HOUSE OF ASSEMBLY

Tuesday 19 November 2002

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following bills:

Classification (Publications, Films and Computer Games)(On-Line Services) Amendment,

Constitution (Parliamentary Secretaries) Amendment,

Co-operatives (Miscellaneous) Amendment,

Criminal Law Consolidation (Offences of Dishonesty) Amendment,

Criminal Law Consolidation (Territorial Application of the Criminal Law) Amendment,

Gaming Machines (Gaming Tax) Amendment,

Gas Pipelines Access (South Australia) (Reviews) Amendment,

Legal Services Commission (Miscellaneous) Amendment,

Parliamentary Committees (Presiding Members) Amendment,

Statutes Amendment (Bushfires).

CROWN LEASES

A petition signed by 103 residents of South Australia, requesting that the house oppose increases in the rent and the cost of freeholding of crown leases, and provide a period of grace before any increases come into effect, was presented by the Hon. R.B. Such.

Petition received.

OMBUDSMAN REPORT 2001-02

The SPEAKER: I lay on the table the report of the Ombudsman for 2001-02.

Ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

- District Council of Barunga West—Report 2001-02—Pursuant to Section 131 of the Local Government Act 1999

By the Premier (Hon. M.D. Rann)—

- Department of Premier and Cabinet—Report 2001-02
- Commissioner for Public Employment, Office for—Report 2001-02

By the Treasurer (Hon. K.O. Foley)—

- South Australian Government Captive Insurance Corporation—Report 2001-02
- Regulations under the following Act—
  - Public Corporations—
    - Bio Innovation Board
    - Children's Performing Arts Co
    - Adelaide International Film Festival

By the Minister for Government Enterprises (Hon. P.F. Conlon)—

- SA Water—Report 2001-02

By the Attorney-General (Hon. M.J. Atkinson)—

- Rules of Court—
  - District Court—Rules of Court—Error Corrected
  - Supreme Court Act 1935—Rules of Court—Anomalies

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

- Regulations under the following Acts—
  - Liquor Licensing—Dry Areas—
    - Adelaide
      - Adelaide—Year Extension
      - City of Marion
      - Clare
      - Victor Harbor—New Year
  - Prices Act—Unsold Bread

By the Minister for Health (Hon. L. Stevens)—

- Food Act—Department of Human Services—Report 2001-02
- Pharmacy Board of South Australia—Report 2001-02
- Regulations under the following Act—
  - Controlled Substances—Weight control

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Bookmark Biosphere Trust—Report 2001-02
- Correctional Services, Department for—Report 2001-02
- Dog Fence Board—South Australia—Report 2001-02
- Environment and Heritage, Department for—Report 2001-02
- Environment Protection Authority—Report 2001-02
- Reserve Planning and Management Advisory Committee—Report 2001-02
- South Australian Victoria Border Groundwaters Agreement Review Committee—Report 2001-02
- State Heritage Authority—Report 2001-02
- Water, Land and Biodiversity Conservation, Department of—Report 2001-02
- Waste to Resources Committee (WRC)—Report 2001-02
- Water Well Drilling Committee—Report 2001-02
- Wildlife Advisory Committee—Report 2001—2002

By the Minister for Gambling (Hon. J.D. Hill)—

- Independent Gambling Authority—Report 2001-02
- Liquor and Gambling Commissioner, office of—Gaming Machines Act—Report 2001-02
- Regulations under the following Act—
  - Authorised Betting Operations—Clubs Duty Payment

By the Minister for Social Justice (Hon. S.W. Key)—

- Aging, Office of—Department of Human Services—Report 2001-02
- Charitable and Social Welfare Fund (Community Benefit SA)—Report 2001-02
- Guardianship Boards of South Australia—Report 2001-02
- Public Advocate, Office of—Report 2001-02

By the Minister for Transport (Hon. M.J. Wright)—

- SAIIR Rail Regulation—Report 2001-02
- Transport, Urban Planning and the Arts, Department of—Report 2001-02
- Regulations under the following Acts—
  - Air Transport (Route Licensing—Passenger Services)—Administrative Process
  - Harbors and Navigation—Fleurieu Reef
  - Motor Vehicles—Accident Towing Roster Vacancies

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

- Adelaide Convention Centre—Report 2001-02
- Adelaide Entertainment Centre—Report 2001-02
- Dairy Authority of South Australia—Report 2001-02
- South Australian Sheep Advisory Group—Report 2001-02
- South Australian Tourism Commission—Report 2001-02
- Veterinary Surgeons Board of South Australia—Report 2001-02
- Regulations under the following Acts—
  - Aquaculture—Framework
  - Fisheries—
    - Coorong Corf
    - Fleurieu Reef

Northern Zone Rock Lobster
Veterinary Surgeons—Fees Increase

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Local Government Finance Authority—Report 2001-02
Development Act—Coastal Strip Plan Amendment Report

By the Minister for Local Government (Hon. J.W. Weatherill)—

Regulations under the following Act—
Local Government—
Local Government Superannuation Board—Family Law
Local Government—By-laws—
City of Victor Harbor
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Vehicles Kept Or Let For Hire
No. 7—Nuisances Caused By Building Sites
Alexandrina Council
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Nuisances Caused By Building Sites

By the Minister for Administrative Services (Hon. J.W. Weatherill)—

Regulations under the following Act—
Freedom of Information—Essential Services Commission

McEWEN, Mr R.

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today this government is moving to deliver further stability and certainty to South Australians—

Members interjecting:

The Hon. M.D. RANN: Is that right?

Members interjecting:

The Hon. M.D. RANN: If I have ever heard a forced laugh, it was today. Today this government is moving to deliver further stability and certainty to South Australians following the historic decision by Independent Mount Gambier MP Rory McEwen to join the Rann Labor government as a cabinet minister.

Members interjecting:

The SPEAKER: Order! The member for Morphett will come to order. Leave has been granted.

The Hon. M.D. RANN: When I was sworn in as Premier eight months ago, I said that I wanted to lead a government that would be a government for all South Australians, a government that would be marked by commitment to economic developments and social inclusion, a government that would reach out to regions and to country South Australians, a government that would put the state's interests before party. I said I wanted to involve as many talents as I could—talents who would add value to our state.

So, we invited Robert Champion de Crespigny to head our economic development push in a board that included Carolyn Hewson as well as Bob Hawke. We asked former Liberal deputy premier Stephen Baker and former Liberal treasurer Dick Mackay to conduct a review of our Department of Industry and Trade. We asked David Wotton, former Liberal minister for the environment, to chair our River Murray Catchment Water Management Board. We asked Bob Such to lead a mission overseas on wind power, and for Rory McEwen to lead a trade mission to the United Arab Emirates. I asked Rory McEwen, Bob Such and Jennifer Cashmore to co-chair our Drugs Summit. We also want the Constitutional Convention, arranged in agreement with Hon. Mr Speaker, to involve all parties.

When the Speaker announced his intention to support Labor in government, I said that what South Australians needed more than anything was stability and security. This move to invite Rory McEwen into the cabinet not only provides greater security but also strengthens our government. He will be given responsibility for trade and regional development, local government and assisting the minister for federal-state relations.

Rory McEwen is not becoming a Labor MP: he is becoming a cabinet minister in our government. He will bring the regions and the country directly to the cabinet table. Our cabinet is one that includes, not excludes; and invites, not impedes; a government for all South Australians, bigger than party; and a government that puts state ahead of party.

We are delighted to have Rory McEwen's support. He will be a valuable addition to the cabinet, which this morning, in a special cabinet meeting, endorsed his appointment unanimously. Mr McEwen has talent, ability, enthusiasm, experience and energy, all the qualities necessary to be an effective member of cabinet. Having been involved for many years in local government, and being a passionate supporter of our state's regions, he has a vital interest in his new portfolio responsibilities, which will be trade and regional development, local government and minister assisting the minister for federal and state relations.

Mr McEwen was elected to the District Council of Mount Gambier in May 1987. He served as council Chairman from May 1989 to July 1996. He was the inaugural Chairman of the District Council of Grant following the amalgamation of the District Councils of Mount Gambier and Port MacDonnell in July 1996. He has also held a range of management and leadership positions with TAFE. He was elected to the parliament in October 1997 as an Independent.

The government remains firmly committed to honouring our compact with the Speaker, and the arrangement with Mr McEwen will complement that compact. The arrangement with Mr McEwen will require an amendment to the Constitution Act to allow for an extra member of cabinet to be created, and I will today seek leave to introduce into parliament a bill to amend the Constitution Act. Mr McEwen's entry to the cabinet will require a small cabinet reshuffle. The current minister—

Members interjecting:

The Hon. M.D. RANN: I understand that you are planning a much bigger reshuffle. But don't worry Rob, we are right behind you. The current Leader of the Opposition has my total—

Mr BRINDAL: Sir, I rise on a point of order.

The Hon. M.D. RANN: —unqualified support to stay in that position.

The SPEAKER: Order! The Premier—

The Hon. M.D. RANN: Mr McEwen's entry—

Mr BRINDAL: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The member for Unley.

Mr BRINDAL: I ask you, Mr Speaker, whether the Premier has leave to make a ministerial statement or debate a matter before this house.

The SPEAKER: The member for Unley well knows that the kind of remarks he was making not two minutes before resulted in the exchange across the chamber of which he now complains. I regret that it has happened—I guess nowhere near as much as other members will regret it. From what was, I thought, yesterday, a quite substantial improvement in the way in which we conducted ourselves, we have suddenly found ourselves back to where we were. The Premier has leave to make a statement. I will ask the Premier to continue that and to stick to the statement and, where honourable members form part of that statement, he should use their electorate names, not their personal names.

The Hon. P.F. CONLON: Sir, I rise on a further point of order, and it is a very serious one. The member for Mawson has been waving to the chamber—I think you will find it has been caught on film—a $20 bill and accusing the Premier of buying the member. This is most outrageous. It is obviously a comment that, if made outside this chamber, would result in action by a number of members against the member for Mawson. I ask him to apologise and withdraw.

The SPEAKER: Order! Was the member for Mawson waving a $20 bill or any other note of Australian currency?

Mr BROKENSHIRE: Yes, sir, I was, because I was saying that the Premier buys his way.

The Hon. P.F. CONLON: I therefore ask him to withdraw and apologise, sir. It is a privilege matter.

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises has taken a point of order.

Members interjecting:

The SPEAKER: Order! What the member for Mawson may have done—although he thought it to be in fun—is a most serious misdemeanour, and I direct him to withdraw that act and apologise for it forthwith.

Mr BROKENSHIRE: I withdraw, and I apologise to the Premier.

The SPEAKER: The Premier has the call.

The Hon. M.D. RANN: Mr McEwen's entry to the cabinet will require a small cabinet reshuffle. The current Minister for Regional Affairs (Terry Roberts) will relinquish regional affairs and become the Minister Assisting the Minister for Environment, along with his other responsibilities for Aboriginal affairs, reconciliation and corrections. The Minister for Local Government (Jay Weatherill) will relinquish local government and, in addition to his other responsibilities, will become the Minister for Gambling, and the Deputy Premier (Kevin Foley) will relinquish trade and take on the new portfolio of Minister for Federal-State Relations.

The new ministry of federal-state relations is being created on the strong recommendation of the Economic Development Board. So, I commend and welcome Mr McEwen's decision to join our cabinet. To demonstrate our commitment to Mr McEwen, we have extended the offer to him to remain in cabinet should Labor win the next term of government and should he win his seat. I and the rest of cabinet look forward to a very productive working relationship with Rory McEwen long into the future as a distinguished cabinet minister in the state of South Australia.

EQUAL OPPORTUNITY

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: The government made an election commitment to modernise the state's equal opportunity and anti-discrimination laws to ensure comprehensive protection of South Australians against unjustified discrimination. I wish to record what the government is doing to honour that commitment. To coincide with this year's delivery of the South Australian Equal Opportunity Commission's Mitchell Oration by Mary Robinson, I announced the government's intention to review the legislation.

The Minister for Social Justice and I have agreed to collaborate in a process that will identify effective legislative, administrative and operational arrangements to ensure that the state's legislation on equal opportunity and protection from discrimination is modernised to ensure comprehensive protection of South Australians against unjustified discrimination.

Earlier this year a discussion paper was published, inviting comment on a proposal to amend the Equal Opportunity Act to cover discrimination and vilification on the ground of religion. That discussion paper attracted some thousands of responses. Most were hotly opposed to such legislation, but equally there were a number who gave earnest support. It is fair to say that there is a division between the views of the major Christian denominations on the one hand and those of non-Christian religions and secular commentators on the other. The government is assessing what, if any, legislative amendment is desirable now that we have public comment.

As promised in the party platform, the government will review the Equal Opportunity Act to make a number of specific amendments there announced. Members will recall that the former government had introduced an amending bill, which lapsed. The bill would have enacted some, but by no means all, of the recommendations of the 1994 Martin report. Those recommendations are still outstanding and require parliament's attention. A working group has been formed within the government, including representatives of the Attorney-General and the Minister for Social Justice, as well as the Commissioner for Equal Opportunity, to advance this process. The working group will prepare a framework paper for consideration by the two ministers. The draft framework paper will be available for public comment by mid 2003. As the party platform shows, the government proposes in particular to:

· extend the grounds of discrimination to include discrimination on the ground of family responsibilities, including indirect discrimination; and also a new ground of locational disadvantage;

· extend the act to cover independent contractors;

· mirror the definition of 'disability' in the commonwealth Disability Discrimination Act so as to cover mental illness and infection with the HIV virus, among other disabilities;

· amend vicarious liability provisions dealing with sexual harassment to place the onus on the employer to establish that it took all reasonable steps to prevent the discrimination, harassment or victimisation; and

· extend the time for lodging complaints and give the tribunal authority to grant extensions of time.

Further, the government promised a review of the current avenues of complainant support and advocacy, including representations at a hearing in the tribunal, to ensure the

adequate resourcing of advocates to assist complainants. It also promised to ensure shorter response times for the resolution of complaints and inquiries, including timely conciliation proceedings. As a first step, the government will ask the Commissioner for Equal Opportunity to report on the processing times within the commission, the number of complaints reaching the tribunal and the resourcing of these complaints. Based on this report, decisions will be taken as to whether there is a need to increase resourcing and whether there is a problem with delay in dealing with complaints.

Meanwhile, I would invite anyone who is aware of problems of this kind to communicate them to the Commissioner or my department so that they can be taken into account in this review. Labor Party policy supports a comprehensive review of all state legislation to remove discrimination against homosexual, lesbian, bisexual and transgender people. The platform promises to ensure that homosexual relationships are recognised in the Equal Opportunity Act as heterosexual relationships. It further promises that Labor will remove unjustified discrimination against same sex couples from state legislation after the review. The government acknowledges that this is an urgent issue to some people now living in such relationships.

Public comment will be sought before any bill is introduced, because the matter is neither simple nor without controversy. Finally, the government promised to extend anti-vilification legislation to other groups within the community as appropriate. At present, our law deals expressly only with racial vilification. Other vilification is the province of the general criminal law against unlawful threats. Other Australian jurisdictions have gone further and enacted laws against vilification on other grounds—for example, New South Wales law covers homosexual vilification and vilification on the ground of HIV or AIDS status.

Tasmania covers vilification on the ground of race, disability, sexual orientation or religious belief. The issue of religious vilification has already been canvassed in the government's recent discussion paper, but the government will also review the law to investigate coverage of vilification on other grounds. In short, the government is mindful of its commitments and is at work on all these matters. At the same time it is mindful that equal opportunity law affects everyone—workers and employers; landlords and tenants; schools and tertiary institutions; hospitals and aged-care providers; big and small business; professional bodies;, clubs and associations; churches and charities—everyone.

Few laws are so wide-ranging or have the capacity to affect so many people's lives. For this reason the government wishes to proceed in an open and consultative manner and with a full appreciation of the effects of what it is doing. This is why we have chosen the approach I have outlined rather than simply to introduce legislation without a proper opportunity for public comment and criticism. Although this is not the swiftest approach, I believe it will be best for all South Australians in the long term.

EDUCATION FUNDING

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: Last month I told the house that the independent Cox review report into Partnerships 21 would be released publicly this month. That has occurred and comment to the Chief Executive is invited. As at Friday 8 November (that is, one week after the report was released) there have been 1 685 downloads of the full report from the department's web site, plus a further 3 266 downloads of the summary recommendations. I also told the house that funding to government schools for 2003 would ensure that all schools/preschools would maintain their 2002 funding, adjusted in the usual way for enrolment numbers and inflationary factors (such as the recent 4.5 salary increase awarded as part of the recent enterprise bargaining agreement).

Then, on top of that amount, those additional funds announced as part of the July state budget to which an individual school is entitled will be added. Those additional funds include the 160 extra junior primary teachers, additional primary school counsellors and additional SSO hours. In line with this treatment of 2003 as a transition year, and while consultation on changes to local school management are considered in time for the 2004 school year, it is the government's intention that no change be made to schools' powers to levy school fees for 2003 only.

As part of considerations over the next six months about government funding for schools, the following aspects will be investigated: levels and manner of parental contributions; school card payments; effectiveness of financial aspects associated with collection and application of charges; and financial accountability arrangements for schools to ensure that funds are spent on current student needs.

DOCUMENTS, TABLING

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Mr Speaker, you will recall that yesterday you asked me to table a particular document and, in reply, I said that I had forwarded it to one of your officers. On checking I discovered that the document had not been forwarded as I had requested, so I wish to apologise to you and to the house for that oversight.

MUSIC HOUSE

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.D. HILL: In 1999, the federal government provided the state government with a $1 million package for the development of contemporary music. This one-off grant was part of the Howard government's compensation to the music industry at the time of the introduction of parallel importing of CDs. Over the ensuing two years the then Liberal state government chose to spend that $1 million across four initiatives. First, it allocated $540 000 to establish Music House in early 2001, for capital to set up the venue and operations until the end of the 2003 calendar year. Secondly, it allocated $160 000 to SA Music Online, a project to give Adelaide bands profile on the Internet. Thirdly, it allocated $220 000 for Music Business Adelaide, a national conference of the Australian music industry to showcase local talent. Fourthly, it allocated $80 000 to Arts SA's Recording Assistance Program.

Music House was incorporated in March 2001. In early 2002 it was given management of the SA Music Online

project and Music Business Adelaide. Its board was appointed personally by the former Arts Minister Diana Laidlaw. I rise to inform the parliament that Music House Incorporated is in a dire financial situation. Located in the Lion Arts Centre, on the corner of North Terrace and Morphett Street, Music House is an operating venue for bands much like any other entertainment venue, only this one has cost the public purse. In addition to being an entertainment venue, Music House provides training and development and administrative support to the industry.

By February this year, $682 500 of the million dollar package had been spent. The remaining funds were transferred from Arts SA to Music House. These funds were to go to Music House and the SA Music Online project. The former state government's Live Music Fund allocation of $175 000 was directed to Music House early in 2002. Separately, Music House was given $40 000 in 2001-02 and $50 000 in 2002-03 for industry development programs.

I first became aware that Arts SA had concerns about Music House on 17 September. At that time it was thought that the organisation had enough cash to meet its obligations and that Arts SA would work with Music House to revise its 2003 budget. On 13 November, just six days ago, I learnt that on current projections Music House will run a budget deficit of $175 000 in 2003-04. At that point Arts SA advised the chairman of Music House that the department would not provide additional funds. A meeting between Arts SA and the Music House was convened last Thursday, 14 November, which revealed the extent of their financial problems. I received a brief of that meeting last Friday.

It reveals that at the end of June this year Music House had $403 852 in the bank, yet it expected to end this calendar year with a deficit of $165 000, a turnaround of something like $570 000. I am particularly concerned that the board may have instructed that specific grants, for example, money for Music Business Adelaide, were pooled to prop up the venue Music House. I am also concerned that extra staff were employed at a time when the organisation's parlous financial state must have been obvious to the board. It appears that the organisation has had no proper budget management in place; no month by month, line by line budget breakdown of projected and actual income and expenditure.

On the day that I received this advice I had my office ask the Executive Director of Arts SA to urgently refer the matter to the Auditor-General. The board will urgently meet on Thursday of this week. I expect they will move to wind up Music House Incorporated, and, in the process, they should realise their assets and meet their debts. This is the only proper course of action for the board. The government's position is crystal clear: there will be no bailout. A million dollars of public money was signed off by the former Liberal government in 1999. In fact, $1.395 million in total has been allocated over the term of Music House's short existence, comprising the $1.080 million via the original commonwealth package, plus $175 000 of state live music funds, plus $90 000 Industry Development funds, plus $50 000 Health Promotion Through the Arts funds.

The money has run out. Music House, which was to be a commercially viable venue, is bust. I will inform the parliament of the outcome of the urgent meeting of the board of Music House after its meeting on Thursday. I will also inform the parliament of the Auditor-General's response to my concerns and any subsequent investigations that may be pursued.

MURRAY RIVER

The Hon. J.D. HILL (Minister for the River Murray): I seek leave to make a further ministerial statement.

Leave granted

The Hon. J.D. HILL: Following on from comments I made yesterday in relation to the Murray River, I wish to add to those comments. The prolonged drought across much of Australia is placing increasing pressure on available water resources, both in terms of quantity and quality. Some irrigators in New South Wales have been allocated only 8 per cent of their licence volume for 2002-03, and in many areas summer crops, such as rice, have not been planted.

Mr Brindal interjecting:

The Hon. J.D. HILL: Indeed. Victorian allocations are also some of the lowest on record. South Australia has always taken a more conservative approach to water allocations from the Murray River, and consequently the resources available are sufficient to support full allocation of water licences for 2002-03, despite drought conditions. Accordingly, there is no need at this stage to place restrictions on irrigation and urban water supplies taken from the Murray River in South Australia. In extreme drought conditions, the Murray-Darling Basin Agreement ensures that the available resources are shared equally between the three states. In such circumstances, South Australia receives less than minimum entitlement flow. The conditions to trigger this have not been reached for 2002-03, and South Australia is guaranteed to receive its minimum entitlement flow of 1 850 gigalitres for the year.

However, due to the very low volumes in storage in the Hume Dam (near Albury) and Menindee Lakes (near Broken Hill), there may be difficulties in supplying this water in the designated monthly pattern. The Murray-Darling Basin Commission currently predicts a low to moderate possibility of a shortfall of about 40 gigalitres of water available for New South Wales and Victorian irrigation demands and South Australia's entitlement flow during February and March next year. Today the commission is meeting to determine how this shortfall can be managed so that irrigators in New South Wales and Victoria can be advised of the water they will have available for their crops.

South Australia will be asked to rearrange its entitlement flows in the months of February and March next year by reducing flows in those months by nine gigalitres, which is a 2.5 per cent reduction in the flow we would normally receive in those months. This relatively small volume will be repaid in April and May next year. These changes to the monthly pattern of entitlement flows to South Australia will not have any material effect on the current predictions of salinity levels and water levels in the Lower Lakes.

Salinity in Lake Alexandrina is very likely to exceed 11 EC units by March next year, and nothing we can do will change that. The water level in the lakes will fall by 0.35 metres (Australian height datum)—the lowest level since 1983. These conditions will impact very severely on irrigation and commercial and recreational use of the Lower Lakes. These changes to flow will not have any effect on the conditions of the Murray Mouth, or on the fact that we have had no water to release through the barrages since December 2001; and it is unlikely that any releases will be made until about October 2003, at the earliest.

I have endorsed a proposal that the South Australian commissioners agree to this small change to the monthly pattern of entitlement flows. I am also seeking a commitment

by the commission to review its operating strategies in order to minimise the risk of future shortfalls. For example, one option to minimise the chance of future shortfalls is for the minimum target volume in Lake Victoria at the end of the irrigation season to be increased. It is no secret that New South Wales and Victoria are in very serious trouble this summer, as we are, particularly in the Lower Murray below Lock 1 at Blanchetown. If the drought does not break soon, South Australia will have to give serious consideration to the impacts of not receiving its full entitlement for the 2003-04 year.

Today South Australia stands to give an assurance to our upstream neighbours, as we all confront the most serious water shortages seen for decades. We will not seek to enforce the Murray-Darling Basin Agreement to the letter of the law. We will work cooperatively with New South Wales and Victoria, and we will continue to work on long-term solutions for the Murray River and the Murray-Darling Basin.

SELECT COMMITTEE ON GENETICALLY MODIFIED ORGANISMS

Mr McEWEN (Mount Gambier): I bring up the interim report of the select committee.

Report received.

QUESTION TIME

THALES UNDERWATER SYSTEMS

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. When did the government first become aware of the decision by the defence company Thales Underwater Systems to relocate its towed sonar array operations from Adelaide to Sydney? Is the government aware of any other impending departures by SA-based defence companies? Thales Underwater Systems is one of the companies regarded as a key element in a bid to see Adelaide become the major naval shipbuilding centre in Australia.

The Hon. K.O. FOLEY (Deputy Premier): The government was advised a short time ago about this matter. I can say that Thales's downsizing relates to only a portion of South Australian work related to manufacture and repair of towed arrays for defence and commercial operations, particularly in the gas and oil exploration field.

We are advised that local and US markets for this work have dried up as a result of the 1998 oil price fall, which resulted in changed capital expenditure behaviour by most companies in the oil and gas exploration industry. Also, companies in the oil and gas exploration market are moving towards lease versus purchase of new seismic towed arrays. Two of Thales's major US customers have merged. Merged companies, of course, use excess array stock; therefore, no new orders are being placed.

In relation to the remaining Thales activity in South Australia, a small number of staff will be retained to service ongoing work for the Australian Submarine Corporation. There will be no impact on Australian Defence Industries, which is 50 per cent owned by Thales, which is looking to become a part of the growing defence industry presence in South Australia. To that end, ADI has recently purchased Advanced Systems, a small SA defence company.

While Thales's operation is reducing its presence, it is highly likely that we will see a growing presence of ADI in South Australia in the near future. The government is advised that 18 jobs are expected to be lost. Thales is making every effort to place staff elsewhere in South Australia, and we are advised that prospects are good, given growth in the high tech part of the defence sector in South Australia.

I want to reiterate a point that I made as reported in the press, because this story appeared in today's *Advertiser*. It is pleasing to see that the Leader of the Opposition is relying not only on Leon Byner for his questions but that the *Advertiser* also comes in handy.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: We will get you the exact date. The point of the exercise is—

The Hon. R.G. Kerin: It is a sensible question.

The Hon. K.O. FOLEY: It is a very good question. But it was in the *Advertiser* this morning.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: That's okay. I do not begrudge the leader getting questions out of the *Advertiser*; it is a good read. The point of the exercise is that employees were advised some time ago, as was the government. It is for the company to make a public announcement; it is not for government. But it is a separate issue to the work that the Premier is leading in this state to attract a major defence facility here. It was a Labor government that delivered the Submarine Corporation to South Australia, and we are confident that we can do much to ensure that we are well placed to become a major defence building facility here for surface vessels. If that occurs, it could mean up to 1 200 jobs. Any job losses are regrettable but, in the context of the naval work, they are unrelated issues, as far as I am concerned, and the important thing is that that project holds the prospect of up to 1 200 jobs in the port of Adelaide.

DOG CONTROL

Mr HANNA (Mitchell): My question is directed to the Minister for Environment and Conservation. What has been the response to the government's 10-point plan for dog control?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Mitchell for his question: he has had a longstanding interest in the issues of proper dog management. I can assure the member that we have had very strong support in relation to the discussion paper that the government put out some months ago—in fact, we received over 500 submissions in response. I note that the Minister for Health had a discussion paper out on human services, and I think she received 300 to 400 submissions in response. So, I can only assume that people found this issue to be of more importance to them. As I said, we received over 500 submissions, the overwhelming majority of which were in support of what the government was proposing. There were some differences of opinion—in fact, some people said that the government ought to have gone further, and we will certainly look at the suggestions that have been made.

One of the propositions in the discussion paper was that children under six should have special protection under the law, so that adults who left children under six with dogs would have some form of statutory duty imposed upon them that could result in some sort of penalty if it were breached. Many of the submissions said that six was too young and that, in fact, 10 should be the age. We will certainly look at that matter. Another proposition was that the owners of dogs of various sizes should have penalties imposed upon them if the dogs were caught wandering. We wanted a two-tier fine

system so that larger dogs would attract bigger fines. The community has said not to go down that track, so we will not go down that track.

A third issue was an investigation into the controls on backyard breeders. That is not something that we picked up in our original report, but there is a lot of interest throughout the community in having greater controls on backyard breeders—and I am sure that the member for Morphett would be able to give some advice in relation to that matter. We certainly did have controls in place with respect to pet shops but, clearly, if we do not control backyard breeders, there are opportunities for them to put into the market unsuitable dogs and unsuitably trained dogs. One of the things that I am looking at is whether the kinds of regulations that apply to backyard car sales could also apply to backyard dog sellers. In other words—

An honourable member: What? You've got to declare how many kilometres they've done?

The Hon. J.D. HILL: Yes, that is right! I cannot remember exactly how many cars you are allowed to sell under the regulations now, but if you sell more than a certain number you are deemed to be trading and you have to abide by the regulations that apply to traders. So, we can look at similar regulations with respect to backyard dog breeders. There was also a request for much stronger school education programs about dogs, so I will be talking to my colleague the Minister for Education about that matter. There was a further request for tighter measures on dog registration and identification, including collars, registration tags, microchips and freeze branding of guard dogs. We will talk to the industry and the RSPCA about that matter.

There was a suggestion that the expiation fine for having an unregistered dog should include the cost of registration, and extending the time available for payment to a month. We will certainly have a look at that; it is a sensible suggestion. We also will examine the option of setting up an independent tribunal on dog-related issues. There was some concern that the Magistrates Court did not treat these issues seriously, and we will look at whether or not a tribunal of some sort should be set up. We might be able to get justices of the peace, who now have certain powers—or who are on their way—

The Hon. M.J. Atkinson: On their way!

The Hon. J.D. HILL: They are on their way to getting certain powers, and perhaps one of the new duties that some JPs could have would be to deal with dog offences.

Members interjecting:

The Hon. J.D. HILL: No, no, I will not do the tattooing! These submissions will play an important part in determining what the state government's package will be. We are currently consulting with the key players in the industry—the RSPCA, the key stakeholders—and, when we have gone through that process, I will put a package to cabinet and to my caucus, and we will come back to the parliament with a set of appropriate rules.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): Will the Minister for Environment and Conservation guarantee the house that the state Labor government will not use the proposed commonwealth low level waste storage facility and/or the medium level waste storage facility to store our state's radioactive wastes? On 23 October 2002, the minister wrote to the commonwealth government stating:

> On principle, each state and territory should take responsibility for the storage of their respective radioactive waste material produced.

That letter was tabled in this house yesterday. In the *Advertiser* of 13 October this year, the minister is quoted as saying:

> If the federal government was to build one in South Australia and we ended up with all the waste in Australia put here, we'd look pretty silly if we didn't use it.

Later that day on radio, the minister said:

> And the practical issue of what you do once a dump is built, and the philosophical position and the policy position are quite separate. Our policy is opposition to it. If it were built, what would do we? We would wait and see until that eventuality arose.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am glad the member for Davenport has asked this question—although I am not sure why he has, because the answer has already been given through the media, and he quoted the answer in his statement. But I am happy to clarify if he is confused—

Members interjecting:

The Hon. J.D. HILL: No, I gave the one answer, and I gave the same answer in here. When I was asked this question some time ago by the member for Davenport in this house, I said, 'This is a hypothetical issue.'

An honourable member interjecting:

The Hon. J.D. HILL: No, I won't rule it out at all. This is a hypothetical issue. I just make it plain to the parliament: this side of the house is absolutely opposed to having a low level facility built in South Australia, and we will continue to campaign against it. We are also opposed to a medium level facility being placed in this state. We will continue to campaign on that. Unfortunately, members opposite are somewhat hypocritical on this issue. They say—and they said it when they were in government—that they are opposed to the commonwealth building a medium level dump in South Australia. Yet when we put a measure before the house which would allow us to stop the federal government doing that—that is, by having a referendum trigger—they say that they will not support that.

