Australian small business on shop trading hours is to form a committee. This is cutting edge policy making by the Liberal Party.

This is the hapless, temporary Leader of the Opposition, the Hon. Rob Kerin, who has been put in charge for the next three years because no-one has the guts to knife him. They cannot make a decision. So, the opposition wants to form a committee. We had the shadow minister come into this place today and, in question time, demand answers from the minister regarding industrial relations matters before a review is brought down.

The shadow minister comes into this place and says, 'You can't do this. You can't deregulate shopping hours to a certain extent until we have had the review done.' What hypocrisy! Make up your mind. Which one is it? Choose a policy point and go with it. You should not have a scatter gun approach. Do not come in here divided. Make a decision in your party room and come in here united. This is the problem with the Liberal Party today: it is so leaderless and cannot make a decision.

The hypocrisy is that we had the member for Morphett calling for deregulation of trading hours and supporting the federal member for Hindmarsh to the detriment of his own people—the people of Jetty Road—

Dr McFetridge: That is a lie.

Mr KOUTSANTONIS: Mr Acting Speaker, the member for Morphett called me a liar. I ask him to withdraw.

An honourable member: No, he said, 'That's a lie.'

The ACTING SPEAKER (Mr Snelling): Order! I ask the member for Morphett, if he did call the member for West Torrens a liar, to withdraw.

Dr McFETRIDGE: I did not call the member for West Torrens a liar, sir.

The ACTING SPEAKER: I cannot ask the member for Morphett to withdraw if he denies that he said it.

Mr KOUTSANTONIS: I understand, Mr Acting Speaker. The courage of those opposite is limited. But, Mr Acting Speaker, I will say this: the member for Morphett wants complete deregulation of trading hours and he wants

the Westfield shopping centres open on Sundays. Why? So that the small boutique traders on Jetty Road can go under because he supports big business. He will not stand up for the small boutiques; he will not stand up for the small retailers on Jetty Road. Why? Because he has no spine—no spine whatsoever.

The opposition cannot make a decision in this place, so what does it want? It wants a committee. This government has made a decision. It has stated that traders can open until 9 o'clock between Mondays and Fridays, and there will be a summer of Sundays.

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

The ACTING SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Mr KOUTSANTONIS: Now that everyone is up, they can hear about the hypocrisy of the Liberal Party. It cannot make a decision so it forms committees, just like the Country Women's Association. Just like the Country Women's Association, it cannot make a decision so what does it do? It forms a committee.

An honourable member: There is nothing wrong with the Country Women's Association.

Mr KOUTSANTONIS: The Country Women's Association is a fine organisation; it is just a shame that the committees are not as efficient as the Country Women's Association. The Liberal Party is so inept and so leaderless that it comes in here crying crocodile tears for the retail workers and their families who have to work on Sundays. They were not crying those crocodile tears when Graham Ingerson, the former minister, wanted to completely, illegally deregulate trading hours—

The Hon. M.J. Atkinson: As found by the High Court.

Mr KOUTSANTONIS: As found by the High Court when the SDA took it to the High Court and made the Liberal Party accountable to this house and to the people of South Australia. Even with a 37 seat majority, it was afraid of its own members. Now we see that the hapless Leader of the Opposition, who has no courage and no spine, cannot make a decision. The best he can do is form a committee. Our minister and our government have made a decision. Our decision is that we will increase trading from 7 to 9 p.m., and we will be making sure that the traders who have been calling out for this change to trading hours take it up.

The Premier has personally made a commitment that we will monitor the situation to ensure that these stores are opening during these hours and, if not, we will take it away from them. We are going to give them a summer of Sundays because we understand that there is a greater need around summer and a need to cater to those who have been calling for greater trading hours during the high peak tourist season. We are going to give that to them. We are not abandoning small business as the Liberal Party has done in the past: we are standing up for small business, and members on this side do not cry crocodile tears.

The other change is that we are allowing electrical retailers in the metropolitan area to open on Sundays. I was a little concerned about the civil disobedience practised by some of the electrical stores, such as the Good Guys, and some of the threats made by Harvey Norman to open on Sundays when it was in fact not legal to trade on that day. I think that, as a corporate citizen of this state, it is a bad example to set. I do not think we should be encouraging that sort of behaviour. All businesses should be required to work within the law. If the law of the land says that you cannot open on a Sunday, you cannot open on a Sunday.

Openly canvassing for civil disobedience on that issue is disgraceful. I believe that the owners of those stores should think about what they have said and think about the consequences of their remarks because, given the global scandals around corporate distrust, the community is losing faith in our corporate leaders, it is losing faith in good corporate citizenship, and I think that the remarks made by people representing companies such as the Good Guys, Harvey Norman and other electrical traders were irresponsible. The owners of those retail chains should consider more carefully their remarks and understand that the law in South Australia and the law of the land applies to everyone equally, without fear or favour.

I do not think it is appropriate for anyone to practise civil disobedience unless there is some great cause of injustice and tyranny. We are a democratic nation with democratic processes and, at all times, those processes should be followed. I respect any member and any member of the public who disagrees with my point of view, but I do not believe that we should be advocating breaking the law. Other electrical traders who do not open on Sundays come to my office and complain about the unfair practices of retailers who open on Sundays in breach of the law.

Now that the government has said that it will exempt electrical traders on Sundays, I would like to see some action taken against people who practise civil disobedience against the law of our land. It is completely inappropriate and unfair on those traders who did the right thing, who followed the law, who did not open and who lost trade. It is a little unfair on those who have missed out on that trade to now see their retail competitors rewarded for their civil disobedience. I do not think it is fair and equitable in any way for people to be rewarded for that sort of behaviour.

I understand that every member of parliament on the opposite side will speak on this issue. I understand that they are passionate about it and that they want to reclaim their small business credentials after having abandoned them during the eight years they were in government, but I believe that small business will see through this as will retail workers. The one great reward that we can give retail workers is that Easter Saturdays will now be given back to them and their families. That is a long overdue return, but it is warranted. Retail workers and their families are required to work on Sundays if they want to maintain their income, but I think it is only fair that we allow them to enjoy the same amount of leisure as everyone else enjoys over the Easter period.

I think it is a little inequitable to ask retail workers and their families to work on Sundays. If you believe the arguments about extended trading and total deregulation, if you are a proponent of that idea, I have not heard anyone say that we should open banks on Sundays, that the Commonwealth Bank, the NAB, Bank SA and their outlets should be open on Sundays. I have not heard those who are calling for greater tourism facilities to be available asking for banks to be open to exchange foreign currency on Sundays. The banks are a powerful lobby group, and I do not think they will be

interested in opening on Sundays. I think you would find that the banks will want to close even earlier than 4 o'clock. We struggle to keep them open until 5 o'clock on a Friday. They are scaling back on their staff, it is hard even to talk to a teller in a bank, yet we are told that, for the sake of tourism and the economy, we have to have total deregulation on Sundays.

Well, I ask the proponents of total deregulation to travel to Paris, London, Brussels, Athens and Constantinople—major tourist destinations in Europe—where they will see that the major retail outlets in those European cities are closed on Sundays. You do not hear their policymakers and leaders calling for total deregulation of trading hours. The largest tourist destination in the world—Europe—does not trade on Sundays.

Mr McEwen: Are you for or against this?

Mr KOUTSANTONIS: I am in favour of the summer of Sundays and extending trading from 7 p.m. to 9 p.m., but I ask the proponents—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for West Torrens has a strong passion for this issue, but he is getting other members unnecessarily aroused.

Mr KOUTSANTONIS: Thank you, sir. I do not mean to arouse members opposite with my passion; I do not think I have that sort of appeal for members opposite. The proponents of extended trading and total deregulation are not taking into account the effect on families.

Mr McEwen: We're not debating that now.

Mr KOUTSANTONIS: But there are those proponents—

Mr McEwen: Where?

Mr KOUTSANTONIS: In this chamber. I understand their passion for this issue. I do not think for one minute that they are completely wrong; I understand that some of their arguments have merit. I do not agree with them, but I defend their right to have those arguments. Small business has been hurt over the past eight years because of moves by the former government to deregulate trading hours. They have been hurt by service stations, minimarts and extended trading by large retailers who manipulate planning laws to have a certain square metreage to allow them to open for 24 hours. That is the modern market—I accept that and small retailers accept that—but there are small boutique areas like The Parade, Jetty Road and areas down south where small boutique retailers survive because they can trade on Sundays and make up the difference.

One argument that no-one is putting forward in this debate is to say that, if we deregulate trading hours, people will have one extra cent to spend. We are not talking about increasing spending capacity; we are talking about increasing spending time. What we are saying to business is, 'We want you to have the same amount of turnover over a larger period of time with more wages and expenses.' This will put small retailers out of work, out of business. It will create monopolies. In the United States there is not the same amount of market share concentrated into two major retailers. Woolworths and Coles control over 80 per cent of the market share of retail food sales in this country. In the US the highest market share for one retail chain is 14 per cent. If we deregulate trading hours and remove all further competition they will price fix. They will get together and screw consumers for everything they have. Then, once they have total market share, they will come to the government and say, 'We want to wind back the clock. We don't want to open on Sundays,' or they just will not open on Sundays.

When we extend the trading hours in Rundle Mall do we see David Jones, Myer and Harris Scarfe open until 9 p.m. every night? No, we do not. They are not open until 7 p.m. They have not taken it up. We have also seen some people in Harris Scarfe calling for an even playing field. They want to open their electrical stores in the suburbs because we have extended trading hours for metropolitan area electrical stores. But when we had the debate about extended trading in the city for Sundays they were all in favour of it. Now that we are giving them some competition, they are against it, saying it is unfair. These retailers cannot have it both ways. There has to be a fair playing field, and I think that is what the minister has done.

The minister has found a fair compromise. We have answered the call of those who have asked for extended trading hours. We have answered the calls of those who are saying we need more trading in tourism peak areas. We have given them the summer of Sundays. They are opening until 9 p.m. We have given retail workers back their Easter Saturday. It is a good position. But the Liberal Party cannot make a decision. It wants to form a committee. Unlike members opposite, we did not make promises before the election that we could not keep. We did not promise to come in and make no changes to trading hours—like the members opposite did—and then propose total deregulation. We have been honest about this. Our minister has consulted. He has gone out and spoken to all the key stakeholders in this issue. He has talked to them and been through the consultation process—and now we await the Liberal decision. We await a decision on policy from members opposite.

We heard chant after chant from members opposite, when they were in government, asking us for a policy. I say to you here and now, 'Where is your policy? Give us a policy on trading hours. Don't form a committee. Stand up and make a decision.' It seems to me that every morning the Liberal Party gets Rob Kerin's spine out of a bucket and pours it into his back, and at the end of the night they pour it back into the bucket. They pour it back into the bucket afterwards and put it back in the fridge. It sits in the fridge, and the next day they take it out again, it goes soft and they pour it back in again so he has got a spine for question time. They cannot make a decision—and they want to govern. The so-called alternative government cannot even make a decision on two hours a night and four more Sundays. They cannot make a decision on that. If they cannot make a decision on trading hours, how can they govern South Australia?

The DEPUTY SPEAKER: Before calling on the member for Mount Gambier, I remind members that baby James is in our company, and I do not want his long-term future to be compromised by unnecessary volatile behaviour.

Mr McEWEN (Mount Gambier): I think we would all like to thank the member for West Torrens for the comedy corner.

An honourable member: National Labor!

Mr McEWEN: National Labor, yes. I think that when the member for West Torrens analyses his speech tomorrow he will see that there was a mighty lot of dash but mighty little substance—as is the whole debate. How can so much be said about so little? So much has been said: so little is happening. This is a very modest change. This is a toe in the water in the city of Adelaide and nothing in the regional areas. My community is delighted that the process that we have had in place is going to remain in place, but the one extra thing that we are delighted to see in this bill is that for the first time

there will be some teeth to enforce the regulations. Our problem to date has been that, when people blatantly choose to flout the law, nothing can be done. I am delighted to see now that there will be in place a mechanism to enforce the rules. As for the other part of the debate, if Labor wishes to test the water in terms of a few extra weekend days and a few extra hours, then let it test the water.

Mr GOLDSWORTHY (Kavel): I share the thoughts of the member for Mount Gambier on the contribution made by the member for West Torrens. I wonder whether the member for West Torrens is in some sort of time warp and has not moved on from his time in opposition to now being in government, because he seems to have maintained the style he had when in opposition of whingeing, whining and carping. I am also not too sure whether he supports the legislation. Nevertheless, we will move on from that.

I believe that the small traders in my electorate would resist the deregulation of shopping hours. We have seen deregulation of shopping hours in the township of Mount Barker, which is the largest regional centre in the Adelaide Hills. That is definitely not popular with the small traders in that town. They feel that the big end of town is putting pressure on them and it is not popular. In general the main street traders in Mount Barker, are not pleased with the pressure they are feeling from the big end of town. I will not necessarily talk about that at length, but there is a definite feeling of 'them and us'.

The small traders, the small end of town, look to us as members of parliament for assistance. It is our responsibility to give them assistance. I am not just talking about small traders and retailers but also the primary producers: the apple and pear growers in the Adelaide Hills, the market gardeners, people who grow cabbages, brussels sprouts and other green vegetables. They are all being squeezed by the big retailers and, to a degree, they can control the market. Some people feel that they monopolise the markets. As a member was saying to me yesterday, if you go to the livestock markets around the state you will see that the companies that purchase the majority of stock from those saleyards are the big supermarket chains and they can certainly have an influence on the market and price.

There is an argument that deregulation will drive prices down. That will take place only if and when we reach a level playing field. I do not think it will reduce prices. It could well increase some commodity prices through control of market share. Companies that have a majority of market share obviously can drive the market potentially where they want it to go. It is the old adage that the market will stand only so much, but I think that the big end of town certainly has a direct influence on that.

Obviously, if one looks further at that situation, one realises that some balance needs to be put back into the equation. I draw the analogy of the pendulum having the potential of swinging to the extreme. An example is last week, when we were debating the public liability insurance legislation. We have seen the pendulum swing to the extreme in that area, where insurance companies have either withdrawn from the market completely or have hiked up their premiums to unsustainable levels.

Perhaps another comparison would be the early 1990s, when the banks were experiencing tough times. As a former bank manager who was working in the industry at the time, I know from personal experience that some banks reported significantly reduced profits and posted a loss for the first time in their history. The banks certainly panicked; they tightened the reigns on credit and implemented some fairly tough measures supposedly to control customer accounts that they thought were not operating properly. The pendulum had swung to the extreme in the banking industry. It was some time later that they realised that perhaps they had gone too far, and they implemented measures to strike some sort of equilibrium. They are just a couple of examples of the analogy of the pendulum.

With this legislation, we could well see the pendulum swing a fair way towards increasing the market share, and consequently the business, of the big end of town. I am all for competition. Competition is essential, but it must be fair. I do not think that this bill is fair or equitable, as it will put considerably more pressure on the small business sector. I refer to comments made by my colleagues the members for Davenport and Waite. The member for Davenport made a very comprehensive contribution in a very erudite manner—

The Hon. M.J. Atkinson: The word is erudite.

