

HOUSE OF ASSEMBLY

Tuesday 13 May 2003

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

INTERNATIONAL HORSE TRIALS

A petition signed by 6 706 residents of South Australia, requesting the house to urge the Minister for Tourism to reconsider the decision to significantly reduce funding for the Adelaide International Horse Trials or request the government to provide sufficient alternative funding to enable the trials to take place in November 2003 in the East Parklands in the City of Adelaide, was presented by Mr Hamilton-Smith.

Petition received.

POLICE NUMBERS

A petition signed by 699 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Inquiry into Generator Bidding and Rebidding
25-28 January 2003—Final Report

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

Regulations under the following Act—
Criminal Law (Forensic Procedures) Act—Qualified
Persons, Fees

Rules of Court—
Environment, Resources and Development Court—
New Rules 2003

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

Regulations under the following Acts—
Liquor Licensing Act—Long Term Dry Areas—
Ceduna and Thevenard

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

Regulations under the following Act—
Public and Environmental Health Act—Controlled
Notifiable Disease—SARS

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

Review of DAIS Asbestos Management Procedures Ascot
Park Primary School Roof Removal and Replacement

By the Minister for Local Government (Hon. R.J. McEwen)—

Actuarial Investigation of the Local Government
Superannuation Scheme—Report 2001-02

Local Council By-Laws—

City of Port Lincoln—

No. 1- Permits and Penalties

No. 2—Moveable Signs

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

Renmark Paringa Council—

No. 1- Permits and Penalties

No. 2—Moveable Signs

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

No. 6—Nuisances Caused By Building Sites

No. 7—Cemeteries

District Council of Loxton Waikerie

No. 1- Permits and Penalties

No. 2—Moveable Signs

No. 3—Local Government Land

No. 4—Roads

No. 5—Dogs.

SOCIAL DEVELOPMENT COMMITTEE

Mr SNELLING (Playford): I bring up the 17th report of the committee inquiry entitled 'Poverty Inquiry'.
Report received.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table the supplementary report of the Auditor-General entitled 'Agency Audit Report: XTAB Pty Ltd'.

Ordered that the report be published.

BUDGET SAVINGS

In reply to **Mrs REDMOND** (Estimates Committee A, 30 July 2002).

The Hon. K.O. FOLEY: As advised by letter to the Leader of the Opposition in December 2002, the following summarises budget savings and expenditure initiatives for the years 2002-03, 2003-04, 2004-05 and 2005-06 for each portfolio.

2002-03 Budget Savings and Expenditure Initiatives (\$000)

Minister Portfolios	Mike Rann Premier and Cabinet Auditor-General				
New Expenditure Initiatives		2002-03	2003-04	2004-05	2005-06
Grand Total New Expenditure Initiatives		8,090	9,217	6,871	6,838
Re-prioritisation of Existing Expenditure		2002-03	2003-04	2004-05	2005-06
Agency expenditure		4,353	3,865	3,863	3,863
Consultancy expenditure		456	456	456	456
ETVSP		705	705	705	705
Reversal of Liberal Government's pre-election promises		200	200	200	0
Grand Total Expenditure Re-prioritisation		5,714	5,226	5,224	5,024
Net additional expenditures		2,376	3,991	1,647	1,814

Minister Kevin Foley
 Portfolios Treasury and Finance
 Industry and Trade
 Treasury and Finance—Administered Items

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	58 741	11 054	13 613	15 419
Re-prioritisation of Existing Expenditure				
Agency expenditure	7 116	8 016	8 066	7 766
Consultancy expenditure	1 598	1 598	1 598	1 598
ETVSP	48	48	48	48
Other	2 400	2 400	2 448	2 448
Reduction in contingency provisions*	29 900	47 300	34 100	82 100
Reversal of Liberal Government's pre-election promises	2 641	2 158	3 064	-1 162
Grand Total Expenditure Re-prioritisation	43 703	61 520	49 324	92 798
Net additional expenditures	15 038	-50 466	-35 711	-77 379

*Note: The reduction in contingency provisions is the result of large downward revisions to the former government's headroom and contingency allocations reflecting a more prudent approach to financial management.

Minister Paul Holloway
 Portfolio Primary Industries and Resources

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	2 850	6 490	7 570	4 475
Re-prioritisation of Existing Expenditure				
Agency Cost Recovery/revenue measures	470	930	930	930
Agency expenditure	4 520	1 980	4 770	2 970
Consultancy expenditure	900	900	900	900
ETVSP	568	568	568	568
Grand Total Expenditure Re-prioritisation	6 458	4 378	7 168	5 368
Net additional expenditures	-3 608	2 112	402	-893

Minister Patrick Conlon
 Portfolios Government Enterprises
 Justice
 Primary Industries and Resources

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	11 129	15 245	19 433	7 824
Re-prioritisation of Existing Expenditure				
Agency expenditure	5 152	5 862	5 938	6 018
Commercial Sector Dividend*	11 700	11 700	13 700	17 700
Consultancy expenditure	827	827	827	827
ETVSP	334	334	334	334
Grand Total Expenditure Re-prioritisation	18 013	18 723	20 799	24 879
Revised Grand Total Expenditure Re-prioritisation	6 313	7 023	7 099	7 179
Net additional expenditures	4 816	8 222	12 334	645

*Note: This relates to improved performance from commercial entities such as SA Water and Forestry SA. Additional contributions from these entities, consistent with Labor's Policy Costings document, are returned to the budget bottom line in the form of savings. In order to present an accurate picture of net additional expenditures, the improvement in these dividends have been excluded from calculations.

Minister Michael Atkinson
 Portfolios Justice
 Premier and Cabinet

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	11 563	2 582	2 748	2 150
Re-prioritisation of Existing Expenditure				
Agency Cost Recovery/revenue measures	2 000	2 000	2 000	2 000
Agency expenditure	6 235	6 785	6 920	6 924
Consultancy expenditure	467	467	467	467
ETVSP	1 259	1 259	1 259	1 259
Grand Total Expenditure Re-prioritisation	9 961	10 511	10 646	10 650
Net additional expenditures	1 603	-7 929	-7 898	-8 500

Minister Trish White
Portfolio Education, Training and Employment

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	80 604	116 291	138 091	142 291
Re-prioritisation of Existing Expenditure				
Agency expenditure	7 171	21 809	24 959	24 959
Consultancy expenditure	222	222	222	222
Reversal of Liberal Government's pre-election promises	2 100	3 600	4 600	4 600
Grand Total Expenditure Re-prioritisation	9 493	25 631	29 781	29 781
Net additional expenditures	71 111	90 661	108 311	112 511

Minister John Hill
Portfolios Environment and Conservation and the River Murray
Transport and Urban Planning
Environment and Heritage

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	6 997	11 923	14 584	15 856
Re-prioritisation of Existing Expenditure				
Agency Cost Recovery/revenue measures*	5 287	7 977	8 327	8 677
Agency expenditure	6 014	5 514	5 014	5 014
Consultancy expenditure	950	950	950	950
ETVSP	931	931	931	931
Reversal of Liberal Government's pre-election promises	1 000	1 000	1 000	1 000
Grand Total Expenditure Re-prioritisation	14 182	16 372	16 222	16 572
Net additional expenditures	-7 186	-4 450	-1 639	-717

*Note: As a result of agreement between the Select Committee and the Minister for Environment and Conservation the amount of revenue to be collected from the increase in the minimum rents on perpetual leases will be less than what was originally budgeted. The impact of this is expected to amount to a reduction in revenue over the four year period of up to \$2 million.

Minister Terry Roberts
Portfolios Administrative and Information Services
Justice
Primary Industries and Resources

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	6 856	5 000	3 148	3 935
Re-prioritisation of Existing Expenditure				
Agency expenditure	883	963	963	963
Consultancy expenditure	241	241	241	241
ETVSP	103	103	103	103
Grand Total Expenditure Re-prioritisation	1 227	1 307	1 307	1 307
Net additional expenditures	5 629	3 693	1 841	2 628

Minister Lea Stevens
Portfolio Human Services

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	65 264	73 326	121 630	103 526
Re-prioritisation of Existing Expenditure				
Agency Cost Recovery/revenue measures	3 530	3 530	3 530	3 530
Agency expenditure	7 367	11 439	13 889	11 650
Consultancy expenditure	1 965	1 965	1 965	1 965
ETVSP	9 131	9 131	9 131	9 131
Reversal of Liberal Government's pre-election promises	750	750	0	0
Grand Total Expenditure Re-prioritisation	22 743	26 815	28 515	26 276
Net additional expenditures	42 521	46 511	93 115	77 250

Minister Stephanie Key
Portfolios Human Services
Education Training and Employment
Transport and Urban Planning

	2002-03	2003-04	2004-05	2005-06
New Expenditure Initiatives				
Grand Total New Expenditure Initiatives	22 328	18 766	18 956	18 986
Re-prioritisation of Existing Expenditure				

Agency Cost Recovery/revenue measures	2 500	6 000	6 000	6 000
Agency expenditure	4 839	5 839	5 839	5 839
Consultancy expenditure	136	136	136	136
ETVSP	1 868	1 868	1 868	1 868
Reversal of Liberal Government's pre-election promises	1 500	1 500	1 500	1 500
Grand Total Expenditure Re-prioritisation	10 843	15 343	15 343	15 343
Net additional expenditures	11 485	3 423	3 613	3 643

Minister Michael Wright
Portfolios Transport and Urban Planning
Administrative and Information Services

New Expenditure Initiatives	2002-03	2003-04	2004-05	2005-06
Grand Total New Expenditure Initiatives	6 394	32 723	51 343	69 636
Re-prioritisation of Existing Expenditure	2002-03	2003-04	2004-05	2005-06
Agency Cost Recovery/revenue measures	155	155	155	155
Agency expenditure	14 494	15 223	16 223	16 223
Consultancy expenditure	819	819	819	819
ETVSP	873	873	873	873
Other	3 750	4 500	1 750	1 750
Grand Total Expenditure Re-prioritisation	20 091	21 570	19 820	19 820
Net additional expenditures	-13 697	11 153	31 523	49 816

Minister Jane Lomax-Smith
Portfolios Education Training and Employment
Administrative and Information Services
Industry and Trade
Premier and Cabinet
Primary Industries and Resources

New Expenditure Initiatives	2002-03	2003-04	2004-05	2005-06
Grand Total New Expenditure Initiatives	21 924	19 573	10 015	17 868
Re-prioritisation of Existing Expenditure	2002-03	2003-04	2004-05	2005-06
Agency expenditure	11 506	16 706	19 456	21 156
Consultancy expenditure	335	335	335	335
ETVSP	78	78	78	78
Reversal of Liberal Government's pre-election promises	4 900	7 500	7 500	10 000
Grand Total Expenditure Re-prioritisation	16 819	24 619	27 369	31 569
Net additional expenditures	5 105	-5 047	-17 355	-13 702

Minister Jay Weatherill
Portfolios Administrative and Information Services
Transport and Urban Planning

New Expenditure Initiatives	2002-03	2003-04	2004-05	2005-06
Grand Total New Expenditure Initiatives	4 750	5 317	4 435	5 458
Re-prioritisation of Existing Expenditure	2002-03	2003-04	2004-05	2005-06
Agency expenditure	5 950	5 950	5 950	5 950
Consultancy expenditure	1 686	1 686	1 686	1 686
ETVSP	417	417	417	417
Other	8 516	4 156	-108	0
Grand Total Expenditure Re-prioritisation	16 569	12 209	7 945	8 053
Net additional expenditures	-11 819	-6 892	-3 510	-2 596

PAROLE REVIEW

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

Leave granted.

The Hon. M.D. RANN: I rise to advise the house of action that the government is taking to strengthen the law and administrative arrangements in relation to the parole of prisoners and to toughen anti-paedophile procedures. Last month, I advised the house that a recommendation of the Parole Board that Her Excellency the Governor in Executive Council approve the conditional release of Allan Charles Ellis

was rejected by Her Excellency on the advice of the government, and I also foreshadowed a review of parole. During the term of this government, the parole of convicted murderers Steven Wayne McBride and James David Watson were also rejected.

The government is concerned that the procedures and legislation under which the Parole Board operates do not expressly provide for community safety or take into account the concerns of victims. I can inform the house that the government has now developed terms of reference for matters to be examined under the review of parole to be undertaken by the Chief Executive Officer of the Department of Premier

and Cabinet.

Those terms of reference are as follows. First, to examine whether the Parole Board should have power to refuse parole to prisoners sentenced to less than five years with particular regard to practices in other jurisdictions. We have asked for this term of reference to be included because under the Correctional Services Act the Parole Board has no discretion over a prisoner sentenced to less than five years (including prisoners convicted of child sexual offences), and those prisoners must be released no later than 30 days after their non-parole period expires. This automatic element of the provisions is of great concern to the government.

The second term of reference is to examine the current act to which the board must have regard in reaching a decision to release on parole and report on whether these matters should be strengthened, with particular regard to community interest and safety. Having regard particularly to community safety and the interests of victims, the third term of reference is to examine the most appropriate balance of skills, qualifications and experiences of Parole Board members. So, we will be looking at the composition of the Parole Board itself.

In conducting this review, the government's aim is to ensure that community safety and community interests are priorities. The parole of child sex offenders who are sentenced to less than five years imprisonment without consideration by the Parole Board is of great concern to the government.

It is important to stress that this is not a comprehensive review of the entire parole system. The government's objective is to achieve a speedy review of those matters which are of major concern to the government and the community. It may be that other issues of a less pressing nature which arise during the course of the review are dealt with at a later date.

I announce today that the government is also moving to further protect our children from being preyed upon by paedophiles. The Child Protection Review by Robyn Layton QC recommended greater screening and monitoring of those who work with children, including employment checks. The Justice Department and the police are working to ensure that South Australia leads the nation in reform in this area. So, I formally announce today that we intend to establish a paedophile register. Ms Layton's review recommended the establishment of a comprehensive register of paedophiles and others who pose a threat to our children.

At a national level, police around Australia are developing a model national register which will be considered by the Australian Police Ministers Council. This register will enable information relating to child sex offenders and others to be accessed across borders. This will enable us to keep track of convicted paedophiles who cross borders after their release.

CABINET RESHUFFLE

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

Leave granted.

The Hon. M.D. RANN: I would like to inform the house that this morning at Government House there was a cabinet reshuffle which promoted three ministers to new portfolio responsibilities and delivered new responsibilities to three other ministers including myself.

Members interjecting:

The Hon. M.D. RANN: That's why he's a lieutenant and not a fool. The reshuffle was a direct result—

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker. The Premier has just aimed a reflection at me which is derogatory and which has as its base the implication that servicemen and servicewomen are to be mocked. I seek your guidance, Mr Speaker. This is one of a series of interjections which the Premier has made in the last 12 months in an attempt to denigrate me on the basis that I have been a former serviceperson. He has done this on several occasions, sir, and I seek your guidance.

Members interjecting:

The SPEAKER: Order! I understand the point being made by the member for Waite. It is not appropriate for members to debate the merits of their proposition to the chair when seeking a point of order on the conduct of the house to be ruled upon by the chair. I heard what the honourable member had to say, but I did not hear what the Premier had to say. I did notice that the member for Waite was engaging in interjection across the chamber after leave had been granted. I regret that the sound system in this place does not enable me to pick up those interjections. It is therefore not possible for me to make a subjective, quantifiable assessment.

Members interjecting:

The SPEAKER: Order! The member for Unley surely understands that the house may wish to hear, even if he personally is not interested in hearing what the chair has to say about the point of order. I invite the Premier, if he reflected on the member for Waite and/or service personnel, to apologise, although I cannot direct that course of action to be followed for the conscientious reasons I have just enunciated. The Premier.

The Hon. M.D. RANN: I would like, in fact, to praise the honourable member. For years now we have enjoyed a relationship where we have discussed these issues. Quite frankly, if it were in my power, I would make sure that he had a field promotion right now to become General of the Liberal Party, because of my profound respect for his leadership abilities. I would like—

Members interjecting:

The Hon. M.D. RANN: —if this time I could be heard without interjection—to inform the house that this morning, at Government House, there was a cabinet reshuffle, which promoted three ministers to new portfolio responsibilities and delivered new responsibilities to three other ministers, including myself.

The reshuffle was a direct result of recommendations made by the Economic Development Board. The EDB believed that ministerial changes were essential for the smooth implementation of its final report into the best way forward for South Australia's economy. The government agreed. The official swearing-in ceremony at Government House, conducted by Her Excellency the Governor, promoted three senior ministers.

As Premier, I will assume full responsibility for the Economic Development Board, the Office of Economic Development and its blueprint for the future. As Premier, I believe that I am best placed to give the overall implementation of the plan the whole-of-government leadership and direction it requires through the Public Service, for which I have responsibility. I will be very ably assisted by the Minister Assisting the Premier in Economic Development who as Treasurer and Deputy Premier has until today been responsible for the EDB and for the Office of Economic Development.

To demonstrate the government's commitment to being tough on law and order, the Deputy Premier will also become

the new Minister for Police, and as Treasurer will take over responsibility for SA Lotteries.

Members interjecting:

The Hon. M.D. RANN: I hope those interjections are not a reflection on the police force of this state and its dedication. The Deputy Premier will also take on the job of developing the state's population policy as part of his role as Minister for Federal-State Relations, which was a key recommendation of the EDB.

The police minister until today will become the new Minister for Infrastructure, a portfolio dedicated to stronger coordination and strategic direction to the development of infrastructure in South Australia. This will result in the creation of a powerful new Office of Infrastructure. The minister's current government enterprises portfolio has been abolished, although SA Water will come under the responsibility of the Minister for Administrative Services.

This morning, we delivered a major promotion to our Independent cabinet minister, who will become the new Minister for Industry, Trade and Regional Development and will take over small business.

Members interjecting:

The Hon. M.D. RANN: I hope that the interjections opposite are not a reflection on people living in country or regional areas in our state. The member for Mount Gambier is also delighted to be taking on the new challenges as Minister for Forests, which fits in very well with his responsibilities to his electorate.

The science minister will become the lead minister for the commercial bioscience project at Thebarton, which is currently held in another portfolio.

An honourable member interjecting:

The Hon. M.D. RANN: No; there is a bioscience precinct at Thebarton which was created by your government and which we have developed. It was in BMT; it was in your time, too, I think, but I am happy to give a full briefing to the leader afterwards. Yesterday I flagged today's cabinet reshuffle as the government's positive response to one of the many recommendations made by the Economic Development Board, which it believed would be the best way to implement its road map to economic reform in this state. The government has already stated that it is likely to agree to at least 85 per cent of those recommendations, as presented to us in the draft report. We are now considering the full report and I expect a similar response. Today's reshuffle is a very swift response to the EDB, and there will be more to come in the next few weeks and months—and I hope that, if there is a concurrent and complementary reshuffle on the other side, the member for Waite is significantly promoted, although I hope he loses his glass jaw in the process.

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

Mr KOUTSANTONIS (West Torrens): I bring up the final report of the joint committee together with the minutes of proceedings and evidence.

Ordered that the report be printed.

QUESTION TIME

MURRAY RIVER

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for the River Murray. Given the critical importance of the River Murray, will the minister advise the house why the government has cut \$5 million of state funding and forfeited nearly \$5 million of commonwealth funding for the rehabilitation and restructuring of the lower Murray reclaimed irrigation area at Murray Bridge and transferred this cost to the community?

The lower Murray rehabilitation project initially was announced as a \$40 million project, and the general agreement was for funding to be 40 per cent federal, 40 per cent state and 20 per cent land-holder, as was the case for the successful Loxton irrigation scheme rehabilitation. This would have meant approximately \$16 million from each of the federal and state governments (totalling \$32 million) and \$8 million from land-holders.

The minister has constantly denied that this was ever the case and has claimed that the federal and state governments' share is approximately \$11 million each (which is a total of \$22 million), to which is added \$10 million from land-holders. This puts the success of the scheme at very severe risk.

Despite this denial, I now have a letter from the federal minister confirming approval for \$6.465 million and in principle support for a further \$25.2 million, totalling \$31.665 million—which is close to \$32 million—a figure which supports the opposition claims and is approximately \$10 million more than the state government is currently offering from the national action plan.

The Hon. J.D. HILL (Minister for the River Murray): The leader has raised this issue with me a number of times, and I have addressed it a number of times. In fact, I organised for a senior officer from my department to give the member a private meeting.

Members interjecting:

The Hon. J.D. HILL: Mr Speaker, that is a Freudian slip. I am conscious of the pressure that the Leader of the Opposition is under. One of my senior officers has given the Leader of the Opposition a private briefing on this matter.

The Hon. R.G. Kerin interjecting:

The Hon. J.D. HILL: Are you referring to the departmental officer? Mr Speaker, that is a very unfair reflection on the senior officer who worked with him and worked for me. The advice I have given the Leader of the Opposition is based on the advice that I have received from my departmental officers, and that has been consistently put to him. I am not aware of the letter that he has—and no doubt it has been sent to him and not to my office—but I would be happy to have a look at it if he would care to table it. I can say to the member that he should stand by: coming up, there will be some great announcements about the River Murray.