An honourable member interjecting:

The Hon. J.D. HILL: The member is asking me whether we will we support it. I can say to the member: if the commonwealth government builds in South Australia a medium level dump and you were in government, would you use that? Would you rule that out? You are opposed to it, would you rule it out?'

Members interjecting:

The SPEAKER: I say to the minister that it is not relevant what my views may be.

The Hon. J.D. HILL: I apologise, Mr Speaker. I say to the member for Davenport: if he were in government and the commonwealth government had built—

Members interjecting:

The SPEAKER: Order! May I let the minister know that the views of the member for Davenport are irrelevant. The question is what matters. Has the minister concluded his answer?

The Hon. J.D. HILL: I have not, Mr Speaker.

The SPEAKER: Then come back to the question.

The Hon. J.D. HILL: Sir, I take your advice. I was trying to put my answer in the full picture. The point is that there are two issues. There is the policy issue, namely, what is the policy of the Labor Party. Our policy is that we are opposed to either of these dumps being built in South Australia. If we

fail in our campaign to have this dump built in this state, what should we do in a practical sense? I said to the journalist, 'Hypothetically, if the thing were to be built, we would have to have a look at it. We would look silly if we ruled it out.' You made those quotes, and I do not resile from them. By way of comparison, I put this to the member for Davenport: in the last government, we—

The Hon. I.F. Evans: Tell them you are going to use it. You are going to use it; you just won't say it.

The Hon. J.D. HILL: It is not built yet.

The SPEAKER: Order! The member for Davenport asked his question. The minister either answers the question or sits down.

The Hon. J.D. HILL: I will answer the question and I will sit down. I was going to say by way of comparison that, in the former parliament, the then Labor opposition was opposed to the building of a dump at Dublin. We said we were opposed to that and we campaigned on that for many years. Now that it has been built, do you seriously think we will not use it but construct another dump? Of course not; it is there, so we will have to adapt to those circumstances, just as the Minister for Energy has to adapt to the fact that ETSA has been sold and we have to deal with the environment that the Liberal government created by the sale of ETSA. Obviously, we will look in a practical sense at what we will do if the commonwealth does what we do not want, and that is build a dump in this state.

TOURISM, 'NEW SECRETS' CAMPAIGN

Ms CICCARELLO (Norwood): I direct my question to the Minister for Tourism. What are the details of the recently launched 'New Secrets' campaign?

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Thank you, Mr Speaker. The member for Norwood shows a keen interest in tourism, I think because of her background in local government, but she certainly knows about the jobs, employment and opportunity that tourism brings. Currently, 260 000 visitors per year are coming to this state on drive holidays. Increasingly, with an ageing population, the retirees who come stay for longer, as do people on the roads who hire cars from airports. The visitors who drive and holiday through South Australia spend on average seven days in our state. This campaign is predicated on a view that that market will increase and that we know the people most likely to visit our state. They are very often people from Melbourne and Sydney who are sophisticated professionals, who want to come for arts culture and special events and who are particularly interested in environmental, ecotourism and Aboriginal experiences and some of the special opportunities that wine tourism offers.

We know that at the moment the futurists would suggest that increasingly people want to build extensions, dig up their gardens and replant and, of course, have holidays locally rather than going overseas. So, this campaign is prescient, because we have launched a campaign on the east coast with 90-second commercials, free to air and pay TV advertisements and advertisements in some of the home style glossy magazines. The advertisements for which we are campaigning to provide pick-up rates include our new glossy magazine, which is 152 pages, lauding 18 holidays which extend between one and five days throughout the whole state.

Interestingly, we recognise that holiday makers do not recognise state boundaries, so our drive holidays include trips that go from Melbourne to Perth, up to the Northern Territory and come from New South Wales. The trips have themes—vineyards, coastlines or city experiences. In particular, we are promoting our new coastline tour along the Eyre Peninsula, which tour is working in the same method as the old-fashioned cellar door tours of wineries, but this is the front entrance for fish, aquaculture and seafood producers, who produce tourism experiences second to none.

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: We actually have five tours going through Mount Gambier. What is particularly useful is that in this campaign we are moving into the e-economy more seriously than the tourism commission has done in the past, because we recognise that our market is particularly e-enabled. In fact, during the launch of our campaign, which I personally launched in Adelaide, Melbourne and Sydney, we were surprised to find that over 50 per cent of our requests were made on-line.

In line with an increasing e-enabled community and a constituency for our travel experiences, we have now formed an alliance with the RAA to guarantee that, if you want to operate entirely on-line in planning your holiday, you can even download the long strip maps. We want to make it easy and attractive and put drive holidays in South Australia at the top of people's minds whenever they consider drive holidays.

This is a premier location with exquisite experiences, and we want to promote people coming here because we know that, whilst there are 42 000 jobs in tourism already in our economy (and we expect another 3 000 over the next three to four years from this campaign), the economic benefits from tourism spread outside the traditional tourism areas, that is, not only to hotels and petrol stations but also throughout delis, shops and retail outlets, and will provide jobs in regional and rural South Australia.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): Will the Treasurer advise the house how much is in the budget and forward estimates for the building of this state's own low level waste storage facility and/or medium level radioactive storage facility? In a letter to the federal government dated 23 October, the Minister for Environment and Conservation states:

> On principle each state and territory should take responsibility for the storage of their respective radioactive material produced.

The minister also failed to rule out the state's building its own—

The SPEAKER: Order!

The Hon. I.F. EVANS: —radioactive storage facility.

The SPEAKER: Order! In the same way as I tried to help the Minister for Environment come to terms with the fact that the question asked is what he should have addressed his answer to, I must now draw the attention of the member for Davenport to the same matter. It is not necessary for members to join debate. The question asked, to my mind, was quite clear. The explanation given went to debate. The Minister for Environment.

The Hon. J.D. HILL (Minister for Environment and Conservation): The question asked by the member for Davenport is one, I think, that he asked me some time before, and the answer now is the same as then. There is no provisioning in the budget because we will go through a proper

process. As the honourable member knows, the EPA is going through an audit process of the sites in South Australia where radioactive waste is stored. After it has completed that process it will make recommendations to me. If budgetary implications are involved we will go through the normal budget process.

The Hon. I.F. EVANS: My question is directed to the Minister for Environment and Conservation. Immediately on coming to government did the minister read his key issues briefings, including number EPO23 dated 5 March 2002 and titled 'Radioactive Waste—Storage of Intermediate and Low Level Waste'? On 22 October the Premier quoted from a commonwealth communication strategy called 'Announcement of low level radioactive waste sites in South Australia', which states:

> The state government has also confirmed that both low and intermediate level radioactive waste is currently stored at more than 130 sites in 26 South Australian towns and suburbs, but cannot confirm that it is stored safely.

The key issue briefing EPO23, dated 5 March, states that there are 185 sealed radioactive sources that may be suitable for disposal at a low level repository. The location of the 185 sources ranges over 50 sites. The government has advised the federal government that there are 130 sites while its own briefing paper states that there are only 50.

The Hon. J.D. HILL: Well, I am not sure of the point the honourable member is making. I cannot recall. There were many briefing notes; but the member for Davenport has them all now, so perhaps he can work his way through them over the next few months. I will certainly get the figures checked to which the honourable member has referred and I will bring back a full answer for the house.

Members interjecting:

The SPEAKER: Order!

ACCESS CABS

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport confirm that an incentive payment of $5 per fare is to be offered to Access Cab drivers? Customers of Access Cabs who have disabilities have reported to me that they have had to wait for long periods for an access cab, and I am advised that this incentive payment is designed to coerce drivers to take more Access Cab fares.

The Hon. M.J. WRIGHT (Minister for Transport): It would be fair to say that with regard to Access Cabs we do have a difficulty. The member has alluded to that. It has been in the system for quite a long time now, probably for the terms of the two previous Liberal governments. I am not certain that it has been that long, but it has involved a long time, and the Deputy Leader of the Opposition knows that to be the case.

We are exploring a range of options to try to deliver a better service for Access Cabs, because we do not believe that the service delivery is at a level of which we can be proud, and certainly I hope that all members of the house share a similar view to that. It is important that we try to get a balance. We need to try to deliver a better outcome to the users of Access Cabs, but there must be a balance between the users, the drivers and also the central booking service. I have previously had a brief discussion with the member regarding Access Cabs. We will continue to try to explore the best option to bring a balance to the system.

The Hon. M.R. BUCKBY: My question is again directed to the Minister for Transport. Will the minister undertake to immediately discuss with the Passenger Transport Board and the operator of Access Cabs ways in which the current dispatch system can be improved to ensure a significant reduction in waiting times for disabled Access Cabs customers and to find a solution to the drivers' concerns with the new system? I have been advised that, unless the issues are addressed, some Access Cab drivers are considering withholding their services on Christmas Day, and many people with severe disabilities—

The Hon. P.F. CONLON: I rise on a point of order, sir. The device of using second-hand hearsay to put opinion into an explanation, I would say, is out of order. For your explanation, Mr Speaker, the member for Light said, 'I have been told that drivers have a difficulty' blah blah. That is second-hand hearsay being used to express an opinion.

The SPEAKER: Can I say to the house, and to the member for Light, that these devices are not appropriate in question time. Other parliaments function far better without this kind of device, save for the House of Representatives, and I at no time would want us to compare ourselves with that lot. I say to all of you that it will improve the standing of us all if we avoid debate during question time and allocate our time more appropriately when we are sincerely debating a matter. Our standing orders would therefore apply accordingly, rather than members attempting to use this device to engage in debate during question time. It was never intended to be so. It always ends up in this kind of exchange on points of order, which can be acrimonious.

I say to the member for Light, however, that I did not hear what he was saying. I was momentarily distracted. I invite him to continue with his explanation if it is indeed an explanation necessary for other members to understand the information which he seeks.

Members interjecting:

The SPEAKER: Order! The member for Light has the call.

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises will come to order, as will the deputy leader.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will come to order.

The Hon. K.O. Foley interjecting:

The SPEAKER: I warn the Treasurer.

The Hon. K.O. Foley interjecting:

The SPEAKER: I warn the deputy leader.

The Hon. M.R. BUCKBY: As I said in my explanation, I have been contacted by Access Cab drivers who say that they are considering withholding their services on Christmas Day if these problems are not sorted out.

The Hon. M.J. WRIGHT: I think in the original part of the member for Light's question, which was now asked a long time ago, he was asking me something along the lines of whether I would have discussions with the PTB and the CBS in an attempt to fix this problem. I assure the member for Light that those discussions were held a long time ago. I also assure the member for Light, and all members opposite, that this discussion and debate has been occurring for some time. I hope this house would not fall into the trap of trying to make this an emotional issue. I reject, and I am disappointed by, the comment of the member for Finniss, wherein he says that he is wanting to inform the disability sector that this government does not care. I thought we would receive much

better from the member for Finniss, because that is an utter nonsense. I am very surprised to hear a comment of that nature from the member for Finniss. I would expect it from other members of the opposition, but I would not expect it from the member for Finniss—and I am very disappointed he has made a comment of that nature.

The SPEAKER: Order! The minister will address the substance of the question and not respond to interjection.

The Hon. M.J. WRIGHT: Thank you, sir. Can I repeat what I said before?

Members interjecting:

The Hon. M.J. WRIGHT: Yes, I can, and I will. I repeat what I said to the first question asked by the member for Light in relation to Access Cabs: this government is working to try to deliver a better service—

Mr Brindal: And lower electricity prices!

The SPEAKER: Order!

The Hon. M.J. WRIGHT: I hope members opposite treat this issue seriously, because it is a serious issue. Members opposite may laugh, but we take the disability sector very seriously. We have picked up baggage that the previous government put in place—

Members interjecting:

The Hon. M.J. WRIGHT: Yes, we did. We have picked up a policy from a previous government which has not delivered to the disability sector. We are trying to put in place a better policy outcome which takes into account the interests of the various people involved in this matter, so there is a balance to the users. We want to get a better outcome so that there is less waiting time. The current waiting times are not acceptable. One has to look at the existing contract. In a coherent, calm fashion we are trying to deliver a better outcome to the user groups to reduce the waiting times. We also need to try to have a balance for all the interests involving Access Cabs, in particular the users (the disability sector), the drivers and the central booking service.

The Hon. M.R. BUCKBY: My question is directed to the Minister for Transport. What action is being taken by the Passenger Transport Board against Access Cab drivers who are either refusing to accept bookings from disabled people or turning off their radios so they are not contactable should a call be made for an Access Cab ride for a disabled person?

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will cease interjecting.

The Hon. M.R. BUCKBY: I am aware that the Passenger Transport Board is taking no action against some drivers who refuse to take a booking or who are not making themselves available for Access Cab fares, even though they have the licence.

The Hon. M.J. WRIGHT: The member for Light cites examples of which I am not aware. In relation to accusations of that sort, I would welcome his making the details available to me. If he has the evidence to support those allegations, if he is able to substantiate the accusations he is making, then well and good. I ask him to provide the information to me.

What I have said to the industry (which includes the PTB, the central booking service, drivers and users) is that we are not about to blame people for not providing the best outcome for users. We are trying to provide a solution. I invite the member for Light to get onto that course.

URBAN GROWTH BOUNDARY

Ms RANKINE (Wright): My question is directed to the Minister for Urban Development and Planning. What is the current status of the plan amendment report to implement an urban growth boundary for metropolitan Adelaide and, in particular, what is being done to resolve planning issues for Gawler?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for her important question. The urban growth boundaries are a mechanism to ensure we contain urban development within the appropriate and proper boundaries around metropolitan Adelaide. It was a policy pursued in part by the previous government. In the early days of the new government, because of a dispute the previous government had contrived with the Gawler council, legal action was taken by the Gawler council against the urban growth boundary. The council was successful in challenging that decision, so it fell to the new government to pick up that policy initiative and attempt to make it work. With so many things we are forced to pick up the pieces and make them work.

With the urban growth boundary there is contention at the edges of Gawler and in the area covered by the electorate of the member for Finniss. There are contentions in the areas where there is pressure for growth. We sat down in a constructive fashion and recently, along with the Minister for Transport, struck a memorandum of agreement with the Gawler council so we have a means of moving forward to resolve these contentious issues. We have put aside the process of antagonism and of contriving disputes with the Gawler council and have reached a very friendly accommodation with it and it is content with what is happening now and we have a way forward. There is a growing degree of mutual respect between that council and the agencies involved in designing this important planning tool and in the future we expect to move forward.

We take the matter one step further. We have made a commitment to legislate to protect the urban growth boundary. We have a vision for this city which does not involve its sprawling away in an unplanned fashion into the hinterland and causing enormous dislocation of resources. The other day I saw statistics which indicated that, for every house added on the fringe of Adelaide, it may require in the order of a couple of hundred thousand dollars worth of additional infrastructure, whereas the additional incremental infrastructure costs for urban consolidation are in the vicinity of $100 000. Massive gains can be made to the public purse by containing the growth of our urban development within a sensible urban growth boundary.

The memorandum of understanding struck on 3 November shows the way forward. We expect that the metropolitan urban growth boundary PAR, which is presently compiling the extensive submissions made concerning it all around the metropolitan area, will be presented to government shortly and we expect to have this initiative in place early in the new year.

MAGILL YOUTH TRAINING CENTRE

Mrs HALL (Morialta): My question is directed to the Minister for Social Justice. Will the minister inform the house what reports have been received, the advice contained and which consultants have been engaged on the future of the Magill Youth Training Centre and its relocation to the Cavan

Juvenile Detention Facility? Nearly six months ago the minister told the house that this project was on a list of projects being looked at as a possible public-private partnership initiative. The former government committed $22 million in forward estimates to relocate and build the new centre. The minister has already acknowledged it is on a priority list for her and has expressed her concerns about the standards of facilities and conditions both the young clients and staff endure at the existing facility.

The Hon. K.O. FOLEY (Treasurer): I think this question has been asked before, although maybe not by the member for Morialta. In the budget we outlined that the facility to which the honourable member refers is being considered by this government under a public-private partnership model to see whether it is doable and appropriate for a PPP. That is currently the course of action for the government. I think the honourable member will find—and I am happy to get advice from Treasury—

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: If I were the Deputy Leader I would say very little about the way he managed the health budget. It is a absolute shambles and an embarrassment to public policy, and the Deputy Leader of the Opposition should keep his head low when it comes to the health department's budget, because the way it was managed by the former minister was an embarrassment to good public policy. I will get advice on this, but the $22 million the member referred to is in dispute as to what may have been in the budget numbers. I will get that answer. I recollect we have had this question before and the information provided, but I will obtain the information. The former health minister of this state was an embarrassment when it came to finances. The former treasurer was in constant battle with the minister for health because the incompetence of the former minister of health has left the health budget in tatters.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! I have warned the Deputy Leader. He knows what the consequences of any other rebuke will be.

DOMICILIARY CARE SERVICES

Ms THOMPSON (Reynell): My question is directed to the Minister for Health. How will the amalgamation of metropolitan domiciliary care services improve delivery of domiciliary care services? Many constituents have told me of their continuing difficulties in accessing domiciliary care services over many years, yet reviews of the previous domiciliary care services have found that inconsistent eligibility criteria, different assessment processes and complex management structures have made it difficult for clients to have certainty about how, where and when to access domiciliary care services.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question as I know all members in the house are interested in the services delivered by domiciliary care. The formation of the newly amalgamated metropolitan domiciliary care organisation will address the service delivery problems mentioned by the honourable member that have concerned domiciliary care clients over many years. I acknowledge that members opposite when in government were working towards changing the previous governance arrangements that had greatly hindered reform in domiciliary care services planning and delivery. This reform has been approved because it was recognised that only when the four different domiciliary care services that formerly existed are under one organisational umbrella will there be a real opportunity to introduce the long overdue changes.

I now expect to see a consistent, equitable approach across the metropolitan area in relation to eligibility for services and the introduction of a consistent assessment process. I also expect to see some significant reform around staff management and the control of large amounts of equipment held by the metropolitan domiciliary care. There is a big task ahead of the new board of directors and the Chief Executive Officer, Ms Jane Pickering, has just been appointed and formerly worked at the Ashford Community Hospital. They will collectively have the job of ensuring services improve both in terms of quantum and quality ensure that clients are better able to get the services they need when they need them.

ENTERPRISE AND VOCATIONAL EDUCATION STRATEGY

Ms CHAPMAN (Bragg): My question is directed to the Minister for Education and Children's Services. Will the minister confirm that the enterprise and vocational education strategy, known as EVE, and the regional networks groups that have been established, will be axed as of January 2003 and, if not, in what form will they continue? During the last sitting, in particular on 28 August 2002, the minister stated that there would be no cut to VET programs, in response to a question from the member for Kavel. As that funding specifically comes from the commonwealth government there is no authority to withdraw that. However, whilst the minister said, 'These programs will continue,' there was no specific confirmation that the EVE strategy would continue. The member further stated:

> There is no threat to their funding—in fact, if anything, their role has been enhanced—and, as I have indicated several times in recent weeks, I will be making a significant announcement about those programs and other related programs that service students in the school leaving age and post compulsory age groups.

Since then we have had the announcement regarding the Futures Connect program. This suggested that the budgeted moneys for these programs will be diverted to cover the children to be retained under the school leaving age and not the EVE program.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The question was about regional networks.

Members interjecting:

The Hon. P.L. WHITE: If you stop screeching for one moment, I will answer the question. The question was about regional networks for vocational education programs. In the past, there has been a combination—

Mr Brindal interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. P.L. WHITE: —of state and federal government funding used for vocational education training in schools and for school age teenagers. The federal funding comes via an organisation called ECEF, and that organisation has changed the regional networks on which its funding allocations are made. The state government has taken the step to better align very closely with the federal government regions our targeted funding.

The Futures Connect strategy involves additional funding, particularly into those regions which, by virtue of performance in terms of school retention rates and participation in further education and training and higher education, are in

need of additional targeted funding. Those networks have received, according to the most recent announcement made some weeks ago, up to 60 per cent additional funding. There has been no reduction at all in state government funding to regional networks. There has been a significant increase in resources to particular regions that will not surprise anyone: they are identified by their indicators, such as poor school retention rates. With the realignment of the networks and the focus clearly on government priorities of increasing social inclusion, improving school retention rates, and improving engagement in learning this funding is secured.

An honourable member interjecting:

The Hon. P.L. WHITE: The member can screech all she likes, but they are the facts.

PREMIER'S COUNCIL FOR WOMEN

Ms CHAPMAN (Bragg): Will the Premier confirm when he will be establishing the Premier's council for women? During the election campaign in February, the government committed to creating a Premier's council for women, which was to be chaired by a prominent SA women, and which was to report to the Premier and minister on a quarterly basis. Three-quarters of this year has already gone and there has been no announcement.

The Hon. M.D. RANN (Premier): I am delighted to be able to tell the honourable member that the announcement about the council will be made within days.

MAGILL YOUTH TRAINING CENTRE

Mrs HALL (Morialta): My question is directed to the Minister for Social Justice, or it might be the Treasurer; I am not too sure. Will the minister inform the house what recent advice the government has received about the estimated value of land sales that would be generated by the sale of the Magill Youth Training Centre and surrounding land to progress the relocation of the Magill Youth Training Centre to Cavan and the time line established by the government to make the decision about this relocation?

The Hon. K.O. FOLEY (Treasurer): As I have said, it is like a number of issues when we came to government: this issue was not progressed by the former government. We are doing that, and we are proceeding as quickly as possible to work through whether or not this is a project that can and should be delivered as a PPP, as I said earlier, or whether it needs to be considered in the normal capital budget of the government. As to the specific details of the honourable member's question, I will consider whether or not that information is either available or appropriate to provide and, if it is, I will send it to her.

NATIONAL PARKS

Mrs PENFOLD (Flinders): Will the Minister for Emergency Services advise what measures are in place to contain fires in national parks and conservation parks, should they occur, and whether the width of fire breaks around the parks is being maintained? Eyre Peninsula has more national parks and conservation reserves than any other comparable area of the state. The danger of fire getting into these places and escaping from them is concerning emergency services personnel as well as the residents in my electorate. The recent devastating fires in New South Wales are testimony to the trauma that fires can have on these communities.

The Hon. P.F. CONLON (Minister for Emergency Services): It is my pleasure to answer this question. The threat of bushfires, particularly in national parks, is something that I have raised in this chamber a number of times in recent weeks and months. The provision of an additional $600 000 funding for the Country Fire Service for the bushfire season is one of the very important initiatives this government has taken very recently and announced by the Premier two weeks ago, and is something which I am sure has been applauded. The honourable member would know that I have supported throughout my time as Minister for Emergency Services—despite much political pressure, often in response to the member for Stuart—the need to burn off in national parks. That is something on which I have maintained a line throughout.

The National Parks and Wildlife Service is, of course, responsible for fire management on land under its control. I will undertake to get from my ministerial colleague any detail that is necessary from that agency. I can assure the honourable member that we take very seriously these risks and have identified that the major risks this year are indeed in national parks. It is unfortunately true that we have a very high fire risk season, but I think that the government has acted responsibly in terms of additional funding for the Country Fire Service.

GLENELG PEDESTRIAN CROSSING

Dr McFETRIDGE (Morphett): My question is directed to the Minister for Transport. Following the recent tragedy at Salisbury, will the minister now be proactive and lead discussions with the City of Holdfast Bay to urgently establish a Barnes-style pedestrian crossing at the intersection of Jetty Road, Partridge Street and Gordon Street, Glenelg? This intersection has a complicated sequence of traffic lights and two tram tracks, and it is crossed by buses, heavy motor vehicles and cars, and is used by cyclists and thousands of pedestrians each week.

The Hon. M.J. WRIGHT (Minister for Transport): I gave a comprehensive ministerial statement yesterday. I am sorry that the honourable member has tried to draw those two events together, but I refer him to the ministerial statement that I made yesterday, if he would like to look at it.

PORT RIVER EXPRESSWAY

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house of the government's position regarding the establishment of a toll on the third river crossing bridge at Port Adelaide, and advise how much that charge will be?

The Hon. M.J. WRIGHT (Minister for Transport): As the honourable member would be aware, the Port River Expressway has three stages. Details of the first stage have already been announced, and the government is exploring a range of options with regard to stages 2 and 3.

SCHOOLS, GLENELG NORTH

Dr McFETRIDGE (Morphett): Will the Minister for Education tell the house what, if any, plans are being investigated to build a new primary school and a new secondary school in Glenelg North? I have been advised by a constituent that the government is assessing the current use and potential for land owned by the state government. Part of

this assessment particularly mentioned new schools for the Glenelg area, that is, a middle secondary school to cope with the overflow from the already over full Brighton secondary school, and a junior primary school to cope with the expected increase in local primary schools.

The Hon. P.L. WHITE (Minister for Education and Children's Services): My department conducts many investigations into school capacity, schooling issues in terms of facilities, all the time. Nothing has been brought to my attention at this stage regarding the specific matter to which the honourable member refers. However, I will quiz my department and come back to the member with an answer.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): My question is directed to the Minister for Environment and Conservation. When will—or when did—the EPA commence the audit into the storage of radioactive waste in South Australia, and in which month will the audit be completed?

The Hon. J.D. HILL (Minister for Environment and Conservation): I do not have the details. The beginning of the audit was obviously after I had instructed the EPA to do so, but I can obtain the specific date for the member. From memory (and this is subject to correction), I anticipate that the audit will be completed some time in the middle of next year. Employees of the radiation branch of the EPA have informed me that they are going through the process in an appropriate way and expect to have it completed, I think, in about the middle of next year. I will obtain the details for the member.

TRANSPORT REVIEW

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Transport. Given articles in the Messenger and a previous letter to me regarding the minister's initiative to review public transport in the south—and, in particular, the Willunga Basin—will the minister advise me what stage that review has reached and whether or not it will involve an opportunity for metro ticket and weekend and night services?

The Hon. M.J. WRIGHT (Minister for Transport): As I think the member is aware, we have had dialogue about this matter before. In March next year, the government will be releasing a draft transport strategy plan. With respect to the specific detail to which the member refers, if I can provide him with any further details specific to his question I will be happy to do so.

ROAD SAFETY

Ms CHAPMAN (Bragg): Will the Minister for Transport advise the house whether the government is considering introducing a road safety program involving secondary schools? At present in primary schools in South Australia there is a program named Road Ready that teaches children safety on roads. I am also aware of a number of programs in secondary schools that operate their own road safety and driver training courses.

The Hon. M.J. WRIGHT (Minister for Transport): All of this is certainly under active consideration, and I thank the member for raising the matter. As people would be aware, with respect to the road safety package (which is before the house, so I cannot speak about it), one of the areas we have highlighted is that we want to come forward with a third stage, which will address education issues. We think that that is an important part of our overall package. The package was always intended to include infrastructure, which was delivered in the budget, and, obviously, the legislation before the parliament with respect to regulation, but the education area to which the member refers is also a very important component and is under active consideration.

Yesterday I had the pleasure of speaking at a function organised by the Australian Automobile Association, which has been meeting in Adelaide for the past few days. With its constituent groups, it got together a group of 30 people between the ages of 15 and 25 from around South Australia (including, I think, 10 people from country South Australia), and they explored a range of options with those young adults about a variety of issues that relate to road safety. Certainly, the Premier has asked me to take on board how we deliver with a road safety message for young people, and we are also looking at ways of exploring that matter. It may be that we will get a forum together to explore how we move forward with regard to road safety, because that is a very important target group, as the member would be aware. There will certainly be consideration of what the member has referred to regarding education but, obviously, I will need to work with the Minister for Education in respect of what we may be able to move forward with in that area.

RADIOACTIVE WASTE

Mr BRINDAL (Unley): My question is directed to the Minister for Environment and Conservation. In view of this government's audit and prevarication on the storage of low level nuclear waste—

The Hon. M.J. ATKINSON: Sir, I rise on a point of order. Surely the use of the term 'prevarication' in a question is pejorative and not permitted by the standing orders.

The SPEAKER: I uphold the point of order.

Mr BRINDAL: I apologise to the house, sir. In view of the fact that the minister has not accepted that this government will use a nuclear waste repository if built by the commonwealth, what does the minister believe I should say to my electors who live in the vicinity of Julia Farr if they find that radioactive waste is stored in their vicinity at present? Every hospital has radioactive waste, I believe, presently deposited within its boundaries. Julia Farr is no exception, and some of my electors may well feel at risk.

The Hon. J.D. HILL (Minister for Environment and Conservation): I obviously have some latitude in how I should answer this question. I would instruct the member for Unley to write to his electors and apologise greatly for the shambles because of the way in which the former government handled the issue of radioactive waste; apologise for not supporting this government's referendum policy in relation to medium level waste; apologise for not making public the sites that were protected—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! I am interested in the so-called radioactive waste at Julia Farr and elsewhere, and I am trying to hear the minister's response. The member for Davenport needs to recognise that, along with other members, I also have rights, and I do not like them being disturbed.

The Hon. J.D. HILL: Thank you, Mr Speaker. The member should apologise to the members of his electorate for the former government—his colleagues—not letting the public know where radioactive waste was stored in South Australia and for hiding behind the provisions of the radiation

branch. He should then further inform his electors that they are lucky to have a Labor government that is taking this issue seriously—a government that is in the process of amending the EPA bill so that people will have a right to know where radioactive material is stored. He should inform them that the EPA, on the instructions of this government, is conducting a full audit of all the waste that is stored and that that information will be passed on to the minister, with recommendations about how it should be stored in the future. Finally, he should say that they are in good hands, in relation to this issue, with the Labor government.

GRIEVANCE DEBATE

WATER ALLOCATIONS

Mr BRINDAL (Unley): I rise today to grieve on the matter of the ministerial statement made by the Hon. John Hill in his capacity as Minister for the River Murray. In the second paragraph of that statement the minister says:

> Some irrigators in New South Wales have been allocated only 8 per cent of their licence volume for 2002-03, and in many areas summer crops, such as rice, have not been planted...Victorian allocations are some of the lowest on record.

I point out for the benefit of this house—and, hopefully, not for the minister, because I believe he would be aware of this—that the reason why New South Wales finds itself on 8 per cent allocations is quite simply the scandalous, in my opinion, situation that has developed where successive governments in New South Wales (and I do not blame Labor or Liberal) have so squandered their water resources (as in some tributaries of the Murray-Darling system) as to have allocated three times more water than has ever flowed down the river.

If you get to a situation where you give out three times more water than can possibly ever flow down the river, immediately that everyone wants to demand their water allocation or that we have trading, as indeed we have by my mathematics, you get a maximum allocation of about 30 per cent. So, even in the best year, when they can use virtually all the water in the river, nobody gets more than 30 per cent. The figure of 8 per cent sounds very parlous indeed, and it is parlous. However, it is parlous because of the profligate misuse of the beneficial uses of the waters of that system by the state of New South Wales.

It should be noted by this house—and I would ask the Attorney's indulgence because this is a serious South Australian matter—that the Snowy River system was developed not only to produce hydro-electric power but also to virtually guarantee that the Murray-Darling system would be drought proof in every conceivable situation, and that includes a one in 100 year drought. For reasons which the minister and the commission are examining, in this instance that does not appear to be working.

The basis of the ministerial statement is such that—if not this year, next year—we might suffer water restrictions because the system is not delivering enough water. If we analyse why this system is not delivering enough water, we might find that it has something to do with the fact that in the mid 1970s this state put a cap on water extractions on the Murray River, dating back to late 1960s usage. In contrast, New South Wales and Victoria continued to develop. Every single drop of water that has been captured by the Snowy Mountains scheme and diverted into New South Wales and Victoria is more than accounted for by additional development in irrigation in those areas. So, South Australia has not benefited by one drop from the Snowy Mountains hydro scheme or the great benefit that it gave to this nation. Quite clearly, that benefit has been captured and squandered by New South Wales and Victoria.