Mr GOLDSWORTHY: Is that the right word, Michael—and covered a lot of points. I will probably not take up all the time available to me, but I would like to make a couple of points. I have a friend, with whom I used to work and who decided to buy a hairdressing salon located in a Westfield shopping centre. He did what most people do when they go into business—they mortgage their house to the hilt, they put everything on the line and take a risk. To the credit of this person and his wife (who works very hard in the business, too), they have applied themselves and are committed to the business. They are highly motivated people, and they have made a success of it.

I was speaking to that person today—and I have spoken to him about this issue on several occasions over the years. They sell a lot of products, such as hair care products, cosmetics and the like, in their hairdressing salon. This person told me that there is no economic gain or benefit in extending shopping hours for small business. There is no economic benefit or gain in extending shopping hours. This person has also told me that there is no real consumer gain, either. He has been working in small business for a number of years and he has made a success of it, so much so that he has been able to buy another outlet in another shopping centre. That is the confidence he had in the business that he is in.

As we all know, the shops open on Thursday night in the suburbs. I remember that a few years ago he told me that a trial was conducted whereby shops opened on Friday nights as well. What happened was that it lasted about a month: it was a real flop. It was not supported by the consumers, and obviously it was not supported by the traders. If people do not come into your shop, you will not stay open just for the fun of it. As we all know, the longer your shop is open the more it costs you. I believe that is what will happen if hours are deregulated, that is, the shops will just not stay open. Myer at Tea Tree Plaza is an example. It is a big suburban departmental store. At the moment it is able to stay open until 7 o'clock at night, but it does not, it closes at 5.30 p.m.

The Hon. M.J. Atkinson: That's right. The Premier will be out in his car patrolling.

Mr GOLDSWORTHY: Good luck to him! That is just an example that stores have the opportunity to stay open but they do not because of the lack of consumer demand. If people were spending money, buying goods, doing what consumers do, the shop would stay open, but that store closes 1½ hours before it has to. Small businesses involved in a

trade such as hairdressing are obviously under the confines of an award rate structure and they have to pay penalty rates on a Thursday night and on a Saturday and, if they open on a Friday night, they will have to pay penalty rates then as well. Under this legislation, all businesses involved in trading will be worse off because the salaries they pay their staff will increase, the WorkCover payments will increase, the superannuation guarantee levy will increase and the list goes on. Their overheads increase as a result of the increase in the hours they are open.

As I said, all the staff related expenses increase, as do other overheads such as electricity and so on. I am told that the sales do not increase. There is only so much money in the community to spend and, as a result, your sales stay the same. You do not have to be a genius to work this out; that is, if your sales stay the same and your costs go up, obviously your profits go down. Who in their right mind wants to run a business if they are going to stay open two hours longer to lose money? It is crazy and, as such, the traders will not wear it. The big retailers have their enterprise bargaining agreements in place and they do not necessarily have to pay penalty rates, and I can tell members that they manage their staff rosters in such a way that they do not have to pay penalty rates. They can open longer, they do not employ any additional—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! The Attorney is out of his seat. I am not sure why he is moving west in his seating position, but he is out of his seat and he is out of order.

Mr GOLDSWORTHY: He is going west, obviously, by the clothes he is wearing today. He is going to the wild west. The big retailers can open longer. They do not employ any extra staff because they alter their rosters without incurring any additional costs. People say, 'Well, we will open longer because there will be more employment opportunities.' But that is not the case. More jobs will not be created. All they will do is rejig their rosters. Big W at 8 o'clock at night probably has three cash registers open, and that is about the only staff they have working in the store. Small retailers cannot achieve that. They do not have enterprise bargaining agreements in place. They are covered by one award and, as I said, penalty rates apply. They pay penalty rates for Thursday night and Saturday. When they ran a trial, as I said earlier, they had to pay penalty rates on Friday nights. Obviously, there is an imbalance. It is obvious that a level playing field does not exist.

The member for Davenport spoke comprehensively on this issue. I am repeating nearly everything he said, but it is important that these points are made. I think the industrial relations issue has to be rectified first. That is up to the government and the unions. Government members are cosy with the union bosses. I think the government needs to sort out the unions and get its industrial relations house in order before it goes down the track of deregulation. Once that is achieved we can get closer to a level playing field and the issue can be revisited.

The other point I want to make is that there is a need for consultation with the small traders. The government champions itself as carrying out community consultation and reviews, but where is it here? Where is it in this process? It is conspicuous by its absence, and the government is obviously left wanting. The government is ignoring a huge section of the business community. I certainly support the notion of taking this matter to a select committee where it can be properly investigated. I certainly support the proposal and urge the government not to ram through this legislation but to take a responsible approach and investigate it through such a committee.

Mr SNELLING (Playford): Given that the Attorney-General is here, I thought in the course of my speech I would try to use as much of the Latin nominative plural and the Greek nominative plural as I can possibly weave into my speech—and I will be attempting to do that this evening.

Mr Goldsworthy: For how long?

Mr SNELLING: Unfortunately, I have but 20 minutes. The first point to make is that the opposition has repeatedly stated that there has been a lack of consultation with regard to this bill. All I can say is that it would seem that the opposition would be satisfied only by a series of referenda in dealing with this policy.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Playford has the call. I know the hour is late, but we still need to maintain the decorum of the house.

Mr SNELLING: Thank you for your protection, sir. Since coming to office the government has indeed consulted extensively. No doubt in his reply the minister will detail the extensive consultation that the government has undertaken, and the fruit of this consultation is this bill. All the stakeholders have been canvassed. It is true to say that on this issue of shop trading hours no-one will ever be satisfied but, quite wisely, the government has been able to strike a very reasonable compromise with all the competing stakeholders. But no stakeholder will ever get everything they want. The government has very wisely kept away from full deregulation. I understand that, in your speech to the house, sir, you advocated deregulation. That is not a position that the government and I agree with, and I do not believe that many members of the opposition agree with it. I think that what has been arrived at is a very wise point.

The bill provides for a balanced approach with regard to extended trading hours, the most important feature of which is a summer of Sundays, with five Sundays prior to Christmas and five Sundays after Christmas during which time stores in both the city and suburbs may trade. I think that is a wise position, because it is no use extending trading hours if there is just not the business to take up those trading hours, as we have seen in the city where there has just not been the business to shop during a blanket extension of trading hours. If you walk through the city on a Sunday you find many shops closed and with their shutters down. By recognising that the summer period is a time of fairly heavy trading, when people are out doing their shopping before and after Christmas, the government has acknowledged that there is more business over that period and that it is sensible to allow stores to open over that period.

Another important feature of this bill is to allow week night trading in the suburbs until 9 p.m. As a father with young children, I think this is a sensible move, because it enables families who need to purchase something quickly in the evening to have that extra couple of hours until 9 p.m. to go out and buy things for dinner. There is no doubt that the supermarkets will be the main businesses to take advantage of this. It will provide a great deal of convenience for shoppers, particularly shoppers who will be wanting to purchase the produce that the supermarkets have, such as a range of fungi and, no doubt, octopus that people want to purchase from the supermarkets in the evening. Finally, the

bill provides parity for electrical goods retailers with hardware and furniture retailers.

The legislation also addresses the compliance problems with the current act—compliance problems with respect to which the previous government buried its head in the sand and failed to take any action, as various parts of the current act were deliberately flouted by certain retailers who sought a change in the legislation not by normal democratic means but simply through a process of disobedience and ignoring the laws. Instead of enforcing the laws, as was its duty, the government just buried its head in the sand and allowed these retailers to get away with their flouting of the act as it stands and did not do anything about it. I note that a key change to the compliance provisions is the introduction of a scheme of prohibition notices, which is modelled on those provided for by the occupational health and safety legislation. So, if a retailer is attempting to flout the law, a notice will be able to be placed on the premises, and heavy fines will be able to be put in place if the retailer continues to ignore the law. I note that the legislation provides for a maximum penalty of $100 000. In his rather lengthy speech, the member for Davenport expressed some concern about the severity of this penalty. But I point out to the house that $100 000 is a maximum penalty, and it would be in the power of the court, subject to the Attorney-General's guideline sentencing provisions, to have some discretion with respect to the penalty to be applied and, naturally, a court would take into account any mitigating circumstances. I think that overcomes the member for Davenport's caution with regard to the penalties provided for in the bill.

Whatever the views of members on shop trading hours, I think members should all agree that it is undesirable for the vagaries in the legislation to allow its intent to be flouted. It is a travesty in which the previous government acquiesced, in the disrespect shown for the law by some traders under the inadequate compliance regime of the current act. The bill before us addresses those vagaries.

This is a balanced bill. It seeks to steer a middle course between those who would call for complete deregulation of shop trading hours and those who would argue for more change. Contrary to the whingeing, whining, carping opposition, the government has consulted extensively, and the bill before us is the fruit of extensive consultation. I urge the house to facilitate its speedy passage.

The Hon. R.G. KERIN (Leader of the Opposition): Obviously the member for Playford has been sucked in on the consultation issue, and I will come to that in a tick. I have a few comments to make. First of all, sort of, Mr Deputy Speaker, I would like to address the—

The Hon. M.J. Atkinson: What sort of start is that on a major bill, 'first of all, sort of'?

The DEPUTY SPEAKER: Order! The Attorney is getting carried away with his cowboy outfit. We do not want cowboy behaviour in here. The leader.

The Hon. R.G. KERIN: The *Advertiser* is giving him more profile than he deserves. First, despite some rumours and reports that have been floating around Parliament House today, which a certain little Labor Party operative started, I am still here; I have not resigned.

The Hon. M.J. Wright: Thank goodness for that!

The Hon. R.G. KERIN: I know that the minister is very happy about that. It was a great rumour. Well done to the Labor Party, but I assure my colleagues, the Labor Party, the girls in the Blue Room, the Hansard staff—all those who were very worried earlier in the night—that I am here for the long term. I intend being here until we get in this state a decent government that understands exactly what it is doing. Given some of the decisions of this government, that will not take long.

I have no fundamental objection to reforms in the retail sector, but some enormous issues need to be taken into account. Reform in the retail sector is not just about shopping hours. Shopping hours is an important issue, but reform also concerns IR, awards, and security of tenure of tenants—a whole range of issues—and we cannot look at one in isolation from the other. There is a bit of window-dressing in the government's proposal. From listening to the member for West Torrens and the member for Playford, I believe that the Attorney-General has been schooling those members because they both had two bob each way. In their speeches, there were parts that pandered to one side of the argument and parts that pandered to the other side of the argument. I have no doubt that, with some assistance from the Attorney-General, both the member for Playford and the member for West Torrens will be splicing their speeches and sending out certain parts to their constituents. Well done, I think they have learnt well, and I congratulate the Attorney on teaching his apprentices—

The Hon. M.J. Atkinson: Cubs.

The Hon. R.G. KERIN: —his cubs, extremely well, and I thank the Attorney-General for that suggestion. This government is just so slow to learn on some of these things. Good government is about good decision making, and good decision making is about knowing what you are doing. Yet again, there is no evidence of that. Despite what the member for Playford might have been told, consultation has been very much lacking. Over the last couple of days I have spoken to many people, some who have rung me and some whom I have rung. Various groups are greatly affected by this bill, but one thing that I found very surprising from talking to these people was that it seems that no-one had seen the bill. Did the member for Playford realise that a lot of people affected by this bill—the groups, the industry organisations—had not seen the bill? I will not list them because it would be of some embarrassment.

If the government is serious, that is what consultation is about: talking to people, preparing a bill and then getting the bill back to find out what they want in it. It has been extremely difficult. We have been forced into having this debate tonight, yet the people with whom we have been trying to consult have not seen the bill. As we have spoken to them, they have said—

An honourable member: Whingeing, wining, carping!

The Hon. R.G. KERIN: Hey! The member for Playford made big play of consultation.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for MacKillop is going west, and he might well do so shortly. He is out of his seat, and he is out of order.

The Hon. R.G. KERIN: The Attorney-General has just said to me that the SDA has been consulted. Perhaps when the minister wraps up this debate he will tell us when the SDA first saw the bill. We have heard the Attorney-General in this place before on various issues to do with brown paper bags and other things involving the SDA. I can remember that very well.

Members interjecting:

The Hon. R.G. KERIN: I can remember an issue with brown paper bags.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! The Attorney did not seem to get the message early on, and he is heading for a warning if he is not careful.

The Hon. R.G. KERIN: This is a serious issue and we take it seriously. We want to listen to both sides of the argument. One of the problems we have is that, if the people who are seriously impacted on by this bill have not seen it, how are we supposed to seriously consult with them? We have been forced to put this measure through tonight, and that is ridiculous.

An honourable member: Arrogance!

The Hon. R.G. KERIN: Arrogance is the word. The minister is only learning. The Treasurer has perfected arrogance over the past few weeks, and that has been apparent whenever anyone has come forward and criticised the government on anything; for example, those poor people who have just invested in the hotel industry. We hear about pokie barons all the time. However, not everyone is a pokie baron. In the last couple of weeks, I have spoken to people who have just invested in the hotel industry and had their total equity wiped out by the decision of the Treasurer, yet we see this incredible arrogance. Anyone in the industry who wants to have a go at or criticise this government is called a pokie baron. This absolute arrogance is becoming apparent. You have to know what you are doing. If you are going to go out and make decisions, you have to know what those decisions are about. We have seen some shockers, and that is very relevant to this matter.

Here we go again: we have not had the consultation necessary for proper debate on this bill. If we go back over the past couple of months—and, Mr Deputy Speaker, I ask for some tolerance here as members opposite might try to take a point of order on the ground of relevance—we have seen some bad decisions where the government has not known what it is doing and has no idea what it has done. I will just run through a few examples briefly. The government thought that the pokie tax was taking a bit of revenue off pokie barons. In reality, some very hard working people out there have had their life savings disappear overnight as a result of a decision the government made because it did not understand the impact it would have on capital values. That has wiped some people out of the game and has caused enormous investor confidence problems for South Australia.

The crown lands example is well documented. The government made a decision but did not understand what it was doing. It was obviously given bad advice by the department. I do not think the Minister for Environment and Conservation is so bad that he could come up with that decision himself. The government had no idea that the land and the assets on that land belong to the people. One only has to look at the government's press release to see that. The government also had no idea that some had contiguous leases, and it had no idea what it was doing. Radio rooms in the ambulance service had no idea that volunteers were involved. I welcome back the member for West Torrens. After his contribution, he ought to come and listen to some commonsense for a change. Conveyancing—

Members interjecting:

The Hon. R.G. KERIN: I welcome the Treasurer back. The Treasurer has walked in in a jolly way, standing up for his pokie tax—the one that he was proud to put on people.

Mr KOUTSANTONIS: I rise on a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! I was going to raise the issue of relevance.

Mr KOUTSANTONIS: I had the same point of order, sir.

The DEPUTY SPEAKER: We are debating shop trading hours. The chair is somewhat tolerant, but I think the leader may be straying somewhat at the moment.

The Hon. R.G. KERIN: I think arrogance was the common factor. Once again, they did not understand what they were doing. They had no impact statements. There was no idea around the cabinet table about a lot of issues—outback roads was the other one. This is yet again one of the other issues. Retail reform is a very important issue and you should have addressed it. You are having a crack at addressing it.

Members interjecting:

The DEPUTY SPEAKER: Order! The chair is being very tolerant. The hour is late and the tolerance is diminishing.