PAN PHARMACEUTICALS

Mr SNELLING (Playford): My question is directed to the Minister for Consumer Affairs. What rights do South Australian consumers have for a refund in respect of products affected by the Pan Pharmaceuticals product recall?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The Office of Consumer and Business Affairs has

received 30 inquiries from consumers about refunds since the Pan Pharmaceuticals recall was announced. One consumer has lodged a formal complaint where refunds have been refused, and staff from the Office of Consumer and Business Affairs are investigating her complaint as a matter of urgency. The consumer alleges that a chemist and two health stores have refused to refund her. OCBA will contact these traders, discover their reasons for refusal and take appropriate action. Consumers should return products affected by the recall to the place of purchase for disposal. I must emphasise that the refund applies only to products manufactured since 1 May 2002.

A refund is by no means automatic. The consumer's right to a refund is a right against the retailer. Therefore, the consumer may be required to prove to the retailer that the item is not fit for the purpose for which it was sold, and that the consumer bought the item from the particular retailer. The right to a refund on the basis that a product is not fit for its purpose is contained in the Consumer Transactions Act South Australia and the Trade Practices Act. The Consumer Transactions Act protection only extends for seven days after delivery of the goods. Accordingly, consumers are advised that their legal rights for items purchased more than seven days earlier is in the Trade Practices Act.

It is likely that retailers would concede that the item is not fit for its purpose, given the Therapeutic Goods Administration's audit findings against Pan, but they may require proof of purchase before agreeing to a refund. Alternatively, pharmacists or retailers may care to offer refunds on the assumption that they will soon be in a position to negotiate with Pan for reimbursement of any refunds offered. This is an issue that will develop over coming weeks as pharmacy and supermarket representatives negotiate with Pan. Coles Myer's approach appears to be one of offering refunds for items confirmed as being subject to the recall, whether or not the consumer has a receipt. This is, however, at the discretion of individual store managers.

The Hon. Dean Brown interjecting:

The Hon. M.J. ATKINSON: Yes, I agree with the deputy leader's remarks on that matter. If consumers want to dispose of their products at a pharmacy but no refund is being offered, they should seek a receipt for the product, setting out all of the details of the product, including the batch number. This may help if Pan later agrees to meet all refund costs of retailers, irrespective of proof of purchase. The retailer has a right to recover any properly paid refund from Pan. The Pharmacy Guild is endorsing this approach. Consumers also have a right to compensation for illness or medical expenses or loss of income if they consume a defective product and become ill. These rights are governed by the commonwealth Trade Practices Act and can be pursued in state courts. Here the consumer's rights are against the manufacturer rather than the retailer.

FARMBIZ

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Employment, Training and Further Education, also representing the Minister for Primary Industries. Will the minister advise the house why \$3 million worth of commonwealth funding for the FarmBiz Skilled Farmers for the Future program, much of which is delivered by TAFE, was forfeited by the Labor government for redistribution to other states? Under the original agreement made with the commonwealth government, the South

Australian government would provide \$12 million and the commonwealth would match this dollar for dollar to provide another \$12 million for the FarmBiz program. Under the state Labor government funding has been slashed to \$5 million for the remaining two years of the program, and \$3 million worth of commonwealth funding has been forfeited.

The Hon. J.D. LOMAX-SMITH (Minister for Employment Training and Further Education): I thank the Leader of the Opposition for his question. I cannot speak to the veracity of his assertions in asking that question, but I will certainly seek a response from the other place.

RADIATION TREATMENT

Ms THOMPSON (Reynell): My question is directed to the Minister for Health. Minister, how will a new CT simulator for radiation treatment, recently commissioned at the Royal Adelaide Hospital, assist people requiring radiation treatment?

The Hon. L. STEVENS (Minister for Health): Last Friday I had the pleasure of commissioning a new computer tomography (CT) simulator at the Royal Adelaide Hospital installed at a cost of \$1.2 million under the commonwealth health program for radiation oncology equipment. This state-of-the-art equipment will provide a better chance of eradicating tumours, with reduced side effects for patients. It does that by allowing the accurate calculation of doses, treatment field positions and digitally reconstructed radiographs. It allows the planning of therapy regimes to be independent of the equipment needed to provide the radiation therapy.

Radio therapy is clearly a very challenging treatment for any person. The pressure placed on people following the diagnosis of cancer is enormous, and timely access to treatment can only help to reduce the emotional burden suffered by patients and their families during this difficult time. In conclusion, I stress that this is a \$1.2 million simulator, not a \$1.2 million 'stimulator' as reported on one local radio station last week.

SELF-FUNDED RETIREES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Social Justice confirm that the South Australian government missed out on \$3.6 million from the federal government this financial year because the state Labor government decided to stop concessions for self-funded retirees?

Members interjecting:

The Hon. DEAN BROWN: Very relevant. We have missed out on \$3.6 million. The former (Liberal) government formally accepted a federal government offer to jointly fund concessions to self-funded retirees with a commonwealth health seniors cards from 1 July 2002. However, the new Labor government stopped those concessions, so the federal government component has been lost to this state.

The Hon. S.W. KEY (Minister for Social Justice): As the deputy leader would know, having had responsibility for this area in the past, sometimes offers made by the federal government are not all they are cracked up to be. Certainly, in the case of these concessions, there were disadvantages in our state leading the pack, accepting these concessions. Again, I am sure the deputy leader would know that, as far as I know, none of the other states or territories took up that offer.

While we are on the question of concessions, one of the things that I must say appalled me in taking over responsibility as social justice minister and having responsibility through the Department of Human Services, in looking at concessions, is the absolute mess that the whole concession area is in, and also the history of concessions not actually achieving what they had sought to do originally.

One of the things that this government has done, with the assistance of Treasury and Finance, is work through the different concessions that we have at the moment. We are looking at seeing that the actual assistance for which concessions were originally put in will actually be delivered on.

EDUCATION, LITERACY AND NUMERACY

Ms BREUER (Giles): My question is directed to the Minister for Education and Children's Services. What progress have indigenous students made in terms of their literacy and numeracy performance?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the honourable member for her interest in this very important area of education in our state. There is much to be done in the progress of outcomes in Aboriginal education in South Australia. However, I am pleased to report to the house that there has been recent progress, and that the Aboriginal education outcomes for 2002 do show that Aboriginal students are meeting or exceeding learning targets that have been set across a range of indicators.

Those are encouraging gains and they come in the form of literacy and numeracy gains that have been made against 129 targets laid down by my department in line with the commonwealth guidelines for supplementary recurrent assistance, which include reading, writing and numeracy benchmarks. Some 86.6 per cent of the targets have now been met, with 18 per cent exceeding those negotiated targets. This compares favourably with national performance, where an average of only 46 per cent of targets has been reached. So, the improvement in South Australia has been significant and worth while.

Achievement by Aboriginal students in literacy and numeracy, measured by the basic skills test, has shown pleasing progress. For example, the year 7 numeracy data for last year showed 51.1 per cent of Aboriginal students in the top three performance bands. The target set for 2002 for that item was 36 per cent, so that is a significant result. The literacy skills of Aboriginal students in year 7 have also shown improvement, with better overall results than in the 2001 tests. In addition, there are indications that the performance gap between indigenous and non-indigenous students is decreasing in our schools, and that is very pleasing. But, as I said, there is a long way to go before we achieve the goal of seeing very similar results between indigenous and non-indigenous students.

Other improvements in learning for Aboriginal students included an increase in attendance in the early years. Attendance of four-year old and five-year old children in preschools and reception has risen to 84.1 per cent, and that is quite good compared to the attendance of non-Aboriginal students in our state. One such school that is doing very good work is Carlton Primary School in Port Augusta (which I visited last week), which is in the electorate of Stuart—and the member often talks to me about the schools in his electorate. The school has implemented a new project this last

year called Learning Together. It is a project that addresses the needs of its mostly indigenous students and other families with young children. The scheme shows how families, individuals and the school can work together to achieve literacy for students from a very early age, bringing together the wider community and encouraging learning for life by all, making everyone feel comfortable with the education process and those who work in it.

These Aboriginal outcomes for 2002 provide evidence of progress in many areas of performance by Aboriginal students, and it is pleasing to see that real progress being made in redressing some of the disadvantage faced by indigenous South Australians. The state government is very much committed to the continuance of that progress, and on Sunday the member for Giles represented me at a celebration for our 62 Aboriginal SACE achievers. That is a record number of Aboriginal students who have achieved the SACE, and it is a pleasing improvement in the right direction. There is a long way to go in what I, as minister, and the state government want to achieve for Aboriginal students in our state, but we will continue to make it a high priority.

AGED CARE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that South Australia has missed out on an estimated \$8 million in the current financial year in aged care payments due to the delay of one year or more in building aged care facilities as a result of the new Labor government's withdrawing HomeStart loans? Under the Liberal government, there were applications for HomeStart loans to build 260 aged care places, but the Labor government stopped the HomeStart loans. The building of facilities has been delayed by one year, or substantially more, the operators of the aged care facilities thereby missing out on recurrent payments from the federal government.

The Hon. L. STEVENS (Minister for Health): I am pleased to take the deputy leader's question on notice. I will get a full report for him. Let me say again that the deputy leader is prone to standing up in this house and making allegations. I will be pleased to provide him with a full report.

BUSINESS SA

Mr O'BRIEN (Napier): My question is directed to the Deputy Premier. What progress has the government made in relation to the proposals by Business SA in its Manifesto for South Australian Business which was released in early 2002?

The Hon. K.O. FOLEY (Deputy Premier): The opposition is at it again: spend, spend, spend! They would have to be the most fiscally irresponsible opposition that we have ever seen in this state. In answer to the question: on 17 January 2002, Business SA released its manifesto containing 130 recommendations for both sides of politics—indeed, for all politicians—to consider during the lead-up to the last election. As this government has demonstrated (both during the election campaign and since entering office), we are a pro-business government, a good government for business. This government came into office with a breath of fresh air in terms of how government relates to business.

During the election campaign, the Labor Party endorsed 109 of the 130 recommendations. Since coming to office, we have begun the work of adopting and implementing those recommendations. As at March 2003, 91 of those recommendations have been achieved, 17 are in progress, and one has

not at this stage been progressed. As Business SA has stated, it expects tough decisions to be made by this government, and I do not think anyone would argue that this government is afraid to make tough decisions.

We look forward to working with Business SA and the business community in general as we implement the economic development framework for this state. I also look forward to the bipartisan support of members opposite, although I note criticism from the opposition in some commentary in the *Advertiser* today. I appeal to the Leader of the Opposition to maintain that bipartisan approach towards economic development and not to slip into the habit of simply criticising, because that is not how I operated in opposition. I only hope that members opposite can act responsibly and in a bipartisan manner.

WORKCOVER

The SPEAKER: I call the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! I remind the member for MacKillop and the member for Kavel that neither of them is the Leader of the Opposition, though they may aspire to be. The leader.

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Industrial Relations assure the house that the future Chief Executive Officer of the WorkCover Corporation will be appointed according to the current legislative guidelines in order to avoid further delays in what is a very important appointment? At present, the legislative guidelines ensure that the potential Chief Executive Officer of WorkCover is determined by the board after consultation with the minister. The minister's proposed changes would see this lost, with the role of recommending the CEO effectively becoming the responsibility of the minister himself. There has been considerable delay in the appointment of a CEO of WorkCover. In addition, the opposition has been advised that the minister insisted on Mr Rod McInnes being interviewed for the position of CEO of WorkCover.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): In respect of the last point the leader has made, he is wrong. In respect of a whole range of questions he has asked this week and last week, every accusation made by him has been wrong. Of course, yesterday he did say one thing that is correct; that is, that WorkCover's problems go back to March 2002. In our game of politics, that is game, set and match. He is correct when he says that the problems go back as far as March 2002, when the now opposition was in government.

In response to his other question, the CEO's appointment is clearly the responsibility of WorkCover, in consultation with the minister. As I have said both to the media and in this parliament, getting on with the job of appointing the CEO should be one of its first priorities. If the Leader of the Opposition does not understand the WorkCover Act, we are happy to provide him with a briefing. I have offered him a briefing previously and I do so again. It is not our fault on this side of the fence that he does not understand the WorkCover Act.

It is the business of the WorkCover board to get on with the job of appointing a CEO. You can hardly hold the government responsible if that has not been done by the time the bill is debated and passed in both houses of parliament. If the opposition is serious about improving the governance and about WorkCover's having greater transparency and

accountability, it will give smooth passage of transition to that bill.

YOUTH WEEK

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Youth. Was the recent Youth Week successful in involving young people?

Members interjecting:

The SPEAKER: Order! Some inadvertent geese were honking. Members will come to order.

Mrs GERAGHTY: Yes, sir, I heard them, too.

The Hon. S.W. KEY (Minister for Youth): The short answer is yes. This is a very important portfolio, albeit that I am the minister, because—

An honourable member interjecting:

The Hon. S.W. KEY: I was expecting the laughs from the other side which do worry me. I know that the shadow minister thinks that this portfolio is very important, and I hope that the member does as well. I want to discuss this portfolio not only in regard to Youth Week but also a little more generally. It is important not only that we have Youth Week and a focus on young people during that week but also that we make sure that young people have an opportunity to participate and have their voices heard in our community.

National Youth Week is very important. It is an opportunity for young people between the age of 12 and 25 to take part in activities, enjoy special events, and also to celebrate. The other important thing about Youth Week is its focus on young people developing, implementing, managing, participating and evaluating all the proceedings occurring during that week.

I turn now to the general part of the portfolio. There are at least six former youth ministers in the chamber, the Premier, of course, being one of them. Also, a number of members opposite have been youth ministers. I am sure that this is one area on which we would have agreement. It is important to ensure that we continue to allow young people to participate in the community and, as I said, to have their voice heard. One of the ways of distributing a fairly small grant in many respects, but an important one, is to use the infrastructure of local government. The reason why I say this is important is because, in the last Youth Week, 61 local councils were involved in supporting Youth Week celebrations. This also means that most of the electorates in this chamber have an opportunity to get behind the young people in their electorates to ensure that the pie, which is the youth activities budget, is distributed throughout the state. It is important that local government is on board and it is also important that members in this chamber take notice of the fact that we do have money available for young people to promote their own issues in activities.

It is estimated that 30 000 young people participated in Youth Week, with about 1 200 activities and events. Young people were involved in the planning and implementation of the events. Youth Week closed with South Australia's largest youth run music and arts festival, Off the Couch. The free event showcased over 150 emerging musicians, bands, DJs and performing artists under the age of 27 in many different venues, mainly in Hindley Street and the West End. Off the Couch, which is a project of Carclew Youth Arts Centre in partnership with the Office of Youth, involved 50 young people who were responsible for coordinating the festival. I am sure members in this chamber will agree that Youth Week is a very important focus for youth, and I hope I can count on

support from all members in this chamber to ensure we continue to have relevant and appropriate activities for young people in South Australia.

COURTS, INDUSTRIAL MAGISTRATES

Mr BROKENSHIRE (Mawson): Why has the Minister for Industrial Relations recently appointed Ms Leonie Farrell as an industrial magistrate? I have been advised that the minister recently appointed Ms Leonie Farrell for an initial 6-month period. At the same time, I have been advised that there is no work for an additional industrial magistrate and that the minister has been told that his Industrial Court budget will be cut by \$400 000.

Members interjecting:

The SPEAKER: Order! The Treasurer and the Minister for Infrastructure are not the Attorney-General, as much as they may aspire to be, and the answer the house seeks is to be obtained from paying attention to what the Attorney-General has to say.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON (Attorney-General): The member for Bragg interjects that the industrial magistrates have no work—and that was the purport of the question by the member for Mawson. When this government came to office, one of the first letters that came to me via Judge Jennings from Industrial Magistrate Hardy was that there was a crisis in the industrial magistracy, namely, there was a massive backlog of cases owing to the illness of an industrial magistrate. Lawyers who worked in the industrial jurisdiction, whether for employers or unions, also told me that there was a crisis in that jurisdiction, and the Minister for Social Justice confirms what I say. Indeed, Industrial Magistrate Hardy expressed to me, in the strongest possible terms, that governments had been derelict in not making a temporary appointment to the industrial magistracy to overcome the backlog. Indeed, in his view there needed to be three magistrates working full time in that jurisdiction.

Contrary to what the member for Mawson says, there was an enormous backlog. What happened is that industrial magistrate Hardy had to stop hearing all cases and go away to draft judgments on cases already heard. So, in that desperate situation, the government finally responded and appointed Miss Leonie Farrell as an industrial magistrate for six months.

I am pleased to say that my first judicial appointment, magistrate Ardlie, is doing a fine job coping with the backlog; and the current appointments are equal to dealing with that backlog. I am confident that we will have good news in a few months' time. So, the situation is the complete opposite of what the Opposition represents it to be.

RECREATION TRAILS

Mr KOUTSANTONIS (West Torrens): My question without notice is directed to the Minister for Recreation, Sport and Racing. What is the government's commitment to the promotion of recreational trails to the community and visitors to our state?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank the member for West Torrens for his question and his great commitment to trails around South Australia. The government is committed to developing our state's network of recreational trails and to providing trails to the community and visitors to our state. The South

Australian trail network covers more than 6 000 kilometres over a diversity of landscapes, providing opportunities for walking, cycling, horse riding, canoeing and diving.

The provision and promotion of our recreational trails offers much to increase active recreation, particularly walking and cycling, which are amongst the most popular physical activities for South Australians. An exciting initiative of this government is the development of the *Trails SA Guide* and web site. I had the pleasure of launching these publications last Thursday evening, and I would like to acknowledge that the Minister for Tourism and the Premier's good friend, the member for Waite, were also in attendance. These promotions are designed to encourage people to get out and be active in our trails and to promote our trails to interstate and overseas markets. The *Trails SA Guide* and web site are the result of a successful and productive partnership between the Office of Recreation and Sport, the South Australian Tourism Commission, the Department of Environment and Heritage and Forestry SA. The publications bring together information in relation to our iconic trails such as the Mawson, Heysen and Riesling and our metropolitan trails, including the River Torrens linear trail, which runs right through the centre of Adelaide and right through the member for West Torrens' electorate. They also feature the extensive network of trails in our parks and forest reserves throughout the regional areas of South Australia. The *Trails SA Guide* is to be distributed throughout the visitor information centre network and other agency distribution outlets.

POLICE NUMBERS

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for the Southern Suburbs. What is the minister doing to address the shortage of police officers available for general patrol duties in the South Coast LSA? I have been advised by constituents that on a recent Saturday night patrols from Christies Beach were reduced to two plus a sergeant as up to 30 patrol positions were being used to back fill positions in other sections, including tactical response and the CIB.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Minister for Police): I would expect no less a reaction from members opposite. Thank you for that warm applause.

The SPEAKER: The question is directed improperly to the Minister for the Southern Suburbs. The Minister for Police has quite properly chosen to rise without any call from the chair. The question relates to police management and operational matters. I will leave it with the Minister for Police to determine how he will handle the answer.

Mr BROKENSHIRE: On a point of order, Mr Speaker, I ask for your guidance on what is appropriate for the opposition to ask regarding the portfolio area of the Minister for the Southern Suburbs.

The SPEAKER: Yes, that's an interesting question. The Minister for Police.

The Hon. K.O. FOLEY: I would have thought that they are free to ask the Minister for the Southern Suburbs any questions they like and it is for the government to decide who will answer. I would have thought that, as a former police minister, the honourable member would know the answer to this question. It is inappropriate not only for the Minister for the Southern Suburbs but also for the Minister for Police to answer this question, because government is responsible for

policy. We are responsible for the overall resourcing and numbers of police, and the Police Commissioner is responsible for operational matters. I will leave that in the hands of the Police Commissioner.

The SPEAKER: Order! By way of assisting the house quite seriously in contemplating how such senior and important servants of the public may best serve the public interest, they may wish to reflect upon the proposition to be considered at the coming Constitutional Convention as to whether the president of a proper house of review might not have such duty in future.

CONTAINER DEPOSIT LEGISLATION

Ms RANKINE (Wright): My question is directed to the Minister for Environment and Conservation. What has been the effect of the expanded container deposit legislation that now applies to many more beverage containers across South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): As members would know, on 1 January this year the extended container deposit legislation came into effect. I acknowledge the involvement of the opposition—the former government—in bringing this into place. The Environment Protection Authority has approved approximately 900 new products in a variety of glass, plastic and liquid paperboard containers for container deposit legislation (CDL). Since the expansion of the CDL, a 30 per cent increase in the number of plastic containers returned for recycling has been recorded by the recycling industry and reported to the EPA. The rate of recycling for liquid paperboard containers, including iced coffee cartons, has increased by 13 per cent. This is expected to increase by about 30 per cent by the end of June, as people become familiar with the fact that liquid paperboard is now included within the scheme.