What it has done—and I acknowledge this, as I am sure the minister will do—is deliver more certainty and reliability to the system. I suppose for that we should be grateful, but for little else, because as usual South Australia finds itself in the position of being rather at the behest of the other states, and appallingly so. I will accept and work with the minister. Everyone on this side of the house will work with the minister for the best outcomes for South Australia. However, it would be absolutely wrong if we did not put on the record that our usage—our economy—dates back to the mid 1970s and reflects late 1960s usage. We have been careful from that time. We have not been without our mistakes. We have been careful.

The Hon. M.J. Atkinson: What about all the water you are sending to Clare?

Mr BRINDAL: The minister might well ask that. I am sure the environment minister will explain it to him. What is being sent to Clare is part of our entitlement which has to be bought. What has been sent to the Barossa is not new water. It is water that has to be bought from the system, from existing users. So, to those South Australians who think that, because this government is backing our scheme to get extra water to Clare or the Barossa, we are withdrawing more water from the river, I say that that is not true. They must, first, buy their water from existing allocations or from interstate, get it into South Australia and then take it to the Barossa and Clare.

The minister will probably back me up when I say that that is probably a beneficial use because, if it is going to the Barossa and Clare, it will not be going through the root zones of the grapevines on the River Murray and coming back as salty water into the river. It will go to the aquifers in the Barossa and Clare region, where they are trying to be careful and make sure that it does not result in rising salinity. While I and this opposition will support the minister in his legitimate endeavours, I hope that, when in future he makes statements to this house (and I know he is a much more conciliatory and reasonable person than I), he does not let them off the hook.

CHILD ABUSE

Mr HANNA (Mitchell): I rise to speak today on the ghastly topic of child abuse. I wish to raise two aspects in relation to one of my constituents, a woman, who complained that her two young boys had been sexually abused. She took the matter to the police, and I am sad to report that it was only with great difficulty that she achieved some progress in the police investigations. She had various items of evidence in her house after she reported the matter to the police. However, because the police did not attend until a number of days after being informed that there was tangible evidence of the abuse having occurred, she eventually took the evidence to the Sturt Police Station so that the police would act on it. She refused to leave the station until the police at least took the evidence across the counter and gave her a ticket for it.

It was only after a lot of pushing that the investigating officers took the appropriate action to investigate the case. I do not want to give too much detail, because I do not in any way want to identify the two young children concerned. I can relate to some of the remarks that have been made publicly about the police not acting appropriately when given tangible evidence of child sexual abuse having occurred. In the case I have just mentioned, I do not have any evidence to suggest that there was any improper motive on the part of police, but there was, at the very least, too much work for the investigating police officers to be able to do their work properly. Consequently, there was a real risk of evidence being destroyed, lost or taken by the accused person so that it could not be used against him. That is one aspect I wanted to report to the house.

The other aspect of the child sexual abuse debate is just as sinister, in a way. I refer to an article in the most recent edition of *Quadrant* magazine, a national intellectual journal in Australia. There is an article by Geoffrey Partington, described by himself as a South Australian educationist. His article is entitled, 'Child sexual abuse, real and unreal'. His emphasis is clearly on what he would call unreal child sexual abuse. The tenor of the article is that much less child abuse is occurring than is claimed, although he makes a concession at the end of the article and says, 'One case of child sexual abuse is one too many,' and 'Children deserve our protection whether in home, school or church.' The article is strewn with references to deceit, exaggeration, mass hysteria and zealotry, referring to those who make complaints of child sexual abuse.

I strongly dispute the assertions that Mr Partington makes in his article about a propensity to lie when it comes to children reporting these matters. In my view it is disgraceful that he attributes a number of the statistics quoted publicly about the prevalence of child sexual abuse to 'a greed for extra funding'. That is a very malicious argument against certain agencies which act and publicly advocate against child sexual abuse. The most sinister aspect of all is that I am aware, through information given to me in my capacity as a member of parliament, that his own son has been charged with child sexual abuse. It is at the very least dishonest for him not to have referred to that if he is going to publish an article which, in a sense, says that child sexual abuse does not really happen.

I condemn Geoffrey Partington, and I invite the editors of *Quadrant* to vet articles they receive, especially when such articles make contentious statements such as that child sexual abuse is unreal. I am disgusted by the article and the lack of intellectual honesty in the author.

ELECTRICITY PRICES

The Hon. D.C. KOTZ (Newland): On the first day of the previous election campaign, Mike Rann and the Labor Party promised:

> If you want cheaper electricity, you vote for a Mike Rann Labor government.

Has this government kept Labor's cheaper power promise? I think we all know that the answer to that is a resounding no. The Minister for Energy, the Hon. Pat Conlon, is floundering hopelessly in this major portfolio area, unable to grasp the nettles of leadership and decision making. The Premier, Mike Rann, has ducked and weaved so far behind his minister that he has almost become invisible on this issue. The honest and accountable partnership of minister and Premier has been found wanting, without leadership and without direction, and an election promise is in tatters, to the detriment of every South Australian. I would remind this parliament that the one and only action taken by this government in relation to the financial aspect of electricity accounts was to remove the concession budgeted for by the previous government. When will this government reinstate this fair and reasonable concession? That is a question that is being asked by constituencies right across this state.

I have been approached by many people in the electorate who are asking the same question and who have asked me to raise it with the Minister for Energy in this parliament. I have chosen one letter, written to me by a group of people who are representative of hundreds of thousands of people across this state, and I will record this letter in *Hansard*. It is from the Tea Tree Gully Legacy Widows Club, and it states:

> Dear honourable member
>
> This communication serves to place on record the concern felt by our committee and members toward the steep increase that has been forecast to charges for consumption of electricity in the State of South Australia. The majority of our members have limited income, i.e., widow's pension, and are in receipt of pensioner concession rebates to AGL, Origin Energy, etc. Is there any possibility a raise in the AGL concession may be put in place to offset the added charges? We are not only deeply concerned of the threat of added expense in meeting the increase to our accounts for individual household consumption, but also the follow on which will ensue from businesses and services, as commerce and industry realign their manufacturing and servicing costs.
>
> As you will appreciate, the majority of our members are of senior years and therefore their health and general wellbeing are quite susceptible to the ravages of seasonal climate extremes. The additional costs anticipated in operating heating and cooling facilities, not to mention life support apparatus, which are electrically powered, poses a severe cause for alarm amongst our numbers. In view of the foregoing, consideration should also be given to possible effect upon the already precarious state of the health system, should senior members of the community forgo the use of heating and/or cooling to the detriment of any pre-existing medical condition. We therefore ask you, as the member for Newland electorate, to raise our concerns with the relevant government minister. Please find attached hereto a list of signatures of those members attending our meeting today 9 October 2000, who wish to register their concern.

It is signed by the secretary of the group, Mrs M.J. Norman, and the attached sheet has 56 registered members of that Legacy Widows group. That is a representative group of people across the state who are now living in fear and trepidation because they have seen absolutely nothing from this government in terms of the pledges and promises it made to this state prior to and after the election.

If the current minister's only advice to consumers of electrical power and our constituents is to turn off the lights and he is unable to deliver on the Premier's pledge for cheaper power, he should resign from his portfolio and let some other bright spark, with more energy than the current minister, start seriously addressing this contentious and important issue. The government has taken on the responsibility of governing; it is about time it did so. Instead of spreading fear and trepidation, it should be discussing how high a subsidy it must provide as a community service obligation to the public of South Australia and take this matter seriously, with genuine concern. No more household tips—let us get serious and do something. No more pledges and promises. South Australians are seeking positive action from this Labor government.

Time expired.

LIBERAL PARTY

Mr KOUTSANTONIS (West Torrens): Talking about chaos, I happened to be reading in the *Advertiser* yesterday—an excellent paper; a good read guaranteed every day—an article by one Greg Kelton, who is often informed by members opposite of what is happening and the goings on of their caucus meetings. We were informed by Mr Kelton that Kerin has made a lacklustre performance. Personally, I have not noticed, because I have not noticed him in the chamber, he has been so bad. The article goes on to talk about the contrast between the Leader of the Opposition and the Premier. It talks about the government getting away from the opposition and the opposition making no inroads into the government, and about how senior power brokers are concerned about this. I am wondering who those senior power brokers are. I wonder what the member for Stuart thinks of the leader's performance to date. I wonder whether he is harking back to a time when his good friend, colleague and mentor the Hon. Dean Brown was Premier of South Australia. Or is he looking towards the next generation of leader, a newer leader, another chip off the old block, the member for Bragg? Maybe the member for Bragg might lead them out of the wilderness.

But there is another contender for the leadership. Mr Kelton goes on to state that members of the Liberal Party are talking about someone else leading their party to victory. They are looking towards the hills, to another chip off the old block—that is two. They are looking to the member for Davenport, and apparently there is a power struggle between the forces of John Olsen and the conservative Minchinites—

Mr Hanna: The Minchkins.

Mr KOUTSANTONIS: —the Minchkins—versus the forces of the moderates, the wets, that is, the faction of the federal Minister for Defence, the Hon. Robert Hill. They are turning towards the member for Bragg, and the Olsenites—the Minchinites—are turning towards the member for Davenport. It seems to me that not all members of the Liberal Party have the guts to do what they are all thinking. The article goes on to quote one person as stating:

> To say. . . (the leadership) has not been discussed would be a lie. . . especially in the party as a whole rather than the parliamentary party.

So, it is not just the parliamentary party talking about it: the whole party is talking about it. The article goes on to state:

> 'We knew the first 12 months were going to be dynamite,' said one source yesterday. 'It has been awful. But anyone who believes they have a future in the party will not challenge Rob Kerin.'

I wonder who is saying that. The quote continues:

> You only have to look at what happened to John Olsen where he spent most of his time as Premier looking over his shoulder for his enemies and the same would happen to anyone who forced out Rob.

Is this the kinder, gentler Liberal Party? This is the new Liberal Party; this is not the Liberal Party that ripped two of its leaders from the toilets into a caucus meeting to have them deposed. I have to say that I am a bit disappointed in the Liberal Party. Its members are always walking around talking about how disciplined they are and how they are one very tight unit and are all supportive of the leader, but people are running off and talking to the *Advertiser*, openly dissenting because of a poll that came out showing that they are only 20 points behind. It is not as if it is a disaster. It is not as if they would all be wiped out if there were an election today; I am sure they would do very well. You all know it; you are all supremely confident. In fact, you are so supremely confident that you are ringing up the *Advertiser* saying you are all too afraid to knock off Rob Kerin.

Members interjecting:

Mr KOUTSANTONIS: The member for Morphett yells out, 'Let's do it!' Okay; I look forward to his challenging for the leadership. I have to say that I am very disappointed with the Liberals. This is not the Liberals that I knew and grew up with. I knew it as a tough unit, a unit that would take on the Labor Party and, if someone could not deliver it success they would be ripped out. But this is a new kind of Liberal Party—the kind that feels sorry for its new leader. They want to give him a go. I hope they give him a go. I hope they keep him there for three more years. I hope they keep him there for the next election. I hope they keep the same team. More interesting is that the backbenchers are calling out for a reshuffle.

Mr Goldsworthy interjecting:

Mr KOUTSANTONIS: I will have to continue my remarks on another day.

Members interjecting:

The SPEAKER: Order! The member for Stuart.

FESTIVAL CENTRE CAR PARK

The Hon. G.M. GUNN (Stuart): The honourable member who just resumed his seat talked about a reshuffle: he has missed out and he is now smarting.

Ms Rankine interjecting:

The Hon. G.M. GUNN: The honourable member has got herself worked up into a lather today. Obviously, she has missed out, too, and so Rory—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am trying to determine if what the member for Stuart is saying is in order, and I cannot hear. The member for Stuart has the call.

The Hon. G.M. GUNN: Thank you, Mr Speaker. I am enjoying this. Let me say to the Attorney-General that he can make any disparaging comments about me that he wants. I can make a living outside this place very successfully. I challenge the honourable member to go out into the private sector and show a measure of success, because we know that he has neither the courage nor the ability. The matter about which I want to talk today is important to this parliament. There has been some comment in relation to the new arrangements for parking and entry to the Festival Centre car park. It is of concern to me—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright will cease interjecting across the chamber.

The Hon. G.M. GUNN: —and I know to you, Mr Speaker, that there is not a proper understanding of the history of the land which abuts the back of Parliament House and which used to be the old stables. When I first came to this place, members used to leave their cars at the back of this building—

The Hon. M.J. Atkinson: No, you used to leave your horse and cart.

The SPEAKER: Order!

The Hon. G.M. GUNN: Fortunately, we moved on from the horse and cart, but that is the history of it. We used to park our cars at the back of this building, in between what was the City Baths and the Government Printing Office. At the time, when that facility was constructed, an agreement was entered into by Sir Lyell McEwin (who was then the

chairperson of the appropriate committee) to ensure that the rights of the parliament were protected and that the Festival Centre, its management and the bureaucracy could not get their hands on that particular land and take it away from the proper use of the parliament.

It appears to me—and I know that it has happened from time to time—that these people do not really believe that the parliament and the parliamentarians have any right to use that land, and we are tolerated with some degree of annoyance. I think it is important that it be placed on the public record so that this parliament clearly understands that a portion of that land belongs to the parliamentary precinct, and it should always remain part of the parliamentary precinct; as it is terribly important that this building should be vested into the care, control, management and ownership of the Presiding Officer of this parliament, the same as—

The Hon. M.J. Atkinson: You're on a winner there.

The Hon. G.M. GUNN: I should be; it is very important. I will give the honourable member a clear example: all those buildings—which members of the House of Commons now occupy—just south of the House of Commons (when one walks down the right-hand side) are vested in the care, control and management of the Speaker.

The Hon. M.J. Atkinson: You should know—you've been there often enough.

The Hon. G.M. GUNN: Yes, and I might go there again when it suits me, too; make no mistake about that. Not even that slippery editor of the *Advertiser* will put me off, or his henchmen or any others that he would like to trot out—I am not a bit intimidated by them. That was done by Michael Heseltine, as Deputy Prime Minister of the United Kingdom, so that the members of parliament were not subject to the will or the good grace of executive government. The title of this building should be changed to ensure that it is under the care, control and management of the Presiding Officer, because democracy—

The Hon. M.J. Atkinson: Why didn't you do it when you were Speaker?

The Hon. G.M. GUNN: I was involved in the process of getting it organised, yes. I was very successful in getting Old Parliament House back into the care, control and management of this parliament—where it should be—and I did so at a very good cost to this parliament. The only person I annoyed was the Hon. Anne Levy, who called me a cultural vandal.

Members interjecting:

The SPEAKER: Order! The member for Wright.

SCHOOLS, SALISBURY EAST HIGH

Ms RANKINE (Wright): Last Friday, together with the Minister for Education, I attended a special assembly of the Salisbury East High School, and I thank the minister for making time available to come out to the school. This special assembly was organised so that the students and staff of the school could say 'thank you' to Metropolitan Fire Service and Country Fire Service officers who attended a fire at the school on Friday 1 November. The Salisbury community has suffered some significant blows over the last few weeks. This assembly characterised the spirit of the Salisbury community, and I think is indicative of the wonderful young people we have in our community.

After this devastation—this loss of four classrooms (which had a huge impact on students and teachers)—the school is bouncing back. Through their trauma, the students and teachers were conscious of the great effort put in by our local firefighters. Very sadly, after arriving on the day of this assembly the Country Fire Service was called away to attend an incident. The students paid a tribute to those officers who attended the fire. They prepared a specially framed 'thank you', which was presented to the local station officer who, I know, along with other officers, was delighted with and appreciated the efforts of these students.

The following poem was read to the assembly. The poem was written by Amy Bernhardt, and indicates the strength of feeling and appreciation, I think, of the students. Amy wrote:

In all but one night our block turned to trash,
It was torched and burned and withered to ash.
Our hearts felt gloom, we felt unforgiven sorrow,
Before all this we were dreaming of tomorrow.

The souls who did this will soon feel the pain,
They'll have all to lose and nothing to gain.
But they'll soon come to realise what's done is done,
And they have nowhere to hide, nowhere to run.

Upon all of this you gave us our hope,
While our block burnt bright we learnt how to cope.
Although a material thing, we realise what we believed,
In our heads we felt pain that was to soon be relieved.

We thank you for what's done it was a thought well worth,
Now we're forgetting this pain so watch our rebirth.

Not only the students but also the teachers were affected by this fire. The concern shown by the Metropolitan Fire Service towards staff and students was quite magnificent. I want to place on record my sincere appreciation to Chief Officer Grant Lupton, who came with me to the site of the fire on that weekend. He also made the time to attend the school assembly. Chief Officer Lupton joined his troops and staff of the school for lunch and spent time chatting with teachers about their experience. My congratulations to the students of Salisbury East High School for a wonderful assembly and for showing great maturity in dealing with a very traumatic event.

They know now, through their experience, that they are stronger than the perpetrators of this arson attack. They know, through the actions of our local CFS and MFS officers, that they matter; that when they hurt our whole community hurts. They also know that our community is there to support and care for them. They know that for every disaffected individual wanting to cause pain that there are hundreds more ready to extend the hand of friendship and, in this case, prepared to put their lives on the line to prevent further disaster at the school. Under the leadership of its principal Peter Mader, the school is moving on. Students and teachers are showing the strength that is so indicative of the Salisbury community.

SAME SEX RELATIONSHIPS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: The government has promised to review all state laws to remove, by the end of the government's first term, unjustified discrimination against homosexual people and homosexual couples. The Minister for Social Justice and I will collaborate in this review of the law. I also recognise the work of my parliamentary col-

leagues, in particular the member for Mitchell and the member for Florey, for their work.

My department is reviewing the law to identify legislative changes that would be needed. A preliminary examination shows that at least 54 acts may require amendment. For example, the terms 'putative spouse' under the Family Relationships Act 1995 and 'de facto couple' under the De Facto Relationships Act 1996 provide legal recognition to couples who have cohabited for a certain period or have had a child together but are not married. Recognition of these relationships gives rise to legal rights and duties. These terms do not apply to homosexual couples, although I supported an amendment so to apply them in 1996.

The review will consider the legal rights of homosexual couples by examining these definitions with a view to equality with the rights and duties conferred by state law on heterosexual de facto couples. The review will not consider sanctioning homosexual marriage because, to give one reason, legal marriage is a power of the commonwealth and therefore outside our jurisdiction.

Legislation that provides entitlements to benefits when a partner is murdered or otherwise a victim of crime, or injured at work, also discriminates against homosexual couples. Under the Wrongs Act 1936, the Criminal Injuries Compensation Act 1978 and the Workers Rehabilitation and Compensation Act 1986, entitlement to benefits available to partners or spouses does not currently apply to partners in homosexual relationships.

The SPEAKER: Order! The member for Davenport may sit beside the Treasurer if he wishes to have a conversation, but he may not stand between the minister and the chair during the course of the minister's speaking.

The Hon. M.J. ATKINSON: The government recognises that these are important matters for some people in these relationships. The government will release a discussion paper on proposed legislative changes to remove discrimination against homosexual relationships. Public comment will be sought before a bill is introduced because the matter is neither simple nor without controversy. I hope to be in a position to bring a bill before the house next year.

Members will be aware that the government has supported the member for Florey's private member's bill that removed discrimination against same-sex couples on superannuation. The bill is currently before another place.

This review and discussion paper honour the Premier's election commitment to remove legislative discrimination against homosexual people and will be conducted concurrently with a review of equal opportunity and antidiscrimination laws.

STANDING ORDERS SUSPENSION

The Hon. M.D. RANN (Premier): I move:

That standing orders be so far suspended as to enable me to introduce a bill forthwith.

Motion carried.

CONSTITUTION (MINISTERIAL OFFICES) AMENDMENT BILL

The Hon. M.D. RANN (Premier) obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. M.D. RANN: 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.

Today, the government announced that it is moving to deliver further stability and certainty to South Australians following the decision by the Member for Mount Gambier to join the government as a minister of the Crown. This will increase the size of the Ministry from 13 to 14. The details of the changes to administrative arrangements were outlined in a ministerial statement made earlier today. The amendments proposed to the *Constitution Act 1934* by this Bill are required to allow all Ministers of the Crown to be members of the Executive Council.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 66—Ministerial offices

This clause proposes an amendment to subsection (2) of section 66 as a result of which that subsection would simply provide that every minister of the Crown is, *ex officio*, a member of the Executive Council. The amendment proposed restores subsection (2) to its original form (as it was before it was amended by Part 2 of the *Statutes Amendment (Ministers of the Crown) Act 1997*). The 1997 amendment added to the subsection the limitation that if the number of ministers exceeds 13, not more than 10 ministers may be appointed to the Executive Council by the governor.

Mr BROKENSHIRE secured adjournment of the debate.

TRAINING AND SKILLS DEVELOPMENT BILL

In committee.

(Continued from 18 November. Page 1817.)

Mr BROKENSHIRE: Mr Chairman, I draw your attention to the state of the house.

A quorum having been formed:

Clause 2 passed.

Clause 3.

Mr BRINDAL: I point out to the minister that the objects of the bill provide:

(a) to further the state's economic and social development. . .
(b) to further the commitment by the states, the territories and the commonwealth, in partnership with industry, to work together to increase the participation of Australians in an integrated national vocational education and training system. . .

In short, I point out to the minister, and members of this committee, that in the first substantive clause of the bill we see that this is a national system, which needs to be integrated with the needs of the Commonwealth of Australia, yet this bill purports to remove Australian workplace agreements (AWAs) as a tool that can be used. I do not believe that the minister will find that is acceptable to the Commonwealth of Australia, in partnership with which this bill was introduced. How does the minister reconcile the objects of the bill with later clauses, which leave out the possibility of using Australian workplace agreements?

The Hon. J.D. LOMAX-SMITH: I remind the member for Unley of his brief words which were spoken in 2001 and which related to the instruments under which people could be employed under contracts of training. He moved the following amendment and said:

I move:

Page 23, line 14—leave out 'or an Australian workplace agreement'.

I move this amendment with the concurrence of the shadow minister.

I remind the member for Unley that he has followed along this path already. We know that the contracts of training are generally thought of as a means to train people through skills

training on the job, through apprenticeships and traineeships. It is not relevant to the national status of training how they are employed. It is an artificial idea to imagine that people cannot be trained in this scheme, because they are employed under different instruments. What we did on Friday at the ANTA-MINCO meeting was to give a commitment to a national VET system, but we are committed, as the member must know, to quality in training, particularly to the rights of vulnerable people.

The honourable member moved to remove AWAs from his bill, so at that time, I presume, the honourable member recognised that there was an issue to do with the vulnerability of people in those learning situations. We expect to maintain the powers whereby both employer associations and unions can have collective input into the process of approving apprenticeships and traineeships, and the bill achieves the necessary balance between facilitating entry, on the one hand, and quality and protection, on the other. I do not believe that there is any inconsistency with any other arrangement to have national consistency across the training programs in Australia.

Mr BRINDAL: We might as well dispose of two matters with this clause. If the minister and the government wish to be here all night, questioning each clause, then I am willing to facilitate them. That will happen if the minister continues to do two things; first, the minister is quite welcome to quote any words I have uttered on the public record. The minister goes too far in presuming she understands my motivation for doing anything. My intellectual property is mine, and mine alone, and I do not understand why I think some things some times, so I do not expect the minister to second guess me.

Having said that, let me clearly explain what I tried to explain yesterday. In order to get consensus with Trades Hall, we certainly deleted a reference to AWAs. I did so, having been advised by learned counsel in the employ of the crown that to do so would not affect the ability of the Australian process of arbitration (and that sort of thing) to kick in on this matter. We were silent on it. I am now told that this bill goes further than the bill I introduced. This bill, by stipulating the instruments that may be used, actually precludes that.

The minister might say, 'Well, that is exactly what your bill did.' Let me remind the minister that St Paul was once a Jew and he went on the road to Damascus and he was converted to Christianity. What I did 12 months ago and what I do in this house today are not necessarily the same thing. Between 12 months ago and now, we had an election. In that election campaign, part of the commitment of my party was to Australian workplace agreements. It is part of the ongoing commitment of my party. If I have to rip off my clothes, pull out my hair and recant for my transgressions before the election—and the member for Giles seem excited by the prospect—

Ms Breuer: In your dreams!

Mr BRINDAL: —excuse me—I will do so, but I will not resile from defending or arguing in this place at this time my party's right in the sensibility of this place to have Australian workplace agreements put in. If the minister wants in every clause and I want in every clause and she wants to quote me, I will explain why I thought of various things, explain why I was wrong and apologise profusely to the house: it will not change my argument. I suggest to the minister that we steer away from what I thought or said and steer towards why she should not do it, and we will get through it much more speedily.

The CHAIRMAN: The chair will not encourage anyone to take off their clothes in here, including the member for Unley!

Ms THOMPSON: Will the minister give us more of the background as to why the clause relating to the removal of the provision of Australian workplace agreements was inserted?

The Hon. J.D. LOMAX-SMITH: Several systems are in place whereby people are encouraged to take up contracts of training. One of the most prominent mechanisms by which this is done is through the new apprenticeship centres, where there are inducements to enrol people in the system and inducements to employ for the new employer. Across the country there are several rorts in the system. If you get into a taxi in Sydney there are big signs that say 'dollars for employment'. When you read the small print it says 'Phone the NAC and they will give you the incentive to employ someone.' In some quarters there seems to be a disconnect between the sense of training and apprenticeships and employment, in that some people think this scheme is only about employment subsidies.

Clearly, the skills development bill has provision for the requirement that contracts of training make provision for certain employment, and inherent in that is a requirement for the state to guarantee that the conditions of employment attached to that requirement are met. In the case of the AWA, there is no capacity for the regulatory body established under the state legislation to inquire into or interpret the provisions of the AWA, and therefore in the case of an alleged breach of the conditions contained within an Australian workplace agreement there is no effective remedy for the aggrieved apprentice or trainee. Those who support the AWA point to its flexibility and capacity for apprentices to negotiate with their employer terms and conditions of employment that mutually suit both parties.

It seems quite obvious that a young person or someone desperate for employment certainly is in no position to negotiate on equal footing with an employer, and it seems likely that it is either a take it or leave it employment situation. AWAs are capable of providing employment conditions that are not available, it appears, under other systems, but if members look at both state and federal certified awards they will see that they provide substantial flexibility in meeting the needs of particular work places, so the argument that seasonal employment or part-time casual employment cannot fall within enterprise agreements in other ways is really not true. It has been suggested that they provide a less complex employment system for employers, but this is difficult to understand because in some work-places, particularly meatworks, many hundreds of people are employed under AWAs, and it is hard to believe that for each of those contracts there is truly an individual agreement with the employee.

It has been suggested that the majority of NACs—new apprenticeship centres—support AWAs, but it is clear that at least two in our state do not support or use them. It is also apparent that the use of AWAs comprises quite a small component of those people in training. Currently in this state less than 6 per cent of new apprenticeships and traineeships involve people employed under AWAs, but they seem to have a considerable linkage with areas where there are difficulties with employment. Certainly, there are some examples of young people whilst at school being employed under contracts of training where there is no intention to pay that person until the 13 to 14 week period is up, after which the

inducement will be paid to the employer. Clearly, this is not within the spirit of our training schemes.

There has been a suggestion in relation to the ANTA agreement, and it has been put to us as a form of threat that perhaps the federal government will withdraw funding or that we will not comply with the Australian National Training Authority requirements. That agreement relates to the contract of training systems as a means of facilitating effective regimes for skill development training and acquisition of nationally recognised qualifications under the Australian qualifications framework, but the ANTA agreement goes to issues such as the establishment and monitoring of quality standards. It does not and should not attempt to establish a preference for one type of employment arrangement over another, and the removal of AWAs does not conflict in any way with the spirit of the ANTA agreement.

In relation to the commonwealth and its intent, constitutionally legislation relating to apprenticeship and traineeship systems is a matter for the state. The contract of training is indivisible from the contract of employment, and the combination of employment and training in relation to apprentices has been a major strength of our system for a number of years. I am happy to read out some of the case studies I have and which explain some of the situations that have compelled us to go along this path, because we recognise that there are significant problems within this sector.

The first case study was in a catering establishment involving a person with the initials 'S.H.'. She was a minor and her mother was required to authorise the AWA in the contract of training. She had worked for the employer as a casual junior employee for three months prior to this contract of training. There are both federal and state awards covering the industry, and the awards containing training wage arrangements, so there was no question that she could not have been employed except under these conditions. The AWA, however, sought to reduce the award rights for shift rates, weekend work, sick leave, public holidays and other award entitlements. It is clear that the commonwealth has the power to set a no disadvantage test, but this does not occur because, for these young people who are often unsure of their rights, no account is taken of the number of hours that are weekend or night hours, and clearly the no disadvantage clause is not taken into account and is not embraced.

Mr Brindal interjecting:

The Hon. J.D. LOMAX-SMITH: This was approved by the Office of the Employee Advocate. This was a problem in this case. In other cases brought to our notice, a young person was given a contract of training in an AWA to show to her parent. Thinking that it was an agreement to employ the child, in fact it was a contract of training, which was a surprise to both the young person and the mother because she thought it was merely a part-time job. It is quite clear that, although you might argue that people should read the small print, the people who are most at risk under these circumstances are people who might just not do that. The percentage of people involved in AWAs is quite small. The number of people involved is quite small, but they are quite likely to be the most disadvantaged people. There is certainly no indication that any employer would not employ people but for an AWA because there are other instruments for employment, and there is no reason to believe that without AWAs there could not be an equally useful instrument for employment that would not also protect the employee, trainee or apprentice.

Mr BRINDAL: Some of what the minister says needs to be challenged. If the minister would like to provide me with the details of that first case, it would allow me to contract my federal colleagues because the Office of the Employee Advocate is there to protect the rights of people such as this and, if it was used and gave poor advice, I am sure my federal colleagues and friends would like to know that and suitable action could be taken. I presume that would be some sort of negligence on the part of that office in not protecting the rights which legislatively it is supposed to protect.

Ms Thompson: Have you seen the letters they send out? It's so stupid.

The CHAIRMAN: Order! The member for Reynell is out of order.

Mr BRINDAL: I have seen letters Trades Hall send out, too, and they might equally be described as stupid, depending on your particular point of view at the time. This opposition is not trying to argue for the exploitation of any worker: far from it. We do not believe in worker exploitation, but we also do not believe that we have to create an all-embracing cocoon in which everyone is protected from themselves and every other possible evil in society.

An honourable member interjecting:

Mr BRINDAL: I know that the member opposite who keeps interjecting has a genuine interest in the area. When I was minister, I used to go down there quite a bit, as she knows, and she would invariably be there, which is more than I can say for some other members in this house, without drawing any generalities. She is genuinely interested; she actually cares. I point out for the member for Reynell and for the minister that we have come—and we did have eight years in government—through a system where increasingly we are losing people from apprenticeships and traineeships. When you ask the employers why, it is often because it is too difficult.

In acquiring rights for workers and protecting people, it has been put to me—and, I think, should be put to this house—that you can build a castle wall to protect everybody inside the castle, but what you often do in building a castle wall to protect all those inside is make it harder for anyone else to get in. That is the very analogy that has been put to me in terms of training and apprentices. Those inside the system are so well protected with industrial rights—rights of unfair dismissal and all the other things—that it makes it difficult for, if not discourages, potential employers from taking on people.

If the price of getting better training in this state for my son or my grandson was a lower wage for a period of time, I would not necessarily disagree with it. I would try to enter it, and help them to enter it, with full knowledge of what they were getting. I think that you, Mr Chairman, as I did, went through a system where we left school and were paid a very small wage to go to teachers college on the grounds that, at the end of it, we knew what we would get. There was a concept called 'junior wages', and a lot of other things.