The Hon. R.G. KERIN: You are having a crack at it but you do not know what you are doing. It is the same as about 10 of the other decisions you have made since you came to government. You will get it wrong because you do not know what you are doing.

Mr Koutsantonis interjecting:

The Hon. R.G. KERIN: The member for West Torrens was missing. He should read *Hansard* tomorrow. There are a couple of references that he should read. This bill, like so many of the others, was drawn up about a week ago. But, in talking with the interest groups, including a couple of yours, they had not seen the bill when we spoke to them over the past day and a half. If the member for West Torrens wants to defend that, go ahead. I do not see how that is defensible.

We are supposed to come into this place and debate this bill, but you have not even let the people know what you intend doing. That is absolutely untenable. Retail reform involves more than just shopping hours. Yes, there is some room to look at hours, I admit that, but there are other things. There is the industrial relations side of it. There is the security of tenure of tenants in big shopping centres. There is the bigger issue of competition policy and the issue of market power. They need to be looked at as well.

On the issue of IR, one thing that sounds a real warning bell for everyone out there is the *Advertiser* article this morning which let people know what the UTLC wants to do with industrial reform in South Australia. We need to know in this whole package, if in fact you go down the track of getting rid of youth wages, what impact that has on the retail sector. The minister today failed to rule out getting rid of youth wages. The minister today failed to rule out some major changes to industrial reform in South Australia. They have an enormous impact on the whole retail sector, a very important impact, and really, at the end of the day, before this is ultimately supported in the upper house by anyone, we need to know where this government is going. We need to see the results of that review.

The issue of penalty rates needs to be addressed. The extra hours that this will place on a lot of businesses will have a hell of an impact. If industrial relations is addressed, we will talk to the constituency out there about the net impact. But, at the moment, you are talking extra hours and no reform of the penalty rates. That means that some people will go into a situation of having to open in big shopping centres for a lot of extra hours for what will actually be a loss. You have to understand that. It is not just about hours; it is about a whole range of issues. I just do not think that some people on the other side understand that.

Members interjecting:

The DEPUTY SPEAKER: Order, the member for Schubert and the member for West Torrens!

The Hon. R.G. KERIN: At the end of the day, the minister needs to give an assurance that his proposal protects the interests of tenants and does not lock them into any hours of trading where wages exceed profits. That is a fundamental thing. How the hell can we go down a line without the IR and the tenant issue where in fact we will put through laws which lock tenants into making a loss by having to stay open to fit in with this proposal?

The other thing, as I flagged before, is that I think we cannot do this in the time frame of this bill, but I want to flag that, as a parliament, we have to look at a couple of the bigger issues such as the issue of the competition policy and where that is taking us and the issue of market power. It has been raised with me constantly over the last 12 months in particular that market power—centralising to a couple of buyers in the retail market—is having an enormous impact on a lot of industries—a whole range of industries including eggs and meat, etc. If, in fact, we deregulate shopping hours, we will centralise the control of the retail industry and we will have to look at the impact on other industries at some stage.

The article in the paper this morning about winding back the clock is of major concern. We need to know what this government's attitude will be to the UTLC, and what its proposals are. I know that today the minister made a statement to the effect that the difference between them and us is the fact that the Labor Party is fair to the worker. At the end of the day you have to be fair to everyone because, if you are not fair to everyone, the workers will not have jobs because they need people to employ them.

I am concerned at the arrogance of the government in bringing in this bill. It has not consulted properly. There is no excuse why this bill did not go to the interest groups at the end of last week. They have been rung during the last couple of days, but the fact that they did not have the bill rings an alarm bell as to whether or not the government is fair dinkum about consultation. And I think the fact that we are debating this tonight is unfair. There is a real question, in the absence of retail reform as a whole and by just looking at the hours, about whether the government actually knows what it is doing. The issue of penalty rates needs addressing, there is no doubt about that, and I know some people in the industry are working on it and we need to give them some time to do so.

The issue of protection of retail tenants is a real issue. I am not having a go at all shopping centre owners, but some have room for improvement. As I said, we must look at the bigger issues in regard to market power and the narrow proposition that has been put forward; we must concentrate on market share and not ignore some of the fundamental problems for other sectors that flow from that market domination issue which this absolutely takes to a higher level. So I urge the government to address the legitimate concerns which the opposition has raised and get across the real issues to do with retail reform.

Dr McFETRIDGE (Morphett): Let me tell the government that the Liberal Party is as one on this matter. We are after what is good for small business, what is good for big business and what is good for South Australia. We are as one. I have run a small business. I do not know how many people in the government have run a small business. I have put my future on the line. I have done far more than put my future on the line—I have put my money where my mouth is. I know what it is like to have a huge overdraft and a huge mortgage. I have worked seven days a week, sometimes 24 hours a day. I have done that and I know what people in small business have to put up with. It is not easy. In fact, I was compelled by law to provide a 24 hour, seven days a week emergency service and, if I was not on the end of the telephone in the middle of the night to provide that service, I had to pay a penalty. Small business deserves to be protected.

I want to bring this argument back to the real world. It would be lovely if there was a level playing field, but there is no such thing as a level playing field in a situation where there are multinational and interstate corporations coming in and forcing their market share upon family businesses. The Liberal Party is about the family. Whether it is an individual family business or whether it is just one or two people, the family business has to be protected.

Members interjecting:

The ACTING SPEAKER: Order! Members will come to order.

Dr McFETRIDGE: Let us look at what Mr Urquhart had to say (I know that the Deputy Speaker quoted him before):

> You can't regulate or legislate for convenience, other than to give retailers the choice of choosing when they want to shop with their consumers. This does not necessarily mean extended trading hours.

I repeat: 'It does not necessarily mean extended trading hours.'

I am glad the member for West Torrens is here. I am protecting the shoppers in Glenelg, because my interests are in Glenelg, and we have seven-day trading there. We are in a luxury position in Glenelg, but small businesses do not choose to be open long hours. They do not open at 9 o'clock. I walked to my office this morning at half past 9, having been at another meeting, and some of the shops were just opening. They can open until 9 o'clock at night, but they do not choose to do so. Some shops do not choose to open after lunch because there is no custom. There is not the demand for shopping hours that people seem to think: it is a perception, and I am not so sure it is fact.

Some people say, 'Go for it—open up the shops,' but you cannot do that. We do not live in a perfect world. Glenelg is a tourist precinct, and we value that. People come to Glenelg primarily as tourists and secondarily as shoppers. The shops at Glenelg are exercising their democratic right to open when they want within the legislation without going broke.

If the member for West Torrens has been in business, he should know this saying: 'Turnover is vanity; profit is sanity.' You can increase your turnover by staying open longer, but if there is no profit, you will go broke. You can be turning over millions of dollars a year, but if you are not making a cent in profit you will go broke, and that is what will happen if we do not protect the family businesses—some will be forced out of business by the unfair market advantage of international and interstate shopping centre developers and retail traders.

Businesses cannot afford to open at all hours. The penalty rates that must be paid do not add up. I opened seven days a week. People said, 'We need an after-hours vet. We need you to be there without our having to make a phone call. You should open seven days a week.' We tried it, but the penalty rates forced us to stop. We shut down and went back to the phone. It is a pain in the neck having to answer the phone, but that is what you do. Certainly, people with their own businesses should be able to open when they want, but it is not a level playing field, so we have to protect the small family businesses.

I would like total deregulation. I know the federal member for Hindmarsh talked about this and it would be nice if it were possible, but it is a simplistic view. In my opinion, it was wrong for her to threaten the $57 million in national competition grants.

Somebody has been telling the member for West Torrens lies, and he should not perpetuate those lies in this place about how I am thinking and acting. I am looking after the people of Morphett and the people of South Australia to the best of my ability.

I am concerned about the lack of consultation by the government with the stakeholders. This is certainly in contrast to what we heard this afternoon when the member for Davenport asked about the industrial relations review. The government was going on about our wanting to have a select committee, but it is having review after review. The government thinks situations have to be reexamined and critically assessed before you jump in, but we say the same about this: let us have a look at the situation first.

In reply to a question about industrial relations, the minister said that the government had given all stakeholders an opportunity. What has happened here? To the best of my knowledge, there is very little consultation with the stakeholders. Later on, in answer to another question, what did the minister say? 'The basic difference between Labor and Liberal is that we are fair and they are unfair. The reason we are fair is because we have consulted with the stakeholders.' I do not think it is very fair to come into this place and say that you have consulted with the stakeholders on something like this when you certainly have not done so. Where is the fairness in that? The minister goes on:

> . . . change the legislation in an ad hoc fashion without consulting with the major stakeholders.

He is criticising that, but this is exactly what this government is doing. The minister said it this afternoon in the house, but now what do we see here? We see a government that has just gone out there. Why the indecent haste in ramming this bill through? I just cannot understand it. What are the government's motives? I just cannot work them out. What will be the effects of this bill?

South Australia has the cheapest groceries, but only because of the strong, independent retail sector. Most of those independents are family businesses, and I am here to make sure that those families are protected. They are the ones who employ their children and their relatives. They are the ones who stick their necks out to run that business, and they have to be looked after. As I have said, it would be nice to go to an open, deregulated system, but it just will not work. Who are the biggest buyers in the cattle markets? Coles Myer and Woolies. Who are the ones that buy all the vegetables and do the deals—the contract growing? The big buyers, Coles Myer and Woolies. Which of the small family businesses—and I would love to have done this—could charge manufacturers to have products on the shelf? It is certainly not the family businesses. It is the internationals and the big interstate firms—Coles Myer and Woolies.

Do not get me wrong: I encourage all business, and certainly Coles Myer and Woolies, if that is smart business, should be entitled to it. But when you are talking about a situation where you want to deregulate to give them what I consider an unfair advantage, that is where we have to say, 'Stop: let's re-examine the situation. Let's go back over it.' What are the government's motives? I asked that before and I ask it again. It is okay to say, 'Let's open the shops,' but what is the first thing that happens? Your overheads go up. Everything from power—and that is happening all over the world, not just in South Australia, so no smart comments there—to your outgoings, your wages, and the industrial relations associated with the SDA. We have heard about the awards.

Why is it that South Australia has the second highest weekly wage for shop assistants in Australia? Family businesses cannot afford high rates like that if they are expected to be open. It is amazing how much pressure the owners of large shopping centres can put on shop owners. When I was involved in a shopping centre at Aberfoyle Park, not only did they want to make me sign a lease that I considered was unreasonable but also they wanted to connect my cash register to their central computer so that they knew exactly what my turnover was. They want to manipulate the whole system to their advantage, and we are seeing it again here with the market advantage with changes in hours. It is just not on.

What does the government want to do about families and their lifestyles? Every small business is owned by a family that, in many cases, has children. Just on Sunday I was passed by a white car carrying the minister, with his children in the back. I do not in any way criticise that, because your family are the most important people to you. Being able to be with your family is precious. When I was in a large animal practice, my children used to come with me on calls because I was out working so many hours that I did not get to see my family. This is what will happen with extended trading hours. If the shops have to be open from early morning until late at night, who will be there when the kids come home from school? Shops will be opening just to compete; just to stay there and keep the shopfront lit up so that the customers come in. They may be turning over a bit more, but they certainly will not be making any more money. Where has the family's lifestyle gone in that situation? Out the window. Family businesses will suffer.

We are very lucky in South Australia to have so many independent small operators, and certainly along Jetty Road at Glenelg the family operated stores there are something that we should be very proud of. I certainly know that the member for West Torrens is one person with me in protecting them.

An honourable member interjecting:

Dr McFETRIDGE: He means well. Let us put this into perspective. South Australia is not shut on weekends. You can go and shop interstate if you want to, but why should you? Every store in South Australia is able to have extended hours, but they choose not to. The stores in Rundle Mall or on Jetty Road at Glenelg are not open until 9 o'clock at night, because the people do not demand that the shops be open. They do not want those shopping hours. They are able to better organise their lives. A letter in today's *Advertiser* (I do mean today: Thursday 22 August) refers to shopping hours and states:

> With the extended shop trading hours I will have to find more time now to do my routine tasks. I now want banks to be open until 10 p.m. so that I can get to them when I leave work. I now have to pay my bills, so open the post office until 10 p.m. The council chambers and my local MP should keep their doors open too, just in case I need to visit them when I finish work. . . Why is it the retail sector that should stay open all hours? Why? For the people who have 'normal' 9 a.m. to 5 p.m. Monday to Friday jobs. Would they be willing to work at weekends or at nights? A quick survey of my friends says 'no'.

This letter is from a person living at Seaford Rise. People out in the community are concerned that their lifestyles will go

down the tube. The public are not demanding 24 hours a day, seven days a week trading; they have ample trading at the moment. It would be lovely to have extended trading, but it will not happen with this legislation. This legislation needs to be re-examined so that if there is an opportunity to deregulate further it must be done in a measured way and not in any way harmful to the family business.

The government needs to establish a select committee and do what the minister said earlier in this place, and that is consult the major stakeholders; and that has not happened. I urge the minister to do that.

The Hon. W.A. MATTHEW (Bright): This whole process is nothing other than a sham. Members of the government are complaining that we are sitting here at this hour still debating this legislation. Why are we debating this legislation at this hour? Because the government has failed to consult with the people who will be affected by it.

The minister has claimed in this parliament only today that he has consulted extensively in the legislative work he is undertaking. Well, Madam Acting Speaker, the minister has failed to consult and, indeed, the major bodies representing those people affected by this legislation have received more copies of the legislation from the Liberal Party than they have received from the Labor government. In the short time that was available to us, in this sham exercise after the tabling of this legislation, to consult with the bodies concerned, we were staggered to find that they had not even seen a copy of the bill.

As a consequence of that lack of consultation, we are using this parliamentary process as one of the few ways now available to those groups to have their viewpoint put on the record. The Labor Party in the last state election and in the lead-up to it campaigned on the platform of 'Labor listens'. Well, Labor has not done too much listening since it has been in government in this state.

All it seeks to do is deride public opinion, ride roughshod over the will of the people and do what it likes. The arrogance of this government is unparalleled by any of its predecessors, and that is a sad reflection on the process of government; and the only losers out of this process are the people of South Australia after just a few short months of this atrocious Labor government. Shopping hours are not perfect, and no-one in this chamber would pretend otherwise. They are not perfect and there is no doubt that overhaul is needed but, at the same time, there is a diversity of viewpoint as to how any change should be implemented. That diversity of viewpoint is not restricted to this chamber because it exists throughout our community.

Consensus is almost impossible to achieve, and compromise itself is difficult to achieve, but that is no excuse for this government's failing to consult. Just because it cannot obtain consensus and just because it cannot get compromise on this issue is no excuse for failing to consult. In failing to consult the government has failed the very fundamental test of any government, that is, to involve the community in the drafting of its legislation. It is worth making this interesting point that, while it is fair to say that shopping hours are not perfect, I have not been contacted by one constituent wanting change to shopping hours—not one person has emailed me, walked through the door of my office, telephoned me or written to me saying, 'We want you to support Labor's bill to change shopping hours.' Not one.