An honourable member interjecting:

The Hon. J.D. HILL: I am very pleased with that. The recycling of glass containers is up by 15 per cent and cans are up by 20 per cent. These return rates will continue to increase as the community gets used to the expanded range of containers covered by CDL. A community information campaign has been under way since January which has included the distribution of 100 000 pamphlets and radio advertising to inform South Australia about the expanded scheme. As a result—

An honourable member interjecting:

The Hon. J.D. HILL: Yes, indeed; absolutely recyclable. As a result of the new CDL, fewer beverage containers are filling waste dumps, and South Australians are being encouraged to recycle. This is good news for the community groups that rely on income from recycling. I was at a recycling depot this afternoon run by the Scouts. The manager of the depot told me that, since this scheme has come into operation, he has taken on four new employees, and he may well have to take on an extra one to cope with the extra volume of recyclable material. This is very good news. It is a scheme that is working. It is the envy of every other state in Australia. Unfortunately, none of them has the guts to implement it in their state.

PARTNERSHIPS 21

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise when it is proposed that the

government will announce any changes to be implemented to the Partnerships 21 scheme? The Cox review was announced in March 2002, promised by the government for completion in August 2002 and released in October 2002. On 31 October 2002 the minister announced that 'it was important that stakeholder groups have time to consider suggestions contained in the report before any changes are made for the 2004 school year.' Accordingly, a deadline for the end of November 2002 was set for responses. Schools now have less than seven months in this academic year to implement any changes proposed for the next year.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The answer is, shortly. I reiterate what has been said many times publicly, namely, that changes are for the 2004 school year, not the 2003 school year.

TRAINING ADVOCATE

Ms CICCARELLO (Norwood): My question is directed to the Minister for Employment, Training and Further Education. What are the benefits for people undertaking training in South Australia of the creation of the new training advocate?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I know that the member for Norwood is keenly interested in the rights of and opportunities for young people in our training system. Today I announced the creation of a training advocate for South Australia. We have more than 30 000 apprentices and trainees in our training system and they will benefit from the advocate's role in both promoting training and investigating complaints. Apprentices and trainees who believe that they have been treated unfairly or who are receiving training that is suboptimal can approach this new advocate, who will address their concerns and point to ways in which we can make our training system better.

The advocate has the power to refer complaints to the appropriate authorities for attention, to monitor the actions taken and to detect any patterns that suggest a need to change policies or structures. The independent appointee will regularly report to me as minister but annually report to parliament. Both employers and training groups also will have the ability to make representation, and I expect the advocate to operate within a user friendly shopfront so that there will be enhanced customer service and attention to the concerns of young people.

The advocate will play a key role in reducing the number of formal complaints by encouraging mediation early in the process, and we hope to increase completion rates for both apprentices and trainees by ensuring, first, that everyone entering the contracts knows their rights and responsibilities, and by listening to the concerns of those involved as they arise. The establishment of the training advocate complements the new training and skills development bill—

Mr HAMILTON-SMITH: On a point of order, sir, the minister is reading a ministerial statement from paper, and I ask you to rule whether or not this would be better placed as a ministerial statement than as a question without notice.

The SPEAKER: It probably would be, but she would naturally want to read it from paper rather than from her hand or something, I suppose! I urge all ministers to use the provision in standing orders for ministerial statements rather than to take up time during question time. It may indeed direct our attention to the fact that there is probably more time available for the asking and answering of questions

without notice than is really necessary to serve our needs. However, it is not for the chair to determine the extent to which the minister may wish to consult copious notes in responding, and I leave it to the good sense and honour of ministers, including the Minister for Tourism, to determine such matters.

The Hon. J.D. LOMAX-SMITH: I think it is to the advantage of the state that we increase the retention level of young people in our apprenticeship system. Clearly, the level currently does allow for some wastage, and that is a wastage of people's aspirations and the costs of training. So, there is a great importance in increasing people's length of stay within the system and their ability to have both advocacy and mediation should things go awry. The quality of our training system has to be judged also on the problems that we have. We know that in the last 18 months there have been only about 120 complaints out of 30 000 trainees—a relatively small number.

We hope that, by having an approachable and easy system to make representations to the government, the number of people complaining will be increased, not because we want complaints but because we want to improve the system. We would particularly want to pick trends where we can improve the maintenance of our trainee management program, and we hope that by improving the quality of advice that young people get at the beginning of the training process, and by understanding their rights, fewer issues will arise during the course of their apprenticeships.

SCHOOLS, STURT STREET COMMUNITY

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services confirm that the Sturt Street Community School will be ready to reopen at the commencement of the 2004 academic year and confirm that the cost will be within the announced \$2 million and, if not, at what total cost?

The Hon. P.L. WHITE (Minister for Education and Children's Services): This is a surprising question, given that an announcement was made just over a month ago confirming that enrolments for the new school would be opened in a couple of months' time.

CONSTITUTIONAL CONVENTION

Mrs REDMOND (Heysen): My question is directed to the Attorney-General. When will the Constitutional Convention be held, and have any funds been allocated to it over and above the \$570 000 previously announced? In answer to a question asked by me on 2 April, the Attorney-General said that he would get back to me on details of funding for the convention, and I have not yet received a reply.

The Hon. M.J. ATKINSON (Attorney-General): I will get that information for the member for Heysen as soon as possible: it was a matter of its going through cabinet. I believe that it is now through, but it is a matter of getting a suitable date for this august occasion, and we do not have that yet.

The SPEAKER: Subject to the consent of the steering committee, it will be Friday through Sunday 8, 9 and 10 August, since all stakeholders and players are available at that time but not earlier.

INTERNATIONAL HORSE TRIALS

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Tourism. Before making the decision to cut funding and thereby cause the collapse of the Adelaide International Horse Trials at the parklands, the only four star equestrian event in the Southern Hemisphere, did the minister consult with the Australian Olympic Committee or any other relevant national equestrian Olympic body to determine whether her decision would have any impact on Australia's preparation for the 2004 Athens Olympic Games? If so, will she make public a copy of the advice she received before making her decision?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I know that the member for Waite is very keen to spend money on a range of activities, but it is the habit of this government to have business case research, to have a cost benefit analysis and a return on investment analysis of all the major events we fund. It is quite clear that the role of tourism is not one of Olympic selection. It is quite clear that, as legacy funding from the Sydney Olympics, there was \$92 million to \$93 million for the development of sport. I would be very happy for the Olympic Federation to take on the role of selection for their teams for overseas, but it is certainly not the role of tourism to be involved in the role of Olympic selection.

Mr HAMILTON-SMITH: In light of that response, my next question is directed to the Minister for Recreation, Sport and Racing. Was the minister aware of the Minister for Tourism's intention to cut funding to the Adelaide International Horse Trials, and did he provide advice to her that the decision to defund the event would have an adverse effect on the preparation of Australia's equestrian Olympic athletes? If he did not provide that advice, why not?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The Minister for Tourism does not need my advice. As all members know, she is an excellent minister, who can perform her portfolio without my advice.

CAR POOLING

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house how he will organise an employee and car pooling database? How many people will be needed to employ and collect the data, and what will be the estimated cost to the public? In the draft transport plan there is mention of a new initiative entitled the Green Travel Plan. These are plans that are developed in conjunction with employers to assist staff to get to work and conduct business travel by organising an employee car pooling database. The Green Travel Plan will be trialled in the first instance within government agencies.

The Hon. M.J. WRIGHT (Minister for Transport): As I have said to this house before, the draft transport plan, which has been delivered by the Rann Labor government, is the first transport plan in South Australia for 35 years. And what did the Liberal government do when it was in power?

Members interjecting:

The SPEAKER: Order! The member for Mawson may aspire to the ministry, but he is not the minister. I want to hear the minister's answer, not the honourable member's opinion of the minister's answer.

The Hon. M.J. WRIGHT: Thank you, sir—and he is a long way from being a minister, too. What did the Liberal

government do when it was in power? Admittedly the member for Light was not the Minister for Transport, so he cannot be held responsible—although he was a part of cabinet, of course. The former Liberal government promised a transport plan, but never delivered one.

SURF LIFE SAVING

The Hon. D.C. KOTZ (Newland): Will the Minister for Recreation, Sport and Racing advise the house what support he offered Surf Life Saving SA in its million dollar bid for the lucrative Australian surf life saving titles from 2007 to 2009, and will he indicate what support the government will offer to keep the Australian titles based in South Australia in the event of a successful bid? Surf Life Saving SA has bid for the very lucrative Australian Life Saving Championships (which are currently held on the Gold Coast) from 2007 to 2009 which, if successful, would be a tourism and sporting bonanza, with more than 7 000 competitors and an economic boost to the state estimated at more than \$18 million.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Newland for her question and acknowledge that she is interested in the sporting aspect of this event, but it falls into my portfolio, because it is classified as a major event with a significant economic impact. The significant—

Members interjecting:

The SPEAKER: Order! The Minister for Infrastructure can have a significant impact, and may do so in an economic context. However, the house has the good fortune to be the audience for the Minister for Tourism.

The Hon. J.D. LOMAX-SMITH: Thank you for that, Mr Speaker. I will return to my response to the member for Newland. The bid that was presented to the national body was put together by AME in support of the local body and local government. As members would realise, those sorts of bids are confidential and are not revealed until it is possible to express all the figures and results. At the moment we are unable to give details of a bid, but the member is quite right: we have made one.

SCHOOLS, BRIGHTON SECONDARY

Dr McFETRIDGE (Morphett): Will the Minister for Education assure the parents and students of Brighton Secondary School that the government will cover all the costs of their upcoming visit to China? Brighton Secondary School students were forced to return from Singapore en route to China for a school tour because of the SARS outbreak. As I understand it, none of these out-of-pocket expenses have been able to be recovered from insurance companies, because this was seen as a voluntary decision. No confirmation so far has been received from the education department that these costs will be recovered.

The Hon. P.L. WHITE (Minister for Education and Children's Services): At the time of the return of those students, I made a public statement that the government would guarantee that those students would be able to make a return trip to China, and I think the member for Morphett acknowledged that statement and, in fact, privately expressed his gratitude that that would be the case. I understand that insurance companies are to be spoken to. I am not sure of the progress with respect to those insurance companies, but of course that is the first port of call. However, as I stated at the time, in the absence of the insurance companies coming to the

party in terms of covering the cost to enable those students to make that return trip, the government has said that it would do so. We would negotiate firstly with the insurance companies and, secondly, we would approach the airline involved and, if that is not successful, the government would pay. However, the bottom line is that the government will support those students, as stated at the time.

ASBESTOS

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: In February this year, I informed the house of the situation regarding the removal of asbestos in public buildings. At that time, I explained that an investigation of current asbestos removal practices would be undertaken and that I would report back to the house with the results of that investigation.

The investigation was in two parts. The first part was to examine the specific incident at Ascot Park Primary School, and the second part was to review asbestos management policies and procedures in state government assets. Earlier today, I tabled reports on both stages of the investigation from the independent experts who undertook this work, Dr David Cruickshanks-Boyd and Martin Armstrong of Parsons Brinckerhoff. In the professional opinion of the investigators, there were negligible health risks to staff and students at Ascot Park Primary School.

The report found that all 148 of the air-monitoring tests at Ascot Park showed no airborne fibres. Several smears also were taken, and only two of those revealed any trace of asbestos—and that asbestos was not in a respirable form. The report states that the asbestos removal was undertaken in general accordance with the South Australian code of practice for the safe removal of asbestos. However, the event at Ascot Park was unacceptable. The incident highlighted a need to assess the government's asbestos management procedures to ensure that South Australia's standards and practices are as safe as possible.

The report found that, although South Australia's practices were comparable, in many instances, with the high standards for asbestos management in other states, there was also room for improvement. The report highlights a need for greater consistency across government, with some agencies arranging asbestos removal themselves and others going through the DAIS Asbestos Management Unit for advice.

There is also a problem with some agencies properly maintaining asbestos registers, while others do not. The report recommends that all state government departments prepare an asbestos risk management program as a part of their asset management responsibilities. Over time, these programs will replace the asbestos registers. The report also recommends that the state government develop guidelines for the management of higher risk projects, such as friable asbestos or asbestos removal in schools, with separate guidelines for low risk projects. However, the report states that the findings should not be taken to mean that workers or the public are currently exposed to health risk from the asbestos in state government assets.

The investigators found that the majority of asbestos present in state government buildings is in a stable form bound up in a cement matrix. Such asbestos is only likely to become a potential health risk if asbestos containing materials are disturbed by maintenance or building activities and then only if not carried out in accordance with accepted protocols. The report suggests that current management processes are generally insufficient to provide confidence that the risks are being appropriately managed. In considering the recommendations of this report I will seek advice from key unions, including input from Jack Watkins, who is the UTLC's expert on asbestos. With the assistance of the Asbestos Advisory Committee, which reports to Minister Wright, we will establish a cross-agency committee to oversee an implementation plan to improve practices and to ensure that the risks associated with the removal of asbestos and the health of the community are properly managed.

GRIEVANCE DEBATE

CABINET RESHUFFLE

Mr HAMILTON-SMITH (Waite): I rise to speak about the cabinet reshuffle announced by the government today and to note in particular the demotion of the member for Adelaide who loses the portfolio of small business. Before I do so, I want to direct some remarks to the Premier regarding interjections or insults about servicemen or servicewomen. I made similar remarks some time ago when I noted the Premier's failure to respond to the Defence Force Reserves Support Committee's request for help. I will take a point of order on any member who endeavours to insult defence servicemen or servicewomen through me or in any other way in this house. I will leave it at that, Mr Speaker, and speak to you separately on the background for my remarks, which is long and turgid on the Premier's account.

Returning to the cabinet reshuffle, I note that buried in the detail is the fact that the member for Adelaide is to lose responsibility for small business. This comes as no surprise. The title of small business was removed quietly by government gazette without any foreshadowing some time ago, and, as we know, there has been a struggle going on between the Treasurer and the member for Adelaide about who would have control of the Centre for Innovation, Business and Manufacturing. Obviously, the Treasurer won that one and has now delegated that job to the member for Mount Gambier.

This is a demotion. The last lines of the Premier's media release state that the Science Minister will become the lead minister for the Commercial Biosciences Precinct at Thebarton. So what! That was within the minister's portfolio anyway. It was part of my portfolio when I was the minister for innovation. We kicked off this project which the member for Adelaide has simply picked up, albeit 14 months late. I will move a motion to the house later on this subject, so I will leave it until then.

There is little wonder that the member for Adelaide has been demoted when you look back at the last 14 to 18 months. It was a litany of disaster. Let us take tourism. One of her first acts as Minister for Tourism was to slash nearly \$16 million from spending. Tourism and business development was cut by \$4.1 million as a number of programs hit the rack; \$4.8 million from tourism infrastructure,

which is now in dire straits; \$3.6 million from tourism marketing; and events were cut by over \$4 million.

We have seen a number of events hit the wall. The Rose Festival and the Classic Adelaide Rally have been warned for defunding. Of course, the horse trials have also been defunded and Encounter 2002 has not been replaced with another event; the Year of the Outback Cattle Drive is on the rack, and one of the minister's first actions was to divest herself of the Clipsal 500, which went to the Treasurer. I do not know what she is doing, but she has managed to skim down tourism by \$16 million, and she has certainly reduced activity levels to a remarkable degree.

Of course, it is no better in the science and innovation area. One of the first actions of this government was to scrap the \$40.5 million Innovation Fund, which the former government created to provide start-up cash to enable us to bid for commonwealth funding to attract centres of excellence to this state. That went to the wall. The government fought a hard battle to cancel the \$12.5 million which the former government had committed to the GRDC grain genomic centre of excellence project at Waite, but in the end it had to agree to let it proceed. They have happily taken the credit for that, but in fact it was our initiative. Of course, there were millions cut from SARDI and \$1.9 million cut from information economy.

As I said, it has been a litany of disaster. The minister has now lost the small business portfolio and is contained to the portfolios of tourism, science and employment, training and further education. I think it was the member for Elder (the now Minister for Infrastructure) who described the member for Adelaide as Her Royal Highness when she was the Lord Mayor of Adelaide. I do not know what internal shenanigans are going on in the Labor Party but, as the member for Adelaide jumped over the backs of some very talented backbenchers to get where she is, I am not surprised she is now being stripped of some of her portfolio responsibilities.

SCHOOLS, OAK VALLEY ABORIGINAL

Ms BREUER (Giles): Last Sunday week I was pleased to visit Oak Valley to attend the opening of the Oak Valley Aboriginal School. For those who do not know, Oak Valley is 950 kilometres north-west of Adelaide in the Maralinga lands, which is one of the most isolated areas of my electorate which contains a large number of isolated areas. The new \$2 million school replaced the old school. There have been references in the media in the past about this being the worst school in Australia, and I have to say that I absolutely agree with that. Three years ago, I visited the school, and I came back to the parliament and described it in some detail. I think for the first and only time the chamber was hushed as people listened to what I had to say, because this school was in an appalling condition. It was amazing that such a school existed in Australia in the year 2002. There was no running water in parts of the school; children used the ground outside of the toilet rather than use the toilet itself; students were separated; and staff and students worked in appalling conditions. So, it was a thrill for me to go back there to see the new school which has been built. It now has child care and preschool centres and some really nice surroundings.

The buildings were constructed in Elizabeth and taken to Oak Valley. I think it took three days to transport the buildings there over some of the worst roads (particularly the Yalata-Ooldea Road) that I have ever travelled on—and I have travelled on some bad roads. Getting those buildings

there was a real feat. When I talked about this school three years ago in the parliament, the then minister, Malcolm Buckby, promised that the school would be replaced within three months. Well, it took three years, but I am happy that we finally did get this school. There were significant delays. When we came to government we gave the project priority and made sure the school was built and finished as quickly as possible.

Today, I want to pay tribute to Mr Dan Farmer of the AEU, who I am pleased attended the opening, because he worked as hard as I did to get this school built. He put a lot of effort into this project and, between the two of us, we spent many sleepless nights worrying about this school, trying to get it built and the project accomplished. So, I pay tribute to him, and I was pleased he was able to be present with me at the opening. This might be a bit unusual, but I also want to pay tribute to former minister Buckby because he genuinely wanted to get this school built, to get it off the ground and moving quickly, but there were all sorts of impediments in his way. I think he deserves some credit. We had a number of private conversations about this school, and he felt as strongly as I did about it.

Congratulations to all members of the community who were involved, particularly Mr Minning, who was present at the opening. He has worked very hard at this school for many years. I also give my best wishes to the Principal, Noelene Cox, and the staff and all the wonderful students. As I mentioned, we should not have schools like this in the year 2002. Indigenous students have particular problems which have held back their education for many years. I refer to such things such as deafness and their inability to pick up what is happening in the classroom. The culture is to not ask questions, so they are often thought of as being dumb. They do not have much eye contact, so they are often seen as shifty. There is also the lack of role models. So, I was delighted to hear the minister's response to my question regarding literacy and numeracy, and the performance of indigenous students and the advances being made.

I was also delighted to represent the minister at a function on Sunday, when 62 Aboriginal students were honoured for achieving the South Australian SACE certificate. It was a real pleasure to attend, even though it was held on Mothers' Day, and I was away from my family. I was very proud to be there. I was particularly proud of the number of students from country schools attending. It was excellent to see those students there and to see the role models they have become for their peers. To show other Aboriginal students what they have achieved is wonderful, and I was very happy to see it.

The Wiltja program, which is offered through Woodville High School, had five Aboriginal year 12 students achieve their SACE last year, and that was an excellent achievement. Those students were from Oodnadatta, Ernabella, Mimili and Umawa. They came from their communities and lived and boarded in Adelaide. That is a major achievement for them, as it is a big wrench from their families and their lives for any country student to come to Adelaide to go to school, particularly for Aboriginal students because of their culture. It is a whole new world for them. A lot of those students are not able to achieve and to continue their studies, but these students I am particularly proud of.

Time expired.

GLENELG WASTE WATER TREATMENT PLANT

Dr McFETRIDGE (Morphett): I want to talk about water, which is one of the biggest problems facing not only

Adelaide and South Australia but also Australia and possibly the world. There has been a lot of discussion in this place about the problems facing the River Murray. I am pleased to see that the bill relating thereto is progressing through this place. That is a step forward. There is a wholly bipartisan approach towards fixing the problems of the River Murray not only within this parliament but also within the federal parliament.

However, that does not solve the local problem of water being wasted. I am referring to the water pouring out of the Glenelg waste water treatment plant every day, 365 days a year. The previous Liberal government spent \$31 million upgrading the water treatment plant down there so that the waste water is no longer B grade water but A grade water; that is, it is not quite potable water but would not kill you if you drank it. That water is mainly going out to sea and wasted. I might be wrong, but I understand that the quantity involved is something like 8.5 gegalitres per day, which seems to me an unimaginable waste of water.

Some of the water is being redirected to the Glenelg Baseball Club, the Patawalonga Golf Course, a little to the show jumping club at Glenelg and also to the parks and reserves at Holdfast Bay. However, it is literally only a drop in the ocean that is being used in that way.

I know that at times there has been talk in this place about reusing some of that water by putting in pipelines along Sturt Creek and some of the other transport corridors that are no longer used by trams and trains in order to reticulate that water across our parklands and reuse it. It seems a huge waste of water. It would be a tremendous investment if this government were to reinvest some of the taxpayers' money into infrastructure to recycle that water.