Those things have gone by the board; they are part of a different era. AWAs may well be part of a new era, and it does not have to be exploitative just because it is a new system. We must remember the test that is legislated under the statute law of the commonwealth, that there should not be a disadvantage. Surely as a mature society, with all the aids available to our young people, we can protect them. Is the minister saying that in cases such as school to work transition, which come in some respects under the aegis of her colleague the Minister for Employment and Training, that system is incapable of discerning an unfair workplace agreement?

Ms Thompson: It doesn't do much for 40 year olds.

Mr BRINDAL: I was talking firstly about the young people. The member for Reynell interjects that it doesn't do much for 40 year olds. Let us examine the subsets.

Ms Thompson interjecting:

Mr BRINDAL: All right; just let me finish. If we have young people who in many ways will be protected by their education system, their carers and nurturers, let us exclude them. If we have people in their 40s most of them being mature, intelligent adults, they are really capable of knowing when they are being had a lend of.

Ms Thompson interjecting:

Mr BRINDAL: I have a great deal of respect for the member for Reynell in terms of her passion and commitment to her electorate. But I say to her, in a very collegiate way, that she does not have all knowledge when it comes to disadvantage and those she serves. I happened to serve quite a few years of my life teaching in places such as Cook and Cockburn. If she wants to see true disadvantage, if she wants to see real battlers, she should get out to a few of those railway towns to see them. Whatever else those people were, they were honest and decent people. In many cases they might not have been the most literate and intelligent in the world, but they had an instinct for not letting themselves be exploited. No matter how well educated they were, they knew the difference between being exploited and not being exploited.

I am simply saying that, because people find themselves living in Reynell, living in Cook or living in parts of Salisbury or, indeed, Burnside does not mean that at age 40 they will automatically be exploited. At the end of the day, might some people be exploited? The answer is yes. But I ask the minister to tell me this: how many people are exploited with all the current protection? I can show her many places in my electorate where businesses avoid awards; where businesses do a whole lot of things to get out of fulfilling their rightful obligations under industrial law. It happens, and it will continue to happen under this legislation. But that is not what we are discussing: we are discussing here the best way to get the maximum people into employment and training.

Do you think for a minute that somebody who is taken on and trained as a mechanic, gets through their course, and then finds they have been exploited will sit around with the same employer happily being exploited? I do not think so. I think that, before they finish or, indeed, after they finish, they will take their qualification—they will have been trained—and go on to make a useful contribution to society. I simply cannot see that this sort of attempt to defend everybody against everything is logical, sensible or conforms to the objects of this act, which are to get better training to people with maximum flexibility. If the minister can explain to me why what we are proposing is unfair, I will shut up. Until she can, I will continue to argue the case.

The Hon. P.F. Conlon: Very poorly, I might add.

Mr BRINDAL: You can join in; you are quite welcome.

The CHAIRMAN: Order! The Minister for Government Enterprises is out of order.

The Hon. J.D. LOMAX-SMITH: You might imagine that, if AWAs were the instrument whereby the southern hemisphere could be defended, protected and our state could become buoyant and economically indestructible, it might well have happened by now. The reality is that in the last nine months 5.7 per cent of contracts of training lodged have been with AWAs. What is particularly interesting, though, is that AWAs represent 10.8 per cent of withdrawals or cancellations within the probationary period and 9 per cent of cancelled contracts of training. This would imply, for anyone with a numerical bent, that they have an above expected level of failure.

To suggest that exploitation will lead you, at the end of your contract of training, to leave employment is really not realistic. We are talking about young people with the wit to recognise they are being exploited and therefore decide that they will not complete very early on in their training.

Ms Thompson interjecting:

The CHAIRMAN: The member for Reynell is straying into dangerous territory.

The Hon. J.D. LOMAX-SMITH: Indeed, the mature age candidates as well. It is a matter of shame that we are unable in this state to match the available jobs with those being trained. Furthermore, it is a matter of shame that there are such high rates of failure within those training agreements. It is quite obvious that if there is such a high rate of failure something is not working, and it may well be the conditions or the way in which they are put in place. Whatever the cause of those failures, it would appear that the AWA is not the be-all and end-all of an employer's dreams. If it were, more people would use them, and we know that 95 per cent of people do not. If you look at those who do use them, they are specific users in very specific industry sectors: the meat and meat products manufacturing areas (abattoirs, boning and slaughtering); food retailing; and telecommunication services (that is, call centres). So, the areas where they are being used are quite narrow, and the percentage of contracts of training are quite small. But if you look at the level of failure, you have to suggest that these are not the most successful contracts being written.

Mr BRINDAL: The minister says that it is 5 to 6 per cent of all contracts. I acknowledge that. But the point is, it is about flexibility: we are arguing for flexibility. I believe that you are in danger of being seen as an ideological government that is on an ideological bent to suit union mates. That is what it sounds like to me, because we are arguing about 6 per cent of the contract, and the right of people to flexibility over 6 per cent of the contract in, in fact, three industries—the minister said food retailing, meat and meat products and call centres. So, it is a very narrow band; a very narrow spectrum.

The point is that, for those 6 per cent of people, it represented a training opportunity. They are currently in training because of AWAs. The minister cannot sit there and guarantee that those groups will take on trainees or apprentices. They may well need employees, and those groups might take on as many people as they are taking on now and employ them. But they will not train or skill them, unless it suits them to train and skill them. So, we might have the same number of people in work, but they will be less skilled, because they will not be trained. They will not have gone through the ANTA system, they will not have got an AQF qualification.

If the minister wants an increase in unskilled workers in this place, with no portable qualification, if she wants to downskill the nation, let her say so. But if it is 6 per cent of people who are now perhaps acquiring a skill through the mechanism of AWAs, how, apart from being ideologically dogmatic, can she justify this? And she attempts to. She attempts to say, 'Look at the outcomes.' I could show the minister outcomes in all sorts of areas. Hotel and hospitality is a great one. Why does she not bring us the figures on drop-out rates in hotel and hospitality under awards? Quite frankly, many people go into traineeships or apprenticeships without any real knowledge of the nature of the job, and when they

start working at 3 a.m. and knocking off at 11 a.m., and all their friends are at work, and they have to work Saturdays and Sundays, they find that the job is not for them and there are huge-drop out rates. But that is not because of awards, it is not because of AWAs: it is because of the nature of the employment and the training. There is this quantum leap of logic that, because 6 per cent are AWAs and the drop-out rate is higher—and the minister acknowledges that the AWAs are in a very small band spectrum of the employment market. She quoted three industries—nearly all of them in three industries. So, you have a very narrow segment, then you have a high drop-out rate.

The minister might do better trying to convince this house (she might convince some of the people here, but she is not convincing me) if she can quote the drop-out rate of the parts of those three sectors that do not use AWAs but use awards, and she could well find that it is higher, because those people employed in call centres under awards might drop out in contracts of training even more than the ones who are under AWAs. So, to link the results, as she did, is very clever, very statistical. It is the sort of rubbish I would expect from the *Advertiser*; it is not the sort of rubbish that I would expect from this minister. If she wants to debate this at an intellectual level, could she please concentrate on not putting chalk with cheese and trying to present it as some sort of government product or intellectual argument that will hold any weight with anyone other than the member for Giles and the other backbenchers conspicuous by their absence on the government side.

The Hon. J.D. LOMAX-SMITH: We must be the government of the decade with the least dogma, the least ideological bent. We are the most flexible and inclusive of governments. We are quite prepared to take expertise, experience and skills from all quarters, because we believe in getting ideas and working together and not being driven by ideology and the views that you press. Let us just get straight about this. There is an implication that, without AWAs, people will not be employed—as if there was no way that you could employ someone except under an AWA. That is clearly not the case. The vast majority of employers seem to manage very well, thank you very much. They use awards, enterprise agreements and certified agreements that can be made locally within the meat industry, the abattoir sector, the retail sector and the telecommunications service sector. This is about quality; it is about improving deliverables.

In this state, we have woeful levels of involvement in tertiary education. If you benchmark us against other countries, you will see that we do particularly poorly. To claim that we would improve our standing by reducing the rights of those young and mature age training people is really laughable. There is absolutely no evidence that there would be more employment. In fact, it seems to me that, if a contract of training were geared to meet the skills needs of industry as opposed to just being a means to get an employment subsidy, training would be undertaken in the workplace, because the workplace would have a need for that training. I would refute the notion that having AWAs would prevent training occurring in this country.

Mrs REDMOND: I have a similar difficulty with the clause that we are discussing and its apparent conflict with section 36 of the act to that raised by the member for Unley. The minister's explanation thus far has done nothing but confirm my view that there is, indeed, a conflict. The minister seems to be saying that we have less than 6 per cent of people on AWAs and (I wrote it down as she said it) 'there is a clear linkage to areas where there are difficulties with employment'. Yet the whole object of this act is, presumably (and according to section 3, the section under discussion), to enhance employment and training opportunities in this state. Indeed, it is the essence of a large part of the report that has just come down from the Economic Development Board.

I note also that the minister said, in response to one of the questions from the member for Unley, that about 5.7 per cent, I think, of the contracts of training in the last seven months have been AWAs, but about 10 per cent of the terminations. That clearly means that 90 per cent of the terminations have not related to AWAs; they have, presumably, been under awards and industrial agreements. But I do not see the minister saying that, therefore, we should cut out awards and industrial agreements. My difficulty still remains, and I want the minister to state clearly on the record whether she is saying that, by having no opportunity to go to an AWA instead of an award or an industrial agreement, even when the parties are content and, indeed, happy to do so, she will enhance the objects of the act and, indeed, lead to more employment and better training in this state.

The Hon. J.D. LOMAX-SMITH: I hate to get bogged down in mathematics and statistics, but it is the same argument as saying that, if the population of Aboriginal people in the community represents 1 per cent of the population and there are 23 per cent of Aboriginal people in prison, it would be quite apparent and quite easily understood that that would mean that Aboriginal people were more heavily represented in prisons. You would not then argue that the converse were true; that non-Aboriginal people were very highly represented as well. That is the point I am making. So, when I say that they are over-represented in the non-completions, it is a very simple statistic to represent.

Mrs REDMOND: I still want to hear from the minister on the record whether she is saying that, by restricting the operation of this legislation to only those under industrial awards or agreements, that will meet the objects of section 3 of the act, which is to enhance the employment and training opportunities of people within this state and improve our economic performance?

The Hon. J.D. LOMAX-SMITH: There is no evidence that the small number of employers who use AWAs need to do so because of their own desire. It would appear that there are some NACs that push employers into the AWA system and others that do not. So, unless one believes that each NAC has a different catchment area or a different advertising campaign, it would appear that it is not a pre-condition for employment.

Clause passed.

Clauses 4 to 6 passed.

Clause 7.

Mr BRINDAL: The minister is responsible for the state training agency. Subclause (2) provides that the minister has the following function:

> ...to ensure that the vocational education and training, and adult community education needs of the state are identified and are met in a cost effective and efficient manner.

The minister will be aware that recently she announced interim arrangements for the ITABs. However, the industrial training advisory boards have had their funding severely cut. They are now being truncated, and new arrangements are in place. The minister announced that some months ago. Concern has been expressed to me about the development of training in industry that the minister has not yet made up her mind, that no structure is in place and that no conclusions

have been reached. Clause 7(2) of this bill makes it incumbent on the minister that, in a cost effective and efficient manner, the state's education training needs are identified. This hits at ITABs. Does the minister have an idea of what will come after ITABs? How will they function, and how will she meet this required object of the act which, once enacted, will be legally incumbent on the minister to meet? The minister has no choice; she has to fulfil that function.

The Hon. J.D. LOMAX-SMITH: I am happy to refrain from delving into the depths of the member for Unley's mind if he would refrain from getting into mine. Perhaps he would avoid telling me what my thoughts and knowledge represent. He has misunderstood the funding of ITAB system. If he kept abreast of the news in the last six months, he might have noted that his federal colleague Minister Nelson at a stroke removed funding from our ITAB system. Clearly, this was announced after our budget was set down. We were left in a severe state of budgetary distress by the former government, and we were in no position to fund the ITAB system fully to replace the money that was taken out by the federal government.

The whole Australian higher education system has been put into a position whereby there is a risk of losing the industry union advice that has traditionally gone into the ITAB system. We are committed to having that bipartite advice given to our government, and we are reshaping the ITABs into groupings that can continue the process. Clearly, the federal Liberal government did not support the ITABs running in the states, and that is why their funding was lost. Some states have been put in the position of removing ITABs altogether and removing any basis for advice. We have chosen not to go down that path, because we recognise their importance, we value the information they give to us, and we want it to continue.

In relation to the skills and training requirements of the state, we have implemented a skills inquiry, with top level advice coming from the VEET and the university sector, as well as advice from unions and business. We expect that to put in train within the next five months a system whereby we will be able to respond to this state's skills requirements. Previously, governments have induced industry to come into South Australia and have then found that there has been a shortage of skills to match them. We have the woeful situation where there are suburbs within metropolitan Adelaide where almost nobody is engaged in vocational education and training, and almost nobody goes to university. In those same suburbs, they are in close proximity to high-tech jobs and job vacancies that they cannot fill. It is a matter of the great shame, and we will address that.

Mr BRINDAL: The minister talks in a way that does not become her of my not keeping abreast of the news. I inform the minister that I was fully aware of the budgetary implications of my colleagues in the commonwealth with respect to ITABS. Unfortunately, I do not speak or serve in that place. I serve the people of South Australia in this place and have a perfect right to question this government on its plans. I do not think it becomes the minister or this government to sidle out of its responsibility to South Australians and to South Australian training by merely blaming the commonwealth. It reminds me of local government, every time they wanted to bleat and grizzle about something, turning around and saying, 'It's all the state government's fault.' The minister well knows the state government does not need and should not have to accept that responsibility.

What my colleagues did in Canberra is their business. I cannot influence that. However, I can influence what the minister does here. The minister was asked—and asked quite clearly—how we are going to better prepare the training needs of this state. Fact: in all sorts of areas this state has been and continues to be unprepared. Did the last Liberal government always get it 100 per cent right? Fact: No. Fact: I am standing here trying to make it better, and I would hope the minister was, too. Fact: we have a shortage of nurses in this state. Somehow a modern sophisticated society that cannot work out three or four years in advance that we might have a shortage of teachers, nurses or any other thing is not doing a very good job.

An honourable member: Who was in government then?

Mr BRINDAL: If members opposite washed out their ears and listened they might have heard me say that I was acknowledging that we were in government and that we did not always get it right. I also point out a time when Labor was in government and it trained about 5 000 more teachers than it ever needed. We had teachers coming out of every part of this state, pouring through the universities when there was no conceivable need for them. Now, a few years down the track, we are looking at facing a teacher shortage. That is my basis of questioning to the minister—not who cut what money but how the minister will fulfil this function.

This function demands that we set up structures that allow her or him—whoever may be the minister for the time being—to have advice on what the needs will be as the needs arise, and have people trained and skilled properly and filling jobs that are available at the time. Spare me the rhetoric of whole suburbs that do have not university students. I will tell the minister straight out and to her face that that is true. If she looks and analyses it carefully, she would realise that people like the member for Fisher and I came from such suburbs, and we got a chance at university. Universities were not free, but they offered commonwealth scholarships.

The minister might want to analyse why kids in disadvantaged areas are missing out more than they have ever missed out before. Perhaps she should reflect on the concept of free universities—which I do not think was a Liberal concept—the taking away of cadetships (which were teaching positions) and the taking away of many of those things that got a lot of us from disadvantaged suburbs through university. She should stop trying to blame us and look at some of their own stupid rhetoric which has led to the disadvantaged becoming more disadvantaged. I do not care; we can go on about this all night.

Mr Caica: Let's not. Move on!

Mr BRINDAL: Then let's get past the rhetoric, the blame game and trying to say that there are whole suburbs of this and that, and sounding like some dreadful bleeding heart.

The Hon. J.D. LOMAX-SMITH: I have not been called a bleeding heart for a while. Let me just get back to the analogy with local government.

Ms CHAPMAN: I rise on a point of order, Mr Chairman.

The CHAIRMAN: Order! Before calling the member for Bragg, I encourage members not to get into personal reflections, because it will take up a lot of time, and we will be here all night.

Ms CHAPMAN: I raised the point of order because I noted that our lead member putting the submission on this made a rather long comment. It did not appear to be followed up by a question. We now have another response from the minister.

Mr Brindal interjecting:

Ms CHAPMAN: No. I raise the point of order as to whether this is addressing clause 7. We now have debate back and forth as to a comment on an initial question. Unless there is some supplementary question to this, I raise the point of order as to the process. I just raise the point of order about the process. I have a question about clause 7, and I would like to know whether I should let them keep going back and forth on this.

The CHAIRMAN: Members are entitled to three statements or three questions. The rules of the committee are very informal, and it is deliberately meant to be that way. I cannot compel ministers to answer nor control members in the way they speak or ask questions, unless there is an infringement of standing orders. In the committee stage there is a lot more freedom and flexibility, but members suffer the consequence if they engage in irrelevant debate or personal attack.

Ms CHAPMAN: Irrespective of the comment made as to some area of commonwealth responsibility for the budgeting aspect under clause 7, it seems to me that this clause, specifically subclause (2), imposes a number of functions on the minister or any successor to ensure that the vocational education needs of the state are identified and met in a cost effective and efficient manner. Irrespective of how that obligation is imposed at present or what is to be imposed on the minister under this legislation, what will you do to identify those needs and meet them in a cost effective and efficient manner?

The Hon. J.D. LOMAX-SMITH: The issue is that it does not require or speak to the concept of an ITAB, but we will use the ITAB system in its reshaped form to give that advice. We will also be working with the Economic Development Board and the skills inquiry report, which should allow us to more accurately match the opportunities in government and private enterprise, the needs of business and needs of the community by finding a way of making our TAFE and private providers deliver those skills and training opportunities, and particularly the lifelong learning requirements from the ACE sector. It is clear that in the future our training needs will be different. Just a moment ago we heard about the requirements for nurses. It is obvious that nursing longevity is a combination of people being involved in a training scheme that gives them a job in which they want to be employed and which also reflects their workplace conditions.

I suspect that, if we are to stop churning through many of the skills and trades areas, we will have to find ways of keeping people in their trades and employment areas for longer periods. So, there will be industrial relations and workplace issues that relate, for instance, to the way nurses' rosters are dealt with, the way people can re-enter the workplace after breaks, the way they retrain and the way we deal with mature age unemployed people. Inevitably, those people who go into higher education, whether in the VET sector or the universities, will be not just first time learners: they will also be retraining people who are required to be upskilled and retrained. That reflects changing technology and community needs but also their own aspirations, and that is becoming increasingly apparent. In many of the sectors that are short of skilled employees now, it is not for lack of training: it is for lack of retention. So, there are very important issues post training completion. The job of matching the vocational education and training and adult community education needs of the state is also taken on the advice of the commission. In another clause, the Training and Skills Commission will have a role in advising the minister on these issues, but it will be a combination of advice from the commission, the skills inquiry, the Economic Development Board and ITABs.

Ms CHAPMAN: Hence my second question, because I thought you would probably indicate the areas upon which you would consult and the bodies which would have some expertise and which could advise you on that. Subclause (2) imposes an obligation on you to ensure that certain things are identified and then met, rather than providing that, in carrying out the functions listed in clause 7(1), the minister will do certain things such as taking advice and consulting with certain parties. It seems to me that what is being proposed here is an imposition on you to ensure certain outcomes. Whilst there is a general guideline that ministers conduct their ministries and departments in a cost effective and efficient manner—elections give some assurance of that—it seems to me rather unusual to have prescribed in the legislation an imposition of an outcome on the minister, irrespective of whether it is you or any successor, as distinct from having obligations to carry out certain functions which might have the ultimate effect of being able to precipitate the ideal that is encapsulated in subclause (2).

In essence, I raise the question of why subclause (2) is necessary at all. If you think some other provision ought to be added for what any minister (that is, you or any successor) ought to do in a consultative process, it seems to me it would come under one of the functions provided in clause 7(1), as distinct from imposing an outcome in clause 7(2). I am thinking about what is being imposed on you or any of your successors once this bill has gone through.

The Hon. J.D. LOMAX-SMITH: I apologise to the member for Bragg; she has probably read more bills than I have in her lifetime, and I do not know how unusual that is. However, I do know that it was in the 2001 bill that was presented and passed in this house last year, and it has not been changed since that time. It is there, and it seems proper that we should not be wasteful and squander taxpayers' money.

Mrs REDMOND: I think the point of the question from the member for Bragg is that your obligation imposed under clause 7(2) appears to be that, for instance, if as it appears likely to do the Economic Development Board suggests that we need employees in particular industries, your function will be looking at not just the skilling of people we already have in this state but also the necessity to bring both the people and the skills providers into the state to meet the outcomes directed by the Economic Development Board. To that extent I think the member for Bragg was suggesting that it would be much more normal simply to list the functions, as provided in subclause (1), rather than impose that sort of finality of outcome under subclause (2).

The Hon. J.D. LOMAX-SMITH: I can see the point the member is making, but in relation to this clause I had always presumed that it was proper to be cost effective in the way one provided RTOs or TAFE education. I had not in any way imagined that there was any suggestion that I would be importing tradesmen from the Indian subcontinent. I had never thought that this could possibly mean that.

Mrs REDMOND: On the basis of the minister's earlier comment, I listened very carefully to her response to the member for Bragg's first question, and she clearly indicated that she would be taking advice from the Economic Development Board. If she has read its first report, which was handed down only last week or the previous week, she will see that it clearly indicates that we will need a younger and more

skilled work force if this state is to survive economically. The implication of her statement, therefore, seems to me to be that, in order to comply with clause 7(2), she would need to do whatever is necessary to equip this state with the employees necessary for the industries that we need to develop.

The Hon. J.D. LOMAX-SMITH: I do not think this act requires me to import tradesmen from overseas. I cannot see that that is part of my role as a state training authority. This is a description of the state training agency—which would be the minister—and I cannot believe that any training agency is involved in importing people or migration. Clearly, to use the cliche, the economic development of this state will require joined up solutions to joined up problems and, clearly, to deliver on the recommendations will require several ministries to play a part. Any migration issues would not be played out by the state training agency.

Mr BRINDAL: I want make sure that I understand, because the minister said that it was in the 2001 bill. My understanding of this (and the minister would be aware of the proposition that the Crown is itself a model citizen and therefore is first bound by the law) is that there is a doctrine—and the member for Bragg might help me with this—of the Crown's being the model citizen. What I thought the member for Bragg was saying was unusual about this clause is that it in fact binds the minister to outcomes much more closely than would otherwise be the case.

My understanding is that if an opposition, a government or anyone could prove that, as a result of this bill passing, the minister failed to ensure—whatever that means—that the vocational education and training and adult community education needs of the state were identified or not met—

Mrs Redmond interjecting:

Mr BRINDAL: —yes—in a cost effective or efficient manner—and my colleague interjects that, for instance, if the Auditor-General found that way—the doctrine of the Crown as the model citizen would require the minister's resignation. Every tradition of this place says that if you bind yourself to this responsibility, if you then fail to meet this responsibility, you have failed in your performance of your ministerial duties, you are negligent in those duties and your resignation would be required by every precedent and established practice of this house. That is what I understood the clause meant when I introduced it, and I was prepared to wear that. I think the member for Bragg is saying, 'Is the minister sure that she wants to wear this?

The Hon. J.D. LOMAX-SMITH: What particularly aggravates me is that the former Labor opposition did not act on this clause previously. I refer members to section 5(2) of the Vocational Education, Employment and Training Act 1994, which provides:

> The minister is to ensure that the vocational and adult community education and training needs of the state are identified and met in a cost effective and efficient manner.

Clearly, that did not occur, and there were significant debts both within the TAFE and the user-choice systems in this state. It was there in the act.

Clause passed.

Clauses 8 and 9 passed.

Clause 10.

Mr BRINDAL: I note the commission's functions and that they include promoting Pathways between secondary school vocational education and training, adult community education and the university sectors. Again, I want to return briefly to the proposed amendment to clause 36, I think it is. The minister will be aware that for some years the EVE team has had some problem in this schools-to-work transition—

Ms Chapman: It is going in January.

Mr BRINDAL: Right. The point is that it has been going for about six years. I think it has about 20 full-time staff and, in the six years, it has placed 450-odd people. I might be slightly rubbery on the figures, but I remember that each employee paid by the Education Department represents about four placements a year. Using a system (which I mentioned in this house yesterday) of AWAs, at least one employer in this state has had the opportunity to place more than 100 in a few months. I simply ask: in the light of the amendment that will be moved in a later clause, if the commission is going to meet that power or function under that clause, could it not better do it if AWAs were available to it?

In this case we are not talking about full-time workers: we are talking about a school-to-work transition; we are talking about years 11 and 12; and we are talking about people who have the additional safeguard that whatever arrangement is entered into can be overseen not only by responsible parents, not only by the young people themselves who do not have to be uneducated and ill-informed (years 11 and 12) but also by the Office of the Employment Advocate. They have a number of safeguards. I am simply asking the minister, in terms of this clause, what would be so wrong with having AWAs as part of it?

I am informed by my colleague that the EVE team is going in January so, quite clearly, this government, and perhaps even the last government, did not see it as one of its huge successes. It is something that we have not done well. It is something about which prima facie evidence suggests might better be handled through a mechanism to include AWAs, and I will again return to my theme and say, 'Well, what is wrong with AWAs in that context?'

The Hon. J.D. LOMAX-SMITH: This government has decided to separate the Department for Education and Children's Services from higher education, and the EVE unit is not part of my portfolio. However, both ministers have a commitment to developing Pathways because, clearly, substantial numbers (I think maybe 8 000 people between 15 and 19) have dropped out of school, out of work and out of training, and they are clearly at risk. Finding ways to involve them in VET is clearly an attractive option because it gives them employability options skills, and the chance to get on a pathway to higher education. We would want to support that mechanism, but I really cannot speak about the operations of EVE because it is not within my control. Clearly, developing Pathways will be a means to give those young people a second chance.

Mr BRINDAL: I understand what the minister is saying. I was not asking her to answer for EVE: I am simply saying that the use of AWAs provides a greater opportunity for Pathways to be developed and, prima facie with the matter I raised with the minister yesterday in this house, it appears at least to be a possibility. Forget who is responsible for EVE. I accept that the minister, and through her the commission, is keen on promoting Pathways. We were keen to do that in government. I am saying quite clearly to this house that it was not one of our major success stories.

It was something that we wanted to do; it was something that we tried to do; and it was something regarding which the mechanisms that we put in place clearly were not as good as they could have been. I have become aware of a new mechanism that uses AWAs. As I said to the minister, through you, sir, that it can be overseen, not only by the

normal standard sort of protection mechanisms that are supposed to be there (the no-disadvantage test then of the Office of the Employment Advocate), but also in this case by professional people, educators or members of the minister's department, who can oversee and help the young trainee and parents, because at years 11 and 12 they are probably minors and almost certainly under the age of 18.

You therefore have parents and teachers—a whole system—to help and to see that AWAs are not used by anyone unscrupulous and to disadvantage. Protection mechanisms are built around those people. If, therefore, that AWA mechanism allows a greater number of kids to enter these pathways, a greater number of participants, what would be wrong with that? The instance I quoted yesterday was not only about numbers: it was also about outcomes, because those students in years 11 and 12 were having a school-to-work transition opportunity eight hours a week.

They were doing their academic work but, in addition, at the end of it they were to receive an AQF2 qualification. Had they done that qualification through TAFE it would have cost them $2 500—that is the figure that was quoted to me. If that is the case, it is a good opportunity. I am not saying that everything is right about the system to which I referred yesterday; I am not talking about that. I am talking about flexibility. I am talking about Pathways keeping open and creating greater opportunity for, in this case, children and young adults.

I am simply saying that if the minister is genuine about Pathways—and I am sure she is—in the case of our younger people we have a series of protections around Pathways in the form of teachers and parents, so surely the very thing to which she pointed earlier in the debate as not being advisable about AWAs does not apply. In this case AWAs have got borders and guards around them; there are vigilant, caring adults to watch. Therefore, I cannot see that AWAs would be a problem, and I ask: what problem would they be in this context?

The Hon. J.D. LOMAX-SMITH: I have to say that there is a view that Pathways refers only to school to VET. There has to be an opportunity for schools to VET to university as well, and going up the certificate levels into diplomas to get there. It is my belief that for young people going into contracts of training it is not necessary for their parents to sign the AWA or witness it. So, there is no compulsion on a NAC or an employer to explain to the parent what the AWA means or how those conditions may differ from an award.

Promoting Pathways is also about promoting collaboration between the educational providers, and that is done to an increasing extent. Perhaps some of that was done under the shadow minister's watch by moving to SATAC as an enrolment scheme, an expensive system, but it appears to make the VET sector more accessible to young people at school. In addition, we would also encourage people to find ways of getting credit for their VET training as course units for diplomas or university degrees. So, a whole range of Pathways are incorporated in this clause. It is not only people at risk who drop out, but it is people who need Pathways into higher education.

Mr BRINDAL: In terms of Pathways being seen as one of the things between schools and VET, or schools and VET and university, that is fine. But I would say to the minister in a collegiate sense that one of the great dangers of sitting where the minister sits is that we get, with the best will in the world, the absolutely professional advice of those who are in the Public Service—and I have a great deal of respect for those people—but if there is one thing I have learnt to my own peril from professional educators, and I was one, it is that professional educators are sometimes a little blinkered about seeing any end other than the educational pathway.

I know where the minister's background is, I know what some of the minister's beliefs are, and I know that the minister would passionately join me in believing that educational institutions are not the beginning and end of every answer—that, in fact, vocational education should be about some sort of elegant moving between the real world of work, the world of academe and of training, and of all those things, valuable as they are. But the minister knows, probably better than I do, the way that universities can protect themselves as ivory towers and see themselves as the reason and the end for all things. The education system has the same failing. Teachers are the world's worst for never seeing beyond teaching—never seeing beyond a career path that takes children from kindergarten, through infants school, through primary school, to secondary school and long into VET.

So you have this graduated method of taking people along and producing a rounded individual. Well, they are not. They have custody of our young; they play an important and valuable part, but they do not have all the answers. So, I say to the minister in this context, and again in the AWA context: I am not against people pursuing a fully academic career, but I think this should be about flexibility. I think AWAs are a part of the flexibility and I would urge the minister, while taking on board the very best advice of all her very dedicated public servants, not to lose sight of her own intellectual capacity and let them snow her. We all have a passion for what we believe, everyone of us, and we all try and put our point of view, and sometimes the job of a minister is not to be so close to the ball that they cannot see what shape it is.

The Hon. J.D. LOMAX-SMITH: I am not sure whether I should answer that rather generous avuncular advice, but I think it is true that we do agree on issues about the importance of the VET sector and the view that for young people or retraining older adults the VET sector offers particular opportunities. It is perhaps one of the tragedies of our community at the moment that many families do not perceive the VET sector as an attractive pathway for their family members. One of the roles of government has to be to make credible opportunities, credible choices and credible pathways available for all potential learners.

Clause passed.

Clause 11.

Mr BRINDAL: My question on clause 11, which is ministerial control, is simply this: as the minister here quite clearly puts the commission subject to her control and direction, why does she think AWAs would be abused? If in fact AWAs can be considered as part of the commission, and if she retains the oversight, the control and direction of the commission—that is, she can have these things but she can see that they are not abused—why does she still contend to this house that they can be abused when she can make sure that it does not happen? She has the control. This clause gives her the control. It gives her the direction. She can instruct the commission. Therefore, if she can instruct the commission why is she not satisfied that she can make sure, or her officers can make sure, if AWAs are there that they are not abused?

The Hon. J.D. LOMAX-SMITH: It may be possible to direct the commission to do a variety of things. Certainly you could have directed the VEET board in the same way, and the bill last year allowed that direction to occur. Clearly, if one gives directions to the commission they can be subject to whim; they can be changed. This is a transparent and obvious change to the act in a way that makes it visible for everyone rather than being covert.