The demand is not exactly running over at the moment. What is the reason for Labor's haste in relation to this? That question is worth posing, and I will come back to that in a minute. As I indicated, Labor has failed to consult. I have not had a lot of people asking for change but I have—and, indeed, the opposition has, in the short time it has been available—heard considerable concern from small retailers in particular about the government's proposal. I would like to share some of that concern with members this morning—at this crazy hour of almost 10 past one in the morning. First, I would like to share some details from a news release that was issued on 16 August 2002.

That news release announced a press conference in respect of small business replies on trading hours. The news release was issued jointly by some leaders of small business, including Stan Chapley from the Foodland Chapley group, Chris Rankine from the Newsagents Association, Paul Sandercock from the Meat Traders Association, Humphrey George from the Pharmacy Guild, Ray Goldie from the Main Street program, Ian Perry from IGA Everyday, Ian Horne from the Motor Traders Association and Max Baldock from the State Retailers Association. Those people issued a joint statement which, in part, states:

> We believe the government should be strongly resisting the demands of the National Competition Council as they are not beneficial for most South Australian retailers—but the government will be rewarded financially for its compliance—is there therefore a case for compensation as occurred with the deregulation of the milk industry? Small business has not been accorded an equal input into the public debate on trading hours and as a group we now make a stand to protect South Australian based business, our investment and the jobs we create. Small business is the powerhouse of the economy.

How very true: small business is the powerhouse of our economy, but it has not been afforded the decency of consultation by this arrogant, non-consultative and uncommunicative government. It has not been afforded the decency of consultation. All that has occurred is that the large might of the nationals—Coles-Myer, Woolworths and Westfield—has been listened to but not the voice of small business, despite the fact that, at this time, collectively it still remains the greater employer. They have every right to feel very dissatisfied with the arrogance of this government.

I also received a letter from the Motor Trade Association signed by Ian Horne, its Executive Director. Mr Horne makes a number of points in his letter and, again, I would like to share some of these with members, because obviously Labor Party members would not have taken the time to read the correspondence, if in fact they received it. Mr Horne states, in part:

> The MTA believes that the issue of trading hours is but a small part of a much bigger issue about market power and market dominance and the future business profile of South Australia.

That is very true. The MTA points out that this issue is far bigger than the simplistic one which this government would like to portray to the state both publicly and in this chamber. Mr Horne states further:

> The MTA believes that there is little protection or inadequate protection for small/medium business in relation to the market power and market influence of big business. Until such time as national competition laws are strengthened in line with many of the submissions made to the federal government's Dawson Inquiry into the Trade Practices Act and/or suitable controls are available at a state level, any further deregulation of hours should be avoided.

This organisation is speaking on behalf of its members and from experience because, as Mr Horne also states in his letter:

> Our own members' experience with the petroleum industry and oil companies and their treatment of service station operators, and the insurance industry in relation to their exploitation of the collision repair sector, suggests that further deregulation without checks and

balances will be to the detriment of smaller independent South Australian businesses.

The opposition also received communication from the Australian Retailers Association. It is fair to say that they, too, have honed in on the greater picture. Their viewpoint is not exactly in accord with every aspect of the other viewpoints that I have just shared with the chamber; it is another view which again demonstrates the diversity of views, but there is some consistency in this statement:

> The issue is not about working longer hours, or trading 24 hours a day. It is about being able to open and shut when there is sufficient customer demand.

In other words, the Australian Retailers Association pleads that, if there is to be a change in shopping hours, retailers ought to have a say in how those hours are applied so that they can at least open when their customers are going to be there and not according to the dictates of the parliament through its legislators. It states, in part:

> Our association's position is simply that government should not be in the business of regulating when the public can buy basics such as food and clothing. It should not be a crime to shop.

That viewpoint is particularly accorded favour by the member for Fisher who in his address on this bill indicated that he proposes to move a number of amendments that will accord more closely with that viewpoint.

Correspondence was also received from the Chapley Group. I found that correspondence particularly interesting, because the Chapley Group have had 50 years of continuous experience in shopping centre development and retailing in South Australia. For example, currently they own and operate the Munno Para Shopping Centre, the Frewville shopping complex, and six large Foodland supermarkets as well as a number of small retail outlets. They have a work force of 800 staff and serve in excess of 130 000 customers a week. They are not a national company or a large company, but they are certainly a medium-sized company, one which could be defined as a small business employer at the larger end of the scale. They are in a position to be able to comment on this issue from the perspective of both a retailer and a landlord. They pose the question, 'Who are the protagonists who push for extended trading hours?' Their response is:

> Certainly not the thousands of South Australian family retail business operators or the 60 000 shop assistants and their families who are opposed to extended weekend trading hours. The chief advocates for the seven-day unrestricted trading hours seem to be a handful of large, interstate-owned shopping centre developers and large chain retailers with interstate headquarters wanting to increase their market dominance in South Australia.

What is it about South Australia that is different that would make interstate-owned and operated chains want to increase their market dominance? That answer can be found when one looks at the ownership of supermarkets in Melbourne or Sydney versus Adelaide. In Melbourne and Sydney you find that the national chains own some 80 per cent of the supermarket outlets. The national chains are starting to well and truly dominate the Melbourne and Sydney markets. But here in South Australia it is a little different because what occurs in South Australia is that a larger proportion of small organisations own and operate businesses here. If one looks at the proportion of the supermarket business that is run by the smaller operators such as IGA and Foodland they have presently got 30 per cent of market share. One might therefore ask whether it is a good thing for them to have 30 per cent and the big chains to have less.

Madam Acting Speaker, I do not know about you, or about the other members of this place, but I judge the value on service and price. The indisputable fact is that South Australia has the cheapest grocery prices in Australia. So we cannot be doing it all wrong. If we have a larger proportion of small operators being able to run supermarket businesses and, at the same time, we have the lowest grocery prices, there must be something going right with the way things are being done.

If that is going to be jeopardised through hastily cobbled together legislation—knee-jerk stuff—probably as a result of a factional deal brokered around the caucus table, it must not occur without careful consideration being given to the effect that it will have on the market and on the grocery bills of ordinary South Australian families. I daresay that topic would not have been brought up once around the Labor Party caucus table because, when it is brokering its deals, that is not what counts.

Indeed, if one wants to see what counts there is a more odious consequence of all of this, and that occurs through the auspices of some of the submissions that are now being put to the government through its review of the state industrial relations system and its regulations. It is interesting to see just what the United Trades and Labor Council is putting through as part of its 74-page submission to the government.

I would like to share with the chamber just some of the UTLC demands. It wants to ban workers and employees from negotiating pay without unions: greater union control. It wants to restore collective bargaining with the unions in the prime negotiating role. In other words, it wants to do away with individual bargaining. That is what the mates of the Labor Party want to do.

It wants to protect unfair dismissal laws and expand them to apply to probationary workers and trainees. That will make it harder for probationary workers and trainees to be taken on board. It also wants to look at state awards and agreements to enshrine trust funds for worker entitlements. This all has an impact on the retail industry and there is an insidious aftermath that will happen. If this bill goes through, we will see small retailers who are not presently forced to trade on Sundays forced to do so in order to be able to continue to survive. Then in comes the UTLC with its demands that will be picked up by other unions—all the Labor Party's mates who fund their election campaigns. Retailers will be ridden over roughshod by the Labor Party and their union mates.

There will be only one end consequence to all that. The Labor Party will do what it has always done to this economy: it will start to drive the economy downward and unemployment upward. It will start to sink the state's economy in the same way that Labor governments have done so before time and again. I have been a member of this chamber now for 13 years, and in those 13 years I have never seen an efficient delivery to our economy by a Labor government. All Labor governments have done is wreak havoc and destruction on our economy, and already this Labor Government is demonstrating that it is no different from the rest. It is no different to the ones it follows and, indeed, is reminiscent of the Bannon era.

Mr KOUTSANTONIS: On a point of order, Madam Acting Speaker, I cannot hear the contribution of the member for Bright, given the chatter from the benches behind him. Could you please ask them to keep it down so that I can hear his contribution?

The ACTING SPEAKER (Ms Thompson): I ask all members to be a little quieter to allow those who are sleeping to continue to do so!

The Hon. W.A. MATTHEW: This bill is about the precursor to more union control because Labor knows that if it can force more small businesses out of operation, if it can get the same situation that the eastern states have, with more employees in Coles Myer and Woolies, it will mean more union members for the SDA and their equivalents and more money into Labor Party coffers, with more 15 year old kids being forced to sign agreements before they are allowed to be employed by companies, as is already starting to happen now as Labor starts to ride roughshod over the employees of this state. We will see more of its filthy union control that was so successfully driven out over eight years of Liberal Government in this state—more of its jackboot mentality as it rides roughshod over—

Members interjecting:

The ACTING SPEAKER: Order! Everyone is being a little too loud. Will you all please be quiet for a while?

The Hon. W.A. MATTHEW: The Liberal Party has sensibly proposed a select committee to force consultation and to force Labor to undertake the role it has refused. That committee does not have to delay the progress of this bill—it can be held during the intervening period when the parliament rises and before the bill is debated in the upper house. If Labor is not scared of consultation and not afraid to have people express their viewpoint, I urge it to support this proposal by the Liberal Party to support consultation. If it does not do so, it will only show that it is afraid of consultation and of its true modus operandi being exposed for what it is. Otherwise, without support of this proposal by the Liberal Party, this process remains nothing more than a sham orchestrated by Labor's union mates.

The ACTING SPEAKER: The member for Hartley.

An honourable member interjecting:

Mr SCALZI (Hartley): Someone said 'stand up'. Some are noticed for being short, some are noticed for being tall and some are not noticed at all! I feel sorry for the member for West Torrens. It is 1.25 in the morning and, if we were to use the example that an extension of hours was more productive, if we were to use the example that big is better and if we looked at the speeches given by the bigger members and at the longer hours, I suggest that extending the hours is not of benefit for natural competition.

Mr Koutsantonis: Who are the bigger members?

Mr SCALZI: The big member speaks again. To put a bit of reason in this very important debate, I must say that it affects a lot of small businesses and a lot of employees, and it affects the way in which the community is able to shop and organise its leisure activities, and work and what it gets from all those activities. Those who are here tonight will set the parameters for that to take place, so it is important that we get it right. As I have said, bigger is not necessarily better, and an extension of time is not necessarily more productive. Extending shopping hours will not necessarily benefit the community, as we have seen from time to time in the past. I know the government has included other measures in the bill but, if we look only at the extension of shopping hours, what do we have in the suburbs at the moment? On weekdays, shops are open from 9 a.m. to 7 p.m., extending to 9 p.m. on Thursday. In the city shopping hours on weekdays are from 9 a.m. to 7 p.m., extending to 9 p.m. on Friday. On Saturday and Sunday, they are from 11 a.m. to 5 p.m. The same shopping hours apply in Glenelg, which is another tourist precinct, and Victor Harbor has extended shopping hours.

What worries me is that government members fail to understand that what is successful in one area is not necessarily successful in another area. We can talk as much as we want, but there will always be disagreement. It is very difficult to properly assess and get it right. The opposition, with its experience on both sides of politics in this controversial area, knows that we cannot get it right every time. We did not get it right the first time, and I am sure that this government will not get it right this time. It would be arrogant for them to think that they have got it right.

I cannot understand why the government is opposed to a select committee, which has time constraints placed on it, looking at the issue properly to ensure that what is proposed will improve the community's ability to shop, as well as looking at the effect on workers. Let us not forget the workers. I would have thought that members opposite would not forget the workers. Workers are not just workers: they are also members of families. They are husbands, wives and children. They are also basketballers and soccer players. They are all those things. An individual's identity is based not only on being a worker: it also embraces all those other things. The way we shop impacts on the community's wellbeing, so it is important that we get it right.

Is there a need to extend shopping hours? If one accepts the government's proposition, if I went to Campbelltown or Glynde at 7 p.m., there should be long queues of people waiting to get into the shops, but I have never seen that happen. Shops would be full of shoppers right up until 7 p.m. closing, because they have the opportunity to be there until that time. Shoppers in the city would still be queuing to shop at 7 p.m. I do not hear any interjections, because government members know that people obviously have ample opportunity to shop.

The reality is that consumers are not taking advantage of the hours that shops are open now. Nevertheless, there are some problems. There have always been problems with shopping hours, and there are problems now. What are these problems? We have had pressure from some electrical retailers claiming that they are not able to open, yet electrical stores in the city are. We have the arguments that you are able to purchase furniture and hardware but not electrical goods. There have been problems with policing the act as it currently stands. There is no question that we have to look at it; we have to get it right. That is why I say again: a select committee can to try to get it right. The government cannot just ram the legislation through because, when that has occurred in the past, we have not got it right.

The minister and members opposite have been saying that they have had consultation, and there is no question that they have in the past. However, there are some concerns that since the bill has been tabled people have not had the opportunity to comment. When something is controversial, you leave it on the table a little longer to reflect on it, bounce ideas off it and you bring the key stakeholders together to find out how this may or may not affect them. I go back to my point that what is good for some is not necessarily good for others. There is a nice little theory called the fallacy of composition. I refer to an economic definition from the University of New South Wales which states:

> There is a fundamental difference between microeconomics and macroeconomics which suggests that you cannot readily move from one to the other, and this is related to the fallacy of composition. The fallacy of composition is the idea that the whole is different to the sum of the parts, or, that what is true for the individual is not true for the whole.

This is so much the case with small business. Members should consider the example of the tourist precinct in Glenelg. If that is working well, it does not necessarily mean that, if you allow the whole area the same extensions, you will multiply that success by the number of outlets. It is similar to the most famous example of the fallacy of composition which is as follows:

> Consider some examples. At the theatre or at a sporting event, it is possible for one person to get a better view by standing up, but if everyone stood up then only the view of the tallest would be improved.

I rest my case: if members stand up they will not be able to see me. That is the case with small business. If the big retailers have greater monopoly power they swamp the little guy—and that is the case already.

There a concentration of over 80 per cent, and that is a problem. People talk about a level playing field, fair competition and so on as if these things can be achieved by the stroke of a minister's pen. You cannot do that. Let us look at what perfect competition in a market should be, and there are a few provisos. The definition of perfect competition is as follows:

> A market situation in which the following assumptions hold:
> (a) There is a large number of buyers.
> (b) There is a large number of sellers.
> (c) The quantity of the goods bought by any buyer or sold by any seller is so small relative to the total quantity traded that changes in these quantities leave market price unaffected.

I suggest that that is very difficult to achieve. That is perfect competition. Everyone talks about it as if it can be achieved. We can minimise monopolistic competition and protect those industries and businesses that will not be able to survive if they are swamped. We have to be very careful to ensure that we do not swamp small businesses. Small businesses are the backbone of the economy. They are the biggest employer. When we talk about competition, we must not talk just about competition at the final stage of production, that is, at the outlet where the consumer can get his or her hands on the goods for a price. If we are really aiming at fair competition, we should aim at competition right along the production line or during the stages of production. If supply is affected or I have to pay more for my resources to produce as a small retailer, then obviously I cannot compete to the same degree as others.

My colleagues and the shadow minister have rightly put forward the case that if we do not have changes in industrial relations, which do not give greater protection to small business, then the small business will not be able to compete because the costs of production for the small business are much greater. Small business will be at a disadvantage when it comes to that final market outlet. We must consider all these issues. It is not just a matter of yes or no. This bill will impact on the metropolitan area of South Australia. Let us not forget the workers and their families. It will affect their recreation and many other things they do, yet we are asked to pass this legislation in a hurry. I have difficulty with that.