I attended the Morphettville races on Saturday afternoon. There is a magnificent wetland there, which is part of a series of wetlands along the Sturt Creek, and I acknowledge and am grateful for the member for West Torrens' bipartisanship in this respect. It is so important that this house adopts a bipartisan approach to our water wastage problems.

The problem at Morphettville is that the bore is slightly saline at the moment and, although they are using an aquifer and storage recovery system to recycle some of the stormwater after it has been filtered through the wetlands, that is not enough to create a shandy of stormwater and bore water that is suitable to water the wonderful new track. That new track is another fantastic achievement for South Australia, with the Adelaide Cup coming up next week, and I will speak about at some other time.

If the water from the Glenelg waste water treatment plant could be piped back up the Sturt Creek, which flows right past the Morphettville Racecourse, it could then be reused at very little cost to the taxpayer and would be a huge saving on the cost of using mains water on the racecourse. The need to recycle, reclaim and repurify stormwater and waste water from the Murray is absolutely vital.

In London, I think that one litre of water goes through a human system 15 or 16 times, and here I think it goes through once and that is it; and it then flows out to sea. It is so important that, in times of terrific drought as we have recently suffered, we use every avenue possible to save water and maximise its use. It is a very precious commodity; it is really the blue gold. You cannot put a price on it, because it is priceless. Just ask the people irrigating along the Murray.

I understand that at the Meningie Golf Club their foot valve, instead of being 33 metres out in Lake Albert, is now

something like 100 metres out, and even then one is only up to one's ankles. The quality of the water is absolutely terrible.

A huge agricultural sector is at risk if we do not manage the River Murray. Further, a huge metropolitan area will also be at risk if we do not manage our water resources more carefully.

Time expired.

CENTENARY MEDAL AWARDS

Mr SNELLING (Playford): I rise to congratulate the people in the electorate of Playford whom I am privileged to represent in this place and who have been awarded the centenary medal. Next week, a ceremony to present these medals will be held at the Para Hills Bowling Club. I want to place on the parliamentary record the names of those people as a mark of gratitude for the tremendous work they do not only in my local community but also in the wider community.

The first recipient is Annette Aksenov, who does tremendous work assisting the mentally ill and neurologically impaired. Other winners include Ron Barnes, who has been awarded a medal for his services through the scouting movement; Rita Cardozo, who is involved with young people in the Ingle Farm area through the Ingle Farm Junior Soccer Club; Stuart Easom, who fundraises for cancer research; Hilda Fletcher, who was awarded the medal to celebrate her 100th birthday and her being born prior to Federation; Keith Walker, who is involved in the State Emergency Service's Dog Rescue Team; and David Waylen, who is involved in sport.

Other winners include Patricia Dean, who is a volunteer with disabled and disadvantaged people; Doug Irving, a close friend of mine and the husband of a councillor on the Salisbury Council. He does tremendous work in my area but, in particular, Doug teaches music to disadvantaged children and is active in the Korean Veterans Association. During the Police Tattoo a couple of years ago, Doug was involved in the re-enactment of the 1836 Royal Marines Corps. In fact, they did a number of things during the centenary year. Another winner is Paul Madden, who is involved with Baptist Community Services.

Barry Wheeler works in the public sector, particularly in the area of dangerous goods, and David Rathman is very much involved in the welfare of Aboriginal people. Pat Walker, who is a good friend of mine, is very much involved in Pooraka Neighbourhood Watch, but over the past 13 years has been working in a voluntary capacity in community welfare. She runs a social group at the Southern Cross units for aged people and recently spent a year in central Australia working with Aboriginal youths. Tony Zappia is Mayor of Salisbury, David Norman is involved in the welfare of veterans, and my friend Jana Isemonger does tremendous work through the Smith Family. Finally, I congratulate Heather Kastelein and Patrick Walden.

I place on the record my thanks to all those people from the electorate of Playford for the tremendous voluntary work they do in the community, and I look forward to being at the awards ceremony next week when they will be given due recognition for the work they do.

HEALTH REVIEWS

The Hon. G.M. GUNN (Stuart): I congratulate those people in my constituency who have been awarded Centenary Medals and, like the member for Playford, I am pleased that

the hard work and dedication they have given to their community has eventually been recognised. I sincerely hope they gain a great deal of pleasure from this award, as I am sure they and their families will.

The matter about which I want to talk this afternoon involves my concern at some suggestions coming from the intergenerational health report, which the government has commissioned and which Mr Menadue has been touting around the state. The first thing I want to make clear, as someone who has represented a small rural community for a long time, is that those communities value highly their hospitals. Most of them have worked hard to support and maintain those public facilities so that there is reasonable health care in their districts. It is important that bureaucracy and other individuals who have centralist views are not allowed to decimate the rights of local communities to be involved in the management of health services in their districts.

I do not care what any Canberra-based bureaucrat has in mind: let me say to this house that if they try to interfere with those hospital boards they are in for a fight. It is absolutely fundamental from where we stand that those hospital boards be allowed to continue their outstanding work, because democracy is not about a few making decisions: democracy is about spreading the decision making so that local communities can participate in decision making in their areas.

It is an outrage that anyone would cast any aspersions on the good work and conduct of these health boards. Who in their right of frame of mind would want to put forward and support their role and function being taken over by either an administrator or a bureaucrat from Adelaide, or someone who does not live in the community? The best people to make the decision are those who live in the locality.

A few weeks ago in this house I raised some of the problems that the Eudunda-Kapunda Health Service was having with funding arrangements. I gave the minister a copy of the letter in question (after I raised it in a grievance debate), and I am looking forward to a response from the minister, because it is an important issue. They are important facilities, which provide excellent care to a large number of people, particularly elderly people. Therefore, it is important they are supported with reasonable amounts of funding. I say 'reasonable' because their concerns and requests are reasonable and certainly not over the top. I am looking forward to the minister's response to those issues in relation to the health services I have mentioned, but I put on the record that the people in rural South Australia should be aware that any move to downgrade their right to participate in the management of health services is something the opposition will vigorously oppose right across South Australia.

The government for some peculiar reason has decided to punish people living outside Adelaide. They have made excessive attacks on my electorate. They have stopped road funding programs. They have no regard for the tourist industry. Millions of dollars have been taken out of the tourist industry, and they have no understanding of the heartache and concern they have caused by the disgraceful decision to rearrange the perpetual leases in South Australia. They never mentioned it to the people of South Australia at election time but, by stealth, they tried to bring it in. Well, I have news for them!

I am delighted that the Minister for Transport has come back into the house, because he was waxing loud and long—

The Hon. M.J. Wright: I always come back to listen to you!

The Hon. G.M. GUNN: I am pleased about that because the honourable member will learn great things if he listens. I read with interest this much dreaded report on transport in South Australia. Very little reference was made to the outback rural area.

Time expired.

NUCLEAR WASTE

Mr KOUTSANTONIS (West Torrens): As usual, the father of the house has waxed lyrical about his commitment to country areas, yet he walks into this chamber with full support for a nuclear waste dump to be placed in outback South Australia. He talks about our abandoning the needs of country South Australians. I find that view to be completely hypocritical and at odds with his long commitment to the country. In the past he has been a staunch supporter of rural and regional areas but, like his colleagues, he has abandoned rural South Australia to the likes of John Howard and the eastern seaboard, because they want to dump their nuclear waste. Members opposite know full well that they are kowtowing to the eastern seaboard states and the marginal Liberal seats in New South Wales, Queensland and Victoria that they are worried about losing at the next federal election. By placing a nuclear waste dump in South Australia—

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: The honourable member can shout as much as he likes and get red-faced but, if I were the member for Mawson, I would be out doorknocking today, because he is one of our targets. We are going after him at the next election. I will be taking a personal interest in the member for Mawson's seat. He is vulnerable, because he is never there. People are coming to David Cox's office saying, 'Where's our local state member of parliament? He's never around. He's always at North Terrace running around the corridors of parliament.' We know that he is never out in his own electorate. Community groups are coming to us and saying that he is spending more time lobbying his colleagues than he is worrying about the people in his electorate. We will be out there letting them know that he is on our list. He has let the people of South Australia down.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson has had his go.

Mr KOUTSANTONIS: I have been sidetracked by interjections opposite and I have been brought down to their level yet again from my usual high level of debate. I heard the member for Waite's remarks about the member for Adelaide. It seems to me that the tall poppy syndrome has entered deep into the heart of the member for Waite. I know he is looking for promotion, but he attacked the member for Adelaide personally. I think he is intimidated by her. He sits at the lower level of ministers. He is at the back. He was a minister for five minutes and never saw a question time.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: He never got a question in question time. What does he do? He comes out and attacks the member for Adelaide personally. We on this side of the chamber attacked your ideas and your policies, and we attacked the opposition's ideology. We do not attack members personally. We do not accuse members opposite of being lazy and happy in opposition. We do not accuse them of infighting and stabbing their leader in the back. We do not accuse them of running around organising preselections rather than finding alternative policies. We do not accuse

them of going out and spending like drunken sailors and making promises they cannot keep.

We are about getting on with the job. Unlike members opposite, we do not run around knifing our colleagues in the back. We talk about policies and what is better for South Australia. I remember the member who is now interjecting talking about bipartisanship and working with the police and opposition when he was in government. I remember that every question we asked him he was not able to answer because he said that it was an operational matter. Every single question we asked would be answered, 'That's an operational matter; I can't answer that question'—either because he did not know the answer or his advisers were not around. In ministerial statements, the then minister would wax lyrical about extra police numbers and police commitment because the now opposition when in government had a strategy only to recruit at election time.

For the first time in this state's history, we have a government that recruits against attrition. That is something that the member for Mawson could never get through his cabinet—and do you know why? He never sat in cabinet; he was only called in in emergencies. He sat out like a little boy with his lunch box waiting to be called in to cabinet. That is how police were treated under the former government.

Under our government—the highest level of government—the Deputy Premier is the Minister for Police. In our government, no junior ministers are responsible for the police force. We take it seriously. You had to sit outside the cabinet room with your lunch box and get called in when you had been a good boy. Unlike the opposition, we take police seriously in this state.

The SPEAKER: Order! The honourable member should know that I have never stood outside the cabinet room with or without a lunch box.

Mr Koutsantonis: I apologise, sir.
Time expired.

STATUTES AMENDMENT (WORKCOVER GOVERNANCE REFORM) BILL

The Hon. M.J. WRIGHT (Minister for Industrial Relations) obtained leave and introduced a bill for an act to amend the WorkCover Corporation Act 1994 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. M.J. WRIGHT: 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.

On 6 June 2002, and on 24 March this year, Ministerial Statements were made in relation to the WorkCover Corporation.

By introducing the *Statutes Amendment (WorkCover Governance Reform) Bill 2003* into the Parliament, the Rann Labor Government is getting on with the job of fixing the problems left by the previous Liberal Government.

Following the recent announcement of the reassessment of WorkCover's unfunded liabilities, and the increase in the average levy rate, the Government said that it would take action to ensure that WorkCover is more accountable and transparent, and that its finances are rigorously assessed. We said that we would make improvements to the governance structure of WorkCover Corporation. The WorkCover Governance Reform Bill does exactly that.

The major initiatives contained in the Bill are:

Transparency in setting the average levy rate

The Bill provides for an independent committee (the WorkCover Average Levy Rate Committee), modelled on the arrangements currently applying to the compulsory third party premium committee, to make recommendations on the appropriate Average Levy Rate to achieve an acceptable solvency outcome consistent with the requirements of the *Workers Rehabilitation and Compensation Act 1986*.

The committee's findings will be considered by the WorkCover Board, who would then provide their advice, and the committee's recommendation to the Minister. There is a requirement that the WorkCover levy may not be less than the levy recommended by the independent committee unless the Compensation Fund has a sufficient level of solvency, or the Minister is satisfied that there are good reasons, in the circumstances, to depart from the Committee's recommendation.

Following the publication of a levy rates notice, the Minister must table the Committee's recommendation, the average levy rate determined by the Minister, and any guidelines issued by the Minister, in both Houses of Parliament.

Currently the legislation provides for levy rates to be set solely by the WorkCover Board. The Bill proposes to initiate the levy setting process through an independent body, the WorkCover Average Levy Rate Committee, seek the input of the WorkCover Board, and then explicitly provide the Minister with the final decision. The Minister will table the average levy rate determination and the recommendation of the Committee. This will deliver a far greater level of transparency in the setting of the average levy.

Increased Capacity for Ministerial Control and Direction

Currently the Minister has very limited powers in relation to WorkCover Corporation. This means that the Minister has a very limited ability to improve outcomes if the WorkCover Corporation takes poor decisions. The Bill will extend the Minister's power to direct and control the WorkCover Corporation, however this will not extend to decisions made in relation to particular persons (workers, employers etc) under the *Workers Rehabilitation and Compensation Act* or the *Occupational Health, Safety and Welfare Act*.

Public Corporations Act to apply to the WorkCover Corporation

The *Public Corporations Act 1993* is to apply in full to the WorkCover Corporation, with the exception of the requirement to pay stamp duty and dividends. This will provide for greater scrutiny of the WorkCover Corporation's decision-making arrangements, and provide a framework for best practice financial arrangements to be implemented through application of the Treasurer's Instructions.

Auditor-General

The powers of the Auditor-General will be fully applicable to the WorkCover Corporation. This will provide for greater scrutiny of the WorkCover Corporation's financial arrangements.

When the WorkCover Board determined the 2000-2001 accounts there were three assessments of the liabilities: two from actuaries and one by an internal unit at WorkCover. The Board chose the most optimistic assessment, which was provided by one of the actuaries. The other actuary, appointed by the auditors, and the internal unit, both made significantly higher assessments of the liabilities. The Board of the WorkCover Corporation now believes that the unfunded liability was as much as \$100 million more than the figure it based its decision on when it reduced the average levy rate. Increasing the scrutiny of WorkCover Corporation's finances will reduce the potential for this to happen again.

The Auditor-General will have an ongoing role in scrutinising the WorkCover Corporation, as opposed to the existing audit arrangements that provide only for external audit of the annual accounts.

Composition of the Board of the WorkCover Corporation

Currently, the WorkCover Board must include a person with expertise in Occupational Health, Safety and Welfare (OH&S), and a person with expertise in rehabilitation. This Bill balances the need for a greater focus on necessary skills in the selection of Board members and the need for the key stakeholders in the workers compensation system to have direct input into the management of the WorkCover Corporation, by removing the requirements for OH&S and rehabilitation expertise in Board

members whilst retaining the existing employer and employee representative arrangements.

This gives a greater capacity to appoint Board members based on necessary skills. Notwithstanding the removal of OH&S and rehabilitation expertise from Board member criteria, the Board's awareness of issues facing the scheme will be strengthened through the creation of advisers to the Board in the areas of occupational health, safety and welfare, rehabilitation and dispute resolution.

Appointment of the CEO

The Bill provides for the Chief Executive Officer of the WorkCover Corporation to be appointed by the Governor, following consultation between the Minister and the Board.

The proposed amendments to the *WorkCover Corporation Act 1994* and the *Workers Rehabilitation and Compensation Act 1986* are aimed at ensuring that the WorkCover Corporation will be subjected to the same corporate governance arrangements applicable to other Government Corporations.

The WorkCover scheme is a long-term scheme. It can take many years for the full effects of changes and decisions to be felt. This Bill is an important step in ensuring that South Australia has a sustainable workers compensation scheme for the future. This Bill will make WorkCover more accountable and transparent.

This Bill, together with the draft *Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill*, demonstrates the Rann Labor Government's commitment to addressing the unacceptable costs of workplace injury. This Bill will help to reduce those costs by ensuring the cost-effective administration of the workers compensation system.

This Bill will deliver greater transparency in the levy setting process, and increased accountability through scrutiny by Government and the Auditor-General.

I commend the bill to the house.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of *WorkCover Corporation Act 1994*

Clause 4: Amendment of section 4—Continuation of Corporation
Section 4 of the *WorkCover Corporation Act* (the "Act") deals with the corporate capacity of WorkCover Corporation. It also provides, at subsections (3) and (4), that the Corporation holds its property on behalf of the Crown and is subject to the general control and direction of the Minister. Clause 5 of the Bill adds a new section 4A to the Act declaring that the *Public Corporations Act 1993* applies to WorkCover Corporation. Section 6 of the *Public Corporations Act* provides (*inter alia*) that a public corporation holds its property on behalf of the Crown and is subject to control and direction by its Minister. As a consequence of the above, subsections (3) and (4) of section 4 of the Act are deleted. It should be noted that the Ministerial power of control and direction under section 6 of the *Public Corporations Act* is not limited to general control and direction. Section 6 also contains detailed provisions about the form and content of Ministerial directions and their reporting and tabling in Parliament.

Clause 5: Insertion of sections 4A and 4B

4A. Application of *Public Corporations Act*

As mentioned above, this clause adds a new section 4A to the Act declaring WorkCover Corporation to be a statutory authority to which the *Public Corporations Act* applies (that is, a public corporation as defined by that Act).

4B. Limitation of Ministerial power of direction

The clause also inserts a new section 4B that excludes the possibility of Ministerial directions about the exercise or performance, in relation to a particular person, of a power or function of the Corporation under the *Workers Rehabilitation and Compensation Act 1986* or the *Occupational Health, Safety and Welfare Act*.

Clause 6: Amendment of section 5—Constitution of board of management

This clause removes the requirement that the board of management of WorkCover Corporation must include at least 1 person experienced in occupational health and safety and at least 1 person experienced in rehabilitation. This clause should be read together with clause 10.

Clause 7: Amendment of section 6—Conditions of membership

Section 6(2) of the Act empowers the Governor to remove a member of the board of WorkCover Corporation on various specified grounds. The clause replaces this provision with a provision allowing removal of a board member on the recommendation of the Minister which may be made on any ground the Minister considers sufficient.

Clause 8: Repeal of sections 8 and 9

This clause deletes sections 8 and 9 of the Act. Section 8 provides for disclosure of interests by board members. That matter is now to be dealt with by section 19 of the *Public Corporations Act*. Section 9 provides for board members' duties of honesty, care and diligence. Sections 15 and 16 of the *Public Corporations Act* are to apply instead.

Clause 9: Amendment of section 10—Validity of acts of members
Section 10(2), (3) and (4) provide an immunity for board members for liabilities honestly incurred. The immunity provided by section 22 of the *Public Corporations Act* is to apply instead.

Clause 10: Insertion of section 15A

15A. Specialist advisers

Under this clause, the Governor is empowered to appoint suitably qualified persons to provide advice to WorkCover Corporation on occupational health and safety, rehabilitation and dispute resolution.

Clause 11: Repeal of section 17

Section 17 of the Act provides for delegation by WorkCover Corporation, a matter that is now to be dealt with by section 36 of the *Public Corporations Act*.

Clause 12: Repeal of Part 4

Part 4 of the Act makes provision for the accounts of WorkCover Corporation, the auditing of those accounts and annual reporting by the Corporation. These matters are instead to be regulated by sections 32 and 33 of the *Public Corporations Act*.

Clause 13: Amendment of section 21—Chief Executive Officer
The Chief Executive of WorkCover Corporation is to be appointed by the Governor (rather than, as at present, by the board), after consultation between the Minister and the board.

Clause 14: Amendment of section 22—Other staff of Corporation
Subsections (3) to (6) of section 14 of the Act deal with transitional staffing arrangements relevant to the commencement of the Act and, as such, are deleted.

Clause 15: Amendment of section 27—Exemption from stamp duty

Section 27 of the Act exempts WorkCover Corporation from liability to insurance stamp duty. The clause provides that this exemption operates despite section 29 of the *Public Corporations Act* (which requires public corporations to pay tax equivalents except as otherwise determined by the Treasurer).

Clause 16: Insertion of section 27A

27A. Corporation not to be required to pay dividends

A new section 27A is added excluding the application of section 30 of the *Public Corporations Act* (which empowers the Treasurer to require a public corporation to pay dividends).

Part 3—Amendment of Workers Rehabilitation and Compensation Act 1986

Clause 17: Amendment of section 65—Preliminary

This clause inserts definitions of "average levy rate", "Committee" and "sufficient level of solvency" for the purposes of Division 4 of the *Workers Rehabilitation and Compensation Act* (the "Act").

Section 66 of the Act empowers WorkCover Corporation to impose a levy on employers. For that purpose, the Corporation may divide the industries carried on in the State into various classes and fix different percentages as levy rates for the various classes. "Average levy rate" is defined as a single percentage notionally applicable as the rate of the levy to all classes of industry. How the average levy rate is to be calculated may be governed by guidelines issued by the Minister (*see* proposed new section 65B(4)).

The "Committee" is defined as the WorkCover Average Levy Rate Committee established under proposed new section 65A.

For the purposes of Division 4 of the Act, WorkCover Corporation's Compensation Fund is to be treated as having a sufficient level of solvency if the amount in the Fund equals or exceeds an amount calculated in accordance with the formula for the time being adopted by the Corporation (a formula which the Corporation will be required to adopt to calculate the sufficiency of the Fund to meet its reasonably estimated liabilities as they fall due from time to time).

Clause 18: Insertion of sections 65A and 65B

65A. WorkCover Average Levy Rate Committee

A 5 member committee is established with the function of recommending an appropriate average levy rate under proposed

new section 65B as part of processes prescribed by that section preliminary to the making of any changes to the rates of the levy under section 66 of the Act.