Mr BRINDAL: The minister has a sense of social justice, and she is saying that AWAs could be abused. This commission, as I understand it under other powers, has the power to approve or disapprove of AWAs. If an AWA came before this commission and the minister thought that it did not meet all the necessary tests and that it was somehow deficient or industrially unfair, the minister could, I believe, through this clause, issue an instruction and tell them not to do it. She is quite right: it would be transparent; it would be honest; it would be accountable; but I cannot see anybody, including this opposition, getting up and criticising the minister for issuing an instruction that clearly stuck up for somebody's rights.

So, all I am saying is, that the commission, as I understand it, has the power to approve AWAs or other instruments to withdraw training and to do all sorts of things. The minister has the power to direct the commission. So, if something happens which is unfair or industrially incorrect, the minister can therefore direct the commission not to do it—not to put up with it, to disallow it, to do whatever. Then the Minister has been open and accountable. But if the minister is being just, and I am sure she would try to be, she will not get criticism from anyone on this side of the house or anyone in this state for sticking up for the rights of people who she would claim are disadvantaged. So, if she has that power, what is wrong with the AWAs?

The Hon. J.D. LOMAX-SMITH: I am not sure whether the member for Unley is suggesting that we should go about reaching the end by different means and is endorsing the removal of AWAs from contracts of training.

Mr Brindal: You might need to remove half of them, but if you come against one that is wrong, one that disadvantages someone, then remove it.

The Hon. J.D. LOMAX-SMITH: I do not know the legal situation if one has to be involved in disallowing a range of AWAs and whether it would be open to appeal. I would have to take legal advice on that matter.

Mr BRINDAL: The minister might consider this issue between houses. Let us hypothetically suppose that the upper house might accept AWAs and the bill comes back to this place. The minister may, between houses, if she has more control, then deem it reasonable not to exclude AWAs as a group, but, rather, to control the application of AWAs in instances where she sees it being done to the disadvantage of a particular group; that is, concentrate on the individual cases rather than the merits. I accept what the minister said. We will not proceed on that; we will just take a vote on this. But could I ask the minister to look at the matter between houses. It may be a resolution, if that place agrees one thing and we then reach a joint house agreement.

Ms CHAPMAN: I assume the minister's silence is some indication that the matter will be looked at. Could I ask the minister whether clause 11, which gives ministerial power to make the direction, is exercised, or whether the functions of the commission (clause 10(2)) are altered? Perhaps that matter could also be looked at. As distinct from the minister having to give herself the power to give the instruction, it could be that, within the function specified, there is some obligation on the commission to effectively strike down whatever process that might be, whether it deregisters that person or organisation as a employer or whether it strikes down a particular AWA in a particular facility where vocational education or training is being undertaken in an unfair or unjust manner, which carries out the types of breaches which the minister has identified in her examples and which form the basis of part of a two-phase area as to why AWAs should not be allowed at all, namely, the inequity of the application of these and how an innocent person to those agreements has been duped into believing that they were in a position of permanent employment or otherwise.

Certainly, if those examples have been accurately indicated to the minister, as she has translated to the house, then they would be matters about which there would be some concern. Either there is the application of the commission's power to strike down, when there is some inequity or some unacceptable practice carried out, or to deregister as a training organisation, or to provide any capacity to give an accredited outcome. I will leave that issue for the minister and her advisers to consider.

The second prong of the argument, as I understood it, in relation to AWAs themselves—and I will mention this point now to save my speaking again on it—is that there is a higher rate of unsuccessful completions under AWAs, that is, 6 per cent of the total amount have a 10 per cent fallout rate in some way indicating that the terms and conditions of the AWA are such that, for whatever reason, the retention rate is high. It is suggested that there is something wrong with the processes undertaken within the AWA arrangement and that this is causing the trainee-apprentice to withdraw earlier, and at a higher rate, on the statistics that the minister has provided. Again, some assessment of whether inappropriate practices are occurring within an AWA could be remedied by detailing that in clause 10(2) and identifying and specifically giving those powers to the commission under this new proposed structure.

The Hon. J.D. LOMAX-SMITH: I thank the member for Bragg for those comments and suggestions. Clauses 10 and 11 were not only in the original VET act but also in the 2001 bill. We have not actually changed anything.

Ms CHAPMAN: I think the 2001 bill included the AWAs. If the government wants to relieve one part, it can tighten up the other.

The Hon. J.D. LOMAX-SMITH: We will investigate all those matters, as I suggested to the member for Unley.

Clause passed.

Clauses 12 to 35 passed.

Clause 36.

Mr BRINDAL: I move:

Page 25, line 14—After 'certified agreement' insert:
or an Australian workplace agreement

With the minister's and other members' concurrence, I do not think I need to speak on the amendment. This is the heart of the issue we have debated all night, so I just move the amendment.

The Hon. J.D. LOMAX-SMITH: I think we have said enough on the matter and we know our positions, which have been well recorded.

The committee divided on the amendment:

AYES (21)

Brindal, M. K. (teller) Brokenshire, R. L.

AYES (cont.)

Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (25)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D. (teller)	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. N.	White, P. L.
Wright, M. J.	

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

[Sitting suspended from 6.05 p.m. to 7.30 p.m.]

Clause 37.

Mr BRINDAL: The minister has graciously indicated to me privately that she is mindful to accept our amendments. It seems to be so easy for members on this side to graduate to the front bench that, if I am cooperative, I will get to be a minister sitting on that side of the house well before the member for Giles does. In that spirit of cooperation, and in the hope that one day I will be sitting over there as you seem to be offering everyone jobs, we will proceed with the rest of the debate.

Clause passed.

Clauses 38 to 45 passed.

Clause 46.

Mr BRINDAL: I move:

Page 30—

After line 32—Insert:

(2a) The Grievances and Disputes Mediation Committee must inquire into a matter referred to it under this section.

(2b) If, after inquiring into a matter, the Grievances and Disputes Mediation Committee forms the opinion that the matter is one that should be dealt with by an industrial authority, the Commission or some other body, the Committee must refer the matter to the industrial authority, Commission or other body.

Lines 33 and 34—Leave out 'must inquire into a matter referred to it under this section and'.

Line 35—After 'powers' insert 'in relation to a matter before the Committee'.

Lines 36 to 38 (inclusive)—Leave out paragraph (a).

Amendments carried; clause as amended passed.

Remaining clauses (47 to 57), schedules and title passed.

Bill reported with amendments.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I move:

That this bill be now read a third time.

Mr BRINDAL (Unley): I wish to speak briefly to the bill as it comes out of the third reading, as I promised the Government Whip that I would do so. The opposition is pleased as this is a bill we have sponsored, and we are pleased with most of the way the bill has got through. I thank the members for Heysen and Bragg for their assistance. Obviously the only area of disappointment and disagreement we have with the government relates to the exclusion of AWAs, and the minister knows that we will, through our party in another place, try to convince it of the folly of its position. I thank the minister for accepting the other amendments we moved. Notwithstanding the one thing on which we disagree, with all the other clauses we agree on it is an excellent bill and I wish it a speedy passage, albeit in a slightly changed form, in the other place.

Bill read a third time and passed.

OMBUDSMAN (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

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

No. 1. Page 3—After line 6 insert new clause as follows:

Amendment of long title

2A. The long title of the principal act is amended by striking out 'departments of the Public Service and other authorities' and substituting 'agencies'.

No. 2. Page 5 (clause 3)—After line 11 insert new subsection as follows:

(3a) A regulation under subsection (3)(a) cannot take effect unless it has been laid before both houses of parliament and—

(a) no motion for disallowance of the regulation is moved within the time for such a motion; or

(b) every motion for disallowance of the regulation has been defeated or withdrawn, or has lapsed.

STATUTES AMENDMENT (CORPORATIONS—FINANCIAL SERVICES REFORM) BILL

The Legislative Council agreed to the bill without any amendment.

STAMP DUTIES (GAMING MACHINE SURCHARGE) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 18 November. Page 1818.)

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

That the Legislative Council's amendments be agreed to.

The Hon. K.O. FOLEY: The government will support the amendments as they have come from another place. This bill has had a long period of debate within the parliament in both houses. The issues that have been addressed in these amendments are the result of the Australian Hotels Association working with the Liberal opposition to put a number of its concerns to the upper house. I am quite happy for the Australian Hotels Association to negotiate by using the Liberal opposition as its vehicle to effect legislative reform and change to our bills in the parliament. As I have said, the government met and had discussions with the AHA on these issues. We were not prepared to accept these amendments initially, but I am a realist—

Ms Chapman: And you can count.

The Hon. K.O. FOLEY: Yes, I can count. The AHA, which was concerned about these particular issues, put its amendments via the shadow treasurer, Rob Lucas, in another place and Rob is now the AHA's advocate in the parliament. I am a realist, and I am prepared to accept that the shadow treasurer is a clear advocate for the AHA in the parliament. We will accept these amendments.

The Hon. I.F. EVANS: I was not going to make any great comment about these amendments but, given the nature and tone of the Treasurer's comments, it seems only fair that we respond. The opposition is happy to consult with all groups about legislative measures that are brought before the chamber. If we think that there has been an injustice, it is only natural that we will move amendments to try to correct that injustice. We had a good victory the other day regarding the fund in relation to the extra money for the arts and sport and recreation groups and the community benefit fund—

The Hon. K.O. Foley: Not for live music, mate: I can tell you that.

The Hon. I.F. EVANS: The Treasurer might be asked some questions about the live music fund. The Treasurer tries to paint the Liberal Party as being the mouthpiece of the AHA. The fact is that that group felt that there had been an injustice, because it had an agreement with the Labor Party that there would not be an increase in taxation in relation to poker machines, and then the first breath of the new government did them in the eye in relation to something like $34 million a year, and it is proud of it. Let Hansard record that the Treasurer is proud that he did them in the eye to the tune of $34 million a year, and then another $18.5 million outside the budget process in the transfer levy.

When groups get done in the eye to the tune of about $150 million over a four-year period, they often come to the opposition and ask, 'Can you help us out with an amendment? Can you help us out to try to rectify an injustice?' As an opposition, we do listen—as we did with respect to shop trading hours, which the government lost this afternoon, and as we have done with the Port Lincoln holiday, which it lost in the upper house. The government is having a rough trot at the moment in relation to trying to get legislation through the parliament, because it simply does not take the time to consult with and listen to the various groups.

As I said, I did not intend to comment on these amendments but, given that the Treasurer made such a political and biased speech, I thought it only fair that I correct the record. I am pleased to have on the record yet again that the Treasurer has been proud to dud the AHA to the tune of $150 million.

Ms Breuer: You're the only ones who are crying—you and them. No-one else is. I haven't had one complaint from my electorate.

The Hon. I.F. EVANS: The member for Giles says not one complaint.

Ms Breuer interjecting:

The CHAIRMAN: Order!

The Hon. I.F. EVANS: We will fax that up to the AHA members and all the hotels in the—

Ms Breuer interjecting:

The CHAIRMAN: Order, the member for Giles! There is a complaint from the chair about her interjecting. The member for Davenport has the call .

The Hon. I.F. EVANS: We will let the hotels in her electorate know that extra taxation is being taken out of their electorate, and the loss of jobs, the higher prices that might have to be charged—

Ms Breuer interjecting:

The Hon. I.F. EVANS: We will just fax it up there, and they can do with it what they want. For the sake of the exercise, and to progress the matter through the house, on the advice of the Treasurer, we will accept the amendments before the committee.

The Hon. K.O. FOLEY: What I will say is that the AHA's $100 000 (or thereabouts) donation to the Liberal Party of South Australia is clearly money well spent, because the AHA could buy the vote of the Liberal Party—

The Hon. I.F. EVANS: Sir, I rise on a point of order. The minister is imputing an improper motive. I ask him to withdraw.

The Hon. K.O. FOLEY: I have no intention of withdrawing. The fact of the matter is that the AHA donated $100 000 to the Labor Party, and that could not influence good public policy, when we raise taxes on the hotel industry to put that money into schools and hospitals. I make no secret of the fact that it is quite obvious that a large political donation by the hotels association can certainly buy you a Liberal Party caucus vote.

The Hon. I.F. EVANS: Mr Speaker, I rise on a point of order. Today during question time that same allegation about buying resulted in a withdrawal and an apology. I seek a withdrawal and an apology. The same allegation during question time was dealt with in a different manner.

The CHAIRMAN: Order! The difference is that—

The Hon. K.O. Foley interjecting:

The CHAIRMAN: The minister will come to order! The difference is that what happened earlier today related to a member of this house. The minister is making a comment in relation to an organisation and, therefore, it is not subject to the standing orders of the parliament.

The Hon. I.F. EVANS: I seek your clarification, Mr Chairman. The Treasurer has clearly implied that the donation changed votes in this chamber with respect to the Liberal Party members' approach to the taxation issue. He has clearly implied that it has affected the votes within both chambers.

The CHAIRMAN: Order! The member for Davenport will resume his seat. I have ruled on the matter. As I said before, the difference is that the comment earlier today by the member for Mawson related to a member of this house, which is against the standing orders. The Treasurer is commenting on an organisation which is outside the purview of the standing orders of this house. I cannot stop the Treasurer from making a comment about the Liberal Party. However, as I interpreted his comment, it was, in a general sense, relating to the Liberal Party, not to an individual member of parliament.

The Hon. K.O. FOLEY: If I have offended the sensitivities of members opposite, I apologise. I am making the simple statement that the AHA donated money to the Labor Party before the election, and they donated money to the Liberal Party. The Liberal Party has supported everything that the AHA has wanted in this parliament; I have had objection to what the AHA has wanted. I am simply making the point that the political donation provided by the Australian Hotels Association would appear to have been money well spent when it comes to the Liberal Party. I do not think that is an unreasonable conclusion to draw. However, if I have offended members opposite—

Mr Koutsantonis interjecting:

The CHAIRMAN: Order! The member for West Torrens is out of his seat and out of order.

The Hon. K.O. FOLEY: —I apologise. I am just making an observation that I think is a not unreasonable one.

The CHAIRMAN: I remind members that they should stick to the substance of what is before the committee.

Motion carried.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1576.)

The Hon. M.R. BUCKBY (Light): It is with pleasure that I rise to speak on behalf of the opposition on this bill. A significant package of road safety amendments has been put forward by the government and, as has been pointed out by the minister, a number of areas are involved. The opposition is able to agree with the government on many points. However, I give notice that it will be putting forward amendments on various areas of the bill.

The bill deals with demerit points for speed camera detected offences. It allows red light cameras to also detect speeding offences, where possible. The bill proposes a mandatory loss of licence for drink-drivers where they register a blood alcohol content of between .05 and .079; it also proposes mobile random breath testing. It requires a person to hold a provisional licence for at least two years or until they turn 20, whichever is the longer, and it strengthens the theoretical testing requirements for a learner's permit. The bill proposes that drivers have a minimum period of six months on a learner's permit, and it adds the period of any licence suspension to the normal learner's permit and the provisional licence period. It allows for the use of digital camera technology or fixed speed cameras.

There are two other areas where the government has indicated that it intends to change road safety issues, one of which is the 50 km/h speed limit within urban areas, which will apply right across all residential areas in towns in the state, not only in the metropolitan area. That will be dealt with in the regulations, not in this bill. The government must consider seriously whether it will still allow 40 km/h speed limits within those residential areas or whether the default speed limit of 50 km/h will be the set limit.

Motorists might well be confused, wondering whether they are in a 40 km/h, 50 km/h or 60 km/h zone. Of course, on some of our major roads we have speed limits of 70 km/h in urban areas. That usually applies on three lane highways. Even so, it just adds another layer to the layers of speed limits already there. I question whether that is good policy or whether it should be 50 km/h right across the state. By way of example, I know that the Holdfast Bay council wishes to have a 30 km/h speed limit on Jetty Road at Glenelg because of the number of pedestrians and volume of traffic that moves through. That may well be an exceptional circumstance that could be supported. However, I have grave doubts about allowing 40 km/h zones as well as this default level of 50 km/h.

A couple of months ago I visited the accident unit at Monash University and spoke with researchers there. As the minister has said, a significant reduction in pedestrian deaths and injuries occurs when you lower the speed limit from 60 to 50 km/h. First, the injuries sustained are less severe; and, secondly, there are fewer deaths because vehicles are travelling at a slower speed. There are good reasons to bring in that 50 km/h speed limit.

In the 1960s the speed limit was 30 miles per hour. At that time, it was considered that technology and braking in cars was such that they could increase the speed limit within urban areas to 35 mph. From memory, that equated to 58 km/h. Then, when we changed over to the kilometres per hour regime, it was deemed that, rather than the speed limit being 58 km/h, it be rounded up to 60 km/h. So, we actually increased the speed. By taking the limit back to 50 km/h, we would be taking it back to the same speed as that applying to vehicles travelling in urban areas in the 1960s. I have no problem in supporting it. The government needs to consider seriously whether it will allow local government to have the option of stipulating 40 km/h limits within the regulations.

The matter of the 100 km/h limit is not contained within the bill, but I will raise it here. Of course, that can be entertained administratively by the department and the minister. The minister has indicated that he will undertake a review of all state roads rated at present at 110 km/h to assess whether it is safe to maintain that speed on those roads or whether the speed limit should be brought back to 100 km/h. Of course, the speed limit in South Australia is 100 km/h but, where marked on the state's roads, 110 km/h is allowable.

I am aware that the department has undertaken a review of Adelaide Hills roads, and the speed limit on many of those roads was reduced to 80 km/h. On the ones that I have driven, that is a very sensible move because it is not safe to travel on those roads at 110 km/h. We will watch that space with interest to see which roads remain at 110 km/h and which roads have their speed limit reduced by the government.

Working through the bill, I note that the opposition supports the amendments to the Harbors and Navigation Act that the government has put forward. It sees good sense in the fact that, if somebody is driving a boat, a category one offence is taken into account only if it has occurred within the last five years. The opposition also supports the provision relating to an offence which involves a concentration of alcohol less than .08 grams in 100 millilitres of blood. We also support the administrative changes concerning the Nurses Act and the amendment to section 74 of the principal act.

As to the amendments to section 5 of the Motor Vehicles Act, which insert definitions of 'photograph' and 'photographic detection devices', I point out that the opposition supports the use of those cameras. Later in the bill, in the amendments to the Road Traffic Act, the standard for those photographs to be supplied as evidence in a court of law requires that, if the cameras are checked weekly—I think that is correct—and where evidence is provided that a photograph has been taken on one day, it is deemed that the camera is accurate for the next six days. We also support that and believe that that is a good move.

Moving on to the amendments regarding a learner's licence and learner drivers, there is a technical amendment to add the word 'theoretical', which is supported by the opposition. The opposition also supports the government's proposal that the pass rate for the learner's permit be 80 per cent and that road safety questions be included within the learner's permit test. A question that the minister might answer when we move into committee is whether there will be an increased number of questions over and above what are already asked on the learner's permit or whether some existing questions will be deleted. The minister might be able

to advise us of that information in committee or in his conclusion to the second reading debate.

I think it is a good move for someone to be on a learner's permit for at least six months, and it is a good idea that a young person with basically no experience has an unrestricted licence holder alongside them for a period of six months. That person will be able to oversee and correct any bad driving habits, or be able to give advice when the learner driver is negotiating the road.

One question that I have of the minister concerns the amendment to section 79(3), which seeks to change the act from 'every member of the police force' to a 'member of the police force'. Does that mean that it is only commissioned officers who can conduct the test or can non-commissioned officers do so? That is particularly pertinent in country police stations, where the officer may not be a commissioned police officer. I ask the minister to address that so that when we come to the committee stage he can supply us with an answer. It is particularly important that, where people have to drive a significant distance, as often occurs, particularly on the West Coast or in other more isolated regions of South Australia, young people can obtain their learner's permit at their nearest police station so that it saves them some travelling distance. We think that is important.

I now turn to the issue of provisional licences. The government is suggesting at the moment that, following the amendments, you will have to hold a learner's permit for six months, which means that the earliest you can get a provisional licence will be at 16 years and 6 months old. That falls into line with the situation in New South Wales and Queensland, and in Victoria you cannot get a learner's permit until you are 18. For P plates the government proposes in this bill that, if I am 16½ years old and apply for and get my provisional licence, I will have to hold that provisional licence until I am 20. If I am 18½ when I get that provisional licence, I will have to hold that provisional licence for two years, so I would be 20 years and 6 months old before I got my fully unrestricted licence.

The opposition will put forward an amendment to the government in this case. We support the fact that a young person will not be able to get an unrestricted licence before the age of 19 years, but we believe that, for instance, if you are 17½ when you get your P plate licence, you should have to hold that for only two years, so you would be 19½ by the time you are able to apply for your unrestricted licence. I give notice to the government that we will move an amendment along those lines. That flows over into the next section, where those people coming from interstate who do not hold an unrestricted licence will also be subject to the same provisions, so the amendment that is being foreshadowed by the opposition is that that would flow over to those people as well.

I refer to the disqualification for certain drink driving offences. The proposal is that there would be a mandatory loss of licence if you were apprehended having committed the offence of having a blood alcohol content over .05. I note in my discussions with the RAA that it is not supportive of this measure, mainly because, from its reviewing of interstate provisions, it does not believe that this will have an impact. Neither does the opposition. From what we have been able to determine from looking at all the statistics, the major drink driving accidents, particularly deaths, occur where a driver has been well in excess of .08. That is the research that we have seen, and I do not believe the government has given enough good reasons for this to come into effect. Under category 1, the government proposes that a driver would lose their licence for three months; six months for a second offence; and 12 months for a third offence. As I say, I do not believe there is enough evidence to support the fact that that will have a significant effect.

In discussions I have had with police officers, since becoming the shadow minister for transport, I have been told that it is not so much the drink drivers on the road that they find are the problem as the people who have taken drugs and are driving. I am aware that the Victorian government is currently trialing random drug testing of drivers on the road, and I am aware that the minister here has already indicated that, in a second tranche of road safety initiatives, it is one area he is looking at. I am pleased he is, because the use of marijuana and other drugs, combined with alcohol, causes serious impairment of judgement and it is a dangerous cocktail if those people then drive on the roads. So, that is an issue that should be looked at as time goes on.

The opposition supports the next area which deals with instructors' licences. It provides that an instructor must hold an unconditional licence for a period of not less than 12 months. If a licensed instructor is teaching other people driving habits and the rules of the road, it is commonsense for that instructor to have held an unrestricted licence for a reasonable length of time in order to know those rules well.

The demerit points proposal put forward by the government operates in all other states. The opposition certainly supports the demerit point system for red light camera offences, combined with fixed cameras so that a person can also lose demerit points for speeding through a red light. There are two offences: going through a red light and speeding, which will be detected by the fixed speed cameras. The opposition supports the imposition of demerit points for both offences, so that it is a double hit in terms of providing the maximum deterrent to such drivers.

Every time I travel to Adelaide I drive down Main North Road, and there would not be a day where I do not see at least three or four drivers who drive straight through a red light, particularly at the Gepps Cross intersection where there is a high number of accidents. You see it time and again, and I believe that introducing demerit points for red light cameras as well as speeding through red lights is a good initiative by the government, and the opposition certainly supports it.

However, the opposition does not support demerit points for speed camera offences. If I drive from Kimba or Port Lincoln to Adelaide, I may pass through three or four cameras on the way. It could well be that I lose all 12 demerit points in one journey. No-one should be speeding in the first place—that is accepted—but there is a possibility that I would lose all my demerit points, and therefore my licence, without ever knowing about it.

Ms Breuer: Is your name Graham Gunn?

The Hon. M.R. BUCKBY: No, it's not Graham Gunn. I think that is going over the top in terms of losing a large number of demerit points without knowledge of what is happening. I have no sympathy for people who run red lights and who speed through red lights. I think that is extremely dangerous and I am very supportive of what the minister is putting forward here. As I said, if you do not speed you do not have a problem, but there is the potential for people, if they are speeding and driving through multiple cameras, not to know how many points they have totted up, and they could well lose their licence in that event.

The Hon. M.J. Wright: I would give them one point back if they did that.

The Hon. M.R. BUCKBY: The minister will give them one back; he is very generous. With respect to clause 18 and the amendment to section 145 under 'Regulations', the government is proposing that, if they have failed a test, a person will be prevented from sitting a theoretical test or a practical test for a minimum of two weeks. For instance, if I sit for my learner's test and fail (I do not achieve 80 per cent), I would not be able to sit that test again for two weeks. Likewise, if I sit for and fail my provisional driving licence I would not be able to sit the test again for a period of two weeks.

The opposition does not support this amendment. It is all very well for people living in the city because one does not have to travel very far to the nearest place to be tested and, therefore, travelling, time and cost are not an issue. However, in the country it is an issue. In many cases people will have to travel 100 or 200 kilometres to sit their driver's test, whether it be their learner's test or their P plate test. It may be that they fail on only a very elementary question. It may be that, in sitting the learner's permit, they achieve 78 or 79 per cent, they do not achieve the 80 per cent.

They must travel home and return two weeks later. I believe that if a person has failed they should be able to sit the test again, if an appointment is available, on the same day or a few days later. It should not be limited to two weeks because, in many instances, people will have to travel long distances to be able to undertake the test, which imposes upon them the added burden of travelling back two weeks later when, in fact, they may have been able to do the test again on the same day. If someone has failed the test on a minor point it makes it even more of an imposition to come back two weeks later.

We will oppose that amendment and ask that the current situation remain. I turn then to the Road Traffic Act and to the minor amendments to sections 5, 43 and 47. The opposition supports these amendments relating to the definition of 'accident' and defining a 'photograph detection device'. The amendment to section 47 means that the court would take into account a category one first offence where a person has been convicted of a second or subsequent offence. I think that is eminently sensible; it also adds a little more to the deterrent factor in terms of people considering whether to drink and drive.

The requirement for an alco test or breath analysis allows police to stop a vehicle for a random breath test. My understanding is—and the minister can correct me later if am wrong—that the bill does not require police to have any reasonable grounds to stop a driver and submit them to an alco test or to a breath test. I think there are some dangers inherent in that, particularly if, for instance, I am travelling along a road abiding by the road rules, yet I can be pulled over for a breath test.

The bill further provides that the Police Commissioner must set out the procedures under which these tests can be administered and that those procedures must be inserted in the annual report to the minister. However, the opposition does not support this amendment, because it gives the police greater powers. I think the police have enough powers at the moment. If a driver is observed not to be adhering to the road rules and is swerving all over the road, the police can stop that driver to ascertain whether they are in a fit state to drive. So, I believe that this provision goes a bit too far.

Earlier in the year, the opposition proposed that, given the high accident and death rate on long weekends and public holidays, random breath testing could be conducted on public holidays and on four other nominated days of the year. I will move an amendment along those lines, as an alternative to the government's amendment, that we have a blitz of breath testing stations on those days because of the significantly greater numbers on country roads, in particular, where speed, fatigue and other factors combine to cause accidents. There are consequential amendments in the bill to proposed new section 47E which the opposition will also oppose.

There are relatively minor amendments relating to blood tests by nurses. We support compulsory blood tests which require a court to take into account a category 1 first offence when a person is convicted of a first or subsequent offence. We also support certain offenders being required to attend lectures. Some years ago, if a person was caught speeding or drink driving, they had to attend police lectures. Those lectures were pretty stern events. They were shown fairly graphic film of what happens in a road accident and how people are injured or killed. I think this is a good idea.

Only last week, a caller on ABC radio commented on the difference between road accident television advertising in South Australia and that which takes place in Victoria. This lady, who was from Victoria, said that Victorian advertising is very graphic, that it is really shock treatment to try to bring home to people that road accidents are not pretty, that deaths do occur and that this could happen to you. This may be something for the minister to consider and review particularly when advertising around holiday weekends. The opposition certainly supports attendance at lectures, and we will investigate moving an amendment to further strengthen this provision.

Regarding persons who have been convicted of a category 1 first offence—and the minister may be able to spell this out—I am not sure whether a person disqualified while holding a learner's permit or a provisional licence is required to attend a lecture. If not, then that may be an area that should be considered so that we can bring home to young people and those inexperienced drivers that if they speed or drink and drive there are very serious consequences. You only have to look in the paper to see reports of death caused by a young person's driving.

I recall a couple of cases that have been completed through the courts where a driver was speeding through the Adelaide Hills and the passenger was killed. The drivers in such cases would carry that with them for the rest of their life. Their irresponsible driving has meant that one of their best friends is now dead, and then there is also the sheer impact that that has on the families involved but particularly the family that has lost a young person as a result of that irresponsible driving.

The opposition does not support the provisions for photographic detection devices and the increase in the level of fines where, if you speed through a red light, you incur not only the fine for the red light offence but also the fine for the speeding offence. The government has been saying that this bill and this raft of safety packages are not a revenue raising issue. Issuing demerit points for both offences so that, for example, you could lose up to eight demerit points in one instance would be, we believe, a very good deterrent to drivers, and we support that deterrent.

This means that, if a body corporate is involved and a person speeds through a red light, the fine would be $4000, which is a significant amount of money. Yes, it is a good deterrent in terms of saying, 'Don't do it': there is no doubt about that. However, the opposition believes that the existing fines are adequate and that, if the government is genuine

about not seeking to raise revenue from this particular change to the act, it should be seeking to upgrade the demerit point system but not increasing the fine. You are really looking to have the maximum impact on the drivers in question with the possibility of the loss of their licence rather than raising revenue or fining them to a point where either a company or person may not be able to afford the fine.

The bill also allows photographic detection devices for red light and speeding offences to be used at locations approved by the minister and to be listed from time to time in the *Gazette*, and the opposition supports that. We would hope that the minister would consider placing these fixed cameras at, for instance, the 100 worst blackspot areas, or at those traffic intersections which are particularly bad blackspots involving the highest rate of accidents. The opposition also supports the provision in the bill allowing for the images from digital cameras to be admissible as evidence in a court case.

Finally, in respect of section 175, 'Evidence', the amendment states:

> A certificate tendered in court proceedings stating that a speed analyser was tested on a certain day and was shown to be accurate constitutes, in the absence of any other proof, that the recording was accurate on that day and for a period of six days thereafter.

The opposition supports that amendment. Can the minister clear this up? I take it that that means that these cameras will be tested every seven days. The minister might like to confirm that or advise the house how often the cameras will be tested to ensure their accuracy. This is an important bill. As I said, it is one that the opposition can support in many areas, and is pleased to do so, and it recognises the government's commitment to improving road safety.

Mrs Geraghty interjecting:

The Hon. M.R. BUCKBY: The member for Torrens says that, sadly, we are not supporting the intersections. We are supporting the intersections. We support the loss of demerit points for both offences—for a speeding offence and for a red light offence—under the one action, so that the deterrent will be that you can be caught going through a red light and you can be caught for speeding at the same time and, as a result, incur the maximum two lots of demerit points. The opposition supports that, and recognises that it is a good deterrent to speeding through red lights. Also, we support the red light camera offences where, if you go through a red light and you are not speeding, you incur demerit points as well.

Mrs Geraghty: But you are committing two offences.

The Hon. M.R. BUCKBY: You are committing two offences, so you get double the demerit points: that is what we are supporting. But we are not supporting double the fines. So, we believe that if the government is genuine in saying that this is not a revenue raising issue but is a deterrent for people to speed or go through red lights, then the demerit points should be the deterrent and not the fine. There is already a $2 000 fine for a body corporate and a $1 250 fine for an individual. That is a significant fine that is currently in place. So, we believe that the demerit points will be a very big deterrent, particularly, as I say, if you speed. It is often the case that you see people, when the traffic light goes to amber, put their foot down to try to make the amber light and end up going through a red light. So, I would say there would be a large number of people going through red lights who are speeding at the same time, and I have no sympathy for them. So, the opposition, as I said, commends the government on putting forward these safety initiatives and will bring forward amendments as I have outlined. We will be interested in the debate during the committee stage.