There has been a media campaign to support a greater extension of shopping hours, as if there is complete deregulation, and that when we have compete flexibility in shopping hours somehow we all will be happy little vegemites and enjoy all that flexibility. Again, this is the fallacy of competition. The promoters of deregulation quote Melbourne, Sydney and Kuala Lumpur, cities outside Australia where there are shopping meccas and the people are happy. Somehow the more deregulation we have, the better society we should be. The critics of having a sensible approach to shopping hours, which best reflects our situation in Adelaide, criticise us as a backwater. Let me tell members about the backwater of Adelaide. South Australia is the cheapest state in Australia for groceries. When you have competition, the consumer should be king. Small businesses should be able to produce and compete in order to ensure that the consumer finally determines what is produced and the shape of the market.

In South Australia, the generosity of large national chains of retailers is no accident; the reason is a strong, independent retail sector. Over the past 12 months retailers have incurred substantially increased costs in power, insurance and the WorkCover levy, yet we still have the cheapest groceries in Australia. I quote from the Chapley group. If we did not have the cheapest groceries and if there were a real problem, there would be much more urgency to implement reform, but that is not the case. Ultimately, should not reform be driven by what is best for the consumer and the community? I have noted that the driving forces have been some of the larger electrical retailers, but I suggest that if you adjust the rules for that group it does not mean that all the groups will benefit. That is the fallacy of composition. You have only a certain amount of money that you can spend. If you increase the hours, you will distribute it over a broader base, but the total water in the bucket is the same. It has to be, unless you are talking about a much bigger market.

We have to get these matters right. We have to deal with overtime and penalty rates, and we have to deal with how costs impact on small businesses. I believe that the Motor Trade Association gets it right when it says that, with 38 per cent of every retail grocery dollar nationally and Coles Myer's 33 per cent, the combined impact in South Australia is probably closer to 80 per cent. Such dominance is unthinkable in most developed countries. The supporters of complete deregulation never tell us that. Similarly, market influence is evident in the petroleum industry and the insurance sector. As we have been debating legislation dealing with what has happened in the insurance sector, experience clearly shows that this leads to reduction in competition. When we have reduction in competition we will not get a better deal for the consumer, the worker or the community in general. That is why I support the select committee to do this properly, and it would be irresponsible of the government not to allow it.

Mr WILLIAMS (MacKillop): What an interesting debate we have been involved in for the past goodness knows how many hours.

Mr Venning: Haven't you spoken before?

Mr WILLIAMS: No, I have not, unfortunately for you and possibly for me. Shop trading hours have been a bone of contention in South Australia for a long time. If the current government is hell-bent on tackling this thorny issue in the way it has attempted to do in this go at it, it will be a thorny issue for a long time to come, because the government has taken an incredibly arrogant approach to tackling a very complex issue. I believe it has tried to bring in quite dramatic changes as quickly as it possibly can, without the stakeholders understanding or having any input into what is happening. Obviously, the government would not want the stakeholders to have too much input, because their input obviously would not agree with the little back room deals that have been made by this government to bring in this measure. All that this arrogant government has done is manage to exacerbate the issue of bringing reform to the table with regard to shop trading hours.

Might I say from the outset that, philosophically, I am a free trader. I cannot for the life of me understand why we would have on our statute books that individuals, businesses, companies, or whatever, could not trade amongst each other when they saw fit. One must ask: why would we want to impose restrictions on when consenting adults can trade with each other? It is a very interesting question indeed.

Mr Snelling: What about when there's no consent?

Mr WILLIAMS: That is an interesting interjection from the member for Playford. I have yet to see a customer walk into a shop and purchase something against their will.

Mr Snelling interjecting:

Mr WILLIAMS: The interjection from the member for Playford, I think, demonstrates the lack of understanding of his whole government about how business works. One of the things that I and my colleagues on this side of the house find very frustrating is that, in the short time that this government has been in office, despite its rhetoric, it has already managed to fall into the pattern of previous Labor administrations. That pattern exemplifies the problem that Labor administrations have, in that they have no business skills, no business experience and no business acumen within their ranks. The members of this government—

Mr Snelling: That's not true.

An honourable member: You name them.

Mr Snelling: The member for West Torrens.

Mr WILLIAMS: I am delighted that the member for Playford suggested that the member for West Torrens is the guru of business within this government. What a fine example the member for West Torrens sets! I am delighted that this government takes the advice proffered by the member for West Torrens to develop its policy in regard to operation of businesses in South Australia. I am delighted, because it means that we will be back in power much sooner than even I expected. I can tell the member for Playford that I have spent the best part of my life in small business; I have spent the best part of my life working seven days a week a lot more than eight hours a day, with the heavy burden of a huge mortgage hanging over my head. There is no greater incentive than to put one's head down and work hard. That is what creates employment; that is what creates the drivers that our economy needs. That is why South Australia, over the last 30 years, has struggled because, apart from the last eight years, we have had governments in South Australia which, by and large, in that 20-year period from the early 1970s to the early 1990s, have had no experience, and no understanding of what running a business is all about.

Mr Koutsantonis interjecting:

Mr WILLIAMS: Economic drivers.

Mr Koutsantonis interjecting:

Mr WILLIAMS: Drivers.

Members interjecting:

The ACTING SPEAKER (Ms Thompson): Order!

Mr WILLIAMS: Thank you, Madam Acting Speaker. I feel very nervous with the member for West Torrens interjecting like that.

Mr Koutsantonis: At least I'm honest.

Mr WILLIAMS: I believe that the member for West Torrens reflected on my character when he said, 'At least I'm honest.' It was directed at me and I believe that he is implying that I am dishonest. I take deep offence at that.

The ACTING SPEAKER: Order! I ask the member for West Torrens to withdraw that comment. It was a reflection on the character of the member for MacKillop.

Mr KOUTSANTONIS: I am sorry to say that I am honest.

The ACTING SPEAKER: Order! The member for West Torrens will withdraw.

Mr KOUTSANTONIS: I withdraw.

Mr WILLIAMS: For the benefit of the member for West Torrens, I point out that there is one thing that I own that I will not allow anybody to besmirch, and that is my name.

Mr Koutsantonis: So mine's okay; you can have a go at me.

Mr WILLIAMS: For the benefit of the member for West Torrens—

The ACTING SPEAKER: Order! The member for West Torrens will please remain silent or leave the chamber. The member for MacKillop will address the subject of the debate.

Mr WILLIAMS: Thank you, Madam Acting Speaker, and I am delighted to address this bill because there are some very important things to be said in this debate. I would hate to be distracted from making the point that what we have before us is the product of extreme arrogance, an arrogance that has developed in an incredibly short time. If this government had been in power for a number of years, I would have expected arrogance to have developed, and that is a problem that all governments have to grapple with the longer they stay in power. But it fascinates me how quickly this government has grasped the arrogance that it now displays.

The minister who has carriage of the bill in this house said in question time today that one of the differences between this government and the previous government was that this government consulted or talked to the key stakeholders. What irony struck members of the opposition during question time when the minister made those claims, because at that point we were very aware of how little consultation this minister has carried out! The minister brought into the house a bill that will have a serious effect on a large number of businesses in South Australia and on a large number of people employed in those businesses, yet he did not give any of those businesses or the business associations the courtesy of even showing them the bill.

He did not seek their opinions, he did not give them a few days to look at the bill and to mull over its implications for their business, their employees, their mortgage, their ability to carry on their business and their ability to meet their commitments. He did not give them the opportunity to consider any of those things. Instead, he came in here, dropped the bill on the table, and then, in an equally arrogant fashion, insisted that, within a few days, it had to be debated. He did not want the opposition to have the chance to go out and consult, either. So, he insisted that this bill be debated within a few days. As the shadow minister very ably pointed out in this debate, it would have been the wont of the opposition to go out and widely canvass the opinions of the businesses and families involved, and a lot of the small businesses we are concerned about are family owned and operated. I was making the point earlier about the lack of understanding within the Labor caucus and this government of what it is to own and operate a small business. Members of the Labor Party are very adept at jumping up in their place and talking about unemployment and about how somebody should be providing jobs so that any man or woman in our community who wants to work can be given a job. They do not understand where those jobs come from. Those jobs are created by individuals who are willing to go out and take the risk and back their ability to succeed in business, often by putting on the line their house, life savings and their car—

sometimes everything they own. That is what drives people to work hard and diligently.

Whether they work four or five days a week or six or seven days a week, they cannot play golf on a Sunday afternoon or spend time with their wife and children because of their commitment. They hope and pray that the commitment is for only a relatively short time, a relatively short part of their life. However, they are willing to put in, and they are willing to take that risk. What really impacts upon those people, what really stops those people who would otherwise take that risk from doing that and creating employment and economic activity in our community, is the shifting of the goalposts. The more often you shift the goalposts and the more often you do it without consulting, the greater the risk to those people who would otherwise go out and employ others.

That is the problem we face, because we have an arrogant government that comes into this community and says, 'We are going to shift the goalposts. We will not discuss it with you. We will not try to calculate the outcomes of this. We will just do it. We will tell you it is a trial, but it is not a trial, because if it was a trial there would be a sunset clause in this bill.' Everybody in government knows that they will not be revisiting this in 12, 18 months or two years. It is not a trial—it is deceit.

It is interesting to note that a series of clauses in this bill increase the penalties for contravention of various provisions of this bill and of the head act. They have been increased by a factor of 10, going from $10 000 to $100 000. I find that interesting because, in spite of the fact that the current act has been contravened regularly over recent months, the government has not tried to prosecute any of those transgressors with a fine of $10 000. Yet it would increase the maximum penalty for a whole range of offences to $100 000. I find that rather curious. Why would it? Might I suggest that this is typical of the things this government has done since it has come to power. It is all about rhetoric; it is nothing about doing anything on the ground. The government has increased the penalties in this bill for a whole range of offences by a factor of 10, yet it has not even tried to prosecute one transgressor. I wonder how honest the government is being with this bill.

As I said earlier in the opening part of my remarks, philosophically, I do not see why we should regulate when people can trade with each other, but I realise that we live in a world which is far from perfect. As much as I would like to be able to do away with shop trading hours regulations altogether—and I hope that one day in South Australia we get to that situation—I really do think if the government was at all honest about trying to free up the regulations, trying to move towards that situation where people could trade freely with each other, we need to look at a lot of other issues.

We often hear the term 'level playing field'. What we have to do with regard to shop trading is create a level playing field. If we had a level playing field, where all participants in the retail sector were on an equal footing, we would not need restricted hours. If we had the situation where the small corner deli could buy at wholesale prices the items that it retailed at the same price as the next person, it would make life very easy, and it would mean that the small corner deli, the small corner supermarket or any retailer could compete on an even footing with the big boys, but unfortunately that is not the situation.

We have talked for years about the problems with petrol pricing in this state and right across the nation. One of the things we keep hearing which would help with evening out the petrol prices that are charged—and I refer particularly here to city prices compared with country prices—is what we call terminal gate pricing, making the fuel wholesalers charge the same terminal gate price to anybody who turned up at the gate to fill up a tanker with fuel. I think we have to adopt that sort of rationale with regard to the wholesaling of items sold generally throughout the whole retail sector to gain that level playing field which would enable us to do away with all regulations with regard to the time of the day that consenting adults can trade with each other.

We have industrial relations issues which need to be tackled, and that is a problem for this government. That is the reason this government will never get on top of shop trading hours, because it cannot get on top of the industrial relations issues. We need to have a situation where every person operating a retail business is on a level playing field with regard to the rates of pay per hour rather than when those hours are per day. I certainly support the notion that we should put this matter to a select committee so we can look at some of these important issues, including the power that large shopping centre owners have over their tenants. I have had a lot of discussions over the last few years with tenants in shopping—

The ACTING SPEAKER: Order! The member's time has expired.

Mrs REDMOND (Heysen): I was a little tempted when the member for Fisher spoke to get up and start a dissertation on the effect of global warming and asteroids hitting shopping trolleys, but I will confine my comments on the shop trading hours bill to those I originally intended to make. Like virtually every other speaker on this side, my main concern with this legislation is the lack of consultation that we have had in the process.

I want to put on record the names of the various operators and business organisations from whom I have had correspondence in relation to that lack of consultation. They include the small independent owners of Foodland like the Chapley Group, the Newsagents Association, the Meat Traders Association, the Pharmacy Guild of South Australia, the Main Street program, the Motor Trade Association of South Australia, the state retailers association, and the South Australian Property Council who indeed had representatives in the gallery for much of tonight's debate. All of those people were stakeholders in this debate and all of them were keen to have an input, but they have had no opportunity to have that input. The word 'arrogant' has been used by other speakers and I concur with it.

It is my habit when looking at any legislation before this house which proposes to amend existing legislation to first look at what we have now, so I went to the Shop Trading Hours Act 1977—so it is 25 years old. The first thing that struck me is the number of occasions on which it has been substantially amended, notably in 1980, 1983, 1985, 1990, 1994, 1995, 1998 and again in 2000. So, it has been subject to many amendments, and the consequences are that we have ended up with an odd mishmash of what is allowed, what is not allowed, where it is allowed and where it is not allowed. It does not, of course, control areas outside metropolitan Adelaide but we have a strange conglomerate of exempt shops of less than 200 square metres provided they have no more than four employees; antique shops, but only if they do not sell coins and stamps; shops that sell fish and pet food for

fish and so on; and shops that sell paintings. And you can buy newspapers—

The Hon. D.C. Kotz interjecting:

Mrs REDMOND: No, not cooked fish: this is fish sold as pets. In fact, there is a separate category for pet shops. I do not know why fish and aquariums are separate from pet shops. There are shops that sell fresh flowers and plants; drinks, ice-cream and light refreshments; garden supplies; and take-away food. There are cafes and restaurants and shops that sell souvenirs and tobacco. And you can sell caravans and trailers but not cars. Hairdressers are in a separate category. Then there are supermarkets of less than 200 square metres or supermarkets of less than 400 square metres provided they do not have more than four employees. That suddenly explained to me why the Bi-Lo supermarket at Aldgate gives such poor service at times, because, no matter how long the queues are, there is no-one to open another checkout. You can also operate a squash, bowling or golf retail outlet in association with courts, alleys or golf courses. You can also operate gardening shops.

So, there is an odd mishmash and there is no real attempt by the government in this proposal to address the issue and try to make sense of it. It does not in any way seek to unscramble this mess. Indeed, my submission is that it makes it worse. For instance, Harris Scarfe can open in the city but not its suburban stores under this proposal but, more importantly, other retailers of electrical goods will be able to open if at least 80 per cent of the goods they sell are electrical, including computers. But Harris Scarfe, because they sell other items, will not be able to open.

So, having looked at the essence of the proposal, it seems to me that there are essentially four elements: first, to open all stores until 9 p.m. Monday to Friday; second, the extra Sundays of trading throughout the metropolitan area from the four Sundays that I think are currently allowed up to 10, being 5 before Christmas and 5 after Christmas; third, the allowance for electrical retailers to trade on Sundays from 11 a.m. to 5 p.m.; and, fourth, what I find is a puzzling amendment to the Retail and Commercial Leases Act. The only other general thing that seems to come about under these proposals is the increase in the fines which the member for MacKillop mentioned. They increase a staggering ten-fold, from $10 000 to $100 000 when, as has already been pointed out, there is no evidence of any attempt to enforce the current levels of fines.