Of the 5 members, one is to be appointed after consultation with employer associations, one after consultation with employee associations and 2 as persons with insurance, financial risk management, actuarial or other relevant expertise.

The Committee is to have the powers of a royal commission. Its reasonable costs are to be met by WorkCover Corporation.
65B. Levy rates notices and determination of average levy rate

A notice under section 66(6) fixing the percentages applicable to classes of industry as the rates of the levy under that section, or varying the percentages, is defined as a levy rates notice.

The proposed new section lays down a process to be followed before WorkCover Corporation may publish a levy rates notice:

- first the Corporation must refer the question of an appropriate average levy rate to the WorkCover Average Levy Rate Committee
- the Minister must then determine an average levy rate that is to be applied by the Corporation in formulating the levy rates notice (in determining the average levy rate the Minister is to consider the Committee's recommendation and supporting reasons and any advice of the Corporation relating to the Committee's recommendation)
- the Corporation must then certify to the Minister that the proposed levy rates notice applies the average levy rate determined by the Minister.

The Minister is empowered to issue guidelines that are to be observed in recommending or determining an average levy rate, or to provide the basis for determining whether the Corporation has applied the average levy rate determined by the Minister when formulating a levy rates notice.

After Gazetting of a levy rates notice, the Minister is required, within 6 sitting days, to table before each House of Parliament:

- a copy of the Committee's recommendation
- a statement of the average levy rate determined by the Minister
- a copy of the Minister's guidelines referred to above.

Finally, the proposed new section excludes the possibility of a court challenge to the validity of a levy rates notice based on any of the requirements of the section.

Mr BROKENSHIRE secured the adjournment of the debate.

GAMING MACHINES (EXTENSION OF FREEZE ON GAMING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 April. Page 2814.)

Mr BROKENSHIRE (Mawson): Although I could say much about this bill, I will not speak for as long as I would like to because I know that we, as an opposition, will get a chance to say exactly what we think not only about the government's lack of endeavour to make decisions but also about the issues that eventually the Labor Party, in government, will have to make. What we have seen in the last 14 months has been extension, review and assessment—anything but a decision. That is what we have seen from this government in the last 14 months, and from what the community is saying to me I realise that it is starting to wake up to this.

Fortunately, the government has had one thing in its favour—this state is now in the third to fourth year of unprecedented economic growth because of an eight year partnership between the Liberal government rebuilding this state from devastation caused by the State Bank debacle and other Labor government debacles and a community commitment to get on and do the job. So the momentum is still there,

but that momentum will not be there for much longer if the government does not start to get in there and govern.

It is fine to run out the press releases and the fanfare on a range of issues, including the Economic Development Board that took six months to get up. From there you work out in your diaries when you can get some media coverage for a summit. There is a summit here and a summit there: this Labor government is forever summiting somewhere. A lot of people have asked me, 'Why is there a necessity for a 12 month extension for this bill? This freeze has already been in place for quite a period of time, as every member of parliament in this house well knows. There was much debate and anxiety initially when the decision was made by the then Liberal government under Premier John Olsen to bring in a freeze until the end of May this year. I believe that everybody has had plenty of time to get themselves ready to make a decision as to which way they want to go with respect to this conscience vote. The government particularly has had plenty of time when it comes to the homework that it should have been doing to be ready to put forward recommendations as a result of a report that the Independent Gambling Authority should have already brought down.

I do not condemn the Independent Gambling Authority for asking for an extension: I am concerned about the reasons why the government wanted an extension and whether or not the government was keener than the Independent Gambling Authority to have an extension. That is something that the minister might like to share with us, albeit that this is the second Minister for Gambling in just 14 months and it may not have been this minister's matter when the government was starting to consider the issues around the freeze.

The government talks about the fact that in June last year it started to have discussions with the Independent Gambling Authority. I point out that that was some 11 months before the freeze was due to be lifted or a decision made on the freeze. It was also three months after the government had been in office, and it was not as if some work had not already been done with respect to this whole matter with the Independent Gambling Authority. Indeed, according to answers in the chamber from the previous Minister for Gambling, the government had increased the Independent Gambling Authority's budget since coming to office in July. So, whilst I have not seen too much in the way of extra resources, some additional resources were given.

That is another reason why I want to know why the work was not done by the Independent Gambling Authority when it should have been done. I have been talking to quite a lot of media members and the community about this matter, and they are absolutely flabbergasted that this serious and major issue is impacting in one way or another, and sometimes sadly in a very negative way, on families right across the community.

The Independent Gambling Authority came up with a draft report—which we so far have not been able to discuss in the parliament—against small businesses' involvement in basic gambling opportunities such as Keno through local news-agencies and pharmacies right across the state. Why did this government allow the Independent Gambling Authority, which has limited resources, to work against the best interests of hundreds of small businesses across the state and work against families that may have the odd punt when out shopping? That is their call. I heard one man on Leon Byner's 5AA program hit the nail on the head when he said that he had a major gambling problem with gaming machines in hotels and licensed clubs. He still wanted to manage his

gambling but at the same time address the problem. So, he bought the occasional Keno ticket from the newsagent or chemist shop when shopping in his local area. He was scared that this government could force him back into the areas immediately around gaming machines. Government members should have been there to make decisions and not procrastinate on the matter. Each and every member—other than the new ones who have just come in (and I acknowledge that this includes the current minister)—of the current government well knew two years ago that the decision had to be made on this matter by May this year.

As I have said, it is a difficult decision. The government wanted to just put it off. Having been the minister for gambling for a while, I tell the government that it does not put off issues such as this, because they just get harder. The momentum will grow over the next 12 months, because everybody thinks they will be a winner out of this. Hotels and clubs are hoping to get a reasonable response out of this—albeit that some hoteliers to whom I have spoken also had concerns about why there was an extension to this freeze. Of course, other people who want to see a reduction in gaming machine numbers are concerned about transferability. Some even propose that machines be purchased back over a period. Those people hope that they will get their way by getting the extra time. However, at the end of the day this issue will never be resolved satisfactorily for the community. The government is really delaying the inevitable. When you are in government, it is better to get on with it, tough it out and make a decision rather than just review and procrastinate.

I wish to raise a couple of other matters. I am concerned that the government is stretching this out. One might ask, if one was cynical (and, indeed, some people argue that when you become a politician it helps if you are a little cynical), whether this is more about Treasury than about the best interests of rehabilitation and addressing issues pertaining to those people who have major problems with gambling.

An honourable member interjecting:

Mr BROKENSHIRE: No; the member can say what he wants, as he will have time to talk. While the freeze goes on—if, indeed, there is a decision by the parliament to reduce the number of machines—the revenue base will drop. That would not be in the best interests of a government building up a massive war chest, because it wants to be able to put out all the lollies to the community in 2005. You extend the freeze so that if, indeed, the parliament made a decision that way—and that will be the call of the parliament in a conscience vote—then for another year this government will be able to keep its Treasury snouts in the trough of the massive amounts of tax it is getting through gambling, particularly gaming.

That draws me to another point. There needs to be some real responsibility on 29 May with regard to this budget, particularly on issues involving problem gamblers. I am confident that the minister will argue for more money for problem gamblers. I hope that he is being listened to by his cabinet colleagues. We should remember what happened after the last budget to the super tax that was brought in and imposed upon certain sectors of the gambling industry. There were massive windfall gains to the tune of tens of millions of dollars. We should talk to the churches, non-government agencies and government agencies in our communities. Indeed, the member for West Torrens should talk to the families and the people who are really suffering in his electorate, because I am sure he would have some problems there when it comes to gambling. He should ask them how

much extra money they have from the Treasurer as a result of the windfall gain to the tune of tens of millions of dollars. Basically, the answer would be zero.

The parliament should consider the report when it comes down from the IGA and see what the real increase is and what it has and has not been doing when it comes to research. The government says that it needs an extension of 12 months for this bill because it is not ready and does not have the resources. As I said, sooner or later some people will suffer as a result of whatever decisions are made in this parliament on the matter. There is no doubt about that: everyone would have to agree. Whatever the decision of the parliament, some will suffer. However, what about the impact on families and their children in the meantime? I ask: where are the dollars, research and additional resources allocated to the Independent Gambling Authority so that it can start to work on that urgently required research? I do not advocate that we reinvent the wheel.

I know that the ministers responsible for gaming and gambling have some funding we argued for through the Hon. Rob Lucas to go into a national pool for research, and I support that initiative. However, particularly in a state such as South Australia, where we know the gambling investment is still increasing and families and children are suffering because one family member cannot get the pay packet home before they go to the gaming machines, a responsible government should have some money going into the IGA—just a little out of the \$500 million surplus it is building up and putting away—to assist those families and children. I would have thought that members of the social inclusion unit and the minister responsible for social inclusion in this state would be there screaming. I challenge anyone in this parliament to show me one press release, article in the print media or electronic transcript that shows where this government has made any noise at all since it has been in office about the money that should be going into rehabilitation, research and supporting the South Australian community, a small but important percentage of which is severely disaffected through the massive amounts of money going into gambling in this state.

It concerns me immensely. When I was minister—and now I do so as shadow minister—I went on the record expressing my concerns about that matter. We did something about it. We set up the office of gambling, got it out of Treasury, and we had an independent structure from that point of view. I know that this minister would be proud to have that portfolio, too, because you can really make a difference there if you get the support of your cabinet colleagues. We started to make that difference. The sad part for me is that, because we narrowly lost government, we were not able to continue to make that difference.

But this government is there, and this government says that it is actually a government for the people, particularly for the people who find socioeconomic problems, who find that they are having trouble managing their family matters. This is what this government is supposed to be about. But I will challenge any member in this house to put our government's record over the past four years with this government's record in the coming four-year period and see just who really was trying to do the best for those families. At the moment, this government gets a zero rating.

These are serious points that I wanted to raise this afternoon because, as I said, this is about procrastination, about lack of resource, and about a government that I do not believe is listening to its minister. If it was, it would have

started a lot earlier than it has to properly resource those areas that I have just highlighted. You only have to pick up those organisations that have particular concerns, SACOSS and the like, to see that they are asking for this government to put in extra money on 29 May to address those matters that I have raised. If it does not on 29 May, then the opposition, together with all those organisations, will really be starting to put the pressure on this government, because it has had plenty of time to pro-actively react and so far we have not seen that.

This is a conscience vote and it will be up to my colleagues, as it will be up to the minister's colleagues, to make their own decision as to whether or not they will accept this bill and support it when it comes to the extension. I have made my decision that I will accept the bill as it is, from the point of view of my conscience, but with the caveat that I put on the public record this afternoon. If, with that caveat, there is any suggestion of a further extension next year or there is not true and passionate support put forward by this government in the coming months to address those people with problem gambling; and if we do not see this report tabled—although I say in fairness that in the discussions I have had with the minister's senior staff I understand that it will be tabled by October, given that it is coming in in September.

That gives members of parliament, the media and the community the chance to look at that report well before the Christmas period. I am confident that that will occur. I also believe and will be expecting that the final decisions of the minister responsible for this portfolio area will be put before the parliament early in the new year so that it gives us all enough time to work through the issues. Some of these issues do need to be bipartisan, I acknowledge, and there will be bipartisan support where appropriate on matters of gambling that are important to the whole community, just as there is when it comes to volunteers.

With those words, as I have indicated to the house, I will support the bill reluctantly, because at the end of the day the government changes its ministers and, to give the benefit of the doubt to this minister, I do not think that he was responsible for the procrastination that occurred earlier in this portfolio area. As I say, the government is in government now: the government must govern and must make decisions, and I trust that these decisions will be in the best interests of all South Australians. If they are, I will certainly support them.

Mr HAMILTON-SMITH (Waite): I want to briefly contribute to this debate. The matter was brought before me on two previous occasions during the term of the former government. On the first occasion I opposed a freeze and on the second occasion I supported the freeze in order to support the premier at the time, because it was the appropriate step at that particular juncture. However, I signal that on this matter I am inclined not to support the bill, and my reasons are as follows. It will not help problem gamblers. Unfortunately, those addicted to gambling, who have the problem, will simply find a venue one way or the other, where they can exercise their addiction. It is a bit like saying to an alcoholic, 'We're going to help your problem of alcoholism by restricting the number of hotels.' What will simply happen is that the alcoholic will drive to the next hotel or wherever they need to go to satisfy their addiction.

What the freeze does is create distortions in the market. It means that new developments that may seek to have a licence have an impost put on them that constrains that new development. It might be in a country town or might be in the

city, and it means that those who have licences at the moment stand to make an extraordinary profit through the sale and transfer of those licences as demand goes up but supply remains constrained through regulation. It is in effect an artificial device which pushes up the cost of a licence and creates a market, and which does not achieve its object, that is, to help problem gamblers.

What I would rather see is more revenue from poker machines directed towards helping the 2 to 5 per cent of people who have a problem with addictive gambling. If there is an area where we are falling short it is that we are not spending enough on helping problem gamblers. I concur in the comments made by my good colleague the member for Mawson that the government ought not to simply procrastinate, to simply seek to put this off and put this off. This very brief bill seeks to extend the deadline by another 12 months. That will be 12 months closer to the next election. It will be even more difficult for the government to then lift the freeze. What we are doing by this bill is appearing to do something but in fact doing nothing.

We are appearing to help the problem of addictive gambling while in reality doing nothing to help the people most in need. For that reason, I think that it is not a bill worth supporting. They are my feelings at the moment. I will listen to the debate as it unfolds and am open to be persuaded otherwise. But I see no reason to change my position, given that this is a conscience vote.

Dr McFETRIDGE (Morphett): I oppose this freeze. I remember when we did not have poker machines in South Australia. Something like 156 000 people a year used to get on buses and go to Mildura/Wentworth and go to the pokies. People are going to gamble whether it is next door or in the next state. We should recognise the fact that this parliament put poker machines into pubs and, to a lesser extent, clubs, and it is my opinion that they should have only been in community clubs where the money could have gone back to the community. However, I was not here at the time and that was not the choice made, but poker machines are out there now and it has been my pleasure actually to present cheques from the proceeds of poker machines to a number of clubs and organisations within the electorate of Morphett.

The revenue that is returned to the state from poker machines certainly was whacked right up at the last budget and I sincerely hope that it will not be whacked right up again at this budget, but at least some of it is being returned to the people via active clubs and sporting grants. But to continue a freeze on the number of poker machines here is in many ways to deny clubs their right to expand their facilities. I know that some clubs do not want poker machines and some do not want any more than they already have, but there are some clubs where it is their opinion that poker machines will benefit them. If that is their opinion, we should not be standing in their way.

At the moment we have a freeze on the number of poker machines. We have artificially raised the value of individual licences, in my opinion, but it is not our place to be the nanny state, to tell everyone how they should run their lives. People gamble on everything, from two flies crawling up a wall to the footy to the races—you name it, they are gambling on it now. Poker machines will be self-limiting, inasmuch as people who are running businesses—pubs and clubs—will make a business decision on whether they want them in there. It is not for this parliament to say whether it wants them in there.

There is a problem with people becoming addicted to gambling, but that is the case with respect to all sorts of gambling, not just poker machines. Certainly, with the increased revenue from more poker machines, there is a genuine case that more money would be made available for that very small percentage of the population that are affected by poker machines. I personally know of cases where people have been addicted to poker machines. In some ways, I do not see poker machines as being the problem: I see them being a person's way of obtaining a solution to their own problems. But that is an argument for another time—the way in which our social infrastructure, our social fabric, is degenerating.

To continue with a freeze on poker machines will do what this government has done on many occasions—that is, delay any decision. Government members talk a lot, they set up summits and they want to review and reassess; they want somehow to delay decisions. Government is not about delaying and putting off. I admit that the current minister was not the minister when the freeze was being talked about; it involved previous ministers.

Certainly, I will do anything I can to support the management of the way in which gambling is handled in South Australia. But that is not to say that I will be a party to being a member of parliament in a nanny state. The people of South Australia are intelligent. There are some problems with respect to social dysfunction, but that is, as I said, only a very small part.

It is not for us to delay and procrastinate when businesses, clubs, societies and pubs will make their own decisions on how they want to go forward in their businesses. Members of the public can decide of their own free will whether they will play poker machines. They certainly are not something that I have ever had much to do with. I might put \$10 through every now and again but, quite honestly, I find them rather boring, and I fail to see how people can become addicted to them. However, it is a fact of life that some people do become addicted, and I know that the relevant authorities are conscious of that fact. We certainly need to pay attention to ensure that it does not become a significant part of the consequence of gambling—never mind poker machines—being freely available. But our job here is not to restrict the economy: our job is to stimulate the economy in any way that we possibly can, and maintaining the freeze on poker machines is not something that we, as a parliament, should be doing.

Mr WILLIAMS (MacKillop): I am a bit surprised that no-one from the government seems to be interested in speaking on this very important issue.

Ms Breuer: Because we knew you wanted to speak, Mitch. You always do.

Mr WILLIAMS: Thank you. I am delighted that the member listens and takes notice of what I say. This is an issue that has dogged members of this place for a number of years now. It absolutely fascinates me that we have this matter before us once again in its current form. I say at the outset that I will not support a continuation of this freeze. I have always thought that such a freeze was a nonsense. It does nothing to address the problems that have been identified as being associated with gambling—and particularly this form of gambling—in South Australia, and it just complicates things for the business sector.

A number of business people in this state have derived huge windfall gains because of various licences, and they all operate under trying conditions because, of course, in being

granted those licences, they must abide by certain rules and regulations which fetter their operation. I think it is fair to say that poker machines in the hands of a publican is somewhat akin to a licence to print money. They have given a lot of money, through the machines, to the owners of the licences. Whether or not we like that, it is a fact of life. I think it is absolutely nonsensical for us to turn around and increase that wealth through windfall profit by restricting the number of licences, thus restricting the number of poker machines, to some arbitrary level not based on any scientific evidence at all, and thereby arbitrarily increasing the value of those licences to the people who happen to be in the right place at the right time to be the owners of those licences.

We have seen this happen with respect to taxi plates. The taxi industry is an industry that governments over the years have found very difficult to manage and to find that fine balance between the number of plates, the number of licences going around to provide the service, versus retaining the value of those plates to the people who have bought them in the marketplace.

With regard to poker machines, we have not really come up with any way of transferring licences from place to place, from person to person, other than via a huge windfall profit, and I think that is a great shame. I think it is a great shame that, at the time of the first proposal for a freeze, I opposed it and said something probably not dissimilar to what I am saying now: that it was a nonsense, it did not go to the root of the problem and it built an environment where it was very hard for people in the hotels and clubs industry to get on with their businesses.

The second time that the freeze proposal came up, it was in a slightly different form, because it came up in conjunction with the setting up of the Independent Gaming Authority, which was to look into some of these other issues and come up with some ways in which we could move forward. I am not of a mind to give a further extension, because one thing that this government really can wear with pride is that it has shown how easy it is to be long on rhetoric and short on action, and that is exactly what it has done with this issue. The government has had 12 months, but has done absolutely nothing with regard to this issue, and it now comes back here and asks the parliament to extend this freeze. I do not think we should allow the extension of the freeze. If the government is not able to get its house in order, if it is not able to get some way of moving forward in the immediate future, we should go back to first base and open up the industry again.

In the time of the existing freeze, there have been a number of new developments. No doubt, a number of new liquor licences have been issued and new hotels built.

Dr McFetridge interjecting:

Mr WILLIAMS: And sponsorships given, as the member for Morphett says. These people are denied the chance to operate on a level playing field with those who had their licence previously and were able to obtain a gaming licence to run poker machines in their establishment. Obviously, there would be a number of new sporting clubs, and so on. The business world goes on. I have in my electorate a number of clubs which approached me when the official freeze was instigated, and I said, 'You just have to wait until we work through where we will go and where the next step is. But the freeze will end at some stage, and there will be the ability to get into the game, to either obtain a licence from an existing licence holder, or the cap might be lifted and you can apply for a licence.' These people are sitting there in limbo,

waiting, while the minister and the government fiddle and do nothing.

I am not of a mind to allow the minister to continue to fiddle or to continue this nonsense. As I said in my opening remarks, I am absolutely amazed that, ever since I have been here, the parliament has treated this very important issue as a conscience matter. I have no doubt that government members—as they have shown in respect of recent issues, which traditionally have been regarded by both sides of the house as being conscience matters—have been whipped into submission on this one. There have been strong advocates of poker machines and the gambling industry on the government benches. In fact, in the early 1990s the outgoing Labor government passed the legislation to allow poker machines into South Australia. A number of members of the now government have been strong proponents of the gaming industry both then and during the time I have been here. They have stood up on many occasions and said how important taxation revenue from the gambling industry is to the state.

I think I am right in saying that the current Treasurer was one who not only strongly supported the gaming industry but has very much supported allowing poker machines to continue in South Australia. It fascinates me that no member opposite seems willing to stand up and talk on this issue. They will probably extend the freeze. They will whip their members into submission to get the numbers to get this measure through, but that will not provide any relief to the people who are suffering as a result of gambling addiction. It will not give any direction to those people who operate licensed premises or clubs as to where they might head over the next period; it will just put off their decision. As I say, that is what this government continues to do.