The Hon. R.B. SUCH (Fisher): I welcome this package of measures, and I commend the minister for bringing in this package quite early in the term of the new government. I acknowledge that the previous Minister for Transport did good things, but I am very impressed with what the current minister has brought forward to this parliament.

I would like to say a few general things. I do not believe that we take road safety seriously enough in our community. I do not want to see anyone lose a loved one in a road accident. It happened to a nephew of mine 11 years ago—he was 16 years—along with a young lass from Murray Bridge. They were passengers in the rear seat of a car and both were killed. I can tell you that it is not something that I would want to have happen to anyone.

So, I am quite passionate about road safety and, for those of us who are parents of boys, in particular (although it also applies to young girls), the fear is that one of your young ones might be killed or hurt in a car accident. Indeed, in our society we have a double standard when it comes to road accidents compared to what happens when people are killed or injured in aircraft accidents. I am not saying that we should diminish what we do in respect of air crashes, but members should consider the amount of investigation undertaken, the quality and standards required for aircraft, and the testing and training of pilots. On the roads, where hundreds of Australians are killed and thousands injured every year, we have a much lower expectation in relation to both behaviour and technical standards. As a society we have never really come to terms with the motor vehicle and the motorcycle, and the variance that relates to road safety.

I would like us to get fair dinkum about this issue. I think we all have become somewhat accustomed to hearing statistics about road accidents. After a while, when you hear, 'Four killed on the weekend,' it does not mean anything unless one of those people is a relative or a close friend. I can tell members that the hurt and pain goes on forever. Recently, in my electorate, sadly, two young promising West Adelaide footballers lost their lives. From all accounts they could have had a great career in the AFL, but they were killed on one of our suburban roads. I know the pain that the young people in my electorate are still experiencing as a result of that accident. As one goes past the accident scene, every day there are tributes. The West Adelaide football jumper is there. The pain and hurt goes on, and I do not want to see that happen to anyone.

As a community, we need to get fair dinkum about road safety. We tolerate far too much inappropriate, irresponsible behaviour on our roads. Some of the things I want to canvass tonight are not specifically the responsibility of the minister, but they are road safety matters; and some matters arise within ministerial councils, which comprise federal and state ministers; and some impact, in terms of responsibility, on the Minister for Police. In this bill there is a focus on random breath testing, which I applaud.

I know that technology is still being developed, but we need to get fair dinkum about people who drive under the influence of drugs. In Victoria they have analysed the blood of those killed, and the statistics suggest that the number of people killed on Victorian roads approximates the number killed as a result of drink driving. I know the technology is still evolving, but I believe that it is a matter which the government should address urgently, as soon as the requisite

technology is available. I suspect that a lot of the aggressive road rage behaviour is carried out by people under the influence of an illicit drug.

Some matters that concern me greatly go beyond those driving under the influence of drugs and alcohol and embrace things such as the requirement for a more thorough testing and training program for new drivers. I do not believe that what we do is sufficient or adequate. I know there are provisions in this bill to address some of that to some extent, but I think we allow people to get a licence too easily in this state and throughout this nation—and that should be addressed.

I have some concerns about the current log book method. While most people may do the right thing, I know, as a result of talking to young people, that they shop around to find the licensed tester or trainer who will give them a licence in the least time at the lowest cost. One can understand that, because that is human nature. I do not believe we have necessarily advanced by going into that system vis-a-vis the former independent inspector type of regime. At least we should tighten up the current driver training and testing provisions so they are more rigorous than what is currently on offer.

I have suggested to the minister, and he has responded, about the possibility of using electronic training and incorporating software packages, for example, in simulated situations. I am still working on that project. I believe members would be aware of some electronic games—racing cars, and so on—that young people play. I believe a software package, which is focused on safe driving and defensive driving, and avoiding dangerous situations, could be developed. I believe it would be possible for software engineers to develop those types of packages both for right-hand and left-hand drive vehicles. I believe that there would be a market, and people could use them in their own home, libraries and so on. They could deal with some of the issues which currently are not covered.

Basically we test now to see whether you can drive a car on a sunny day and park it at K-Mart. That is hardly relevant to much of the driving that people have to do when they are driving on country roads and it is stormy and a pantechnicon passes them or their vehicle goes off the edge of the road: we do not test or train for those situations. The electronic software packages would not be perfect, but they would be a big advance on the current gap that exists in that respect.

Another issue which has concerned me for a while and which relates to the ministerial council—and I have written to the minister about it (he would get quite a few letters from me, probably more than—

The Hon. M.J. Wright: I get a lot, yes.

The Hon. R.B. SUCH: I remember the former minister Frank Blevins saying that I wrote more letters than anyone else in the parliament. I do not apologise for that; I think that is part of our job. I am concerned that we still have cars coming into this country which do not have any airbags in them whatsoever. The airbag is not a recent invention. Members may be surprised to know that they have been around for over 30 years. Extensive use is made of them in the United States, which was much slower in adopting a seatbelt approach. However, in Europe, they have both seat belts and airbags, and they have side airbags as well as front airbags. To think that in this country we are importing cars from Korea and other places that do not have any airbags is scandalous, because those cars will be around for a long time, offering little protection to the people who travel in them.

I have also been in communication with the Minister for Administrative Services suggesting that all state fleet cars have at least front airbags, because if you lose one public servant or turn one into a paraplegic, it will cost a lot more than the couple of hundred dollars that it would have cost if the passenger side had been fitted with an airbag. The answer which comes back and which I suspect is drafted by the bureaucracy is: 'We do not have any clout over the manufacturer.' That is a load of nonsense. If the government says, 'Look, we want all our cars to be fitted at least with twin airbags,' the manufacturers can do it easily; it is not a difficult task.

One of the other measures that I would like to see considered is that, when people offend outrageously badly in terms of their driving, they should be required to undertake a retraining and retesting program, as in the United Kingdom. If someone's driving is bad—outrageous—why allow them to continue on the road threatening the lives of other people and themselves? Take them off the road, make them do a training program and a retesting program, and if they show that they can drive sensibly and properly, then let them back on the road again. The question of whether young people in particular should be able to drive any type of car, any power of car, needs to be looked at. There is a provision in relation to motorcycles, a 250 cc benchmark, if you like, but the manufacturers have subverted that by making 250 cc motorbikes outperform some of the bigger bikes.

However, even allowing for that and the fact that manufacturers will always be tempted to outmanoeuvre the legislators, it is important that we consider whether or not young people, and particularly new drivers, should be allowed to hop in any vehicle. I have the pleasure of driving one of the latest Commodores, it is a V6 and it has enough power to put you back in the seat if you want to put your foot down. That vehicle will be around for a long time, and so, in the future, young people will get access to it. They can be very young, inexperienced drivers and they can have a V8 or a V6, and basically they are driving a semi-guided missile. We have had several fatalities where people have been driving imported so-called sports type cars which, on impact, have very little protection whatsoever. The two lads who were killed in my electorate were driving one. The lad who was killed on the Sturt Highway at the end of last year was also in one.

Four-wheel drives do not conform to safety standards. Six lads were killed in Moss Vale in New South Wales two months ago when I was there. They were in a brand-new four-wheel drive Nissan that hit a tree and sheared off the chassis and all six lads were killed. Four-wheel drive vehicles do not conform to safety standards whereas sedans do, so that is another anomaly in our road safety provisions. In the United States they have a provision in many individual states where young people travelling as a group come under strict provisions, and we need to look at that issue here. One teenager driving alone often acts fairly sensibly, but with three or four lads together in the car the others will egg on the driver and urge the driver to do silly things and that is when tragedy occurs. That needs to be looked at as well.

The question of unmarked police cars, whilst not central to the bill, is an important issue. I would like to see more unmarked police cars on the road because when people see a police car they behave themselves, but if it is unmarked or a different model of car they will get caught when doing silly things like tailgating and cutting off people because they do not know it is a police car.

Mr Hanna interjecting:

The Hon. R.B. SUCH: The member for Mitchell says, 'Why not more marked cars?', and I am happy with that as well, but we certainly need some unmarked ones, because you will then have an element of being able to catch those doing silly and inappropriate driving on the road.

I raised with the previous minister the question of advisory speed signs and I wrote to the previous minister asking whether people should not be required to follow those signs, and the answer was that they were only advisory. If they were only advisory it seems contradictory. If the experts say it is the correct speed at which to go around a bend on a country road, surely that is the appropriate speed. If not, why indicate to people that it is? It seems strange that we have a sign saying that this is the correct speed for this situation and then we say that people do not have to abide by it as it is only advisory. Why have it there if it is not determined by the experts as being the appropriate and correct speed to go around that particular section of road? It seems rather strange logic to me.

The bill before us has a lot of very good features, and without taking up too much time of the house if I will highlight them and indicate once again that I support them. There are demerit points for camera detected speeding offences, and red light cameras to also detect speeding offences where possible. I have argued for this and have written to the minister about it and I am pleased the government is doing it. This was done in Victoria recently and I welcome its being introduced here. There is a mandatory loss of licence for drink driving offences between .05 and .079. I have argued in the past—and I do not believe it negates the legislation—that sometimes people lose their job and many people say, 'Bad luck'. My view is that you should take away the licence when it will affect their pleasure or private time. I do not know whether that is too difficult to implement, but you could have a system where you allow someone to travel to and from work or you say that they cannot use a vehicle on the weekend or at night for private purposes. It is still a penalty, but does not put them on welfare or cost them their job. I would like it looked at.

I support mobile random breath testing and would also like to see random drug testing. A provisional licence holder is to remain on that licence for at least two years or until they turn 20 years, whichever is longer. I think that is a sensible provision. In France they have a system where, if you are prepared to have an adult sit beside you for a period of time—like a year or two—while you are driving, as a young person you will get a significant reduction on your insurance premium when you insure your car, so it is a positive incentive to be accompanied in your learning years by a parent or some other responsible adult. Strengthening the testing requirements for learners' permits is good, and the minimum period of six months on a learners' permit is welcome. Prohibiting learner drivers from re-sitting practical driving tests for two weeks after failing a test is also a good provision. As I have said, I would like to see retesting of people who offend on the road with silly behaviour.

Measures such as adding the period of any licence suspension to the normal learner's permit and provisional licence period and allowing for the use of digital camera technology and fixed speed cameras are very welcome. In addition, I would like to see where people engage in hoon behaviour that their vehicle is impounded or they are not allowed to use it, or their licence is suspended.

Regarding the current practice of P-platers appealing to a magistrate, I am advised that they invariably have their licence restored, and I believe that that matter needs to be looked at. I think that is an abuse. A person who loses his or her licence goes along to the magistrate and looks a bit teary eyed, and I think that some people—not all—are abusing the system. Again, it would be better to punish them in their private time and say, 'You can't use your vehicle for non-work periods.' If the people concerned live in the country, there could be provisions that penalise them in their private use but not harm their work, employment or farm situation.

Finally, the issue of the default speed limit in urban areas is something for which I have argued; in fact, I introduced a bill last year. I am delighted that the minister has chosen to go down this path. That will be done by regulation, and I welcome that. I trust that after a period councils such as Unley and others that have introduced a 40 km/h limit will revert to the default limit of 50 km/h so that there is consistency and uniformity across the metropolitan area. That would make a lot of sense and would be easier to enforce. The community would then have a mental attitude so that when they turn off a collector road or arterial road they slow down to 50 km/h. I think that would work. At the moment, when you go from one council area to another with different speed limits, it confuses people and is counterproductive.

In conclusion, I welcome this package of measures, and I am delighted that the minister has got it together in a very short period. I would like to see other things added, but I realise that it cannot all be done at once. I commend this bill to the house. If it saves one life, it will be great. However, I am sure that it will save a lot of lives and prevent a lot of accidents, hurt and trauma in our community. I commend the bill to the house and trust that it receives speedy passage.

Mrs REDMOND (Heysen): I, too, rise to support this bill. I do so not only as the member for Heysen and as one with a keen interest in the road safety issues arising in the Hills electorate but also because, clearly, we have very different road conditions in the Hills—

An honourable member interjecting:

Mrs REDMOND: No, they are not all shocking roads, but they are often wet, slippery, dark and windy roads. They are quite different in their conditions from either the metropolitan plains area or a lot of country areas. We possibly do have an over-representation in terms of accidents—as indeed does this state in terms of the national accident regime—and we do need to address that. I welcome the substantial parts of the proposal put forward in this package by the minister. I also welcome the measure as the mother of three youngsters who all live at home, who are all of driving age and two of whom are yet to reach the coming of age and self-discipline.

In terms of the Adelaide Hills, I note that both the member for Kavel and I regularly attend the meetings of the Adelaide Hills road safety group. As the member for Light has already pointed out, there have already been significant reductions in a number of the speed limits on the Hills roads. I still want the minister to come up and visit one road in particular which I am trying to convince him should have a somewhat lower speed limit than its current zoning. However, I welcome the introduction of an 80 km/h limit that we have already had on many of our Hills roads in the last 12 or 18 months.

In that regard, I also support the introduction, albeit not in this bill but by regulation, of the default 50 km/h in suburban streets. It is clear on the evidence that that will lead to quite a reduction in both the severity and frequency of

accidents and a big saving to this state. Members are probably aware that the road accident toll, not only as to death but more especially as to injuries, costs this state something in the order of $1 billion a year. It is a significant cost to the state, and the trauma of those accidents cannot be overstated. Indeed, in my practising life as a solicitor prior to entering this place, I dealt with many major trauma accidents that were given to me to handle by the Public Trustee on behalf of people who had suffered significant paraplegia, quadriplegia, brain injury and the like. They have a catastrophic impact on the life of the person concerned, and often on the lives of the members of their family.

I welcome most of the provisions in the bill, and I do not intend to canvass all the provisions that already have been covered so ably by the member for Light. However, there are a few that I want to comment on specifically. My comments arise largely out of the fact that, during the 1980s, for a period of about 10 years, I was the local government representative on the Road Safety Advisory Council for the state of South Australia. I spent a fair bit of time in that 10 years looking into the details of the reasons behind various changes that we have already introduced, the effects of those changes and the likely effects of some of the proposed changes.

In that regard, I would first like to comment on the introduction of the compulsory six months for holders of L plates. I welcome that measure. I ask that, when the minister starts to consider the next group of amendments, he looks at the issue of having, perhaps, a regulated licence scheme whereby our licensed drivers have to go through more hoops to obtain their licence—where a P plate licence is not necessarily the only step between learner and unrestricted licence.

The system as it stands at the moment, even with this amendment with the compulsory six months on L plates, will nevertheless mean that, technically, a 16 year old could learn to drive in an old Datsun 1200 automatic car, obtain their licence at the age of 16½, and the very next day be legally entitled to get into a turbo-charged Range Rover, put a caravan on the back and, at night, hit a country road at whatever the speed limit is, even though they have the restrictions of P plates. My suggestion to the minister is that it would be appropriate for us to have some other levels of licensing that might restrict that practice. At the moment, happily, I think most parents manage to keep their children under control, and most youngsters (albeit some of them seem to drive like hoons after a couple of months) are a little timid when they start to drive. So, I welcome that measure.

I also welcome the concept of having two years on P plates. I am not comfortable with the proposal currently in the bill, and I will support what I believe the opposition will put up as an amendment, that is, that it simply be a two year provision on P plates. It is clear on the evidence that it is not the age at which someone obtains their licence but their level of experience as a driver which impacts upon their likelihood of having an accident. It does not really matter whether someone obtains their licence at the age of 16 (in my father's case, it was 14, and the person who tested him did not even have a licence) or at 22, or whatever: it is still that inexperience on the road and behind the wheel that leads to the accidents. My view is that we need to keep those new drivers, of whatever age, under that P plate coverage to protect them—not to do anything but to protect them. It seems to me to be a fairer system simply to say a minimum of six months for L plates and a minimum of two years for P plates, and leave it at that, rather than having a system where a 16½ year old can obtain their licence, but they may then be on P plates for 3½ years. They may be a very competent driver, and there may be some very good reasons for them then to be off their P plates well before they reach their twentieth birthday, as I understand the proposal in the current bill.

I support the idea of double demerit points when someone both runs a red light and speeds through an intersection. Indeed, when I travelled to Sydney by car recently, I noticed that on long weekends in that state they applied double demerit points for every offence. There are signs posted all over the place—on all the overhead bridges going across freeways, and so on, saying, 'The long weekend is coming up. Be aware that if you are caught for any offence during the long weekend you will be hit with double demerit points.' Long weekends tend to be where we get a spike in our road injuries and fatalities, and that needs to be addressed. So, I support that measure.

I am afraid that I have to oppose the amendment to section 47B. As I understand the amendment, it proposes to impose a conviction for offences where a driver has a blood alcohol concentration of .05 to .08 and a requirement for compulsory licence disqualification, whereas at the moment licence disqualification applies only to those offences above .08.

As I said, I used to be on the Road Safety Advisory Council and, as it happens, I was a member when we undertook a very lengthy and well-researched deliberation about the BAC limit in this state. On the evidence, it was quite clear that the alcohol component really came into play at about the .15 level rather than .08. So, the council was quite satisfied that the current level of .08 was, indeed, a reasonable point at which to commence the offence.

In this state, the situation exists where we have an offence commencing at .05 simply because of a political decision. Members may recall that Bob Hawke, when he was prime minister, introduced a 10-point safety plan. He said to each of the states, 'Unless you introduce my 10-point safety plan, you will be denied road funding for your state.' So, all the states introduced it.

This state introduced the 10-point plan, but the basis of our reasoning at that time was that there was no evidence to support .05 as the level at which accidents were occurring, and that a person with an .05 reading was not really the cause of accidents. So, we introduced it as an expiation fee rather than a compulsory licence disqualification. Notwithstanding the fact that other states may impose disqualification at that level, at this stage I do not think there is scientific evidence that that is a safety measure as opposed to a fairly heavy-handed approach to the issue of how to stop people drink-driving.

As a person who does not drink alcohol at all, it is not an issue for me, and I would be quite happy if everyone had to drive with no alcohol at all. However, the reality is that our society accepts people drinking and, on all the evidence, it is also a reality that, if they are driving at .05, generally they are not a danger and their ability to command and to control a vehicle is not impaired. I am not prepared to accept that that is a good proposal at the moment.

The only other proposal I want to comment on is the amendment to section 79B. I appreciate that it merely doubles the penalties that appear in the act at present. However, I have a difficulty with the way the act is currently structured, because it imposes different penalties for an individual and a body corporate, and we see that in a number of measures, such as native vegetation legislation and the environment

protection bill, which was recently passed in this house. Different penalties are imposed according to whether the offence is committed by an individual or by a body corporate.

My concern is that bodies corporate do not drive cars: individuals drive cars. To my mind, the offence should always be structured against the driver of the car. It seems to me that it is fraught with difficulty to impose a differential offence against a body corporate. The other concern is that a 'body corporate' can be anything from the little local plumber, who is a one-person director company and who has put himself into a company structure simply to get the protection of WorkCover (he is the only employee, but he still constitutes a 'body corporate') through to BHP.

Simply saying that we will have a much higher penalty for a body corporate does not make a lot of sense to me in the first place. But, as I said, my major difficulty is that bodies corporate do not drive cars, and it is therefore appropriate for us to concentrate simply on the offence as committed and impose an appropriate penalty. In that regard, I support the comment of the member for Light that the penalties are already heavy enough. The average person would find it a struggle to come up with the sort of money that is already imposed by the legislation, and to increase it to the levels proposed by this bill is a little bit onerous.

With those few comments, I support the thrust of the bill, and I commend the minister for bringing these proposals to the house. They will have a positive effect, particularly the decrease—albeit by regulation—of the speed limit to 50 km/h. I also support the comments of the member for Fisher that it would be appropriate for those councils that have 40 km/h limits in due course to move those to 50 km/h limits. We would then have a standardised system which I think should apply throughout the country. When you were on an arterial road you would travel at the posted limit and when you were off that and in a suburban street, you would instantly know that you were in a 50 km/h zone and that is the speed at which you would travel. As I said, that will have a significant impact statistically on the level of accidents, both their frequency and severity. That will greatly benefit the state in terms of the cost to our economy, as it will reduce the enormous amounts of money paid out as a result of these significant road accidents. At the same time, it will also be of enormous benefit to each and every person whose life we save or whose injuries we make less severe.

The Hon. G.M. GUNN (Stuart): I do not share the enthusiasm for this proposal of the member for Heysen and one or two other members. In the early part of his ministerial career, the minister has achieved one thing: he has placed himself in the hands of the Sir Humphrey Applebys, and he is carrying out their dictates to the letter. They have him bouncing like a rubber ball. He has carried out two sets of instructions: one to take away the funds in the north and create a road hazard; and the other to put in place unwise and unnecessary restrictions that in certain circumstances will make life even more difficult for people in isolated parts of the state. I do not share the enthusiasm of the Deputy Speaker for some of these measures, except on one point: there needs to be some discretion in relation to someone losing their driver's licence so as people do not suffer double jeopardy. In that I entirely agree. I know the minister thinks I am on my hobbyhorse. I have driven as far as anyone in this chamber. As I have been a member of parliament for a fair amount of time, I have had the use of and owned more motor cars than anyone in this chamber.

An honourable member interjecting:

The Hon. G.M. GUNN: I didn't actually hear the comment of the honourable member. However, if it was at his usual standard, it would have been naive and nasty.

An honourable member interjecting:

The Hon. G.M. GUNN: Complimentary! First time in his life! I humbly apologise if I misjudged the honourable gentleman. I was feeling weary, and I did not want to speak for the whole 20 minutes, but if you encourage me I could make a speech for 20 minutes.

Members interjecting:

The Hon. G.M. GUNN: You should be careful; I could come back again. I do not believe that it is fair, just or reasonable—and I hope the minister is listening—to allow unmarked police cars in rural areas to carry out random breath testing. By way of example, a female is leaving the school council meeting at 11 o'clock at Orroroo, driving on one of those roads out of Orroroo to go home. If a car comes up behind her, flashes their lights and she does not know who it is, will she stop?

Mr Hanna: She would be terrified.

The Hon. G.M. GUNN: That's right. Therefore, let me say this to the minister: if this provision comes in and it is applied, I will have no hesitation in naming in this parliament any officer who carries on like that. I will tell my constituents, 'Just take the number, and we will put a question on the *Notice Paper* asking what the police car was doing.' I would sooner not do that, but one unreasonable act always creates another. Therefore, this is an unreasonable suggestion and it is fraught with danger, especially if you have an over-enthusiastic, aggressive police officer with no commonsense or without proper supervision. I know of a recent case where some telephone calls had to be made to very senior people to get some commonsense applied. I ask the minister to rethink this provision because it is fraught with danger.

I believe that just the sight of a police car has an effect on people's driving conduct. It is like hiding speed cameras. We are all told that they are a road safety measure, but one of the interesting things I have noticed since I have been in this place is that, when you start asking questions, treasurers take a very keen interest if people want to restrict their use. I do not know whether it is a coincidence or a figment of my imagination, but I say that speed cameras are a revenue raising measure. Why are they hidden at places such as behind the bushes, down the hill, just before you get to Tarlee? Why are they put there? I ask the minister to tell us. I think it should be an offence for police officers and operators to hide the cameras or not have them visible. I want to know from the minister why they are put in such places.

Mr Venning: Like the bottom of a hill.

The Hon. G.M. GUNN: Yes. Because if it were not a revenue measure, they would not do it. I know that the police sit one or two kilometres out of Kimba.

Mr Williams: You always slow down there, don't you?

The Hon. G.M. GUNN: I am a law-abiding citizen.

Mr Venning: Well, most of the time.

The Hon. G.M. GUNN: Always. I am just a simple country lad and law abiding. I do not want to contravene the statutes. I have sworn 11 times to uphold the law, but I am a practical person and I know the views of country people. Let me make this point to the minister. If he proceeds with some of these unreasonable measures, it will do one good thing: it will bring a lot of people back to our side of politics in rural South Australia, particularly in my seat. I guarantee him that because they do not like this. They are not happy. You only

have to walk around and talk to people—I am a fairly visible member and I make myself available—and I know that to be so. The bill that I will introduce to parliament tomorrow dealing with speeds on national highways has widespread community support.

Let us deal with the other point about demerit points and speed cameras. I am totally opposed to that concept. It is neither desirable nor necessary, and I shall be voting accordingly. I have some concerns about the time it will take to obtain a full driver's licence. I put it to the minister that, if these provisions are brought into effect, you will be able to get a VFR, even an IFR, pilot's licence more quickly than you will a driver's licence. You can go out to Parafield, do your flight training, get your restricted licence, get your VFR and, if you really want to apply yourself, you can get an IFR rating. You can get a twin endorsement, retractable undercarriage, constant speed prop—

Ms Bedford interjecting:

The Hon. M.R. Buckby: He is talking about planes.

The Hon. G.M. GUNN: Aeroplanes.

Mr Hanna: It will be safer than being on the roads after this bill.

The Hon. G.M. GUNN: You are not going to get booked for some trifling offence. I just say to the minister that it is a bit ridiculous. The thing that concerns me is that people really think that by passing some of this legislation they will make themselves feel warm and cosy; they will pass a law and do some good. That is a nonsense. Unfortunately, people will still be injured and killed on the roads, because we have more people driving motor cars and more cars on the road. One of the things that have not been considered is that in many cases we have improved the road system and we have better motor cars. Some of these provisions are unwise and unnecessary. I am always interested in why the bureaucracy is so keen to impinge on and take away people's rights and want to make life more difficult for people. Is it because they want to ingratiate themselves or to increase their own power and influence that they do this? Given the sorts of provisions which we have seen come to this parliament, they want to take away more and more people's rights and make life more difficult and more miserable for them.

When some of these penalties are imposed on people who are battling to meet the financial responsibilities of their families now, and when they come running along to their local member of parliament, what sort of answer will they get? It is no good people all looking down and not taking any notice, because this will happen, and it happens now. What will you tell them? Will you be silly enough to say, 'Well, I voted for this'? The bureaucrat who has organised this is not the one sitting in the electorate office. If you go to them they will say, 'Well, minister, you did this.' We have seen the Sir Humphreys before. What will they say to those people who, through no fault of their own or because they are unaware of these provisions, get pinged and cannot afford to pay the fine? Will we put them in gaol and build more gaols? Is that the answer?

Mr Venning: Ring the minister.

The Hon. G.M. GUNN: Ring the minister. You would not get through to the minister. You certainly will not get through to the bureaucrats who are the architects of this nonsense to make themselves feel important. They put all this up with the previous minister, and the previous minister had one or two problems with it.

An honourable member interjecting:

The Hon. G.M. GUNN: We are looking forward to the honourable member making a contribution on this matter. What I am saying is a fact, and I wonder how he will handle it when constituents who have been walloped with these increased fines and cannot pay them come along. Will he send them down to the welfare office and get another arm of government to pay the fines for them? Is that the honourable member's answer to the problem? I will have more to say on these matters in the committee stage of this bill. I look forward to supporting the amendments which the member for Light will be moving to these provisions, because they will certainly make them far more palatable and reasonable and will apply a little more commonsense.

One of the things that interest me is that, unfortunately, a lot of people in this place never really deal with people in the real world who have to face the realities of legislation. Some people in this place do not deal with the realities of life and what happens in the real world, where people are trying to run businesses or organise themselves and have to travel long distances to participate in normal community activity. They have no understanding of that. I put to you, Madam Acting Speaker, that this suggestion that we should lower the speed limit to 100 km/h on certain country roads is an absolute nonsense. I have had senior police phone me and say, 'For God's sake, don't let them get involved in this sort of nonsense.' They know it is a nonsense, yet Sir Humphrey, who is not out there in the real world, has another flash of brilliance and comes up with this exercise. This ought to be treated as the silly suggestion it is. People in rural South Australia do not want it; they resent it and, therefore, the parliament should reflect their views and show a bit of commonsense. It is all right for people to get up and talk about their concerns with regard to road safety. The guiding principle of all these things should be the application of commonsense. Unfortunately, it does not appear to be in evidence in some of these suggestions. I look forward to the committee stage.

Mr VENNING (Schubert): I rise to speak to this bill, some of which I support and some of which I do not. I certainly support the shadow minister: he has seen the light on this issue. Road safety reforms are important, and we must be ever vigilant to protect the public because, as we know, too many citizens are killed and injured on our roads each year. If, by legislation, we can reduce that number of fatalities, we should do so, but with commonsense.

I note what the previous speakers have said, particularly the member for Heysen. We all have young families and—touch wood—we have got them through to this stage without their suffering any serious injury. They may have had accidents but have not sustained a serious injury. As a parent, it is real challenge and something of a raffle to get them through safely.

Cars are dangerous because they go fast and they are heavy—and I say that noting that you, Madam, ride a bike. They are machines, so accidents or crashes will always happen. Whatever we do, whatever our road conditions are, accidents will always happen: we just have to try to minimise the incidence.

I have a problem with demerit points for camera-detected speeding offences because points cost licences, and country people usually have no alternative means of travel: no taxis, no buses, no trains, and very few planes. So, a loss of licence is certainly more of a penalty for country people than it is for their urban counterparts. Most cameras are in the city, and I

feel it is a bit of a joke that we know where they are going to be. I cannot understand why we see the published positions of these cameras, both in the morning's *Advertiser* and on the television the night before. I think it is somewhat of a joke. Those who have time to study the form guide (where the cameras are), or who get the paper or know their roads are certainly advantaged.

Being a country person, I get pretty close to the speed limit because time is of the essence and distance is always involved. I am very anxious sometimes about things I have to do in this job: not breaking the law, but certainly testing it, particularly now that I am driving myself again, when it is more of a problem. It is all right for the ministers who have drivers. Members who live in country electorates and have deadlines can find it very testing. So, the speed cameras are a problem.

Initially, I thought that if I was detected by a speed camera and pulled over by a police officer in the country, he would greet me, as they usually do because they all know who I am. They say, 'It's you again,' or whatever—

An honourable member interjecting:

Mr VENNING: I have all my points intact, if that is the correct way of putting it. It has always annoyed me that if you were apprehended by a policeman for an offence, you automatically attracted the demerit points. However, if you were caught by a camera in the city, you did not. That did annoy me initially but, looking at it in the long term, I am happy to leave it that way, because it is all about country people keeping their licences. The bigger problem is that often it is not known who was driving the car. If a client driving a hire car is caught speeding and the ticket comes three weeks later how will they know who was driving the car and to whom to send the notice? The driver might have been an interstate or overseas tourist: who wears it?

The points system is not the way to go. I am opposed to the points system with respect to camera-detected speeding offences. Red light cameras also detect speeding offences. I agree that we should accrue the penalty for both offences, that is, running the red light and speeding through the red light. I have no problem supporting that. Offences incurring fines and loss of points should be accrued. I turn now to mandatory loss of licence for drink driving offences between .05 and .079 BAC. I am opposed to any change in this respect. As the member for Schubert, that is, the Barossa Valley, one could say that I have a conflict of interest.

Mr Scalzi interjecting:

Mr VENNING: You could say that but, in my job, I must live with a life of wine and a life of driving.

An honourable member: And the roses.

Mr VENNING: And the roses chucked in. It is always a concern of mine, particularly now that I am driving and particularly if my wife is not with me, because my wife does not drink at all. I am very lucky that she is able to drive us home from functions. Even if I have not been drinking very much my wife always drives from functions. That is one of our rules, and there is never any debate about that. Why would you risk it? I have had experience of drinking a reasonable amount of alcohol. I make the declaration that I did not drink any alcohol until I was elected to parliament in 1990. I was a teetotaller until that time.

I did not learn this bad habit in my youth: it became part of the job representing, first, the Clare Valley and now the Barossa Valley. It is one of the nicer parts of my life. Certainly, good wine goes with good food, and I appreciate that very much. I often test myself. If we ever come upon a breathalyser I always make sure that I am tested, particularly if I am not driving and I have had a few drinks. I find that at .05 I am absolutely 100 per cent in control. At .08 I am still very much in control. As the member for Heysen said earlier tonight, I believe that the level of .15 is where one starts to be visually affected and one's judgment is impaired.