In addition to the failure to consult, the legislation will do nothing positive, certainly in my electorate. I looked at the effect on my electorate and, first, it should be noted that my electorate is partly in and partly out of what is covered by this act. So it will not affect half of the electorate but the other half—which is what is comprised in the old District Council of Stirling and referred to in Schedule II of the original act—will be affected because, whereas many traders now open most of Saturday and Sunday because they come within the definitions, the new provisions will allow the big end of town—Woolworths at Stirling and Coles at Bridgewater—to open, which would clearly disadvantage all the small traders who sell anything that competes with what the supermarkets sell. Of course, that is not only foodstuffs but also garden products, plants, hair care, some pharmaceutical products, and so on.

In passing, I will comment on some idiosyncratic aspects of shopping in the Stirling area. Firstly, although shops in the vicinity are entitled to open on a Thursday evening (and have been entitled to do so for many years), in the winter, at least, most of them do not, because it is simply not a viable proposition in that climate. Recently, all the cafes decided that it was not worth opening on Mondays, so the hairdressers, the cafes and all the food outlets in Stirling are all shut on a Monday.

It is also worth noting that Woolworths in Stirling has become particularly notorious nationally. When it was a local Foodland, it was quite a popular shop and was a very well supported and community-based organisation that employed many people, did much for its community and, indeed, had won not only the title for the best supermarket in the state but also the title for the best supermarket in the country. When it sold out to Woolworths, instead of looking at the supermarket and asking, 'What makes this the best in the country? How can we use these ideas and put them into all our Woolworths stores?', for some strange reason Woolworths immediately downgraded it to the same level as all its other stores. So, it is not a particularly welcome addition to the Stirling neighbourhood and is certainly not one that I am anxious to try to help.

I know I have been in this house for only a short time, but as a candidate, or as the member for Heysen, not one constituent has ever raised with me the issue of wanting more shopping hours.

I do not have many other matters to raise in relation to the bill, but I am puzzled about the amendment proposed to the Retail and Commercial Leases Act, because I cannot understand what the government is trying to achieve with its proposal. It seems that some significant issues need to be addressed with respect to this act. I have a fair bit of experience in commercial leases and, in a one on one situation with a landlord and a tenant in a building, there tends to be reasonably equal negotiating power: the parties generally come to their individual agreement, and the terms of the lease can be quite clearly negotiated for their specific circumstances.

The same cannot be said, however, for the Westfield Marion-type situation. It then becomes a David and Goliath battle, and anyone entering into one of those leases is hard put to retain any of their rights. I will be interested to hear the minister's explanation in committee as to the government's intention for its proposal to reform retail shop leases. My view is that we need to incorporate some amendments into that legislation that need to be thought out carefully before these proposals come into play, rather than going about it in the way the government wants—that is, establishing these changes to the shopping hours without addressing the issue of the Retail and Commercial Leases Act.

The other aspect that needs to be addressed is the need for industrial relations reform. As I understand it, two systems are in place: an award covering everyone, but those who have been in a position to do so—namely, the big end of town—can negotiate (and have negotiated) enterprise bargaining agreements. The effect of that has been that, whereas the big end of town has negotiated enterprise bargaining agreements and it has, therefore, been able somewhat to flatten the effect of the hours worked, instead of paying very high penalty rates, for example, for a Sunday or a late night, those businesses pay a slightly higher rate for all the hours worked, but with a lower penalty rate. That flattens out the effect and the cost of having the existing hours extended.

The small operators—often just one or two-man shows with maybe one or two employees—have not had the wherewithal and often have not had the time to even contemplate negotiating an enterprise bargaining agreement. So, that

means they are stuck with the award, and that they are stuck with the effect of the penalty rates set down by the award.

As I think the member for Waite pointed out at some length, that has resulted in a situation where in this state an employer is required to pay a much higher fee to have someone working on a Sunday or an extra late night, and so on. The effect of that is that they cannot afford to compete, and if we extend our shopping hours at the moment that will be even more exacerbated. In summary, I support the views that the member for Davenport expressed, that this government has shown great arrogance in the way it has approached this matter, particularly in light of the minister's comments in question time today.

That is why there was such a roar of laughter from this side of the house when, in answer to a question, the minister suggested that this was a consultative government that cared about what people think, when this bill has been rushed through in this manner with the shadow minister being briefed on it only on Monday night and leaving us at this early hour of the morning to debate the matter because the government is insisting on it going through without appropriate debate and consultation. That said, I also support the suggestion of the member for Davenport that the matter should be referred to a select committee to report back in a very short time, so that there is the opportunity for consultation and the government can be true to its word.

The Hon. D.C. KOTZ (Newland): I rise to make just a few comments on this important bill and to compliment the shadow minister, the member for Davenport, on one of the most extensive speeches that I believe I have heard in this house over the past five years, one that contained almost every aspect relevant to this debate and certainly one of the most well presented speeches that we have heard in the house for some considerable time—remembering of course that the member for Davenport's speech went some three hours and 46 minutes, which I believe was the formal time keeping.

We also heard some very interesting contributions to this bill throughout the hours of yesterday, last evening, last night and early this morning. One that I must admit interested me was the contribution from the member for West Torrens. I actually tuned in to the honourable member's speech because of the loudness, in the first instance. As the member reached about the middle point in his speech, I must admit to a certain amount of absolute confusion as to whether he was actually opposing or supporting the bill. I recall the member talking about Sunday trading, and I am sure that he offered the comment that Sunday trading was in fact a death knell for small business.

I am sure I also heard him talk about the large cities across the world that do not open on Sundays and have great success as tourist areas without the necessity to open their large or small stores during a Sunday. We in this state have been told for some time that we are a backwater because South Australia lacks the vision of some of the greater countries and bigger cities in the world that we have been told in the past open almost totally every day of the week. Of course, we know that that is total misinformation. We know that that is not the case and that these major cities actually trade very successfully without having total deregulation.

The bill itself is one that the Labor government should be ashamed of. Its lack of professionalism is apparent and, if a serious attempt was being made by the Labor government to look at the deregulation of trading hours, it has left confusion in the minds of all who have looked at it. However, the important thing that has come from the contributions on this side of the chamber is the lack of consultation this government has had with the stakeholders who will be impacted by any changes that result from this legislation.

The government has chosen not to talk to those in small business who will feel the total and full impact of the provisions of this bill but has treated them with complete arrogance. It has ignored the group that is one of the largest employers across our state; a group of people who sustain the underlying economic stability of our state; and a group that produces tens of thousands of jobs. They are, on the whole, family businesses that are run by two or three members of a family. This perhaps puts many people to shame in our community, because these are the people who put their own assets and their own money at risk in an attempt to employ themselves and their families. They do not want to be on the welfare or unemployment lists but, as I said, they want to contribute to the economic stability of our state.

I am extremely pleased that many of the small businesses that are usually the silent majority in this type of discussion have entered the debate quite substantially. I compliment the Motor Trade Association for being one of the groups that has taken the lead in at least obtaining opinions from people who will be impacted upon by this legislation. I also compliment IGA, Foodland stores and the State Retailers Association. I also use this time to compliment the Chapley Group, which presented a substantial statement on the conditions that would affect small business if Sunday trading, the extension of weekday trading and the extension of existing summer period trading were to be introduced in this state.

I recall some nine or 10 years ago when the then Labor government attempted to bring in a very similar measure when week night trading was permitted up until 9 o'clock at night. Again, the only benefits in the immediate term were handed directly to the hands of bigger businesses. The small businesses did not receive the benefits. In fact, trade initially went to the bigger businesses; and the reason was the buying power that larger monopolies have, which means that they can offer discounted goods to entice people into the stores.

However, after the initial short period of success, not even the discounted goods could entice people into the stores on week nights until 9 p.m. It was a total misnomer, and I can see that this will happen again. My concerns at this point are that the bill does not address any of the industrial relations area which is absolutely necessary if the Labor government is to seriously look at changing the effects and the impact on small business across South Australia. But, of course, we have seen what Labor governments have thought about industrial relations over the years. In fact, during our eight years in power, the then Liberal government was unable to change some of the industrial relations legislation because of a lack of support in this parliament.

I notice that the UTLC in its demands talks about going back 30 years. I thought that we had moved onto rather professional industrial areas. When the UTLC talked about abolishing junior pay rates, it was incredible that this Labor government, when asked whether it would rule out that one area and disagree with the UTLC, refused to comment. Junior pay rates have been the cry of business right across the state for many years. It enabled young people to get into positions, because unless businesses are in the position to afford to take on young people it will not happen. Unemployment increases because of it.

Junior pay rates have been a supplement to youth employment; and to think that the UTLC, in this day and age, could

clearly ask of this Labor government to abolish junior pay rates, and to hear the Labor minister say that he would not give this side of the house confirmation, that that would be something he would not consider, lacks credibility in terms of how the government will react to the present move of the trade unions. The list of demands that we have seen, I must admit, looks like ambit claims. Even the Labor Party platform did not go quite as far as that, but when a minister will not stand in this house and rule out the possibility of abolishing junior pay rates we have problems on our hands.

I want to talk about the Chapley Group and its submission. A few members tonight have mentioned the submission. It is one of the most professional that I have seen. It is well thought out and certainly covers all the questions and answers that concern people in our community in relation to shop trading hours. This group tells us that it has more than 50 years of continuous involvement in shopping development in retailing. Currently, it owns and operates the Munno Para Shopping Centre, the Frewville Shopping Village and six large Foodland supermarkets.

As well, it has a number of small retail outlets with a work force of some 800 staff, serving in excess of 130 000 customers per week. It is interesting to read such a submission because, obviously, this has been and is still a family business. The family who runs it have been in the trade for many years. This group also tells us that if this bill passes and Sunday trading was introduced to the suburbs, in the long term they would benefit because their supermarkets are well planned and well positioned. However, they put their objections based on principle and fairness because they believe that further deregulation has the potential to destroy hundreds of South Australian family businesses.

And those of us who have had anything to do with family businesses, who have had anything to do with business at all, especially small business, know that this bill has the potential to do just that. Chapley asks: who are the protagonists who pushed for extended trading hours? The answer is that it is certainly not the thousands of South Australian family retail business operators or the 60 000 shop assistants and their families who are opposed to extended weekend trading hours. The chief advocates for the seven day unrestricted trading hours seem to be a handful of the large interstate-owned shopping centre developers and the large chain retailers with interstate headquarters wanting to increase their market dominance in South Australia.

We know from all the questions and answers about shop trading hours that the bottom line for moving to extend trade is a matter of market share. There is no level playing field for small business when you look at the advantages that big business has in terms of the monopolies that it manages to create and the power that goes with that. Monopolies can pick and choose winners in terms of wholesalers and retailers. The power that we give them is huge. It comes down to the selection of product and keeping businesses alive or closing them down. Larger companies can do just that and, in the end, it is the consumer who suffers.

I congratulate all members who contributed to this debate tonight, and in conclusion I add that, because of our concern on this side of the house about the lack of consultation undertaken on the presentation of the shop trading hours bill, we ask that a select committee be established to take into consideration all the concerns that we have raised and enable the stakeholders in this debate to put across their point of view to all of those who will make the decisions—in particular, the government of this state.

I hope the minister takes into account that we are genuinely serious about making sure that small business has an opportunity to make its voice heard before any decisions are taken to extend shop trading hours in our state. I thoroughly support the establishment of a select committee and I trust that the government will also. Again, I offer my congratulations to the three hours and 46 minute man.

Ms CHAPMAN (Bragg): Good morning, Mr Acting Speaker. First, I wish to acknowledge the contribution of the minister in bringing this bill to the parliament. I say that because it is reasonable for any government to monitor legislation on a regular basis. However, if you bring an amendment bill to the parliament for reform, it must be done for a good reason. There are a number of aspects that I would raise on this matter if it were not for the early hour of the morning. My comments will be brief because when it comes to the clarification of provisions relating to inspectors or an increase in the penalties in this bill (referring to the relatively non-controversial matters) there still must be some justification for introducing any change or increase in penalty.

In that regard, I ask the minister: what circumstances have arisen to require inspectors to have different or more powers, and what conduct has the industry been involved in that justifies an increase in penalty when, as has been said tonight, there have been no prosecutions for three years? There must be a reason why this should happen, apart from what has been presented in the second reading explanation by the minister, that is, that there is some threat to those who might throw down the gauntlet and challenge this legislation.

Let us look briefly at the historic purpose of this legislation. There is no doubt that in the 19th century this type of law was established to protect against sweating, that is, to protect employees from being forced to work long hours and to prevent shops opening after certain hours for that purpose. Unquestionably, the industrial laws since then have been developed to cover those circumstances adequately.

During World War II regulation and restriction was a part of life. Arguably, those restrictions in trading hours during the 1960s were imposed because the big stores wanted them. How times have changed! It was important for the big stores in order to ensure that they did not have competition from those who were prepared to work hard and work longer hours. So, it was something which big business and big shops wanted.

In the 1970s, restrictions under the Early Closing Act were part of the scene. Interestingly, that also was challenged but not by small business or unions. Indeed, they were as one in opposing a restriction on trading hours in the 1970s. In fact, the demand was coming from consumers in that decade. Clearly, there was a change in work and lifestyles. We had the advent of a considerable amount of consumer protection law, and consumers became active and strong. The media changed with the advent of television, and that was also, I suggest, a powerful influence at the time. The advertising industry boomed.

In 1977, the then government established a royal commission to inquire into and report on whether the law relating to shop trading hours in the metropolitan area of Adelaide should be amended or modified. Mr W. C. Lean, a commissioner of the South Australian Industrial Commission, was appointed. He received 180 submissions and had 98 persons and organisations appear before him or be represented in his commission.

In addition, a public opinion survey was conducted. The Shop Trading Hours Act 1977, which we are now seeking to amend, was ultimately passed. We all know what happened in the 1980s—everyone spent more than they earned, including governments. The 1990s came and we had a new government. It worked itself through another review, and we saw an amendment which effected a relaxation of trading hours in this state. I might say that again that was after a very extensive period of consultation under that administration.

The community and interested parties were extensively consulted, and they were given a very significant period of time—as I recall, over a year—in which to present their submissions to the government. It was also at a time when industrial reform was on the table in relation to shop trading hours and was clearly identified for the industry and relevant parties to take into account. It was clear that it was still necessary to balance consumer needs, big business demands and small business protection. Nothing had changed. The only addition perhaps that was stronger than ever before was the tourism industry, which had also become collective and vocal.

Now we are asked as a parliament, by this government, to further relax shop trading hours. In January this year we had an election. Not surprisingly, the major parties were asked about their policy in relation to shop trading hours. Each of the major parties had a policy and, unlike many other policies, this was one in which we shared a similar view, and no party offered a proposed extension of or reduction in trading hours. Much was said by the Labor Party during that election about its pledge to offer South Australians an honest, open and accountable government. That was its position in January and February. I ask the Minister what has happened between February and August this year. Has the minister conducted his own investigation? I suggest not.