To paraphrase what the Treasurer has said previously in this place, the government acknowledges that a small proportion of the community has a problem with gambling, the vast majority of the community have no problem with gambling, and the gambling industry has provided a lot of positives for this state. Ask the proprietor of any hotel that has gaming machines what impact gaming has had on their business and where they would be without it. We would not have many hotels operating in this state if it was not for the gaming industry. A couple of years ago, the last time we debated this issue, the hotels industry claimed that at least 3 000 or 4 000 jobs had been created directly as a result of gambling.

A huge stream of revenue (hundreds of millions of dollars a year) comes into the government coffers from this industry. That money is used to provide those important things, which the government and the opposition when it was in government (and even now) want, involving such areas as education, health, police and law and order. These are all funded from general revenue, and hundreds of millions of dollars a year of general revenue is generated from the gambling industry. During his contribution, the member for Morphett mentioned the active club grants which we as members are able to use to support community organisations (particularly sporting clubs) at grassroots level. So, there are a lot of positives.

The Productivity Commission's report into the gambling industry concluded that there are a lot more positives than negatives derived from the gambling industry. The minister needs to make some decisions and work out how we are going to move forward. Continuing this freeze will just allow the minister the luxury of doing what he has done already: nothing. In conclusion, I urge all members to send a strong signal to the minister that it is time he did something about

this issue, made some decisions, and stopped hiding behind an extended freeze.

Ms BREUER (Giles): I rise to answer the challenge from the country boy from the south on the other side of the chamber, the Canola Kid. I have heard much grandstanding and pontificating this afternoon, as always happens when poker machines are mentioned. I will support the minister, because extending the freeze will enable further work to be done to sort out some of the problems that we are prone to hearing about over and over again from members of this place. We all hate poker machines, and not one person in this place has ever been near a poker machine or would ever go near one. Poker machines are the machines of the devil, and we would not touch them or even go near them. What absolute hypocrites we are!

We stand up here shaking our heads and looking really concerned—there have been some marvellous performances across the chamber today about the evils of problem gambling—but this happens to be the very same state which this weekend will celebrate the Adelaide Cup. We have a holiday because of a horse race. I get really angry about this. People come in here and tell me what a problem pokies are, yet this is a state where we have a public holiday for a horse race. That is unbelievable! We got someone elected to the upper house on a ‘no pokies’ ticket and we have a minister for horse racing, and we sit here talking about poker machines.

I cannot believe the hypocrisy of members of this place. People line up for tickets to the Oakbank weekend. On every day of the week, people line up at TABs and in hotels and sit there for hours for an afternoon’s entertainment, and we have the cheek to come in here and whine about poker machines and say what an evil they are in our society. We have a whole range of television channels on pay-TV devoted to horse racing. If you want to, you can sit there and watch horse races from all over the world all afternoon or all day and all night. I do not know one end of a horse from another; I certainly do not sit there and watch horse races all afternoon, and I certainly do not sit in front of the pokies all afternoon either.

For heaven’s sake, stop being such hypocrites! I am sick of this holier than thou attitude every time we mention anything to do with poker machines. We have to face this. It is a problem in our society. When poker machines came into our society, none of us liked it, and none of us want to see them continue, but we are stuck with them; we do not have any choice. Stop using this issue every time it comes up for political posing, so that we can stand up and have our little say and send it back to our electorate. I have to say that no-one cares; no-one would bother reading it. Stop being hypocrites and let the minister get on with his job and sort these evils out.

Mr RAU (Enfield): I want to say very briefly that the minister is to be commended. This moratorium is excellent; the fact that it is going on is excellent. Well done, minister!

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I remind all those who have made their passionate contribution that this is simply a proposition to hold over the situation. The real debate about what should happen with the freeze and the broader issues in relation to gaming machine numbers will be properly ventilated when the Independent Gambling Authority presents its report. That is as it should be, because we will then have the benefit of some intelligent work on this topic.

Instead of making ad hoc contributions based on sticking your thumb in the air and working out which way the breeze is blowing and guessing what ought or ought not happen, this government regards it as important that we deal with this matter on the basis of some intelligent study.

The difficulty with members opposite is that they also agree with this proposition—at least the former premier did—because, when the original freeze was imposed in December 2000 and again during the second reading debate in 2001, prominent senior members of the then government (now opposition) made it clear that, upon the passing of the freeze legislation, they believed it was appropriate that the Independent Gambling Authority (or its predecessor) should inquire into the question of gaming machine numbers and bring back a report and that that would inform the further legislative work of this parliament.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: The interesting point is that we are in this dilemma of a partly performed piece of work precisely because the previous government did not get on with the job of instituting the inquiry. There has been a shameless set of delays. In May 2001, in his second reading speech, the former premier said that one of the first tasks of the Independent Gambling Authority would be to conduct this inquiry; this was after its being foreshadowed back in December 2000. In May 2001, he made this categorical commitment to this place, and what happened? No steps were taken until the new minister for gambling in the Labor government was sworn in. So, we are in this situation because the Independent Gambling Authority was not even given its terms of reference until we got off our backsides and did something about it. The very dilemma raised by the member for MacKillop involved issues such as getting some proper means of considering transferability.

Other members are concerned about clubs and their accessibility to these things, while others are concerned about new hotels that might open up. These matters, together with the issues raised by the concerned sector (that is, the prevalence of poker machines in the community and their geographical distribution) are all matters that those various groups properly sought to agitate before the Independent Gambling Authority, and they did that extensively. They responded to the Independent Gambling Authority’s request for submissions. They made those submissions to public hearings. It was the first time that many of these organisations had been taken seriously by government. They have been given a platform to put their views, and many of them put strong views about the serious harm done in this community by the prevalence of poker machines. They put their case squarely. They referred to their work in the concern sector where, on a daily basis, they see people whose family incomes are ruined when certain members of their family have engaged in problem gambling behaviour.

They have put submissions to the Independent Gambling Authority that they seek to have agitated. Why should they not be properly heard and considered? Indeed, the Australian Hotels Association and those who represent the interests of the industry also have views they seek to put. Why should they not have a proper opportunity to be heard? The Independent Gambling Authority will consider these matters. It has produced a sophisticated piece of work called a discussion paper which was released in March 2003. This represents a summary of the various views put by the various stakeholders, and it seeks to give those people an opportunity to respond to these matters.

The Independent Gambling Authority has diligently gone about its task. However, it has been hamstrung by the fact that the first time it has been given a direction to undertake an inquiry has been under this government. So, this is the difficulty. The procrastination exists for those on the other side. In fact, those opposite who were running business when they were last in government were not interested in this. They announced it in December 2000, and they pretended that no-one heard. They announced it again in May 2001, and they thought that no-one heard. They then got themselves in an election and hoped that the whole thing would go away. Perhaps they were then going to let it slide for another 12 months or for as long as they possibly could get away with ignoring this issue.

The previous government was not interested in grappling with these questions or in grappling with the dilemmas raised by the member for MacKillop, but this government is. The former minister got off his backside as quickly as he possibly could and organised some terms of reference for the Independent Gambling Authority, and it has been diligently carrying out its task ever since.

The authority has sent me a letter as the new Minister for Gambling requesting a little more time so that it can properly complete its task. The authority has said that it can deliver a report to us around September, which will then allow a public policy process to respond to the report. No doubt, legislative change may emerge from that report, and we will be in a position to consider those matters before the end of this further extension. That is a proper way of going about business in contrast to the complete inactivity of those opposite whilst they were in government.

I will respond to a few of the points raised by those opposite. The points made by the member for MacKillop about the difficulty of transferability and the fact that we have not been able to effectively grapple with this as a parliament relates to the point that no-one has considered these issues properly. That is what the Independent Gambling Authority will do for us. Why should we not have the benefit of its views?

It was also faintly suggested by the member for Mawson that there has been some level of inactivity on the part of the Independent Gambling Authority. I completely and utterly reject that. The authority has undertaken a sophisticated process of review. It has gathered every interested group in relation to this matter. It has publicly called for submissions. It has afforded a level of opportunity to be heard on this issue that has never in the history of this state been afforded to the many people who have important views to put on these matters.

There was also another faint suggestion that the authority had been distracted by the work it was doing in relation to codes of practice for other lottery products, in particular, Keno. The controversy created around that in the media bears no relation to the extent to which this troubled the authority in relation to its work. It was reviewing a whole range of codes of practice for a whole range of issues in relation to casinos, hotels, gaming machines, Keno and other lottery products. They reason why it is doing that and why so much of its resources are being taken up in relation to that issue is that our state has fallen behind and become an abject failure in relation to harm minimisation measures compared to other states. We have slipped to the bottom of the rung. We simply are not exercising any proper care for those damaged by problem gambling.

This government has shown real endeavour in ensuring that the Independent Gambling Authority addresses all those issues, and the authority has worked assiduously at those tasks. There has been no delay or procrastination. All we ask for is a simple 12 month extension to allow a proper report to be brought back to this place so that we can make a decision in an intelligent environment which is based on evidence and not on supposition. The other points made by members opposite were too silly to respond to, so I will not bother.

The house divided on the second reading:

AYES (41)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hanna, K.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Venning, I. H.
Weatherill, J. N. (teller)	White, P. L.
Wright, M. J.	

NOES (5)

Hall, J. L.	Hamilton-Smith, M. L. J.
McFetridge, D. (teller)	Redmond, I. M.
Williams, M. R.	

Majority of 36 for the ayes.

Second reading thus carried.

The SPEAKER: For the sake of my own electors, and for the benefit of members who may wish to note my views on the matter, without having sought to influence the second reading debate, let me explain that in those circumstances where, by public determination of parliament, it is seen to be in the public interest to ration the amount of any access to a resource that citizens or enterprises may have, I strongly hold the view, and always have held the view, that such access ought to be tenured. Quite clearly, when the first taxi plates were issued, they became, in the hands of the parties who received them—because there was a limit on the number—as it were, in common vernacular, a licence to print money. No less the case than with fishing licences. Likewise now, with a ration on the number of poker machines which can operate in the state's economy, those licences take on a very real value machine by machine.

I strongly oppose the continued proliferation of poker machines in society, and sincerely believe that those who own them ought not to own the licence for more than a period of eight years. Accordingly, at the conclusion of each licence's tenure, any member of the general public seeking to take possession of that licence should be able to bid by tender for, say, half the number of licences and, by open-cry auction after tenders have closed and the cut-off point has been

determined as to who got the first half of the licences on offer, the remainder should be able to be sold. That process will ensure that the true market value is paid for access to a public resource and that the public purse thereby receives a just reward in return for the regulation imposed on that resource by the parliament.

It is not appropriate for us to create individual wealth, either for a firm or for a person other than a firm, a natural person, by the actions we have taken. It remains a quaint curio for me that members have failed to understand the principle I have just enunciated in such circumstances to which I have just referred and which are relevant in the context of licensed poker machines. Therefore, it is my belief that, coupled with the ration on the number, there ought to be public access to the market for them and that no licence presently existing should remain in existence in perpetuity regardless of what that may cost the public purse in the first instance.

If licences are to be surrendered in such fashion as I have suggested at the end of an eight year, or whatever other term parliament might choose to decide, then in the public interest parliament can decide how many to reissue. If it were 100 that were surrendered, parliament may choose to make it 120, or 80, or less, in the reissue, for tender and for auction.

Having made those remarks, I leave it to my peers in my constituency to judge my views as the member for Hammond, and to my peers as honourable members in this place to treat them with so much respect as they think they deserve, and I am happy to accept the consequence, in each case.

Bill read a third time and passed.

WATER RESOURCES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 12 May. Page 2925.)

Amendment No. 1:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 1 be disagreed to.

The report would require cumbersome reporting. For example, it would have to report on obscure amendments to the definition. I agree that a report, after two years' operation, is worthwhile but better handled through an undertaking given in the parliament, which I think I have already done. So, we oppose this amendment.

Motion carried.

Amendment No. 2:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment be agreed to.

We support this amendment.

Motion carried.

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

A quorum having been formed:

Amendments Nos 3 and 4:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendments Nos 3 and 4 be disagreed to.

This is clearly an age group that is over-represented in the road toll statistics, and hence the government is determined to make some changes in this area. We think that the opposition is prepared to put that age group at higher risk. It is our advice that the RAA supports 20 years. Young people are over-represented in crashes and fatalities generally. Crash rates presently rise at 19 when people are going into the full driving licence, so we think it is a logical position to take, and that is why we are disagreeing with the amendment moved by the opposition.

The Hon. M.R. BUCKBY: I rise in support of these provisions sent down by the other place. We still believe that a person has gained significant experience by the time they have held a licence for two years or by the time they turn 19 years of age. So, for instance, if they were 16½ when they obtained their P licence and held that licence for 2½ years, they would then be capable of holding a full licence.

Mr BRINDAL: I want the minister to clarify something for me—and I do so from my position as shadow minister and spokesperson for youth. One of the things that worries me—even about the amendment moved by my colleague—is that it appears to me to be at least somewhat discriminatory against youth. I know that youth are disproportionately represented in the road statistics. As I read it, this amendment, as proposed by my colleague and as it comes down from another place, provides for 19 years of age—and, frankly, I do not like that, because that just targets youth—or two years' driving. At least the two years' driving is much fairer. I have the problem with the age discrimination aspect. If the minister were to say that everyone must have two years' experience before they can get their full licence, that is fine. I object to the principle that young people should be singled out. The effect my colleague is proposing is an adequate compromise. I know that the minister does not accept it, but has he thought about that? Does he think this measure is entirely fair to young people? A provision that is the same for everyone is a fair provision. This is a discrimination against a particular group.

The Hon. M.J. WRIGHT: I have thought about the matter. The government has considered its position, and we think it is a fair position. I have made my points, so there is no need to restate them. I appreciate what the honourable member is saying. He has a different view and he is entitled to that. We have outlined our case. We have also provided the data and the statistics that show that this age group is at greater risk. The RAA does not support all our package. With regard to this measure, it believes that the age at which we are pitching, 20 years, is a good age. They are some of the reasons why we initially came forward with this measure in our original package. We hear what the honourable member is saying, and we understand that he has a different view. We have taken the matter into consideration, and we believe that what we originally came forward with is a good policy decision.

Mrs REDMOND: I am sure that the member for Unley will not mind my contributing, because I am rising to support him. I have spent some time on the Road Safety Advisory Council. Whilst I accept what the minister says about the 19-year olds and that age group being over-represented, that is due to the age at which they generally get their licence in this state and this country. The over-representation in road accidents occurs as a direct factor of how long someone has

been driving rather than their chronological age. If you did not have them getting their licence until 20, you would find that they were over-represented in the 20 to 22 age group, because that is when it occurs: in those first couple of years of driving.

The Hon. M.J. WRIGHT: I do not know whether there is a lot of logic with that, because we get our driver's licence—or at least learner's permit and so forth—from 16 years of age, and then the various stages start to cut in. If they get their learner's at 16 years of age and then continue on with the process, they will have been driving for some time. They are not necessarily as inexperienced as the member for Heysen implies.

Mr BRINDAL: I am sure that every member in this committee can count, minister, but I would like you to assure the committee, in line with what the member for Heysen and I are saying, that you actually have statistical information that says that a 23 year old who has only just got their licence for one year is less prone to an accident than an 18 year old who has got their licence for one year. Because I would put to the minister, as the member for Heysen has tried to explain, that most people are getting their licence at that age and that that age group appears to be disproportionately misrepresented.

For all I know a 45 year old who gets their licence may be equally likely to have an accident within two years of getting their licence as a 17 year old who gets their licence, and also a 23 year old. It may well be that it is a product of the time between getting the licence and getting enough experience, and—

The Hon. R.J. McEwen: It may not be.

Mr BRINDAL: It may not be. The other minister who is here says, 'It may not be,' and that is true, which is why, minister, I am asking this minister whether he has statistical information that can prove to the member for Heysen and I that we are wrong: that it is not a product of length of time of driving but purely a product of age, and then we will both concede—won't we, member for Heysen—that it is not discriminatory against youth.

The Hon. M.J. WRIGHT: I do not quite know whether I want to or need to respond because I do not think there is any response to what the honourable member is saying. I have already said that we think that two years at 20 years of age is the right balance. The honourable member is making the point about someone starting to drive at 45, or whatever age he quoted. Well, the two years will apply. I have given the committee this general information before but I am happy to give it again. The honourable member may not want to hear it but this is clearly an age group that is over-represented in the road toll statistics, hence the government's position.

The position is supported by the RAA. Young people are over-represented in crashes and fatalities generally. Crash rates presently rise at age 19 when people go into a full driving licence. I will repeat that because I think it is a fairly stark point: crash rates presently rise at age 19 when people go into a full driving licence.

The committee divided on the motion:

AYES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Koutsantonis, T.
Lomax-Smith, J. D.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.

AYES (cont.)

Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. N.
White, P. L.	Wright, M. J. (teller)

NOES (22)

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

PAIR(S)

Key, S. W.	Kotz, D. C.
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The CHAIRMAN: There being 22 ayes and 22 noes, I intend to cast my vote for the ayes on the basis that I believe it is a reasonable measure. I do not believe that it discriminates against young people unfairly. If it saves one life, then I believe it is worth it. I have seen the consequences of young people losing their lives, including my young nephew, and I do not want to see it happen to anyone unnecessarily. So, I cast my vote for the ayes.

Motion thus carried.

Amendments Nos 5 to 14:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendments Nos 5 to 14 be agreed to.

The shadow minister and I have discussed these amendments. We can deal with Nos 5 to 14, 18 to 24 and 28 and 32, because they are all consequential on the .05 clause which we have before us. If you are happy for me to speak in support of the amendments, I am happy to do so.

When we discussed this in the chamber, some comments were made by the opposition and by some of the Independents that we should look seriously at the first offence for .05 to .079. The government's proposition for .05 to .079 was as follows: first offence, three months; second offence, six months; and third offence, 12 months. We took those comments on board and looked at some of the options.

I well remember that both the member for Mount Gambier and the member for Chaffey made the point that we should look at other options for a first offence only. We did so, and we thought that two or three alternatives were good policy positions. The one that we thought most strongly about was the good behaviour option, and we have certainly discussed that with members in the other place; another option was that more demerit points apply.

Having said that, the other place has recommended that no penalty apply for the first offence, and the government is prepared to accept that. We do not think that it is an ideal position, but it should be acknowledged that the Democrats, via the Hon. Sandra Kanck, and the Hon. Nick Xenophon and the Hon. Andrew Evans have at least tried to broker a position. The Liberal Party, of course, was opposed point-blank to the measure introduced by the government. We believe that what has come back from the other place, although not the best policy position, is certainly worth while pursuing and, as such, the government is pleased to agree to the amendments and to acknowledge the support provided by the Hon. Sandra Kanck and the Democrats, the Hon. Nick

Xenophon and the Hon. Andrew Evans. We accept the amendments.

The Hon. M.R. BUCKBY: I thank the government for its support for this measure. In fact, our amendment was very similar to that of the Democrats in the other place and, as a result, we accepted their amendment. In relation to the level of .05 and .079, the whole idea behind this was that we believed that it was somewhat harsh not to give somebody a warning shot, so to speak, and for them to lose their licence automatically if they have a level of, say, 0.51 when they are picked up.

So, we fully support the loss of licence for a second, third and subsequent offence without question because, at that stage, they have had one warning. It is then a matter of, 'That is enough,' and if they do not heed that warning, so be it; they deserve all that they get. I am very pleased that the government has seen the sense of this range of amendments, and that the Democrats, in putting this forward in the upper house, also have seen the sense in it.

The Hon. M.J. WRIGHT: On a point of clarification, I said that there was no penalty for a first offence. What I should have said was that there was no change to the penalty. While I am on my feet, I cannot help but comment (and I see I have the acknowledgment of the shadow minister in this respect) that the Liberal Party may well have had this amendment ready, but not ready and willing. It only came on board once the Democrats moved the amendment.

The Hon. M.R. BUCKBY: I cannot let that go unchallenged, sir. We were very happy to move it, but the Hon. Caroline Schaefer and I, in our discussions with the Hon. Sandra Kanck, found that the Democrats had a couple of differences. But we were prepared to support those changes.

Motion carried.

Amendment No. 15:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 15 be disagreed to.

The important point to make in regard to licence production and signature is that someone who is driving without a licence is just as likely to provide a false name and a false signature and not turn up within the designated seven days. I think that is a very important point. I can elaborate, but I will not go into a long argument, because I think that really is the key point. South Australia Police do not support the measure, for the following reasons. It will be administratively burdensome. Police officers are not handwriting experts. Currently, the Forensic Science Centre conducts any required analysis of handwriting.

There are difficulties in maintaining the chain of evidence on each specimen signature and practical problems in getting the specimen signature to the nominated police station quickly enough. The majority of licence checks are conducted electronically by police in the metropolitan area, hence this part of the act is rarely used. I think the really compelling point here is that someone who is driving without a licence is just as likely to provide a false name and a false signature and not turn up within the designated seven days.