To drop the level below .08 or .079 BAC, to be absolutely correct, is an over-reaction, and I would be opposed to it. I believe that we are starting to be killjoys. I have seen slightly built young ladies drink two standard glasses of red wine and they would blow over .05. I think that we could be accused of being killjoys and of over-reacting. After all, this is not a nanny state. I believe that, in almost all instances, .08 is a reasonable level at which there should be mandatory loss of licence. I have a concern about that. I hope that the parliament will see commonsense because, after all, we are the wine state of Australia. We have some of the best wines in the world.

Why would you put a further impediment in the way of people going out and having a casual drink? The cost of losing once's licence in a country electorate such as mine, as I said, is a very big impediment, and it can ruin your night, particularly if you do not have a person with you who has been chosen to drive home. I do believe that .15 is where the problem starts, and that is a proven fact. This .05 is un-Australian—that is the term I use. It is un-Australian because I believe that we all agree with being able to have a drink or two. However, if it were proven that it was dangerous and a safety hazard I would be the first to say that we should address it. I do not believe that it is a safety hazard, and I believe that we are going too far. I believe that most people today are very responsible; at least one of the party takes the responsibility not to overindulge and to drive the car home, as is often the case today with most groups who are out having a good time. As I say, I am lucky to have a wife who does not drink at all; I am very pleased about that and I am not about to encourage her to start.

Regarding the issue of random breath testing, the bill provides that the police do not need to have any reason to pull anyone over to the side of the road. I have a problem with that. If a person is doing the right thing, abiding by the law and driving in control without any obvious problems, I do not believe they should be pulled over at all and told to blow into the bag. I think that is humiliating, and I oppose it. I particularly oppose this taking place with unmarked police cars, as another member said earlier. I think it would be very frightening to have an unmarked car go past your car and flag you over even if they have flashing lights, because anyone can put together some flashing lights, and it would be particularly frightening for ladies late at night. So, I oppose it, and I hope the minister can amend that part of the legislation.

The legislation requires a driver to hold a provisional licence for at least two years or until they are 20, whichever is the longer. I am opposed to that because, even if the speed limit for P-plate drivers is raised, if they offend at all they will lose their licence. I am not sure whether that provision is to be changed, but if a P-plate driver commits one minor offence they lose their licence. So, the longer they hold a provisional licence, the longer they are exposed to this risk. A good friend rang me the other night most annoyed because she had been pinged for $200 for running down a hill where there was a camera on the bend. We have all been guilty of that, but P-plate drivers are particularly vulnerable because they would lose their licence. I am opposed to any change at

all in relation to that, and I am happy to have the speed limit raised for P-plate drivers. I think it is 100 km/h at the moment. I thank the member for Light who nods his head. I believe that provisional drivers should be allowed to commit a minor speeding offence—certainly not anything major such as drink driving—of, say, five kilometres over the speed limit without losing their licence. I oppose any change to that.

A young country driver pays a higher price because they have no alternative. If they lose their licence it is back to mum and dad running them all over the countryside. I have one constituent at the moment who rings me regularly to say that their son lost his licence after six months on his Ps when it should have been three months. They are running the lad to work every day, a distance of 30 kilometres. That is a real impediment for a country family, and I do not think it is fair. I think the current period is 12 months and that it should stay that way.

I oppose the proposal to make it two weeks before people who fail the theory test can resit the test for the same reason: country people will pay a higher price. If a person fails their theory test, they should be able to study for it and sit the test again in two or three hours' time, or whatever is convenient to the examiner and the person involved. The member for Torrens shakes her head. Some people in country areas travel 200 or 300 kilometres to sit the test. Are you going to send them home and make them come back in a week? Imagine the cost and inconvenience just for getting one word or one point wrong in the questions. A silly mistake can turn out to be very expensive. I oppose any change to that because the trip home can be long and expensive. It would be easier to get a pilot's licence, as the member for Stuart so capably said, because you can be flying on a full licence within six months and you can get all the endorsements for special aircraft inside 12 months with no P-plates and no L-plates. However, it is getting to the point now where we really must make sure that we use commonsense.

The 50 km/h town limit has always annoyed me, because I am always the commuter going through the town. I was almost overjoyed to read the other day in the local paper that the people who are picked up offending most in these areas are the people who live there. It is not the likes of me commuting through but the people who live there who are picked up. I think it is rather selfish that people impose these speed limits just so they can have a quieter street or deter people from going down their street. But when they are in their car they expect to speed through everybody else's streets. So, I am opposed to this. I think the 40 ks in Unley is just ridiculous; it is absurd. The next thing is they will have us in a horse and cart, because that does not make any noise. I am amazed at people's attitude when it comes to my backyard versus everybody else's. I get rather annoyed.

The ERD Committee did a report on this issue some years ago, particularly on road safety and vehicle inspections. Many interesting facts emerged from that investigation. Unroadworthy vehicles were not a major reason for accidents. Roads are a key factor—dangerous, narrow and unroadworthy roads. On the matter of skills, it was revealed that young drivers who undertook advanced driving courses were not better placed to not have an accident. It was seen to be because they are over-confident. So, what is left after discussing those issues? It is all about attitude.

I believe that we should add a provision to this bill to make it mandatory for driver education in our schools, particularly in secondary schools. I had experience of this when I first became a member in 1990. The Port Broughton Area School had a motor vehicle at the school provided by a car company, free of charge. They not only did theory in the younger grades but at year 10 they all had to learn to drive that car, around the school oval and through an obstacle course. I do not know whether that is still going, but it ought to be mandatory in a secondary school as this would teach students basic driving skills.

It is all very well for the likes of myself and the member for Light who were brought up on a farm, where we learned to drive a vehicle around the open spaces and got coordination skills and everything else, and where we could not hurt anybody. We did it as young people at the age of nine, 10 or 11. But where do the children of today, who live in the cities, in the urban sprawl, get their training from? If they could get on a school oval and use a car owned by the school, as well as be taught in the classroom of the traumas that occur from road accidents, I believe it would certainly be a step in the right direction; and I hope that we can go back to that.

My final point is that the minister said that this will be revenue neutral. That, minister, I believe is a commitment, that this will be revenue neutral. I understand it as a commitment. How will the minister ensure that it is? And if, after 12 months, there is an increase in revenue, will the minister give a commitment that he will reduce the fines across the board? So, I will await the minister's response on that. What happens to these funds? Do they spend them on the roads? Not on your life. It is a general revenue raiser and, for the record, I am opposed to the overall reduction of the speed limit.

As a country person, I agree with a lot of what the member for Stuart says. Certainly I would be opposed to reducing all speed limits to 100 km/h. Road safety is a very important issue. We must do all we can to reduce the road toll, but we have to use commonsense. South Australia, as we know, is a very sparse state with long distances between towns, and we who live in the country regions certainly do not want further impediments. I support this bill. I hope the minister listens to our arguments and, hopefully, we can address the concerns that we have.

Mr WILLIAMS (MacKillop): My colleague the member for Stuart mentioned that the minister has succumbed to Sir Humphrey Appleby's wont of bringing these measures to parliament. Some of these measures I do not necessarily have a great problem with but some I have a great problem with, and I think they impact particularly upon those South Australians outside metropolitan Adelaide, whom I and a lot of my colleagues represent, to a much greater extent than they impact on those people living within the metropolitan area. I will come back to that point later in my contribution.

First, in a general sense, during the eight months since the Labor Party has been in power, their wont has been to say, 'Anything you can do, I can do better.' Madam Acting Speaker, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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.

CRIMINAL LAW (FORENSIC PROCEDURES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 1175.)

Mr BROKENSHIRE (Mawson): Many members are very keen to contribute to this bill—and so they should be. They are keen not only to hear from the Attorney-General but also to get across their point of view.

An honourable member interjecting:

Mr BROKENSHIRE: Well, we will talk a little about that. The honourable member talks about the changes in the Labor government when it comes to actually getting up a bill. We still do not have all the amendments at this stage, although I do acknowledge that the Attorney-General, at least, has briefed me today—and I appreciate the fact that he has done that. I foreshadowed to the Attorney-General amendments that the opposition will be moving tomorrow in this chamber.

The fact is that DNA is an important tool which assists police to catch offenders. Whilst DNA is somewhat new technology not only for South Australian police but also police jurisdictions around the world, it is a tool which is showing enormous benefit to both the justice system, as a whole, and the police. I acknowledge that at this time in South Australia we have not been able to capitalise on opportunities for DNA to the extent which I, the Attorney-General and many of our colleagues would have liked to see. Having said that, there are states around Australia that are in a similar situation. We need to look not at the past but, rather, at the opportunities in the future when it comes to capitalising on improvements in DNA technology.

I want to acknowledge a few people for their major input in getting the bill to the stage where the opposition will support it overall. Of course, we do support the principles, and common policy matter was put down for the South Australian community by both the Labor Party and the Liberal Party during the election in February. Tonight we are debating a bill the principle of which is similar for both the Liberal and Labor Parties. I want to get that firmly on the public record. In fact, if anyone compares the election policies, they will see that is the case with both the Liberal and Labor policies that were put forward during the 2002 election campaign.

Mr Williams interjecting:

Mr BROKENSHIRE: As the member for MacKillop said, the Labor Party had five goes at it. Why did they have five goes at it? I believe in giving praise and credit to any member irrespective of what side of the house they are on, and a few members opposite, including the Attorney-General, have always had a consistent view and I believe a view very similar to me when I was police minister and also some of my colleagues. Members will recall that at the last election the then shadow attorney-general (Hon. Michael Atkinson), the then attorney-general (Hon. Robert Lawson) and I as police minister had a very similar commitment, attitude and policy document on how we wanted to see DNA used. However, we flagged that we wanted to go further on DNA than the Labor Party. Of course, it was not coming that way.

I give full credit, first, to the Police Commissioner of South Australia, Commissioner Mal Hyde, because, if members read the annual report and look at what the commissioner has consistently said in the media for some time both during the time of this government and the previous government, they will see that he has had a consistent message. He genuinely believes that the best interests of the South Australian police department and the community will be served by having the widest possible opportunities for DNA testing.

Secondly, I pay credit to the Police Association. I have said in this house previously that, of all the associations and unions with which I have had to deal, it is the Police Association which has been the most professional and which has looked at the wider interests, opportunities and benefits for the community, and indeed for their members. It has not sat around just wanting better wages, conditions and so on for its members as many unions do: it has been a professional and modern association/union that has put forward well thought through policy. In particular, Peter Alexander, who is the President, has been quite forceful and says what he wants in the media. Indeed, members only have to look at the last edition of the Police Association journal to see further pressure—and very clever pressure, I might add—being put by Peter Alexander in his support for the commissioner and other concerned bona fide people who are trying to get the message through to this government that it needs to go further.

If members do not believe this, they only have to look at a few news releases, press releases, the initial ministerial statement by the Premier, and then, a while later when the community started to react and the Police Association said 'This is not enough', a supplementary ministerial statement released on 17 October, as well as a subsequent joint press release by the Premier and the Attorney-General. However, notwithstanding that, today we are debating the second reading, yet all members but me—and I acknowledge that the Attorney-General advised me today—do not know what amendments will be moved. I want to talk about the benefits of this legislation, because it is important in supporting the thrust and the principles of this bill that we let the community know that it contains enormous benefits—as we need to do in a balanced way when it comes to genetically modified food—

The Hon. M.J. Atkinson: It's not a comparison I would immediately have made.

Mr BROKENSHIRE: Well, many people are pushing only one angle on genetically modified food and there are also—

The Hon. M.J. Atkinson: There are a lot of people out there pushing only one angle on DNA.

Mr BROKENSHIRE: There are many people also pushing only one angle on DNA, as the Attorney-General just said. Hence my reason for that analogy. I would like to see people having a chance to see the real benefits, and I want to refer to some of those benefits.

The Hon. M.J. Atkinson: What about the downside?

Mr BROKENSHIRE: We might ask the Attorney about the downside during the committee stage, and I am sure that some of my colleagues will have questions for him as well. Primarily there are upside positives right through with DNA. I went to England in 2000 with a colleague of mine, the member for MacKillop, and visited the national crime facility at the Birmingham Police Training Academy and had a detailed briefing from experts who had been leading the world (although I believe the United States of America was doing a lot in capitalising on this new technology). In the UK they had been doing a lot of work on DNA for some time. In confidence they spent a lot of time showing us how they had been able to catch some of the most difficult offenders in some of the most serious cases, purely because of the benefits of their legislation and the technology of DNA.

The murder of a woman in the snow on New Year's Eve was extremely difficult to prove. At some stages they thought they would never be able to prove the offender in this case, and it was only DNA that allowed them subsequently to get a conviction. That briefing started to convince me that what we did in South Australia was not as far as we needed to go. That is why I am pleased to see that both parties had a policy before the last election with respect to DNA opportunities.

I have some examples and casenotes, but will not use the victims' names. In a case heard in August 2001 in the Old Bailey, a lady was raped and murdered in her own home in London. The crime remained unsolved and a semen swab taken from the victim was lost or destroyed. However, a microscope slide of the semen remained in the archives. A supersensitive DNA profiling technique, known as DNA low copy number, was developed in the UK, and using this new technique scientists were able to obtain a DNA profile by swabbing the microscope slide. As a result of that, in April 2000 the DNA profile was checked against the national DNA database and it matched with the offender whose DNA profile had been placed on the database three months previously for a minor theft. We will talk more about that later, but for a minor theft the DNA was placed on the database and as a result the offender was found guilty of the murder of that poor victim in her home in London.

Another example was a case solved on 10 May 2002. The crime dated back to 1981, so for 21 years this crime remained unsolved. This case, heard in the Winchester crown court, involved a 14 year old girl who was raped and killed. A laboratory microscope slide containing samples collected from her body lay untouched for 20 years and in 1999 the scientists used new DNA technology to establish a full DNA profile of the girl's suspected killer from some of her clothing. The full male DNA profile was then checked against the DNA database for the whole United Kingdom without results. They could not get a result at that time. But, in August 2001—some two years or thereabouts after that—a match was found when the offender was arrested for another crime and his DNA sample was routinely loaded onto the database. A full profile was extracted that matched with that obtained from the girl's clothing and the suspect himself, and it provided such strong evidence that the guy was found guilty and sentenced to life for murder and 10 years subsequently for rape. I will not go into all the details of all these cases, but I want to put them on the public record because they are very important. Another, sadly, was a woman who was battered and strangled in September 1985 in the UK. Her body was left in woodland near her home in Luton. Semen stains were found on her clothing at the time of the murder, but they were too minute to obtain a profile. In 1985, the sensitivity of DNA testing was quite low and depended on fairly large quantities of good quality DNA. The stained items were preserved in cold storage while they waited for further developments. Numerous suspects were investigated but nothing was found to link any of them with the murder of this woman.

In 1989, four years later, single locus probing failed to obtain a profile from the victim. However, in 1996, a DNA profile was obtained using short-term and repeat DNA techniques—again, technological development and opportunity. In 1998, nine years later, police obtained reference samples from men who were interviewed at the time of the murder, and the sample provided by one of the suspects matched the profile on the lady's shorts. The suspect had been seen drinking and playing darts with this person on the night she was killed and was one of the last to see her alive. The bottom line was the police still could not get enough evidence to hold charges and get them through the court until such time as further DNA work was carried out. It was matched with a much higher degree of probability, and eventually this person was charged with murder.

Another casenote I want to put on the record is for those people who say that DNA is more likely to cause a problem for civil liberties and so on than having good broad DNA testing legislation. In 1983, in the UK in Leicestershire, a 15-year-old girl was found raped and murdered. A sample taken from her body was found to belong to a person with type A blood and an enzyme profile matching 10 per cent of the adult male population. The police had no other leads or forensic evidence, and they eventually wound down the murder hunt.

Three years later, another person of the same age was found strangled and sexually assaulted, and the police were convinced that the same assailant had committed both murders. Semen samples recovered from the body revealed that her attacker had the same blood type. The prime suspect was a local boy who, after questioning, revealed previously unreleased details about the body. Further questioning led to his confession, but he denied any involvement in the first murder. Using DNA techniques, semen samples from both murders were compared against the blood sample (remembering that the blood sample was the same in both cases) conclusively proving that both girls were killed by the same man, but not by the suspect. So, the suspect became the first person in the world to be exonerated of murder by the use of DNA profiling.

Another that I want to put on the record is where scientists managed to obtain a full male profile from underwear using new DNA techniques, and detectives were able to undertake an intelligence-led screen of men involved in an original inquiry where they previously were unable to identify the offender. In fact, the offender was the 535th person to provide a sample, and the sample matched the profile obtained from the victim. The person was subsequently arrested in April 2000 and charged with murder.

The police had taken 600 buccal swabs and had around 2 000 more to do, but when this occurred this particular offender pleaded guilty to murder and was sentenced to life imprisonment. I raise that point because there has been some discussion (and I know that the government has discussed this, because it is on the public record) about how much they can afford when it comes to DNA testing. My argument, which has not changed for a very long period of time, is that it is not about how much you can afford—if you want to talk about cold, hard economic reality—it is how much can you save. In the example referred to, and considering the workload, the police resources and the intensity of investigations, they would otherwise have had to go through probably another 1 350 people to find the offender, but that was all fixed.

There is an enormous saving, and I argue that it is a cost benefit to government. It also frees up police—who, at times, spend years on cases—and enables them to get out and solve other crimes. Of course, the other thing that I have already highlighted, and which I have placed on the record, is the fact that they were able, through a very minor offence, to clear up a major offence, a serious offence. As the Commissioner has said so often, it is about clear-up rates. I am sure my colleagues will know, from the time spent in their electorates—whether they are at a Neighbourhood Watch meeting or

people are talking to them about issues around law and order or the justice system—that it is clear-up rates about which they are so frustrated. That is what they talk about more than anything.

We are fortunate in this state, because we have one of the very best police forces in the world—and, clearly, the best in Australia. The police want to achieve these clear-up rates, they want to catch these serious offenders so that they will not cause any more problems in the community. If we are to have bipartisanship with respect to tougher law and order sentencing (which we are experiencing in this parliament these days), we ought to make every possible opportunity available when it comes to catching offenders and increasing clear-up rates by virtue of capitalising on this technology.

I could give many more casenotes to the parliament but I will not, because I think I have made my argument pretty clear. I know that some of my colleagues also want to speak, and it is getting late. However, I want to raise a couple of other issues. There has been some interesting debate from the parties in the parliament on this issue of CrimTrac, the national DNA database, and how one has to comply with CrimTrac and that, if one does not comply, one will not be able to gain access to the national database.

The Hon. M.J. Atkinson: As has happened with the Northern Territory.

Mr BROKENSHIRE: Yes. I have been involved in the development of the CrimTrac system for 3½ of the 4½ years, almost, that it has taken to develop it. The government of the day could have gone to the federal minister and said, 'We meet all your requirements on the CrimTrac national database but we want to go further. Is there a problem with that?' There has not been a problem with Tasmania. I always believed that the requirements set down through SCAG and discussed in Australasian Police Ministers Council meetings, when Minister Vanstone was the minister for justice, were a base minimum for sharing of intellectual data—not only DNA, but other data and intelligence—across Australia. But no-one ever said to me, when I attended any of those meetings, 'But if you go beyond that—if you happen to be tougher; if you give your state an opportunity to be safer by catching these offenders and thereby allowing women to walk the streets safely at night because the technology of DNA helps police to catch some serial rapist or murderer—you will not be part of the database nationally.' No-one ever said that. There were some base requirements. The question was not even asked. I asked why the question was not asked: if one state could do it, why could not other states also do it? I do not believe that this bill or, indeed, amendments that we will table tomorrow will work against the opportunities for capitalising on the benefits of CrimTrac nationally.

I want to reinforce a couple of points that appeared in the annual report of the police. I congratulate the authors of the report on a couple of fronts. First, I congratulate them on the fact that we have seen a significant reduction in crime, which is something about which we have not heard the government say a lot. The reason for that is that this government is about rewriting history: we have seen that ever since it has been in office. One of the things that it has not talked about in this place is the significant reduction in crime over the past 12 months recorded in the South Australia Police annual report. We must remember that this annual report deals with a period—

The Hon. M.J. Atkinson: The Office of Crime Statistics report is coming out soon.

Mr BROKENSHIRE: They are always very interesting, aren't they? They do not even always—

The Hon. M.J. Atkinson: Not quite the same.

Mr BROKENSHIRE: Exactly. The Attorney-General says that the Office of Crime statistics are coming out soon and that they are not quite the same. I know they are not. The Office of Crime Statistics does not catch offenders. I have not seen anyone from the Office of Crime Statistics charging or arresting anybody: the police do that. The police have to know the numbers they have charged, and they have to know their clear-up rates.

I hope that the Attorney-General can make arrangements so that the Office of Crime Statistics facts line up. I know that there are some other technical problems—for example, when comparing our police statistics with respect to multiple offences with those of Victoria. One of the reasons why Victoria's crime statistics have always been lower in recent times is that it has a different method of counting. There should be straight-out stats, not statistics—and we know what they say about statistics. I think that is an issue that needs to be dealt with.

The Hon. M.J. Atkinson: What do they say about them?

Mr BROKENSHIRE: Lies and so on, but we will not go into that now. I want to talk about the fact that in the last 12 months the police have done an excellent job in reducing crime and increasing their clear-up rates, and I congratulate them. Pages 38 and 39 contain quite a lot of detail on the reasons why SAPOL wanted to see a broadening out of the use of DNA. I commend SAPOL for its braveness in including this in the report.

The Hon. M.J. Atkinson: How did they go with you over the past four years?

Mr BROKENSHIRE: Very well, actually.

The Hon. M.J. Atkinson: Why didn't you give them an expansion?

Mr BROKENSHIRE: The Attorney-General asks why did I not give SAPOL an expansion. To answer the Attorney-General, I delivered two record budgets for the police, delivering some great technology and further equipment improvements, as well as a great pay rise that they deserved, in addition to 203 additional police officers over and above recruitment and attrition. That is what I gave them.

I am keen to talk about DNA at the moment because, given that this government does not intend to increase the size of the police department by even one police officer between now and March 2006, it is even more important that the police executive can manage this DNA opportunity to the best of its ability with the police officers that they have.

The report talks about Tasmania, where 6 117 DNA samples have been taken. It also states (and I am not hiding from this) that 433 samples have been taken in South Australia. Tasmania has had a total of 510 DNA matches of crime scene to person. This police annual report cites the most obvious difference between the two states as the variation in the legislation and subsequent procedures. That is what it states, and I support them. That is why I support them when it comes to this bill.

The Hon. M.J. Atkinson: You do now that you are safely in opposition.

The ACTING SPEAKER (Ms Ciccarello): Minister!

Mr BROKENSHIRE: Thank you for your protection, Madam Acting Speaker. The police have clearly set out their case here. The Police Association has talked about the benefits. I have given some case stories that clearly show what has happened. I acknowledge that DNA alone will not

be the be-all and end-all of every clear-up and of catching every offender. In fact, I think the Premier's press release talks about DNA being a modern form of fingerprint, and to a degree that is what it is. No-one argues or complains when people are fingerprinted and photographed when they are charged with an offence. So why should people complain if they are also DNA tested? It is not intrusive. These arguments about—

The Hon. M.J. Atkinson: It can be, depending on how it is taken.

Mr BROKENSHIRE: I am about to explain that. The Attorney and I agree on this point. He is saying that DNA testing can be intrusive, depending on how it is done, and that is true. I am saying that, if the test is done using a buccal swab, finger prick or possibly by another means we will talk more about tomorrow, it will not be intrusive. You get finger prick tested when you give blood. What is the problem with that? I do not see it being a problem when it comes to DNA testing. We refute any debate in the public arena when it comes to that. In my remarks tonight I have talked about the opportunity to capitalise on police resources, and I see this as being beneficial. It will help the police put in the prison system those people who should be there and, as a result, the South Australian community will be safer, which is the motto of South Australia Police. I see it also assisting—

The Hon. M.J. Atkinson: You might establish someone's innocence, as well.

Mr BROKENSHIRE: I have already said that. I outlined a case involving a person who was charged with a crime and then proven to be innocent by virtue of DNA testing. I also believe this practice will be of financial benefit to the Attorney-General's area—the courts. In the example I put forward, the person knew they were gone once that DNA test was carried out. That was the one method they would not be able to argue about, so they pleaded guilty. So, instead of the court case going on for months, it was completed within a couple of weeks. There was a bottom line saving to the budget, the person was locked up more quickly, the police could get on with their job of dealing with the crimes of other offenders, and the community was happy.

We support the principles of this bill. For all intents and purposes, this bill is no different from our election commitment. I think the Attorney is really serious, but he has to get the rest of his party to be serious with him. Would we not have loved to have been in caucus in recent times—even today? It would have been good to sit around the caucus table hearing the conversations today.

The Hon. M.J. Atkinson: It was a very happy caucus meeting.

Mr BROKENSHIRE: I do not think the Attorney has been in the corridors tonight. If he had, he might have heard the colourful language of some of his colleagues who were happy to have a chat about the caucus meeting. Next to the debate—and, probably, the gagging—in caucus today, there would have been another time when the Attorney was really hard up against it, trying to get his colleagues to agree with something on which he had personally been consistent, as have I and many of my colleagues on this side of the house.

What still worries me—and I am sure it worries my colleagues on this side of the house (and we will talk more about it tomorrow in committee)—is that, if we really want to do the job of DNA testing in its entirety, all people who are charged with or who already have a criminal offence should be tested. What you are talking about—

The Hon. M.J. Atkinson: Everyone convicted of a serious offence.

Mr BROKENSHIRE: The Attorney is talking about serious offences. The definition in the existing legislation refers to a criminal offence.

The Hon. M.J. Atkinson: Yes, that's right.

Mr BROKENSHIRE: The Attorney says that is right. Where is the consistency between the existing legislation, which clearly refers to a criminal offence, and the Attorney's reference to a serious offence or illegal use of a motor vehicle, unlawful possession, unlawfully on premises, carrying an offensive weapon, indecent or offensive material, for example, child pornography, gross indecency, creating false belief, assaulting police, possession or use of firearms, breach of duty to register a firearm, and possession of a silencer? I cannot for the life of me understand how the minister can bring this bill into the parliament, having—

The Hon. M.J. Atkinson: So you want to test for urinating in a public place?

Mr BROKENSHIRE: No, that is not what I am saying.

The Hon. M.J. Atkinson: What are you saying?

Mr BROKENSHIRE: I will talk more about it tomorrow because I want the minister to have a good sleep on it tonight. When the Attorney shows us his amendments, we will show the Attorney our amendments. It is like show and tell.

The Hon. M.J. Atkinson: I have told you what we are doing. I am consultative and helpful.

Mr BROKENSHIRE: What I am flagging is that, for the sake of consistency—and the measure refers to criminal offences—then I say that people who are charged with a criminal offence ought to be DNA tested.

The Hon. M.J. Atkinson: All offences?

Mr BROKENSHIRE: That is what I am saying: a criminal offence. We will talk more about this tomorrow. Time is getting on and my colleagues want to have a say. I flag this in fairness to the Attorney, as a matter of some urgency for him, so he can go to his caucus room tomorrow and try to get some support for an amendment that the South Australian community agrees with, and we know that because we are out there with the South Australian community, listening to them.

Mr WILLIAMS (MacKillop): I do not think I have to remind the house that I have long been an advocate of DNA testing in South Australia and I have spoken on this subject many times in this chamber. I believe that every person who is arrested by a police officer in this state should have a DNA sample taken from them. That is what happens in England. When I was in England several years ago, I had a series of briefings from members of the British police force.

The Hon. M.J. Atkinson: Did you tell Trevor Griffin this?

Mr WILLIAMS: Indeed I did. I have long been an advocate of this practice. The Attorney-General sits over there very smugly and makes comments across the chamber, but it has taken him months to drag his party room screaming and kicking to this position. The only reason that he has got to this position is that, as I was saying in an earlier contribution tonight on another matter, we have a Premier who believes 'Mine's better than yours,' and whatever anybody else says, he will up the ante because as long as his is better than anyone else's, it does not matter what it is. The Premier was caught out a number of times on this issue in the last three or four months, yet his rhetoric was not matched by his actions.

I am aware that the Attorney-General would like to be very stringent on DNA because I know what his politics are. I know what he would like to do and I know that he would like to be much stricter than he is. We am not quite sure what he wants to do here, because he has flagged that he still has a lot of amendments, and we have not seen them all.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: I hope you will, because I am absolutely certain you will not be draconian enough for me on this issue. Let me quote from the *Advertiser* of 2 October, where Peter Alexander, the President of the South Australian Police Association stated:

> I find it extraordinary that the government can mislead the community about its strong stance on law and order issues and then deliver the weakest type of DNA legislation in the country.

That is what Peter Alexander said on 2 October, as quoted in the *Advertiser*. This matter was introduced into the house on 20 August. On 2 October the President of the Police Association said that he found it extraordinary that the government can mislead the community—in other words, the rhetoric that the Premier comes out with time after time—about its strong stance. Almost a fortnight later, on 13 October, the Attorney announced that he would apply much wider DNA testing and that he would select a number of summary offences—

The Hon. M.J. Atkinson: Eleven.

Mr WILLIAMS: —eleven—for which people would be subject to DNA testing. We are not sure what we will end up with in this bill, because the Attorney has indicated that he would introduce a range of amendments, but I would contend that as it stands at the moment the bill is a mishmash and legislation on the run. It was drafted by an Attorney-General who was continually looking over his shoulder wondering how far his party would come with him. In the early days it was not coming very far. I congratulate the Attorney for getting the party to come a lot further. I congratulate him on that and say, 'Well done; hear, hear! The further you go, the better. I am looking forward to seeing how far you can actually get them to come.'

A lot of nonsense is being talked about DNA sampling and what it may and may not do. First of all, let me allay one of the fears that some in the house and the community might have about DNA testing. Some people in the community believe that, if a person submits to a DNA test, suddenly somebody somewhere will hold material that will allow them to make assessments about that person's genetic make-up and characteristics. The DNA extracted for forensic purposes does not contain that sort of genetic information. It cannot give the holder of that sample information about such characteristics as the person's hair colour, any genetic disorders they might have, height, racial characteristics or those sorts of things. It will enable the determination of the sex of the person from whom the sample came, but that is about as far as it goes. It does give a very good match with DNA material which is obtained from a crime scene.

Another misconception is that in the future courts will rely wholly and solely on these DNA matches to reach a verdict of guilty against a perpetrator of a crime. When I was in England with the shadow minister who has just spoken and the Police Commissioner during this series of briefings, the evidence that we were given is that DNA testing short-circuits the investigation. It does not give the answer or all the information that will be presented in the court to gain a conviction. It short-circuits the investigation. It allows the police to focus their efforts on a very strong suspect and then to gather the normal body of evidence, which is used to gain a conviction. That is what it is about: it is not about having this as the sole piece of evidence to gain a conviction.

Some people are saying that this will make it very easy for corrupt police to plant DNA evidence at a crime scene and therefore gain a conviction. My understanding of the way DNA evidence is applied in the British jurisdiction is that it merely allows the police to concentrate their efforts, once they have a very good idea of who the suspect is, and build a body of evidence to gain a conviction. If we can do that in the South Australian jurisdiction, we will go a long way towards freeing up police resources to extend the number and the type of crimes investigated.

I have grave concerns about the database and the way it is housed. I would ask the Attorney to look into this matter, because the evidence we were given involving the British system is that the DNA material is housed completely separately from the material which actually identifies the person to whom that DNA material belongs. The ring fence between the DNA database and the database which contains information—

The Hon. M.J. Atkinson: It's junk DNA; it doesn't tell you anything else that's interesting.