The minister's second reading explanation suggests that there has been ongoing consultation with a list of relevant parties. No detail has been provided. If there has been any ongoing consultation, what are the details of it, and why have those parties not been given an opportunity to peruse the draft bill? There has been no mention of this in the second reading explanation. The only hint we have from the government is that the bill represents a balanced and reasonable approach.

I ask the question: by whom, between whom and for whose benefit? None of that has been identified and I call upon the government to answer that question. There is the aspect of time for consultation. The time has been three days, during which members of parliament have not had an opportunity to consider the bill, together with the flurry of amendments, with clearly inadequate time for the relevant parties to be consulted. We have heard from a number of speakers tonight of the concerns raised. In particular, the lead speaker, the member for Davenport, highlighted in detail over an extended period the many submissions we have received from those who have had an opportunity to at least be alerted by what has appeared in the press as to what is to come and who have expressed their concern over that lack of consultation.

It seems that the only endorsement the government has received to date is from Business SA, the *Advertiser* and the retail association we have heard of in some detail tonight. I suppose it is all the usual suspects. This lack of consultation is in stark contrast with a former Labor government's approach when the principal bill was introduced to the parliament in 1977. It is fair to say that there are some things we can learn from our parents. The minister's father (Hon. J.D. Wright), the then Minister of Labor and Industry, introduced this bill into the parliament and his second reading speech has been of some interest, showing his very thorough examination of what ought to be done and what he did to ensure that that consultation process was achieved. I refer to *Hansard* of 20 October 1977, where he states:

> Last year I commenced a comprehensive investigation into the situation throughout Australia, as the government considered it was time that the matter be considered in the light of current conditions and attitudes. In some areas the existing legislation had become increasingly hard to enforce and there were indications of a change in public opinion on the matter.
>
> This investigation revealed there were many interests to be considered when contemplating changes in the existing legislation. While many members of the public clearly would appreciate being able to buy any goods at any time of their choosing, it was not quite so clear whether they would appreciate the effects of a complete lack of restriction, which could include increased prices and the disappearance of the local store or delicatessen with an even greater concentration of shopping services in large centres readily accessible only by private transport.

He went on:

> The interests of those who work in the shops are also of great importance. Any major extension of trading hours could involve a loss of private leisure time which is not readily compensated for, even by increased penalty rates. Shopkeepers themselves also have the right to operate a commercially viable business without having to work unreasonable hours.

Most particularly, he then said:

> Having regard to the conflicting interests the government, earlier this year, introduced into the previous parliament a bill that would have enabled wide public discussion being undertaken on the matter before an independent tribunal, to which all interested parties would have access. That bill proposed that the Full Commission of the South Australian Industrial Commission would hear submissions from all interested parties and make decisions, based on the evidence presented, on what changes should be made in the trading hours. In other words, the bill provided that no change would be made by an arbitrary act of the government, but would take place only as a result of full public discussion before an impartial tribunal which could properly assess the arguments of the various interests and pressure groups. The object of this procedure was to ensure that the general welfare of the community would be properly protected.

He then went on to complain about why the process did not take place, but announced that there would be a royal commission. He said:

> The government was, however, determined that members of the public should not be denied the opportunity of expressing their views, and the reasons for those views, regarding the changes they considered should be made to the current legislation.

Finally he stated:

> The interest shown in the royal commission, and the number and variety of submissions made to it, clearly confirm the government's view that the review of trading hours of retail stores was a matter of such public interest that all interested persons and organisations should be given an opportunity to make submissions.

We have had a number of them within a few days. This is an issue that is alive in the electorate. It is of concern for the people of this state, and they simply have not been consulted. With respect to the present minister, he simply has not learned how to deal with this matter. For a government that has had a review on just about every subject one could imagine since assuming office in March, one has to wonder why it has determined that, with the appointment of Mr Stevens, there will be an industrial relations review, but not in this important area. Why has there been such indecent haste? Why is the government attempting to bulldoze the legislation through? What will be next?

A number of members have spoken about industrial relations issues. In the interests of brevity, I highlight that

penalty rights, the entitlements of employees and the obligations of employers and the relationships between them are critical issues that need to be determined and placed on the table before shop trading hours can be determined in fairness to everyone who will be trading, working or purchasing. It is rather unusual that the government, having had a clear indication from a number of submissions received, and reiterated by the lead speaker tonight, has not acknowledged that there is a very significant degree of concern in the community and agreed to delay proceeding with this matter until all interested parties have had an opportunity to consider the matter. There may be aspects of this bill which will ultimately attract no controversy and which, after proper consultation, should be passed. That is a matter for consideration after and not before the consultation process.

There has been negligible consultation and, where there has been, it has been with persons unknown. None of the interested parties has seen the bill, and the minister has not given any indication to this parliament, after hearing the pleas to do so, of wavering from that course. Industrial relationships remain under review, and the minister has not indicated—even when asked during question time today—what direction the government will take. We know that the larger companies already have a retail market share of some 80 per cent, and we know that many thousands of employees working in those major businesses are union members.

It is in the interests of all parties that Sunday shopping is introduced. It is really an issue of not the 'shop until you drop' culture but of a government desperate to sell Sunday shop trading to the highest bidder. The biggest winners will be big business with its increase in market share, the unions with its increased membership, and the *Advertiser* with its increase in advertising revenue. If as a result they are advantaged, it may be a good thing. However, all speakers have outlined tonight the importance of allowing others to have a say about this issue, because the history is there. It is unprecedented that this matter has been brought to the parliament with such speed, lack of consultation and arrogance towards the people of South Australia. I call upon the minister to ensure that he reviews the position and allows the matter to go to a select committee.

Mr VENNING (Schubert): I will probably make the shortest speech I have ever made in my political career this evening, because at 10 minutes to 3 I do not think it is the time or the place to make the 20 minute prepared speech which I have in front of me. I want to say that I am very impressed indeed at the stance of the opposition in this debate. We have each spoken on the same issues and there has been no dissent. The first issue was the arrogance of the government in bringing in a bill such as this so quickly; and the second issue was the total lack of consultation. Whatever your point of view, we as legislators when making a change such as this need to allow people time to consider the new position and time to ensure that they are not hurt financially or in any other way, particularly in relation to their families.

Those two aspects alone concern me greatly and, when these changes come in, we need to consider the little people, the small businesses, and how they need to change their business. We must at least try to ensure that they are trading on a level playing field, and that does not mean changes to the industrial relations policy. Why is that not in this bill? Why is it not flagged? We have had assurances—and I have heard them—but it has to be in this bill. Finally—and finishing my shortest speech ever in this parliament—I want to pay tribute to our shadow minister. I was in this house on Tuesday night at 11.30. I thought I was the only person left in this place, but the member for Davenport was still here.

He had two days to prepare the marathon speech tonight, which was a good speech. I listened for almost the entire three hours that he took to deliver that speech, which required a lot of preparation. All I can say, Iain, is if every member of parliament put in the effort that you are putting in, I am sure we would perform a lot better. I certainly support you as shadow minister. I am prepared to back you in the decision you have chosen to make and I certainly support the opposition's position on this bill. Certainly I will wait to see what will happen at the end, but I am sure this issue is not finished. I cannot understand why the government did not take at least until October before trying to shove this bill through.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank all members for their contributions: they were all very interesting to listen to. I say from the outset and in all seriousness and quite sincerely that shop trading hours have always, for whatever reason, more so in South Australia than any other state around Australia dogged this parliament. It has been difficult for both Labor and Liberal governments. Historically, I am not sure what the reason is but there are probably good reasons. Nonetheless, an incoming government, a new Labor government was prepared to do the following. It was prepared to consult—

An honourable member interjecting:

The Hon. M.J. WRIGHT: Well, the member can laugh, but I did not laugh when members of the opposition were making their contributions. I will come back to that point. I am surprised at the comments about consultation, but members opposite are entitled to their opinion. Our first position was that we wanted to consult with all the major stakeholders, all the representative groups and all who wanted to talk about shop trading hours, and on behalf of the government I have done that. We also said that we ruled out a review. The reason we ruled out a review is that—and I think the last speaker spoke about reviews regarding shop trading hours, royal commissions, you name it; and the former Liberal government did it, it had reviews—it was not going to achieve anything.

So much has been said and so much has been done on this particular topic that it has been done to death. In the six or seven hours that I have been listening to the contributions tonight, and I mean no disrespect, not one skerrick of new information has been put before the house. All the things that have been put before the house tonight I have heard from the various representative groups and various stakeholders over the past five months. I will come back and speak about that consultation because I take umbrage over the points that have been made. Could I also say, and I think that opposition members would agree with this—and if they do not, they are not being honest because it certainly told me this when it was in government—that the vagaries of the act currently in existence do not give us any confidence at all to move forward with regard to prosecutions. I know, just as a number of members opposite would know, that it was a frustration for the previous government. We are prepared to take that on. We are prepared to make this act better, and not because we want to prosecute people. We hope that people do not break the law, but if people deliberately break or flout the law, as lawmakers we cannot allow that to continue. I think it is unquestioned that the act currently has a range of vagaries in it and,

in fairness, the shadow minister in his brief presentation did highlight that there was some cleaning up of the legislation.

Let us be totally honest and frank about it: this is a modest package. Irrespective of one's philosophical point of view, this is a very modest package. I think the member for Mount Gambier asked, 'Why would we be talking for so long and arguing about so little?' I also said, on behalf of the government, from day one, that I ruled out not only a review but also total deregulation. Various contributions have been made by different speakers about deregulation. Well, we have regulation with regard to shop trading hours. This is not total deregulation—it is far from it. What do we have before us? Well, we have a very simple and balanced package with respect to the hours.

There has been great play made about various groups not having seen the bill. Members opposite are concerned in the main with the reform to shop trading hours in the bill. It provides for 9 p.m. in the suburbs, a summer of Sundays and electricals. They were all told and advised about that before the decision was publicly announced. I will go through that list as well. It is a very simple discussion with regard to the reform of hours, that is, 9 o'clock in the suburbs, a summer of Sundays and electricals.

There are other parts to the bill of course, but the guts of it is about the reform of hours. That is what the majority of the contribution has been about tonight. That has been why there is a call to have the select committee. What on earth a select committee would achieve is beyond me. We have before us a proposal which is very simple in nature; it is a balanced and modest package; and it is a bill that cleans up the vagaries of the act. We have before us this suggestion that it should go to a select committee. What is a select committee going to achieve in whatever period in relation to what we are talking about? Whether this is a ruse or something to which members opposite are philosophically committed, I am unsure. I suspect the latter, but I am unsure.

I pick up a few of the points made by the shadow minister in his contribution. He spoke of needing to know what will happen with regard to matters such as industrial relations reform in a deregulated market. The government's bill does not deregulate the market. It provides for greater hours of trading and greater flexibility, but, arguably, no more significant than the former government's amendments, which Labor supported, in 1998. We did not approach this with a great fanfare that the current opposition—

The Hon. I.F. Evans: What about 1995?

The Hon. M.J. WRIGHT: I am talking about 1998; one only quotes the times that suit one. Also, we are asked what we will do about making accompanying industrial relations changes. They are mutually exclusive. What members opposite are doing—and I think deliberately—is trying to cloud and confuse the issue of shop trading reform with industrial relations legislation. What did the former government do when it changed shop trading hours in 1998? This is a great principle of the Liberal Party, and I notice all members opposite are looking away because they know the answer, like I do. Was it a great principle of the Liberal Party that you had to come forward with your IR reforms at the same time as shop trading? If this is a great principle of the Liberal Party, members opposite would have done it in 1998, but did they? No, of course they did not. So, they are deliberately using a ruse by introducing an unrelated discussion about industrial relations. There is a mechanism which you fully support with regard to industrial relations, and it is called enterprise bargaining. It is done at the local level, remember? This is the philosophy of the Liberal Party.

The Hon. I.F. Evans interjecting:

The Hon. M.J. WRIGHT: You know what I did not rule out. I know why you are smiling, but I cannot say why, because I will not talk about private discussions. What the shadow minister talked about today was the submission that has been put forward by the UTLC in regard to the review of IR. A range of submissions have been made, none of which I have seen or intend to read at this stage.

The Hon. I.F. Evans interjecting:

The Hon. M.J. WRIGHT: I will certainly not read yours. They go to the person who is doing the review. Needless to say, none of those organisations will get everything they want. The shadow minister knows full well that I cannot rule out anything while we are in that review process. It does not mean to say that the UTLC, Tony Abbott or the Minister for Housing, all of whom have put in submissions, will get what they want.

An honourable member interjecting:

The Hon. M.J. WRIGHT: No, I cannot, because we are in a review process. When you were a minister and you undertook reviews, you did not rule things out either, because you knew it was not the proper—

An honourable member interjecting:

The Hon. M.J. WRIGHT: Yes; after the review. The shadow minister argues that we should await the outcomes of the IR review, as shop traders are impacted by industrial relations. If we look at the time frames that could be expected for the IR review, obviously the report from Greg Stevens will come to the government and there will potentially be a draft of any necessary legislation, and that will spill out to about March next year. So, to adopt that logic of the opposition, the government would make no changes, pass no legislation and, in effect, come to a standstill in the business of the state, given that nearly every business is affected by industrial relations. We know the opposition has a liking for paralysis, as it subjected the state to such a position for the first part of this year.

The shadow minister wants to send this bill to a select committee. Let us look at the issues which he listed and to which he referred in relation to the select committee. Provisions covering anti-discrimination concepts in relation to landlords and shop tenants already exist in the act, and the provisions of the Retail and Commercial Leases Act are being tightened. The delay that the opposition is proposing will leave the NCC payments at risk. The previous government did not act upon coming to government, so we find ourselves in a position where we need to address these issues. The previous government would not even release the shop trading hours report to the NCC.

Provisions exist with regard to the issue of the application of EB agreements that was raised by the shadow minister. During the Liberal government's time in office, small retailers did not take up the opportunity that existed for them, so what did members opposite do about it when they were in government? If it is such an important issue, all of a sudden because the government comes forward with its shop trading hours bill, why when you were in government did you not encourage small retailers to take the opportunity that existed for them in regard to enterprise bargaining? They had that capacity.

I understand that something is being done, and that is a good thing, because the association needs to represent all the small traders out there. I think we agree on what should be

done, but how it should be done is a different matter because, of course, a variation of awards and template agreements can take place. But the peak bodies have the responsibility for undertaking that.

The shadow minister also spoke about the select committee looking at whether government inspectors are available on Sunday. Of course they are. We do not need a select committee for that, I will tell members that right now—and I think the shadow minister is aware of that. The shadow minister wants to set up a select committee to look at what already exists. All these issues are nothing more than an attempt to delay; an attempt to do nothing. Things such as waiting until an award is amended before passing the laws for which the amendment is necessary are a nonsense. The opportunity exists for the award to be amended once the bill is passed and before it is proclaimed later in the year.

The government does not support the proposal that has been put forward with regard to a select committee. We do not think that it is any more than an attempt to slow the passage of this bill. The major government review—

An honourable member: How can you say that?

The Hon. M.J. WRIGHT: I just did say it. That is how I said it—just like that.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. M.J. WRIGHT: The shadow minister asked about the 1995 legislation. There was a government review in 1995, and it recommended a staged deregulation. But did the government implement it? The answer is no. So, what will come out of this select committee?