The Hon. M.R. BUCKBY: The idea of this amendment is to ensure that there is some cross check with respect to the person who has been apprehended on the side of the road, or wherever, and does not have their licence on them, but signs a docket to say that they have to produce a licence, and that person presents himself or herself before the police and produces their licence. The reason for that was that someone

could give a certain name while on the side of the road, but a different person could produce the licence at the police station. The idea behind this was that we are trying to tighten up the fact that the person who is apprehended on the side of the road is actually the person who then presents their licence at the police station.

The committee divided on the motion:

AYES (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.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. N.	White, P. L.
Wright, M. J. (teller)	

NOES (19)

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

PAIR(S)

Key, S. W.	Kotz, D. C.
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Majority of 6 for the ayes.

Motion thus carried.

Amendment No. 16:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 16 be agreed to.

The government moved this amendment in the Legislative Council, so we support it, and I understand the opposition also supported it in the Legislative Council. It is pretty straightforward.

The Hon. M.R. BUCKBY: The opposition supports this amendment. It deals with the theory examination. We raised in debate on the bill in this house the fact that, if a person failed their theory examination, they would have to wait two weeks before they could sit the examination again. We felt that was not fair, particularly for country people who travel some distance to do the test. If they failed the test by only one question they had to wait two weeks and travel back to the police station to undertake the test again. This is a sensible amendment from the government, and we support it.

Motion carried.

Amendment No. 17:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 17 be disagreed to.

This amendment seeks to punish people for the outcome of their action, not the intention behind it. It would make a person who, through an error of judgment or a simple mistake, causes death or serious injury liable to heavy fines or even imprisonment. Under this amendment, mere luck may determine whether two persons who drive in exactly the same

manner and are involved in a crash are exposed to harsh penalties or even imprisonment. In one crash, there may be only minor damage, and the driver might receive a small fine for careless driving. In the other crash exactly the same driving might result in death or injury with the result that the driver is punished by heavy fines or imprisonment.

We need to take into account that people make mistakes and that genuine accidents happen. The current section of the act deals with careless and inattentive driving regardless of the outcome. This is the charge made by police when inattention (not recklessness or dangerous driving) is involved. This differs from culpable actions—for example, wilfully dangerous driving—which are justifiably dealt with harshly. These circumstances are already covered under the Criminal Law Consolidation Act. Some people might say that the result of the negligence justifies a harsh fine or imprisonment. However, our laws do not generally punish people for the consequences of their actions; rather, for what they intended to do.

Laws deal with the consequences of a person's behaviour where that conduct is intentional or criminally negligent. Penalties for an offence should fit the crime. A mistake or an error of judgment is not generally a crime. Large fines and imprisonment will not serve a rehabilitative goal for behaviour that is simply careless. That would in fact cause disproportionate stress to the offender and his or her family.

The Hon. M.R. BUCKBY: The opposition, in this amendment, was seeking to drive home to people who drive negligently on the road, exceed the speed limit by 45 kilometres per hour or more or undertake reckless or dangerous driving that the penalties in this amendment were significantly harsh to indicate that we will not tolerate that sort of action on the road. Where people exceed the speed limit by more than 45 km/h, I consider that extremely irresponsible action. In the metropolitan area, where somebody is travelling at 105 km/h in a 60 km/h speed limit or at 95 km/h down a residential street, one would have to say that that is extremely careless and dangerous driving. The government, in looking at safety in this bill, has been saying that speed is an issue, and this inserts some significant penalties for people driving at that speed. Similarly, where somebody has been extremely careless or has been driving recklessly or dangerously, this amendment ensures that the penalty is a significant fine or imprisonment. The opposition believes that this message has to get out to the community: we will not tolerate this sort of behaviour on the roads and this amendment significantly strengthens the act.

The Hon. M.J. WRIGHT: I concentrated on the other component, but the shadow minister has rightly identified the other aspect of the opposition's amendment with respect to 45 km/h. In that regard we have said consistently that we will continue to move on road safety. The shadow minister is correct: we have brought in a standard which has, by and large, been well received in the community—the 50 km/h for the urban speed limit—and we want to get that bedded down. It is important that we consolidate it. It has gone well so far. The three months grace period is due to expire, so let us hope the goodwill that currently exists continues because motorists need to be aware that the goodwill cannot last forever as the three month period is about to expire.

The next area on which we are moving is in respect of country areas. After it has been measured against set criteria and agreed to with local councils and the Local Government Association, where roads are deemed to be unsafe their speed limit may be reduced from 110 km/h to 100 km/h. This is not

a blanket approach and we are talking of a small percentage of roads where the limit will ultimately be reduced—perhaps about 15 per cent. The point about the 45 km/h that has been introduced by the opposition is: where is the magic to the figure? Why have they arrived at that figure? Is there any science or evidence attached to it? Of course there is not.

With respect to excessive speeding, the government foreshadowed a long time ago that it would consider it in phase 2, but we need the arguments that go with what we are presenting, just as we have been able to articulate a position with regard to the 50 km/h default speed limit—which has been introduced in every other state around Australia, reducing the limit from 110 km/h to 100 km/h. We need to bed that down and then we can look at this excessive speeding. There must be some science and methodology to it. If and when we come forward in relation to excessive speeding, we have to ensure that whether it be 45 km/h, 25 km/h, or whatever it may turn out to be, there is some evidence that that is the correct figure.

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

The Hon. M.J. WRIGHT: Before the dinner break, I made the point as to whether 45 kilometres was, in fact, the correct pitch and how it was arrived at. For example, was any expert advice provided in respect of this figure? I suspect not. I made a strong argument on behalf of the government as to why we strongly disagree with this amendment. However, I foreshadowed that we would consider this in the broader picture as part of phase 2 of road safety, and that I was happy to talk to the shadow minister about that, although expert advice would have to be sought as to where to make the correct pitch. It is my understanding (which may be proven incorrect) that no other state has pitched it at 45 kilometres. I know that other states have gone for 25 and, in some cases, 35, but I believe that this needs to be done properly.

Motion carried.

Amendments Nos 18 to 26:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendments Nos 18 to 26 be agreed to.

The government is prepared to accept these amendments. The opposition obviously accepts that mobile RBT is effective but is not prepared to agree with what we put forward in this respect. This provision is for long weekends and public holidays when more people are on the roads and driving longer distances. Of course, we know that drink driving is a problem 365 days of the year.

Mobile RBT exists in all other states without violating people's rights. I recently read in the *Sydney Morning Herald* that they have celebrated 20 years of mobile RBT in New South Wales. In other states it varies in length of time. I think that the point is worth making that we in South Australia are still debating whether we should have mobile RBT when it exists in every other state, and that it has been operating in New South Wales for some 20 years without violating people's rights.

When we were debating the bill in the House of Assembly, I made the point that there would need to be checks and balances. I do not have that detail in front of me, and it would probably be superfluous to go through that detail again. However, if I remember correctly, the Police Commissioner would provide information that the police minister would gazette. Having said that, we now have an amendment from the Legislative Council for limited mobile RBT. I am

a realist in politics. A limited version is not the ideal policy position but it is better than nothing and we will accept it. However, I foreshadow to the committee that the government will be looking closely at this to see how it operates in its limited capacity, and we will consider it again in the future.

The Hon. M.R. BUCKBY: By leaving out clause 24, we remove the ability to set up breath testing stations and, as the opposition has already said, we do not support mobile random breath testing. We believe that the current system where breath testing stations can be set up on prescribed weekends, holidays and long weekends is working, so we oppose clause 24 which sets up mobile random breath testing stations. Therefore we support amendment No. 26, which sets out the conditions under which mobile random breath testing can take place. As the minister said, this operates in other states, but we have always had a situation of compromise in South Australia, and I think that it has been working well. Given the number of people who are still pulled up at random breath testing stations, I wonder whether some people will ever learn not to drink. However, the number is reducing and I think that the message is gradually getting through to the public.

One night my wife and I had dinner with my father-in-law and we both consumed a couple of glasses of red wine over the same meal. When driving back along Main North Road we noticed at Scotty's corner a voluntary breath testing station so members of the public could undertake a test. I registered at .015 and my wife registered at .035. We had the same meal and exactly the same number of glasses of wine, but it shows the difference between males and females, because males can metabolise alcohol at a greater rate than women. That was interesting and I thought it was a good idea to have such a station so people could voluntarily check their level after they had consumed a couple of drinks.

Motion carried.

Amendment No. 27:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 27 be disagreed to.

This is about unmarked cars not being permitted to stop drivers for an alcohol test. Police use both marked and unmarked cars as effective road safety enforcement measures. All operational unmarked cars have hidden emergency lights and sirens, and this equipment is activated in the vehicle's stopping process to clearly indicate that it is a police vehicle. But, of course, what the opposition is proposing with this amendment is one of the greatest absurdities that possibly could be put forward. This amendment, and amendment No. 33, are stark reminders that the opposition is either not serious about road safety or has just missed the debate on road safety.

This amendment about unmarked cars means that the opposition is saying an unmarked car can stop a driver for some other road offence, perhaps speeding, and that person could be blind drunk and have a car load of people, but according to the Liberals they cannot breath test that person. Do members follow the logic of that? I will say it again. This amendment provides that unmarked police cars cannot stop drivers and breath test them, which means that the opposition is saying that an unmarked car could stop a driver for some other road offence and that there could be clear evidence that the person who has been stopped for another road traffic offence is under the influence of alcohol, but the police cannot breath test this person. Where is the logic in that?

Does it also follow—I suppose it does, unless someone can say I am wrong and highlight why and how I am wrong—that, even if a person is under the influence of alcohol and may be blind drunk, and perhaps cannot do a whole range of things, the police in an unmarked car cannot breath test this person? Would it also mean—I presume it does—that the driver continues to drive in a dangerous manner, not only endangering himself or herself but also other road users and every passenger in the vehicle? There is no logic to this amendment; this just cannot be right.

The Hon. M.R. BUCKBY: I take note of what the minister is saying. The main concern of the opposition in this amendment is the fact that in the city as well, but particularly in the country, an unmarked car will pull over a driver and it could be in an isolated area. The driver of that vehicle has no idea who is trying to direct them to pull over to the side of the road unless they see a flashing blue light, but, even then, if the officer is not in uniform and it is at night, who knows who it is? That is our concern with this provision and the reason why we moved the amendment that, if the vehicle is a marked car, the driver immediately sees that it is a police car, immediately acknowledges that, and then is under no misapprehension as to who is directing them to the side of the road.

Our main concern is the wellbeing of the driver, particularly in isolated areas or on country roads where no-one else is on the road, for instance, and the driver, particularly a female in this situation, is directed over to the side of the road by an unmarked car where one would not know who is pulling them over. That is why we believe it should be a marked police car.

Mr HANNA: I do not agree entirely with the minister, particularly about unmarked police cars. I am not happy, either, about mobile breath testing at all. That is simply because I am aware of so many instances of police picking on people. I know that would not be the majority of the police, but a few police will have a propensity to stop and test people if they look to be of Mediterranean, Aboriginal or young and long haired appearance.

I will relate an anecdote in respect of unmarked cars. I was driving down Anzac Highway just a year or two ago when I saw coming past me at perhaps 90 or 100 km/h a late model car. It had in the back window a small blue and red light flashing. However, it was not so obvious to me that it was a police car, as I had never seen one in operation before. I actually phoned the police number to inquire about it, because I thought there was a maniac driving illegally along Anzac Highway with some Christmas tree lights flashing in the back to make it look like a police car. They assured me that what I had described was in fact an unmarked police car. So, it seems to me that a lot of people among the driving public would not readily recognise an unmarked police car, even with the little blue and red lights flashing. It would be very unreasonable for such people to be penalised if they failed to stop and take notice of an unmarked car. That is apart from the prejudice issue, which I mentioned earlier.

There is also the issue of people driving in country areas where there is no street lighting, etc. It could be extremely frightening, particularly for emotionally vulnerable drivers. I will not specify the categories, but we can imagine people who might be extremely scared to find a car coming up quickly behind them with lights flashing, knowing they are acting perfectly within the law and driving under the speed limit, and to be stopped without any suspicion whatsoever that they might be committing an offence. There are a couple

of concerns there. The minister has a valid concern about the way the opposition amendment is framed, but it seems to me that that is something that could be worked out in a conference between the houses, if we get to that.

The committee divided on the motion:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
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. (teller)

NOES (19)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R. (teller)
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kerin, R. G.	Lewis, I. P.
Matthew, W. A.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Williams, M. R.	

Majority of 5 for the ayes.

Motion thus carried.

Legislative Council's amendment No. 28 agreed to.

Amendments Nos 29 to 31:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendments Nos 29 to 31 be agreed to.

These are consequential to amendments Nos 25 and 26.

Motion carried.

Legislative Council's amendment No. 32 agreed to.

Amendment No. 33:

Mr VENNING: I rise on a point of order, sir. The member for Stuart and I missed that division because we were in the front lift and, basically, it malfunctioned. It stopped at the first floor and would not continue on. We were in a conference room on the second floor and we missed the division by about two seconds. We were outside the door. I just want that recorded.

Members interjecting:

The CHAIRMAN: Order! I point out that, had the members for Stuart and Schubert been present, it would not have altered the vote. The committee acknowledges the statement by the member for Schubert.

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 33 be disagreed to.

This amendment relates to the fact that the opposition maintains that cameras are not to be concealed.

Members interjecting:

The CHAIRMAN: Order! It is impossible to hear what the minister is saying. We might as well all be in the lift!

The Hon. M.J. WRIGHT: This is another bit of nonsense thrown forward by the opposition about cameras not being concealed. This proves again that the Liberals are not serious about road safety. The Liberals never moved to

introduce this provision when it was in government. Why not? Because members opposite knew it was dopey when it was in government and they are simply playing politics now. The RAA opposes what is being put forward by the Liberal Party. Professor Jack McLean, from the University of Adelaide's Road Accident Research Unit, is opposed to it, and so are many others.

Such a law effectively says that people need to slow down only when they can see a camera. It invites those people who are inclined to speed to disobey the law at other locations. It will encourage people to take risks with speed when they cannot see a camera. No other state legislates in this way. No other state, apart from South Australia, puts forward such a dopey suggestion. I would be interested to know whether the shadow minister would be prepared to tell us honestly whether he supports this provision that has been thrown forward by the opposition?

The Hon. M.R. BUCKBY: I support this amendment. I think that we need to go back a step here. I can only say what my reaction is when I pass through a camera and then see the sign 100 metres down the road, on the other side of the road, indicating that I have been through a speed detection device. Do you actually slow down at that stage or do you look at the speedometer and think, 'I've been caught, so I might as well keep going at the same speed'? I think that tends to be more the attitude of most motorists. You do not suddenly see everyone slow down when that little sign is on the side of the road indicating that they have just been through a speed camera.

However, when a police car is on the road the first thing I look at (and I am sure everyone else does as well) is the speedometer, and I think, 'Crikey, am I speeding?' The foot goes on the brake as soon as you see a police car. I maintain that when you see a police officer standing on the side of the road pointing a laser gun in your direction, exactly the same thing happens: you immediately look at your speedometer and say, 'Am I within the speed limit?' I believe that the concealment of cameras does not encourage people to slow down because you do not know that you have been through the camera until you have gone past it. It is very interesting because New Zealand actually displays a sign prior to the camera indicating that it is an area in which speed cameras may be operating.

Mr Koutsantonis: And in Germany.

The Hon. M.R. BUCKBY: And in Germany, so the member for West Torrens says. That gives the motorist some indication that they should be watching their speed. Obviously, this may be a black-spot area or it is an area in which motorists need to be observant of their speed and, as a result, some warning is given and motorists can then make up their mind to slow down or continue operating at the same speed. When you talk to members of the public, particularly when people have been caught by a speed camera device, the cry is, 'Well, is this really a safety measure or is this just a revenue-raising measure?' I think that that is a very good question. They are the reasons why we are supporting this amendment. I believe that, where you see a police car or a policeman standing 100 metres down the road with his motorbike or car, with a speed gun in hand, you know that if you do not slow down you will be in trouble. I believe that speed cameras, where they can be seen, are in the same situation. If this amendment does not succeed, the government needs to look at the current situation.

The minister has said that he is looking at bringing in a second raft of road safety reforms. The government needs to

look at the New Zealand example where a sign is displayed in areas where there may be a concealed speed camera. That type of approach—warning that it is a black spot area and a concealed speed camera may be operating—takes away the perception that it is simply revenue raising. I hope we do not get to that stage. I hope that we can have them out in the open so that people are aware of them. As I said, my reaction on the road, as soon as I see a police car or a police officer holding a speed gun, is to slow down immediately. I think this would have the same effect.

The Hon. M.J. Wright interjecting:

The Hon. M.R. BUCKBY: The minister says that I should not be speeding. Actually, in most cases I am not, and I will just clarify that. I check my speedometer just to make sure that I am not speeding. I have not had an expiation notice for some time now, touch wood.

Mr KOUTSANTONIS: I am surprised that the member for Light wants the police to go back to staffing speed cameras. I think they do a better job policing than standing by a radar gun. I support fully the minister's knocking back this amendment from the upper house. I think speed cameras play a vital role in community safety, but are the police services, who staff these speed cameras, required to obey the law in terms of the way they park their vehicles? I have noted on many occasions that they park their vehicles on parklands or in clearways, in breach of current road traffic laws. Is there an exemption or are they required to follow the same rules as the rest of us when they are standing behind these machines?

The Hon. M.J. WRIGHT: It is my understanding that the police do get some exemptions, but I would not have expected that the police services do. The member for West Torrens may well have thrown up something that needs to be pursued. If that is occurring—and I have no doubt that what he has put on the record is the case—that can certainly be examined. I will be happy to follow that up on the honourable member's behalf, and I appreciate his raising that point. I have a couple of points in response to the shadow minister. I guess there are a number of key points. Fundamental to all this is that, if you do not speed, you do not have to worry. It is pretty basic and simple.

The Hon. M.J. Atkinson: Hear, hear! It's a foolproof method.

The Hon. M.J. WRIGHT: It is a foolproof method that cannot miss. Hits the jackpot every day—100 per cent. If you do not speed, you do not have to worry. I guess the other point I have to make is that the police operating policy means that they do not normally use cameras covertly, that is, completely hidden from view. If you also take account of what the police do, I do not know how we compare to other states in terms of generosity. Pretty strongly, I suspect.

Mr Koutsantonis: Better than Victoria.

The Hon. M.J. WRIGHT: The tolerance is much smaller in Victoria, as the member for West Torrens has highlighted, than it is here. Of course, the police here advertise what they do in the electronic and print media, so there is pretty wide exposure of what takes place. If we pass this amendment, South Australia will be the laughing stock of Australia in relation to road safety. The Liberals are in an awful mess on the issue of road safety.

Motion carried.

Legislative Council's amendment No. 34 agreed to.

Amendment No. 35:

The Hon. M.J. WRIGHT: I move:

That the Legislative Council's amendment No. 35 be disagreed to.

This amendment refers to establishing a speed camera advisory committee. Of course, government has already announced the establishment of a Ministerial Council on Road Safety and a road safety advisory committee to be chaired by Sir Eric Neale, a pre-eminent person who will obviously add real value to the Road Safety Advisory Council.

For members' information, others who join Sir Eric on the Road Safety Advisory Council include representatives of the Local Government Association, the Department of Human Services, the RAA, the Transport Workers Union, SAPOL, the Department of Transport, the Road Accident Research Unit, the Motor Accident Commission and the Department of Education and Children's Services. We are certainly very excited about this very broad representative group.

The advisory council has been charged with the responsibility of providing advice, information and recommendations which will flow to the Ministerial Council on Road Safety, which I chair, which I am sure will throw up some good work. The council has already started meeting. It is very relevant to members in regard to this amendment that is before the committee that the Ministerial Council has requested the advisory committee to establish a permanent review group to develop a speed management strategy covering the use of laser guns, movable speed cameras, fixed-housing speed cameras and dual capability cameras installed at signalised intersections. This process will consider the best practices applied in other states and overseas to ensure that speed enforcement is applied to reduce the number of crashes. This strategy will be much broader than the narrow focus that has been recommended by the Hon. Nick Xenophon in the other place.

As I have demonstrated to the committee, the Road Safety Advisory Council is already in place. It comprises a broad umbrella group of people not only from government and government agencies but also key stakeholders in the broader community. Of course, we have taken the further step of requesting the advisory committee to establish a permanent review group to develop a speed management strategy. So, the government has this issue well and truly under control, and it is already being catered for by the Road Safety Advisory Council.

The CHAIRMAN: Did the minister mention a representative from the Local Government Association?

The Hon. M.J. WRIGHT: Yes, I did, sir.

The Hon. M.R. BUCKBY: I support this amendment, and I note what the minister has said about the ministerial advisory council that he has established, but perhaps he can answer this question: does the council report to the parliament, or does it report to the minister? All the advisory councils and committees that were under me when I was minister for education reported to me but not to the parliament, because it was not required of them to do so. That is the advantage of this amendment that was put forward by the Hon. Nick Xenophon in the other place.