Mr WILLIAMS: The point I am making is that, with the sample which is used to find a match between a sample taken from a crime scene and a sample held in the DNA database, the person who is making that match has no access to the personal details to which that DNA sample belongs. It is completely ring fenced. If a match is made, the only information the person making the match has is to say, 'This DNA sample, which came from the crime scene, belongs to sample number such and such.' That information is then taken off to a completely separate authority which holds the relevant information which matches that number to the personal details of the person involved.

I think if we can build those sorts of safeguards into the system it will reduce a lot of the fear—and I believe it is just a paranoid fear—that people have that they will be fingered by corrupt police who put DNA material at crime scenes. It is impossible for the person making the match to have access to personal details or information, so no cross-matching can be done behind the scenes by the people operating the system. We keep saying, in this jurisdiction, that we have the best police force in the world and one which is not subject to corruption. If we maintain systems where there is no temptation, where the odd bad apple cannot break down the system and do the wrong thing, that will continue. I ask the minister to look a little further forward because, on my reading of the bill, there is nothing which convinces me that the Attorney-General has even looked at this particular issue. This has been a little bit of a hobby horse of mine for a number of years now—

The Hon. P.F. Conlon: You never mentioned it when Griffin wouldn't test anyone, did you? You never mentioned it once. You sat silently while Griffin wouldn't test anyone.

Mr WILLIAMS: I have mentioned it a number of times and, if you consult the record, you will see that I have, in fact, mentioned it a number of times.

Mr Snelling: Funny that; I have, and I can't find one.

Mr WILLIAMS: Well, you keep looking.

The Hon. M.J. Atkinson: Where would these references be?

Mr WILLIAMS: I can tell the house that the last time I spoke on this matter was during the Address in Reply debate at the beginning of this parliament.

The Hon. P.F. Conlon: Oh right! Not once when Griffin wouldn't test anyone. When Griffin wouldn't test anyone, you said nothing.

Mr WILLIAMS: You have asked me to identify when I spoke on this and that is the one that I can remember. I point it out to the member for Playford, who is sitting back there trying to find it, to let him know where he can find it. He said that he could not find it once.

The Hon. M.J. Atkinson: Address in Reply—what year?

Mr WILLIAMS: This year.

The Hon. P.F. Conlon: You said nothing when Griffin would test no-one.

Mr WILLIAMS: I am just pointing out that the member for Playford said that he cannot find it anywhere in the database, and I am telling him to go to the Address in Reply. I am just pointing out his inefficiencies.

The Hon. P.F. Conlon: When your Attorney did nothing you said nothing.

The SPEAKER: Order!

The Hon. M.J. Atkinson: Now that you are in opposition you're talking about it.

The SPEAKER: The Attorney-General will come to order.

Mr WILLIAMS: Thank you, sir. The Attorney-General and the minister next to him are quite embarrassed about this.

The Hon. P.F. Conlon: You said nothing and your Attorney did nothing.

The SPEAKER: Order! If the minister wishes to have a say he is at liberty to do so.

The Hon. P.F. Conlon: I shall, Your Honour.

Mr WILLIAMS: We look forward to the minister's contribution. We look forward to it. I am sure that it will be as enlightening as most of his contributions, and we will be delighted to hear it. One issue that I do not think has been raised is the separation of the actual database from the personal details. I feel very strongly that that should be entertained by the Attorney-General. He should look closely at that. Also, I think that the Attorney-General and the government are failing by not restricting this to 11 indictable offences—

The Hon. M.J. Atkinson: Summary offences.

Mr WILLIAMS: Sorry, summary offences. I suggest that the Attorney-General should continue the fight to try to bring his party a lot further—

The Hon. M.J. Atkinson: Then we will be out of CrimTrac.

Mr WILLIAMS: I do not believe that is the case, but let me say that every jurisdiction I have studied, and I have looked at a number—

The Hon. M.J. Atkinson: You cannot say that every offence is a serious offence; you just cannot do it.

Mr WILLIAMS: I know that, but the reality is that in every jurisdiction the statistics show that, by and large, criminals convicted of major offences have graduated up the criminal scale.

The Hon. M.J. Atkinson: Some do.

Mr WILLIAMS: By and large they have graduated up the criminal scale.

The Hon. M.J. Atkinson: Not all of them.

Mr WILLIAMS: No, I am not saying all of them. Again, I quote from this article appearing in the *Advertiser* dated 2 October this year, which states:

> A major study by the police has revealed almost half the crime in South Australia is committed by a minority of offenders. It is found that 3 265 criminals (14.2 per cent) were responsible for 28 210 offences—46.3 per cent of all the crime committed in a single year.

The Attorney-General talked about our access or otherwise to CrimTrac. The article also indicated that only 17.5 per cent of those offenders had criminal records in other states. Irrespective of whether we are able to access CrimTrac, we will go a great way to solving crime in South Australia by widening the net.

The Hon. M.J. Atkinson: What about helping our interstate colleagues? What about the Falconio case?

Mr WILLIAMS: We can give other states access to our database without being part of CrimTrac. Just because they might not let us into their database does not mean that we must automatically stop their having access to our database. I think that is a fallacious argument. As I said, I feel sorry for the Attorney because I know what he wants to do. I know that he is constrained by his party. The Attorney-General—

Mrs Redmond interjecting:

Mr WILLIAMS: Yes, and also the cabinet—that is probably worse than the backbench. The Attorney-General would do well to forget all that nonsense and get on and build a decent DNA sampling system in South Australia. I have quoted in the house previously the example of offenders graduating up the criminal scale. The British found that 84 per cent of those people convicted of the crime known as stranger rape had prior convictions for minor offences. That is a staggering figure. A moment ago, when the shadow minister was speaking, the Attorney-General quipped, 'Would you take a DNA sample from someone who was charged with urinating in a public place?' Yes, I would, from anybody.

The Hon. M.J. Atkinson: Would you take it from someone suspected of urinating in a public place, because that is the policy that you are advocating?

Mr WILLIAMS: Anybody who is arrested by a police officer I suggest should have a DNA sample taken. If no further action is taken, if they are not charged or if they are acquitted, the DNA sample can be destroyed. That is the case in Britain.

The Hon. M.J. Atkinson: Automatically or only at their request?

Mr WILLIAMS: In Britain I understand that it is automatic. Another thing that they do in Britain is that a police officer is authorised to take a DNA sample from any person who is arrested. When they take them to the station they are generally invited to give a sample via a buccal swab. If they do not submit to that, two or three hefty policemen have the authority to hold the person down on the floor and remove enough hairs, including the roots, from a part of their body, generally the head, from which a DNA record can be taken. I understand—

The Hon. M.J. Atkinson: Generally the head?

Mr WILLIAMS: Well, I guess it is the head. I understand that they need about three hairs to get a full sample. Also, if the material that they take fails to give an adequate DNA sample and the person has been released but is still subject to being charged, the police in Britain have the authority to take a further sample from that person. I think we have to be very wide ranging; we have to cast the net as wide as we possibly can if we are serious about doing something about crime in this state. The Premier is serious about the perception that he is tough on crime, but if we are serious about fighting crime we have to do a lot more about detection. It is pointless upping sentences. We could give them a

1 000 year sentence but, if you do not catch them, you cannot convict them. So, it does not matter how stiff the penalty is.

The Hon. M.J. Atkinson: The greatest deterrent is the chance of being caught.

Mr WILLIAMS: Exactly, and I am sure that the Attorney-General and I have the same belief—it is detection and conviction that we have to work on. Talking up and increasing sentences does absolutely nothing for the protection of South Australians.

The Hon. P.F. CONLON (Minister for Police): I rise to support the second strongest DNA testing laws in Australia. Unfortunately, they are the second strongest DNA testing laws in Australia because the strongest are in the Northern Territory. This is a matter which I addressed at the police ministers conference two weeks ago. The strongest laws are in the Northern Territory, and the reason that we do not have the strongest laws in Australia is that the commonwealth has disqualified the Northern Territory from being on the CrimTrac database because its laws are too strong.

The Hon. M.J. Atkinson: They don't have matching tables.

The Hon. P.F. CONLON: Well, they also offend the commonwealth, because the commonwealth believes that their DNA testing laws are too tough on suspected criminals. The member for MacKillop, who stood in this place and made his usual offensive contribution, is on the record for the first time as supporting stronger DNA laws. We used to have the weakest DNA laws in the country under his former attorney-general, and under his former attorney-general he said nothing. He is on the record for the first time in his political career—as he scurries out like the weak little fellow he is—as supporting stronger DNA laws now that we are in government. He said nothing when his own attorney would do nothing about DNA testing. His own attorney introduced DNA testing for convicted criminals, and we got how many in the first two years?

The Hon. M.J. Atkinson: About 18.

The Hon. P.F. CONLON: We tested 18. They have no credibility, none whatsoever. We have the member for Bragg here who is on the record as saying that our laws are wrong because we do not need to DNA test Bevan Spencer Von Einem. We will introduce the second best laws in the country. They would be the best if we were not being prevented by the commonwealth minister from introducing the best. I was at the police ministers conference a short while ago where I supported bringing the Northern Territory on to the CrimTrac system; where I said that, given the points that the member for MacKillop made, 83 per cent of crime is local and only 17 per cent crosses state borders; where I said that the states fund the vast bulk of law enforcement; and where I said that the Northern Territory should be brought on. I was told by Senator Chris Ellison that he would not support it.

So it is ridiculous for a member of the Liberal Party to stand up in this place and complain about DNA testing laws—after remaining silent for so many years while the former attorney-general had the weakest argument—while I go to interstate conferences and get told by their federal minister that we cannot toughen up the laws too much or they will not allow us on to the CrimTrac system. It is no wonder that the member scurries out of the room after he has made his pathetic contribution.

We then have the member for Bragg who says that we do not need to DNA test Bevan Spencer Von Einem. I do not see her shaking her head. She knows she is on the record as saying that. We are the first government in this state to properly address this issue. I have had my DNA sample taken; the Attorney-General has had his taken; and the Premier has had his taken.

We are the first government to take this issue seriously. We are the first government in this state to recognise what an important tool it is for locking up bad guys; and what an important tool it is for making sure that people who are innocent are not convicted. We are the first people do it. To listen to this nonsense is offensive.

But let me say this about the member for Bragg's contribution, because the opposition are a bit bipolar on this. The member does not believe that Bevan Spencer Von Einem should be DNA tested. Well, I can tell you this: we will DNA test Bevan Spencer Von Einem and if those tests reveal that he can be convicted for another crime I expect the member to come back into this house and apologise.

The SPEAKER: The honourable member for Bragg.

Ms CHAPMAN (Bragg): Thank you, Mr Speaker.

The Hon. M.J. Atkinson: You might explain your interjection on Von Einem to begin with. That would be a good start.

Ms CHAPMAN: We do not need to deal with Mr Bevan Spencer Von Einem, so I will not take that bait from the minister—

The Hon. P.F. Conlon: Why not? Why don't you? What if he has committed other offences, member for Bragg?

Ms CHAPMAN: —because I want to deal with the substance of the bill before the parliament.

The Hon. M.J. Atkinson: This is the substance.

The Hon. P.F. Conlon: Does he need to be tested?

The SPEAKER: Order! The minister will come to order.

Ms CHAPMAN: The opposition has indicated that they support the thrust of the bill. It is an important bill because not only does it help go beyond the question of the identification process, it also assists in the detection of crime and the ultimate conviction of criminals. Also, of course, it adds in the important aspect of crime exclusion. That is, it will enable people who so wish it to be recorded so as to be able to be excluded as a future suspect in relation to a criminal offence.

I have listened to the discussion on both the action—or lack of it—of the previous government and the considerable delay of this government and, indeed, its change of heart through the process of introducing this bill to the parliament. It is important to reflect upon the fact that DNA testing did not simply drop out of the sky as some sort of panacea, unevolved and without defect, in the period leading up to 1998 when the principal act, which is under consideration for review and amendment now, came into the parliament. It is a process that has developed over a period of time, and aspects of the testing have needed to be cleared up because of the fear of false convictions, for example, that may follow.

Let me give an example. In the 1980s, in court proceedings, we regularly used blood tests for parentage testing procedures which had been developed over a period of time to match certain characteristics of blood taken from the relevant parties—the mother, the child and the suspected father. A process of blood identification was developed to test parentage which evolved over a significant period of time and which was not without challenge in the courts and not without defect. If you go back even another 50 years or 60 years and look at the history of fingerprints, that is an identification process which has been developed and which is relied upon today, and the persons who are expert in that identification

process ensure that they produce something that is useful, productive, reliable and upon which conclusions can be safely made.

So, I do not have any deep-seated concerns such as those that appear to be frustrating a number of members who have spoken in this debate—or, at least, those providing the unhelpful interjections—about the process of the slow and careful introduction of a procedure which is, in 2002, seen as a panacea in crime detection. I think careful consideration was given, I think careful consideration was deserved, and I think careful consideration was necessary. But we are at a stage now when we are called upon as a parliament to make a decision based on what is available to us today—that is, in November 2002—as to how it may assist us in the primary objectives of crime detection and exclusion but, of course, having carefully analysed the importance of issues such as protection of civil liberties. Those issues have been detailed in other debates, and I will not traverse them tonight.

By introducing a bill in which there are a number of categories, the government has attempted—I think admirably—to deal with, on a differential basis, a number of different groups of people that can utilise the procedure for exclusion. The detection officers—the Police Force, in particular—have the opportunity to impose or apply according to the status of the person who is to be tested. It is not an easy area in which to identify such groups, but I think it is fair to say that the government has appropriately made that differentiation. Where volunteers or persons likely to be witnesses or victims of an offence are to be tested, they should be treated with respect, and the process of obtaining DNA material and recording, storing and disposing of it ought to maintain respect for the victim.

So, I think the approach is admirable and appropriate, but can I give an example of when the issue becomes somewhat clouded. I think, also, of a case in my previous life involving a family comprising the parents and eight children, four of whom were under the age of 18 years. The parties—that is, the parents—had separated, and it became clear in the course of the determination of an issue in relation to the four children under the age of 18 years that the 14 year old had been the victim of anal rape by the 18 year old brother. Therefore, an adult has perpetrated a sexual offence against a 14 year old.

On the face of it, if we were to apply this sort of process and there was some evidence presented, then, in the process of attempting to bring to justice the 18 year old, leaving aside the processes concerning the fact that he might have been the victim of something else, someone could take DNA samples from the 14 year old boy. Under the provisions of this bill, the 14 year old boy would be in, I think, category 1. They would be seeking to have all the protections that are proposed and, because he is a 14 year old boy—and, therefore, not a protected person under this proposed legislation, that is, a child over the age of 10—he would be entitled to express a view as to whether he wished to be tested. In that circumstance, we may have a situation where the 14 year old says, 'I do not want to be tested.' Under this bill, that wish would be respected and the 14 year old would not be required to undertake the procedure, either a blood sample (as proposed in this bill) or a swab from the mouth. In that case, the 14 year old can exclude himself. That is all very well. Members may think in isolation that is okay.

The subsequent evidence was that the 14 year old was perpetrating sexual activity on his nine year old sister. In this chain of events she is also a victim and she would have protection under this legislation. Even if one or other of her parents was aware that this was going on and had refused to give consent, then the police would be able to appropriately utilise the provisions of this bill to protect the nine year old. They could take the sample, even without the nine year old child's consent. The 18 year old is a suspect and can have a sample taken; the nine year old is a suspected victim and her sample can be taken; but the 14 year old, who is both a potential victim and a potential offender, can decline to have the test taken. There are some circumstances—and there will always be circumstances in legislation—where one can expose the shortcomings in complex factual situations that come before the court. I pondered this situation and wondered how one can properly introduce a balance. I have not come up with an answer, but I have pondered how to best address it.

While I commend the categories option, I think it is important that we introduce a simple definition to define to which offences this is to apply. That would be the preferred option. There have been some changes on the part of the government. It has flagged its intention to make changes and to introduce an amendment to the bill to expand the definition. Indictable offences and a list of some 11 summary offences are now to be included. We are not quite sure about the exclusion process—as to why only these 11 offences are to be included—but, nevertheless, there has been an expansion.

The Hon. M.J. Atkinson: That is all that has been asked for.

Ms CHAPMAN: But that does not answer the question as to why others have been excluded. I suggest there is an opportunity under the current 1988 act, which provides for a criminal offence. The definition in that act includes any offence, except a summary offence, that is not punishable by imprisonment or a summary offence that is capable of being expiated. It is my view, and I will be referring to this again in committee—and our lead speaker has foreshadowed an amendment—that we should be sticking to that definition. That will provide a simple definition for the enforcement officers to apply when it comes to the determination of what is to be categorised.

Can I say that the Attorney has said this on the record, and I refer to the radio interview of 17 October with Mr Chris Kourakis QC (the then President of the Law Society) and others. When invited to stay on to listen to other callers and answer questions, he indicated that he was happy to do so, and he went on to say:

> It is a new area and people are still coming to terms with it but if I do what the Police Association wants, and that is to authorise the police to DNA test everyone who's arrested or charged, then SA will not be able to go onto the national DNA database. My view is, it's very important for SA to give its samples to the national database and to be able to compare our profiles from our suspects with the national data base. . .

He confirms that it was his view that it would be excluded. The opposition's lead speaker has already commented on this, and I suggest that the Tasmanian example gives support and weight to the fact that a provision in this bill which would bring about application to criminal offences (as defined and to which I have referred) would not exclude South Australia from having access to the database and facility of CrimTrac, an excellent commonwealth initiative. That is a matter which—

The Hon. M.J. Atkinson: It will at least create a risk.

Ms CHAPMAN: The Attorney suggests that, but there was an opportunity for that to be cleared up and it was not. I suggest that, in the absence of there being evidence to suggest the alternative, that is, this is not the Northern Territory example, we are adult enough, mature enough and intelligent enough to be able to create a bill—

The Hon. M.J. Atkinson: You get a letter from Senator Ellison saying that.

Ms CHAPMAN: The Attorney interrupts with another unhelpful interjection. Nevertheless, the Attorney has had plenty of time to attend to that. The other matter which I place on the record is that I am not certain about the provision for arrest because we have not seen all the amendments. Can I say on the record that all these procedures as they apply to suspects, in my view, must be clearly on the basis that the suspect is either arrested or charged. It must be clear in the bill, no matter what amendments are introduced or ultimately how it turns out, that even if we remove obligations that have otherwise been provided—for instance, to take out 'necessarily having to be suspicious or relevant' in relation to the qualifying aspects—at the very least suspects who are tested either have to be arrested or charged. I think that should be clear in the bill and I will be looking forward to seeing the amendments to ensure that that survives.

The only other matter which I will mention briefly relates to the hair sample. This is an interesting thing. I am yet to be able to imagine how less intrusive the taking of blood from a finger prick or opening up someone's mouth to take a swab from inside the mouth is somehow or other less intrusive than taking a hair sample and recovering the root of a piece of hair. I cannot imagine how any one of them could be more or less intrusive than the other, but to exclude the opportunity for the forensic person—and this is supported by the police—to be able to take a simple hair sample and to say that that should be excluded as a means upon which this can be recovered seems to me most unhelpful—

The Hon. M.J. Atkinson: We are not saying that.

Ms CHAPMAN: Certainly the draft bill which I have seen suggests that there be a provision for it to be specifically excluded.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: If I have, I appreciate that. The bill provides that the person on whom the procedure is to be carried out was under suspicion, having committed a serious offence, and the procedure consists only of taking a sample from the person's body by buccal swab or fingerprint for the purpose of obtaining a DNA profile of the person. It retains the current prohibition on taking out a piece of hair.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: Hence my very point. On this occasion the Attorney's interjection is useful in that he has identified that there is that restriction. That is what has been defined as the appropriate procedure, although it is not much use if the victim's face is in some way deformed as a result of some process that has occurred and it is not possible to take a swab or if it is more convenient and easier to take a hair sample. Once we have seen the amendments, that may assist us all in being able to identify that, but on the face of it I suggest that taking a simple hair sample is appropriate and should be an option.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: That is a useful addition but not in the circumstance where the suspect is not compliant and is not prepared to cooperate. With those few words I will leave any further comments to the committee stage, but in conclusion I thank the government for bringing this important piece of legislation to the parliament.

Mr SNELLING (Playford): I will make a brief contribution to this debate. I do not want to harp for too long about the record of the opposition when in government on this issue as that has already been spelt out. While I appreciate that members of the opposition may have had some road to Damascus type conversion on the issue of DNA testing, it is a little bit rich for members opposite to get up in this place and accuse the government of not being tough enough on the issue of DNA testing. We had the member for MacKillop stand up at the beginning of the debate and make himself out to be some long-standing champion of DNA testing. He claims to have made many speeches and on many occasions risen to talk about DNA testing in this place.

Initially I interjected that on a quick search of *Hansard* I could not find one instance where he had spoken on DNA testing, but I now admit that I am wrong as there has been one instance when the member for MacKillop talked about DNA testing, namely, in his Address in Reply speech this year—long after the departure of the previous attorney-general, Trevor Griffin. He talked about it in about 100 words, which was by way of congratulating the government on the move it was making to expand DNA testing. Other than that, as far as I can find upon a search of *Hansard*, there is not one other instance where the member for MacKillop has risen in this place to talk about DNA testing.

The reason for that is that, while members opposite may stand up in this place all hairy chested on this issue tonight, when the previous attorney-general, Trevor Griffin, was in office they were as quiet as mice and did not say a word. They could have stood up in their party room and taken on Trevor Griffin on this issue and demanded tougher legislation, but they did not. As I have said, I do not mind that they might have had a change of heart. That is fine: people change their minds all the time. But do not get up here and lecture us about not being tough enough on DNA testing. As the Minister for Police stated eloquently, this legislation goes as far as we possibly can, whilst remaining within the boundaries of the CrimTrac national DNA database.

Under the existing legislation, testing is possible only of offenders convicted after 1998 and only of suspects of an offence that carries a penalty of two years or more—an incredibly restrictive regime, which this bill seeks to overturn. An order from a magistrate is also needed to carry out testing of a suspect. This legislation expands the provision so that all convicted criminals in our prison system can be tested as well as those suspected of any indictable offence or 11 of the listed summary offences—under the foreshadowed amendments—with the approval of a senior officer of South Australia Police.

This is an important provision, because research into criminal activity since the 1980s indicates that often those who commit seemingly minor offences also commit major offences. This goes back to 1982 and the broken windows study conducted by George Kelling and James Q. Wilson. Their essay precipitated the zero tolerance regime of Mayor Rudy Giuliani, which has seen a massive reduction in crime in New York. It is based on the understanding that people who commit major offences often go through the criminal system on much lesser offences. If we give the police the power to test on seemingly minor summary offences and if that information is placed onto the DNA database, there will be the opportunity to clear up hitherto unsolved crimes.

The summary offences listed are high volume offences. Large numbers of offenders go through the criminal justice system in relation to these offences. Under the previous government—and the Attorney-General may correct me—I think only 300 prisoners were tested. Under this legislation, we would expect that thousands of suspects and criminals will be tested.

I now wish to turn to the comments of the member for Bragg during the Premier's ministerial statement on 17 October. She said, talking about Bevan Spencer Von Einem:

> Von Einem is already in prison. He doesn't need a DNA test.

That just shows gross insensitivity, I think, to the families of possible victims of this person. They have a right to closure. If DNA testing can assist in the successful prosecution of someone for certain crimes, the families of those victims have a right to closure. Just because the possible offender may already be incarcerated and unable to reoffend, it does not mean that there is not a need for trials on those offences. As I said, the families of those victims have a right to closure, and the community also has a right to expect those cases to be followed through to their conclusion and not just to be left hanging in the air because the possible offender is already incarcerated. I also point out that Bevan Spencer Von Einem has a non-parole period set—36 years, from memory—and will potentially be released. I refute, in the strongest possible terms, the comment of the member for Bragg that 'Von Einem is already in prison. He doesn't need a DNA test.'

I welcome this bill. I will not pretend that I have stood up every week, as have other members, to spout on about DNA testing. But as I have gone around the Neighbourhood Watch groups in my electorate, I have seen a tremendous amount of interest in the potential of DNA testing. I think that this legislation is a tremendous improvement on the previous government's legislation. I commend the Attorney-General for bringing it to the parliament, and I commend the bill to the house.

Mr SCALZI (Hartley): I support this important measure, and I commend the government for bringing it to the house. Hopefully, we will have sensible legislation on deoxyribonucleic (DNA) testing. As the Attorney-General, the Minister for Police and my colleagues on this side have stated, it is important to embrace this important tool to aid in the solving of crime—because it is a tool: it will not do it in itself. Provided it has the protection of civil liberties, as the member for Bragg outlined in her contribution, I believe it is the right way to go. And provided that we are consistent and able to use the federal database, CrimTrac (and there are wiser heads than me in this area of law), I believe that we will be able to achieve that.

Not to embrace DNA testing would be like going back to using horsedrawn carriages instead of modern motor vehicles to chase criminals. DNA is available to us; it is an extension of fingerprinting, and it makes sense. As I have said, provided we respect the rights of individuals, who are innocent until proven guilty, we should embrace this legislation.

I look forward to the contributions of the other members who have looked at this bill in more detail to make sure that, when we reach the committee stage, the legislation that passes through this house is sensible and is congruent with the federal legislation. Criminals have no boundaries or borders. So, if the legislation is congruent and is consistent with our democratic approach to civil liberties, it makes sense to aid this very important area of dealing with crime and thereby help to secure a safer community.

Mr MEIER (Goyder): I, too, rise to support this bill and indicate that I hope that it will go further than the measure currently before us. I have heard on the whisper trail that the government apparently has some amendments that will extend DNA testing. I look forward to seeing those, and I do not know why we have been left waiting.

The Hon. M.J. Atkinson: Waiting?

Mr MEIER: I am sorry—are the amendments on file?

The Hon. M.J. Atkinson: Most of them are, yes. I have told the opposition spokesman what they are.

Mr MEIER: I said that on the whisper trail I had heard that the government has some more amendments.

The Hon. M.J. Atkinson: Yes, we do.

Mr MEIER: That is why I wonder why we are kept waiting, because the bill has been with us for quite some time. I do not think it is the ideal way to deal with legislation, but I will not go into that. My view has been fairly clear—

The Hon. M.J. Atkinson: Ever since you got into opposition!

Mr MEIER: No, it is interesting that the Attorney should raise that. If my memory serves me correctly, either last year or the year before (and I think it was in relation to the establishment of CrimTrac) the regulations came before the Legislative Review Committee. Who sought to oppose the DNA testing?

Mr Brokenshire: Labor!

Mr MEIER: The Labor members sought to oppose what the government wanted to introduce by way of regulations—as did the Democrat member, if my memory serves me correctly. Here we have the holier than thou Labor members saying, 'You didn't do anything in government.' We certainly did, but what was the situation? The Labor and Democrat members said, 'We won't allow you to go as far as you want to.' I well remember the debate in the Legislative Review Committee. A few hypocrites here tonight are trying to throw the attack back onto the Liberal Party when it was in government, because the Labor Party would not let us proceed as we had wanted.

The Hon. M.J. ATKINSON: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The Hon. the Attorney-General has a point of order.

The Hon. M.J. ATKINSON: My understanding is that the use of the term 'hypocrites', when it applies to identified individuals, is always an unparliamentary expression. I understand that the member for Goyder was applying it to speakers for the government tonight, of whom there have been only two: the Minister for Police and Emergency Services and the member for Playford. Therefore, I ask the member for Goyder to withdraw the application of the word 'hypocrites' to them, particularly as they were not members of the Legislative Review Committee.

The SPEAKER: On the first point, the Attorney-General is quite right: the use of the word 'hypocrite' as it applies to any individual is unparliamentary and will not be tolerated. On the second point, he is quite mistaken. The member for Goyder simply referred to the broad class of the members of the government and then went on to raise the point about the position taken by the Labor Party in the Legislative Review Committee. I presume he was relying on his personal knowledge of what was said there. He certainly at no time in my understanding of what he was saying reflected on any of

the members of the Labor Party, that is, government members who have contributed to the debate this evening.

Mr MEIER: Mr Speaker, thank you for your ruling. I am happy to withdraw the word 'hypocrite' if it is offensive; there are no problems there. The point I was trying to get across is that it was unbelievable that members of the current government were seeking to attack members of the opposition for not having done something in relation to DNA when, if my memory serves me correctly, its representatives in the Legislative Review Committee were not at all supportive of DNA testing as we wanted it. I remind the Attorney-General that we did not have the numbers in the upper house to get things through, so we obviously had to tread carefully. We could not proceed as we wanted to. It is all very well for them to attack the former attorney and ask, 'Why didn't you bring in more DNA?' We know what would have happened—it would have been defeated in the upper house by the Labor Party and the Democrats, at the very least.

An honourable member interjecting:

Mr MEIER: As I just said, our moves in the Legislative Review Committee were opposed by the Labor Party and the Democrats in the first instance. I will not proceed with that. This bill is going a long way in the right direction. I am pleased to see it before us. Over the last year or even longer, the media have highlighted quite a few examples of crimes that have been solved because DNA tests have become available. I personally believe that anyone arrested for an offence should have a DNA sample taken—and I go right across the board, for all offences. I do not see a problem in having all people DNA tested, but at this stage it would need to be on a voluntary basis. We have seen so many crimes solved, so what is against it? I have heard some arguments against it, but then again people can always plant evidence, and it is one of the difficulties in solving criminal cases. I do not want to hold up the debate. Other members have said the various things that I wanted to say in support of this legislation. I wish it a speedy passage, and I compliment the Labor Party for introducing it now while in government. It is a pity that there was not a more positive response when it was in opposition.

Mr RAU (Enfield): I rise to speak briefly on this matter. I thank the member for Goyder for what was on the whole a very charitable contribution on the subject. That is all the better for the spirit of the parliament, and I commend him for that. I was obviously not a member of the previous parliament and, as a new person in this place, all I can say about this matter is what I know of it in my brief period as a participant in the legislative process. I am simply asking myself one question: is this bill an improvement on the present arrangements in relation to DNA testing and the resources available to our police? I have not heard a single speaker in this parliament say anything to the contrary. Everybody seems to agree that the Attorney has brought to the parliament an excellent bill in that it dramatically improves the resources available to the police, and that clearly must be a step forward—a big step forward. As the member for Goyder very charitably said, this is something for which the Attorney-General and the government should be commended.

We should remember that DNA is a tool; it is not an answer. It is a tool in the same way as a fingerprint is a tool, and in the same way as other evidence gathered at a crime scene is a tool. It is important that DNA not be over-sold to the public as a panacea for all crimes, because it is not. It is probably for this reason, at least in part, that the government has tried to use the technology that is now available in its most efficient way to get the best possible outcome, given the fact that, as we all understand, there is not unlimited money available to be devoted to DNA testing.

If we were not worried about having a police force, hospitals or schools, we could have everybody DNA tested and a computer program that would deal with all those things, and possibly that would be a fine thing. Of course, that is not the situation that we are in. However, a valuable tool is available and everyone agrees that this bill, if enacted into law, will dramatically improve the situation. That seems to be a large step in the right direction.

Some of the speakers on the other side have indicated a concern that not enough testing will occur. It seems from what I have heard of the debate that that might be a reasonably cheap shot, because I am advised by the Attorney and those who advise him that it is very important for South Australia to be a participant in the CrimTrac system. Unless our legislation broadly conforms with the CrimTrac arrangements, we will not be able to participate in the system and, as a result, there will be circumstances in which criminals moving between jurisdictions will be able to take advantage of the non-compliant nature of South Australia's records. That would be a travesty.

The idea that we should be giving up the opportunity of dealing with people who move across this continent simply in order to have a broader range of tests conducted on South Australian citizens seems to be a false economy. Indeed, it would not be an economy at all because it would be very expensive. So, I am very pleased to see that everybody seems to be in agreement that this is a step forward, and I, like the previous speaker, hope that this bill receives a speedy passage through this and the other place.

The Hon. M.J. ATKINSON secured the adjournment of the debate.

ADJOURNMENT

At 11.30 p.m. the house adjourned until Wednesday 20 November at 2 p.m.