An honourable member: We don't know.

The Hon. M.J. WRIGHT: No.

The Hon. D.C. Kotz: Consultation.

The Hon. M.J. WRIGHT: There has been plenty of consultation. What did this major Liberal government review, just three years later in 1998, recommend? We do not know, because it was not made available. The government even refused to release it to the National Competition Council. A review took place in 1995, but the recommendations were not implemented. A review took place in 1998, and the recommendations were not made available to the National Competition Council. It seems somewhat strange that we are now talking about a select committee, when in 1998 there was a review, which was never released, and in 1995 there was a review and the recommendations were never implemented by the former government.

An honourable member interjecting:

The Hon. M.J. WRIGHT: That is right. I think I should come to a conclusion. I want to go back to the earlier point that I made in regard to consultation. I think it is worth making the point, because opposition members certainly spent some time on this and were very concerned about the consultation that they do not believe took place.

An honourable member interjecting:

The Hon. M.J. WRIGHT: Yes, I cannot find the page. Anyway, this will have to do. I just jotted a few of these down, so it is probably not the full list. But I thought it would be worth while sharing this with the house, because the point was made that consultation did not take place. As I said, it is not the full list, but it gives a snapshot of the range of groups with which the government consulted. They include: the Property Council of Australia; Coles-Myer; Business SA; the Australian Retailers Association; Harris Scarfe; Harvey Norman; Woolworths; Big W; David Jones; Drake Food Markets; the Shopping Centre Council of Australia; the Australian Retailers Association, the SDA; the State Retailers Association and IGA, Foodland and Drake included together in the one meeting; the National Competition Council; consumer representatives; the Newsagents Association; Radio Rentals; Keith Bowden Electrical; the Motor Trade Association; Truscott Electrical—and so the list goes on.

It is a furphy that opposition members put forward about a lack of consultation. They put forward the argument about IR and the other proposal about a select committee because they cannot form a view on this. They are unable to reach a form of consensus with regard to the bill that is before the house, and that is a disappointment. Key stakeholders were personally advised of the details of the package before it was announced and they included: Max Baldock, John Brownsea from the State Retailers Association, Chris Rankine of the Newsagents Association, Robert Atkins of Harris Scarfe, Chris Mara of Coles Myer, Stirling Griff and Albert Bensimon of the Australian Retailers Association, John Samartzis of David Jones, SDA, Woolworths, Harvey Norman, and so the list goes on. In conclusion, I thank all members for their contribution and I look forward to a speedy passage during the committee stage.

Bill read a second time.

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

That it be an instruction to the committee of the whole house on the bill that it have the power to consider new clauses in relation to amendment of the Industrial and Employee Relations Act 1994 and review of the operation of this act.

Motion carried.

In committee.

Clause 1 passed.

Clause 2.

The Hon. I.F. EVANS: I move:

Page 3, line 6—After 'proclamation' insert:
*(but not before 1 July 2003)

The opposition indicated we were to move for a select committee. We accept the fact that the member for Fisher and the government indicated that they would not support a select committee. Obviously, that means we would not win that division on the floor of the house, so we will not go through the process of suspending standing orders at the end of the debate in order to refer the bill to a select committee. That is for the purposes of the record as to why we did not move for a select committee. Of course, we reserve the right to support and seek a select committee in the other place, which we will do. This amendment simply provides that the proclamation not be made before 1 July 2003. That simply gives the government a chance to consult on all those issues and bring back to the parliament solutions to some of those issues we raised that may well be subject to the select committee. So, we put to the committee that that is a different solution to the same problem.

I promised the member for Morialta—and I have not done this at this stage—that I would put on record the fact that she was going to speak in the second reading but, in the interests of time saving she did not do so. I know that she has very strong interests in the motor trades area, and she is a strong supporter of that industry. So I just want to put on record her support of that particular industry.

The Hon. M.J. WRIGHT: I oppose this amendment on behalf of the government. Of course, in talking about its select committee the opposition talked about not delaying any changes. Of course, this would do the opposite. I do not see what reasoning the opposition has for an amendment of this

nature. The matter of that select committee may be raised in another place, but I would have thought that, if this bill is passed in both houses, there is then the decision about when the bill would be promulgated. I would foreshadow that, if the bill were successful in both houses, it would make good commonsense to have the arrangements in place in the lead up to Christmas. It may well be that the government decides to do it earlier. However, I cannot see what reason there would be to do it any later than that lead-up to the Christmas period.

The committee divided on the amendment:

AYES (15)

Buckby, M. R.	Chapman, V. A.
Evans, I. F.(teller)	Goldsworthy, R. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kotz, D. C.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Such, R. B.	Weatherill, J. N.
White, P. L.	Wright, M. J.(teller)

PAIR(S)

Brown, D. C.	O'Brien, M. F.
Brokenshire, R. L.	Rann, M. D.
Gunn, G. M.	Lewis, I. P.
Kerin, R. G.	Foley, K. O.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

New clause 2A.

The Hon. R.B. SUCH: I will move the amendments standing in my name. Members will be aware that I have five amendments and, to expedite proceedings, I will not put them to a division. I will put the first four to the voice. I move:

After clause 2—insert:

Minister to review operation of Act

2A (1) The Minister must, as soon as practicable after the second anniversary of the commencement of section 10 of this Act, appoint an independent person to carry out an investigation and review concerning the operation of the principal Act (as amended by this Act).

(2) The person appointed under subjection (1) must present to the Minister a report on the outcome of the investigation and review within six months after his or her appointment.

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

New clause inserted.

Clause 3 passed.

Clause 4.

The Hon. R.B. SUCH: I move:

Page 5, lines 11 to 13 (inclusive)—Leave out all words in these lines.

As I said, I will not take the amendment to a division but take it on the voices.

The Hon. M.J. WRIGHT: Is that the amendment that relates to all Sundays?

The Hon. R.B. SUCH: Yes.

The Hon. M.J. WRIGHT: The government opposes this amendment. We appreciate the endeavours of and work done by the member for Fisher, but we have made our position clear. We think we have come forward with a balanced package taking account of all the major stakeholders. We said from day one that no one stakeholder would get everything they wanted. The government considers that it is a balanced package and cannot support this amendment.

The Hon. I.F. EVANS: I understand that this is the amendment to provide for all Sundays. The opposition has the same view as the government in relation to this matter and will vote against it.

The Hon. R.B. SUCH: I understand the position of the government and the opposition, and I will test the committee. However, I accept that it will be lost on the voices.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 6, line 13—Leave out all words in this line and insert: Maximum penalty: $20 000

I indicate to the committee that I take the vote on my first amendment, which amends the penalties, as a test on all the following amendments. If I lose this first amendment, I will not move the rest of the amendments for the purposes of the committee. All these amendments deal with the same principle. The government seeks to increase the penalty on businesses that deliberately go against the intention of the act, that is, open when they are not meant to. The government intends to increase the penalty from $10 000 to $100 000.

While we accept to some degree the government's argument that business should be discouraged from openly going against the law, we think that a provision that increases the penalty 10 times the amount is a somewhat draconian approach. We suggest that a doubling of the penalty is probably more appropriate, that is, from $10 000 to $20 000. That flows through with the rest of the amendments. We note that we are talking about provisions that, in the past at least, have generally not been subject to great scrutiny, because the penalties have not been applied. The minister says that he will apply these penalties with some aggression. In between the houses, I suggest that the minister look at the submission of the Australian Retailers Association, which claims that 31 supermarkets will be affected by the minister's bill and, if he applies the provisions aggressively, he may raise an issue that he may not wish to raise.

The Hon. M.J. WRIGHT: I oppose the amendment. In regard to what the shadow minister said, I do not believe I said that I would be proceeding with this with some aggression; I do not remember using that term. Nonetheless, we can check *Hansard* but, in case there is any misunderstanding, let me clarify this. We are proposing to increase the maximum penalty—and I stress that word 'maximum'. Needless to say, it is hoped that this would never need to be applied, because we do not want people out there breaking the law. As people are aware, it is for the court to determine the penalty, having regard to the circumstances. Of course, in a judicial determination, for the maximum penalty of $100 000 to be applied it would not be a first offence: I imagine that would occur after a series of events had taken place.

In some cases, we are dealing with very big companies—national and multinational companies—dealing in large volumes. As I said earlier, the vagaries of the current act do not give us any confidence, and did not give the previous government any confidence, in moving forward with regard

to prosecutions. People are informed of their breaches, and a process is then put in place. We think our proposal has strong merit.

Amendment negatived; clause passed.

Clauses 5 to 9 passed.

Clause 10.

The Hon. R.B. SUCH: All my amendments to clause 10 on sheet 51(1) are consequential and, therefore, not relevant. I will not be moving them. I move:

Page 9—
Line 17—Leave out 'year' and insert:
year; and
After line 17—Insert:
(iii) on not more than 10 other Sundays in each calendar year.
Line 21—After 'year' insert:
(and that day will not be counted for the purposes of subsection 2(c)(iii))

The Hon. M.J. WRIGHT: The government opposes the amendments. I will not go through the reason again. Everyone knows why we are opposing them.

Amendments negatived.

The Hon. R.B. SUCH: I move:

Page 8, lines 32 to 36 (inclusive) and page 9, lines 1 to 21 (inclusive)—Leave out all words in these lines and insert:

(1) Subject to this section, the shopkeeper of a shop situated in the Greater Adelaide Shopping District may open the shop on any day during the hours specified by the shopkeeper for that day in a notice, in writing, given to the minister in accordance with subsection (2).

(2) A notice referred to in subsection (1) relating to a shop—

(a) must specify the hours during which the shop will be open on days during a period of not less than seven days; and

(b) must not specify that the shop will be open for more than 80 hours during any period of seven days to which the notice relates; and

(c) must be given to the minister not less than two weeks before the commencement of the period to which the notice relates.

(3) A shopkeeper who has given the minister a notice referred to in subsection (1) in relation to a shop must display, at or near any entrance to the shop that is used by members of the public, a notice in a form prescribed by regulation, specifying the hours during which the shop may be open on any day in accordance with the notice.

Maximum penalty: $5 000.

Page 10, lines 1 to 5 (inclusive)—Leave out all words in these lines and insert:

(h) by striking out subsection (5e) and substituting the following subsection:

(5e) Subject to this section, the shopkeeper of a shop situated in a shopping district the business of which is the retail sale of—

(a) hardware or building materials; or

(b) furniture; or

(c) floor coverings; or

(d) motor vehicle parts and accessories; or

(e) electrical goods (including computers and other electronic equipment),

may—

(f) if the shop is situated in a shopping district outside the Greater Adelaide Shopping District—in addition to the hours prescribed by subsection (5), open the shop from 9.00 a.m. until 5.00 p.m. on a Sunday or public holiday (but not on Good Friday or Christmas Day); or

(g) if the shop is situated in the Greater Adelaide Shopping District and the shopkeeper has, in a notice referred to in subsection (1), specified that the shop will be open during specified hours on a public holiday—open the shop during the specified hours on that public holiday (but not on Good Friday or Christmas Day).

Page 10, lines 16, 17 and 18—Leave out all words in these lines and insert:

(8) However, nothing in subsection (7) prevents the shopkeeper of a shop situated in the Greater Adelaide Shopping District from opening the shop on the day after Good Friday in each year.

The Hon. M.J. WRIGHT: On behalf of the government, I oppose this amendment. The 80 hours that the member for Fisher talks about we think is a form of deregulation under another guise and we cannot support it, and I have had discussions with the member for Fisher about this. I think it would make things very haphazard, all over the place, and the government opposes this amendment.

The Hon. R.B. SUCH: This is a modification of what occurs in the United Kingdom but, as I say, I am not going to pursue it to the nth degree; so I submit it to the committee for consideration.

Amendments negatived; clause passed.

Clauses 11 to 16 passed.

Clause 17.

The Hon. R.B. SUCH: Madam Chair, the amendments I have on file are consequential so there is no point in proceeding because they fail given that clause 10 failed in relation to the global trading hours.

Clause passed.

Clause 18 passed.

New clause 18A.

The Hon. R.B. SUCH: I move:

After clause 18—insert:
Amendment of Industrial and Employee Relations Act 1994

18A. The Industrial and Employee Relations Act 1994 is amended by inserting after subsection (7) of section 90 the following subsection:

(8) If the Commission makes an award about remuneration for persons employed in a shop (within the meaning of the Shop Trading Hours Act 1997), the award must not prescribe, in relation to employees who are normally required to work on a Sunday, payments in the nature of loadings or penalties for work on a Sunday (but the award may, in relation to such employees, fix a higher hourly rate of remuneration than that fixed for employees who are not normally required to work on a Sunday).

The Hon. R.B. SUCH: Once again, I believe that, in having this drafted, I have largely achieved the goal because the associations have indicated that they are preparing template material to assist small business obtain, in effect, the same payment to employees, for example on a Sunday, as happens in relation to the large retailers. I am happy to move it and test the committee but I will not take it to a division. I believe that it has already achieved its purpose in highlighting the need to tackle the issue of the disadvantage that many small businesses experience in having to pay double on a Sunday what the large supermarkets must pay.

The Hon. M.J. WRIGHT: In my earlier speech I expressed, on behalf of the government, my view on this. A mechanism is in place that works through these problems, and that is the commission. It has a good record. The government should not impose its will on the commission. We do have a mechanism through enterprise bargaining. It has been argued that the large business of the retail sector has taken advantage of that and that small business has not. That can be addressed through the mechanisms that are in place and it needs to be addressed through the mechanisms that are in place.

I encourage the representative bodies to assist small traders. It is my understanding that the SDA is and has been very open for sometime in terms of its involvement in this. It can be done in a couple of ways: an award variation; and a template agreement. I understand that the ARA and Business SA have started negotiations, and that is a good thing. That will facilitate, in principle, what I think the member for Fisher is talking about. That is the process that

should be followed and, for that reason, on behalf of the government, I cannot support this amendment.

The Hon. R.B. SUCH: I have been informed today by the Australian Retailers Association that it is actively pursuing this matter now and that it will not only be making contact with all of its members but also making available the advice and the assistance necessary for small retailers to obtain equity in relation to hourly rates paid, particularly on a Sunday. If this measure has helped bring that about, I am delighted, but, as the minister says, it is best if the associations and the individual businesses do it rather than being led to water by the government or by the parliament. I put the amendment to the committee, but I am pleased that we are now about to see some action from the representative associations for small business.

New clause negatived.

Clause 19 and title passed.

Bill reported with an amendment.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I move:

That this bill be now read a third time.

I thank all members for their contribution. I appreciate their support in committee. I would like to thank the member for Fisher for his contribution. I would also like to thank the shadow minister for his contribution. I also thank Hansard for bearing with us and my colleagues who kept assuring me during the night that we should plough on and that that would certainly result in the bill being passed tonight. How right they were!

It is probably fair to say that, in reality, the opposition and the government are not too far apart on this bill. The opposition, for their own political reasons, have taken a particular stance, but with regard to what is in the bill I do not think we are very far apart. That is politics, and I guess that is the nature of the beast with which we are involved.

Bill read a third time and passed.

ADJOURNMENT

At 3.52 a.m. the house adjourned until Thursday 22 August at 10.30 a.m.