This committee involves a person nominated by the minister; a person nominated by the Commissioner of Police; a person nominated by the Motor Accident Commission; a person nominated by the Director of the Road Accident Research Unit; a person from the RAA; and a person from local government. Each year, that committee must report to the parliament, so the parliament can then be informed about whether the government's speed camera initiatives under the road safety package are working, where cameras are being placed, whether or not they are being placed in black spot

areas, whether they are in areas as a road safety measure or whether they are being placed in areas for purely revenue raising purposes. I believe that this committee could make quite a contribution.

The Hon. Nick Xenophon has also included a sunset clause so that, after three years, if the parliament deems that it is superfluous, if it is deemed that there is no further work for it, that committee would dissolve; or, if the parliament decides that it is providing good information to the parliament, it can be re-established, or continued. That is the advantage, as I see it, of this committee—that it provides a report to the minister, and that report must be tabled by the minister within 12 sitting days of his or her receiving that report. The house can then decide whether speed cameras are being used in an appropriate way, and examine what the committee recommends in terms of the use and location of, and other matters pertaining to, speed cameras.

The CHAIRMAN: In his explanation in relation to his own committee, I do not believe that the minister indicated whether or not it would be reporting to parliament. I ask whether he is prepared to consider 79IJ to cover the reporting to parliament of his committee—the point being that, unless there is provision for a report to parliament, a ministerial committee may never report to the members of parliament. The member for Chaffey.

Mrs MAYWALD: Basically, I support the establishment of this committee for two reasons: first, because the minister is already doing it in the capacity of his ministerial responsibilities; and, secondly, because this procedure provides for a reporting process to parliament, but also a requirement to meet on a regular basis. One of my concerns about ministerial advisory committees and such (and I mean no criticism of the current minister) is that in the past such committees have been established and have never met and never reported to anyone. I think it would be detrimental to the interests of the community if that were to be the case. By legislating to have the committee process established within the act, we require it to report to parliament as well as to the minister, and it also would require that the minister could refer matters other than just speed cameras to that committee.

I understand, from a briefing that I received from the minister's advisers, that the committee that is already established could potentially be slotted into the positions that are required here in this committee, and it could become a committee as legislated before the house in this amendment. I think that that would be a way of ensuring that that process had substance; that the parliament would be informed. There is an annual reporting requirement, which I think is important to the parliament. I also believe that it will ensure that the committee meets on a regular basis, that the objects of the committee are achieved and that the broader community would benefit from that.

The Hon. M.J. WRIGHT: I apologise, but I did not hear the question. Would the member repeat it?

Mrs MAYWALD: The minister has already advised the house that he has established an advisory committee as such. Would that committee be able to be slotted into the position as per the requirements of the committee under legislation, therefore giving the parliament greater confidence in its reporting function to the parliament as well as the minister; and also on the basis of its having an expiry capacity such as a sunset clause, and therefore we could look at it in three years' time? If the provisions put forward by this bill are meeting their achievements according to this committee, then that committee could be disbanded. If further work is required

by the committee, it could be reviewed at that time by the minister and continued.

The Hon. M.J. WRIGHT: I thank members for their contributions. I go back to an earlier point regarding the Road Safety Advisory Council. I think the member for Fisher asked whether it has to report to parliament. I am happy for it to do so and I am happy to give a commitment of that kind. Whether or not we need to formalise something between the houses would not be a problem to me. What I would like to occur as a result of not only the package that is before the parliament but the work of the Road Safety Advisory Council—which will be meeting on a regular basis at least four times a year, and they will also be establishing subcommittees and may well be meeting more regularly than that—is for their work to be thrown into the broader community so that we can continue to have discussions and debate in respect of the whole issue of road safety.

Certainly that was the focus of some of the earlier discussions which I had with Sir Eric Neal. With regard to the other aspects that were raised, the Road Safety Advisory Council is a bit different from what I understand has been put forward by the Hon. Nick Xenophon, because it is more broadly based and it includes a range of people from government agencies such as the Department of Human Services, the Department of Education and Children's Services, and then picking up a range of people from various areas such as the RAA, the Local Government Association, SAPOL, the Department of Transport, Road Accident Research and the Motor Accident Commission. The membership is not exactly the same. I do not know whether we are that far apart in what we are talking about, but I am certainly more than happy for the work of the Road Safety Advisory Council to come to the parliament. I am happy to give a commitment of that kind, and if that needs to be formalised, I am not fussed about that either.

The CHAIRMAN: I am not trying to be chief string puller, but my advice is that, if the committee wishes to have that reporting function, then it can be done when these amendments go back to the council, or the minister can lose this amendment and then immediately substitute another alternative which is of his construction, or some other member can move it.

The Hon. M.J. WRIGHT: It is really in the hands of the shadow minister, but I am certainly prepared to deal with it as you have suggested, that is, deal with it in the Legislative Council. I will give a commitment that we will support the Road Safety Advisory Council's reporting to the parliament by a formal mechanism.

The CHAIRMAN: I am advised that the amendment needs to be changed to give parliamentary status to the committee, otherwise the committee is not recognised by the parliament. So, a drafting change is required.

Mrs MAYWALD: Is the minister proposing that between the houses the committee proposed under this amendment be amended to be the Road Safety Advisory Council rather than the Speed Cameras Advisory Committee, that the membership of the committee be altered to reflect more accurately the membership of the Road Safety Advisory Council, and that the functions of the committee be amended to reflect the functions of the advisory committee already established by the minister? Is the minister prepared to give a commitment to look at that between the houses?

The Hon. M.J. WRIGHT: No, I will not give that commitment. The commitment I am giving is that we will formalise the reporting to parliament by the Road Safety

Advisory Council as outlined in some of the earlier presentations.

The CHAIRMAN: I am advised that, if we disagree to this amendment, the Legislative Council can put forward an alternative, but we are not supposed to revisit amendments brought by the Legislative Council. We can disagree to this amendment and the Legislative Council can take into account what the minister and the member for Chaffey want.

Ms CHAPMAN: As I understand the minister, he is saying that his Road Safety Advisory Council is sufficient, that it covers these parameters, and that, in those circumstances, it is not necessary to have a separate committee with the functions proposed and the requirements for meeting, reporting and the like. I understand there is no need for further duplication, but I am puzzled why the minister will not agree to incorporate in the Road Safety Advisory Council terms of reference to extend its functions to cover the matters raised in this amendment and to follow up with its report (presumably on all of its functions) to the parliament on an annual basis with the 12 sitting day requirement that is imposed on the minister.

What I am hearing at the moment is that the minister already has an advisory council and that, given the matters that have been raised, he is willing to look at a procedure for this body to report to the parliament via the minister, but I am also hearing, in response to the member for Chaffey, that the minister is not prepared to amend the terms of reference of his advisory council to accommodate that. I need some clarification. Does the advisory council have that power, and will there be a reporting mechanism? If not, I am happy to move an amendment to that effect.

The CHAIRMAN: For the benefit of the committee, and taking note of the standing orders of the Legislative Council, this amendment can be disagreed to, in which case the Legislative Council then has the right to propose a further amendment. The other option is to report progress so that parliamentary counsel can draw up an amendment and it is done properly. I am told that those are the options, but I am in the hands of the committee. Either we report progress and take a break on this matter while parliamentary counsel draw up whatever the minister and the committee wants, or we disagree to the amendment and it goes back to the Legislative Council where it can be amended to include what is sought by way of the minister's committee reporting to parliament.

The Hon. M.R. BUCKBY: Do the functions prescribed for the Road Safety Council cover what the Hon. Nick Xenophon's amendment is addressing here in terms of the use of speed cameras and the strategies for the placement and operation of speed cameras? Does his Road Safety Council cover what the Hon. Nick Xenophon is trying to achieve with this amendment?

The Hon. M.J. WRIGHT: I thank the honourable member for his question. We believe that is the case. There are some important points here. The ministerial council has requested the advisory committee to establish a permanent review group to develop a speed management strategy to cover the use of laser guns, moveable speed cameras, fixed housing speed cameras and dual capability cameras installed at signalised intersections. I think the answer is yes. The member for Bragg made points with which I basically agree: I think we have it covered and it is sufficient. The group we put down is broadly based. Why would we not go for this other one? What she is alluding to is what we would say, but it is another layer and duplication and we think we have it covered. I will give a commitment and if it is still not to the

satisfaction of the opposition we will ultimately go to a deadlocked conference on other matters anyway, so we can clean it up.

Motion carried.

CRIMINAL LAW (SENTENCING) (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2324.)

Ms CHAPMAN (Bragg): This bill, which was introduced into this house on 19 February this year, actually softens the criminal law in a number of material respects. In other respects, it modernises the criminal law relating to habitual criminals. The Liberal Party will support the second reading. However, I indicate that we will move amendments to remove those parts of the bill which will weaken the Criminal Law (Sentencing) Act.

The bill has two essential elements. First, it empowers the Supreme Court to declare that a person is a serious repeat offender. A serious repeat offender is defined as a person who has been sentenced to serve three terms of imprisonment in respect of offences for which the maximum sentence is five years or more. Secondly, it allows the court to impose on a serious repeat offender a sentence which is not proportionate to the offence, and it requires that the non-parole period fixed must be at least 80 per cent of that sentence.

The principal act provisions in relation to habitual criminals can be summarised as follows. If a defendant is convicted of certain offences of violence or certain sexual offences, including rape, and has had two or more previous convictions for the same class of offences, or if a defendant is convicted of certain other offences (such as robbery, burglary, arson, forgery and the like) and has three or more convictions for the same class of offences, the Supreme Court may, on the application of the Director of Public Prosecutions, declare that the defendant is an habitual criminal and direct that he or she be detained in custody until further order.

The detention of a person who is declared an habitual criminal commences on the expiration of all terms of imprisonment that the person concerned is liable to serve. These provisions were enacted in 1988 but are, in fact, of very old origin. They empower the court to declare that a person is an habitual criminal if he or she has been convicted on two or three previous occasions, depending on the seriousness of the offence. The court can direct that the offender be 'detained in custody until further order'; in other words, indefinitely.

Before examining how this bill proposes to change the law, we should examine this government's record. This government has sought to paint this bill as further evidence that it is tough on law and order. In fact, the government's only stance on law and order has been to seek to create a public perception of being tough. The reality is that this government is actually weakening our armoury in the fight against crime. In its first budget, the government cut local crime prevention programs by slashing \$800 000 out of the \$1.4 million budget.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! The Attorney-General is becoming a serious repeat offender in terms of standing orders. I remind him that the parliament is a court and there is no limit on the penalty that it can impose. The member for Bragg.

Ms CHAPMAN: That cut was a severe blow to people working at a local level to prevent crime. It also showed that this government actually gives crime prevention a very low priority. This government's top priority is political publicity. Local crime is not something that can be exploited in the media, so it was cut. One of the excuses offered by the government is that they gave a greater priority to appointing more staff to the office of the Director of Public Prosecution. The opposition has recently shown, however, that far from appointing more prosecutors, there are fewer staff in the office than when the new funds were allocated.

Another indication of this government's forked-tongue approach to law and order is in the area of policing. Everyone knows that more police officers and a better resourced police force are essential requirements in the war against crime. However, this government will not appoint one additional police officer. Its claim that it will only recruit to meet attrition is simply not good enough. The government is only treading water on police matters while the tide of crime is rising.

At the other end of the justice spectrum—correctional services—the government is also failing miserably. In January this year, the Police Commissioner rightly pointed out that the rate of recidivism for people who had been imprisoned in South Australia is 46.3 per cent, the highest in the land. What has this government done to address this appalling statistic? Has it boosted programs in prisons that will reduce recidivism? No, on the contrary, the government has slashed programs. Operation Challenge, which was an initiative of the Liberal government, was a boot-camp style program for first offenders. That program was described in the latest annual report of the Department of Correctional Services as follows:

Historically, concern has been expressed that first-time offenders entering the prison system learn and are at risk from habitual long-term offenders. Operation Challenge was developed by the department to address this concern.

The program is administered from the Cadell Training Centre and is available to selected adult male prisoners. These prisoners live within a disciplined regime where they have minimal association with other prisoners and are required to abstain from substance abuse.

They are required to undertake vocational training, the department's Offender Development Programs, a physical fitness program and reparation to the community through community work.

The program is incentive based and prisoners are provided with sound work ethics and learn new thinking skills. The entire program is based on a mutually supportive team environment.

In addition to their prison program activities, participants are required to undertake prison community service.

In its very first budget, the Rann government has axed this excellent program. Some ill-informed people scoff at programs like Operation Challenge because they can be portrayed as soft on prisoners. We support this type of program not only because of beneficial effects on individual participants (although that is a positive factor) but more importantly because Operation Challenge makes our community safer when prisoners are released.

In addition to the closure of Operational Challenge, psychological services in our prisons have been cut under this government and the Therapeutic Drug Unit at Cadell has been closed. This bill should be considered against this background of a government whose actions on law and order do not match its rhetoric. This bill is a prime example of that failing. This bill will change the law on habitual criminals in the following ways: the court currently has the power to order preventative detention, that is, indeterminate detention. That

power is being taken away. Under this bill the court will only have the power to order a fixed term of imprisonment with an 80 per cent non-parole period. Although the Supreme Court has not used that power in recent years, is that a reason for removing it altogether? You cannot blame the courts for not exercising the power. The Director of Public Prosecutions has not even asked the court to do so.

The High Court has said that such a power should be used 'sparingly and in the clearest of cases'. We agree. But this government has gone further and said that the power cannot be used at all. This bill abolishes that power. In order to justify abolishing the current law, the Attorney-General points out that it could be applied in respect of shoplifting offences. If this is thought to be extreme, it might be reasonable to amend the existing section to exclude shoplifting. But the fact that one small part of the section is no longer appropriate is no reason whatsoever to abandon the whole scheme. We propose to retain that power and move an amendment accordingly.

One other change is much more subtle. The present law refers to a declaration that a person is an habitual criminal. It calls a spade a spade. The new bill waters down the stigma of referring to the convicted person as a repeat offender. This is a very neutral term. The term 'known offender' is clearly softer than 'criminal'. An offender is one who commits a traffic offence. In this part of the criminal law we are dealing with incorrigible rogues. We do not believe that any case has been made for abandoning the time honoured expression 'habitual criminal' and we will move an amendment accordingly.

Many of the claims made by the Attorney-General in his second reading explanation do not stand scrutiny. The Attorney-General quoted from the decision of the High Court in *Chester* (1998), and the quotation in his second reading explanation is as follows:

...our common law does not sanction preventative detention.

That may be true, but we are not dealing with the common law. We are dealing with the law of the parliament, and the law of this parliament—and of most others—does sanction indefinite detention if the conditions of section 22 of the Criminal Law (Sentencing) Act are met. The Attorney-General also referred to the decision of the High Court in *Cable* (1996) 70 ALJR 814, where a law for the indeterminate sentence of a particular individual was struck down as unconstitutional. *Cable* is not relevant. There is no suggestion that the High Court could or would strike down our existing act—no suggestion whatsoever. We accept that the courts cannot impose so-called preventative detention, that is, imprisoning offenders not for what they have done but because of what is suspected they may do in the future. The High Court in *R v Chester* (1988) stated:

Common law does not sanction preventative detention. The fundamental presentation of proportionality does not permit the increase of a sentence of imprisonment beyond what is proportional to the crime. . . [preventative] detention. . . should be confined to very exceptional cases.

Note again that this refers to the common law. This principle does not apply to statute law. The parliament does have the power to make law for preventative detention, particularly for an habitual criminal, and that should continue. I might add that the Criminal Law Committee of the Law Society opposes the bill for a number of reasons, but, principally, it argues that the requirement that the court fix the non-parole period of a habitual criminal at 80 per cent of the sentence amounts to mandatory sentencing. The Attorney-General may be pleased

to know that we do not believe that that argument is valid. Whilst it is true that a judge will be required to fix a non-parole period of 80 per cent of the head sentence, judicial discretion as to the length of the sentence itself will be maintained and the judge has a discretion as to whether he or she makes the declaration in the first place. I point out that Queensland also has a similar provision. This bill is in truth a fairly modest rewrite of the existing law. It has the potential to increase sentences for some serious offenders. Let me remind the parliament that the Office of Crime Statistics states that last year there were 34 cases in which it could have been applied. So, with those words I indicate that two amendments to retain preventive detention have been indicated and also I propose to move an amendment to retain the reference to those covered by this act as habitual criminals.

Mr HANNA (Mitchell): I will speak briefly to the bill. I question whether there is the need for habitual criminals or in this modern terminology a category of serious repeat offenders in our criminal law. The fact is that, after an offender has been convicted of a series of serious offences, judges are likely to leave behind the lenience normally provided to first or even second time offenders, and lengthy sentences of imprisonment are likely to result. So, I am not sure whether it is necessary to have this category of offender in our criminal law at all. Certainly, this measure cannot be taken as part of the tough on law and order package of the government. As the member for Bragg suggested, it is a modest rewrite of the existing law—and I noted that the Attorney agreed with that. As such, it probably does not do any great harm beyond what the existing law provides for. It is obvious that the liberal opposition and the Labor government will both push the bill through, and therefore my position or the Greens' position on it does not matter all that much. It remains to be seen whether the opposition will move any acceptable amendments, so I will reserve my right to speak on those in due course. Generally speaking, I am extremely wary about any hampering of the discretion of sentencing judges, and that is why I have made these remarks this evening.

The Hon. M.J. ATKINSON (Attorney-General): It is good to hear the members for Mitchell and Bragg contribute to the debate, in particular the member for Mitchell because, during the state election only a year ago, the member for Mitchell arranged for a direct mail letter to be circulated in support of him in his electorate from Salisbury law and order campaigner Mrs Ivy Skoronski, so the constituents of the member for Mitchell know from that letter where his heart lies in the criminal justice debate. The member for Bragg claimed that there had been a reduction in the number of prosecutors in the Office of the Director of Public Prosecutions. I checked this as recently as last week, and that is—

The ACTING SPEAKER (Mr Snelling): Order! The member for Bragg is out of order; she should leave the precinct of the chamber to continue her conversation. The Attorney-General.

The Hon. M.J. ATKINSON: The member for Bragg is quite incorrect in claiming there are fewer prosecutors in the Office of the Director of Public Prosecutions, as I was saying while she was deep in conversation with the shadow Attorney-General in the gallery.

The Hon. G.M. Gunn interjecting:

The Hon. M.J. ATKINSON: I apologise: the member for Stuart is quite right; it is wrong for members to make reference to strangers in the gallery, and I withdraw that remark. I checked this as recently as last week, and three extra lawyers are working in the Office of the Director of Public Prosecutions. The staff who have left for various reasons over the past year have been replaced, and the increase in funding to the Office of the Director of Public Prosecutions was \$275 000—an increase in real terms, at a time when nearly every other government department and agency was having cuts of the order of 2½ and 3½ per cent in their funding so that we might balance the budget. We have also recruited police against attrition, which is what the Liberal Party singularly failed to do during its eight years in office.

The member for Bragg says that it is the Liberal opposition's position that the law on habitual criminals, which dates from the very early part of the last century, be persisted with. The reason the government has brought in this bill is that the habitual offenders legislation does not work. The last granting of an application was in 1965. It is a worthwhile principle but the legislation is clearly not working, so we need to change the legislation so that it may work. It will work only with the cooperation of the prosecution service and the judges and magistrates. It is tolerably clear that the people who make these decisions within the criminal justice system will not use the current habitual offenders legislation. As the member for Bragg should know, it would not be regarded as proper under the Director of Public Prosecutions Act for me to instruct the Director of Public Prosecutions to use the legislation, because he is an independent statutory officer. Furthermore, I cannot twist the arm of the magistrates and judges to use the current law, because they are independent.

So, when the member for Bragg interjects, 'Use it!' I am not quite sure what she means. The evidence shows that it is not being used. The government is acting to try to bring the legislation up to date so that the Director of Public Prosecutions, the judges and the magistrates will use it. We are trying to persuade them, by changing the legislation, to fit in with common law principles, to use it. I am in some sympathy with the member for Bragg's amendment to retain the term 'habitual criminal' instead of our proposal to change it to 'serious repeat offender'. I am not sure what the difference is. I am happy to call a spade a spade. If the Liberal Party wants to call serious repeat offenders habitual criminals, I am willing to consider that overnight.

Mr Hanna: You shouldn't.

The Hon. M.J. ATKINSON: I do not want to be euphemistic, but the member for Mitchell says that I should not consider it. We will see what happens in committee. However, one thing I repudiate is the Liberal opposition's proposal for trying to revive preventive detention. The government believes that, with serious repeat offenders, it may be necessary, at the discretion of the judge or magistrate, to hand down a sentence which is more than proportional to the offence that has been found by the court.

However, we do not think there is a place in our criminal law for preventive detention. I am sure that the courts, all the way up to the High Court, will lean very strongly in their statutory interpretation of this and other criminal law bills against the idea of preventive detention. We do not intend to try to impose it on an unwilling judiciary. Again, I thank the members for Bragg and Mitchell for making a debate of it, and I look forward to the committee stage deliberation on the amendments proposed by the opposition.

Bill read a second time.
In committee.
Clause 1 passed.
Progress reported; committee to sit again.

ADJOURNMENT

At 8.58 p.m. the house adjourned until Wednesday
14 May at 2 p.m.