HOUSE OF ASSEMBLY

Wednesday 3 December 2003

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

LOCAL GOVERNMENT ANNUAL REPORTS

The SPEAKER: Pursuant to section 131 of the Local Government Act of 1999, I lay on the table the following annual reports for 2002-03: the District Council of Mount Barker and the City of Unley.

PUBLIC WORKS COMMITTEE

The SPEAKER: I have to tell the house that, following providing members with an opportunity to draw attention to the problem, but in the absence of that happening doing so myself, in response to the remarks that honourable members have made to me privately about the editorial of Saturday 29 November 2003 in *The Advertiser* newspaper, such editorials are written by individuals and clearly are the opinions of those individuals, one guesses. However, the chair takes exception to the way in which they choose to remain anonymous, in spite of the fact that they are clearly inaccurate. I wrote to the Presiding Member of the Public Works Committee in the follow terms:

> I strongly suggest that your committee prepare a comprehensive response to the editorial remarks in *The Advertiser* of Saturday last, 29 November 2003. They are inane, if not stupid, ill-informed, inaccurate and unprofessional, and must not be left unchallenged in any particular in which they are plainly wrong. The report should be brought to the house for debate in the first sitting week in 2004.

Those remarks which occur in the editorial and which are plainly unprofessional and factually grossly inaccurate are to be found throughout the article, but in particular:

> State parliament has sent the wrong message to investors by overriding a recommendation of the Economic and Development Board limiting the number and value of projects reviewed by the powerful Public Works Committee, so potential investors must now be subjected to scrutiny for relatively small projects.

Honourable members all know that no public money is involved whatever in public works in any other circumstances other than that public assets are equally at risk.

It is the opinion of this house, expressed every time that public works have been debated, that the purpose of the committee is, indeed, quite the opposite to what *The Advertiser* suggests; that is, to give confidence to taxpayers that their funds are not being squandered by government on ill-advised public works.

Mr VENNING: On a point of order: as a matter of courtesy, this matter was raised this morning by the Public Works Committee and I had already responded as a member of the committee. The correspondence had not arrived at the committee this morning but, when it does, we may take further action. But I have already responded as a member.

The SPEAKER: To begin with, can I tell the member for Schubert that there is no point of order. Without wanting to engage in debate or cause any embarrassment, my purpose is not to embarrass the committee at all. The correspondence would not have been received prior to this morning's meeting and will have been received by the Presiding Member within a matter of minutes, if not a few minutes ago.

PAPERS TABLED

The following papers were laid on the table:

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

Balaklava & Riverton Districts Health Service Inc.—Report 2002-03
Coober Pedy Hospital & Health Services Inc.—Report 2002-03
Eyre Regional Health Service—Report 2002-03
Flinders Medical Centre—Report 2002-03
Flinders Medical Centre—Financial and Statistical—Report 2002-03
Meningie & Districts Memorial Hospital and Health Services Inc.—Report 2002-03
Northern Metropolitan Community Health Service—Report 2002-03
Quorn Health Services Inc.—Report 2002-03
Riverland Health Authority Inc.—Report 2002-03
South East Regional Health Service Inc. (Incorporating South East Regional Community Health Service)—Report 2002-03

By the Minister for Employment, Training and Further Education (Hon. J.D. Lomax-Smith)—

Bio Innovation SA—Report 2002-03
University of Adelaide—Report 2002.

SOUTH AUSTRALIA WORKS

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: I am pleased to advise the house that the government will be working with regional communities on major new directions to develop the skills and employment opportunities of more South Australians. 'South Australia Works' is the most comprehensive overhaul of the state's employment and training programs in 12 years. There will be a particular emphasis on providing skills and employment support for those who are most disadvantaged in our South Australian communities. This is a $17.6 million skills for work package that will assist 6 000 South Australians towards jobs over the next year, through targeted programs across the state. The new 'South Australia Works' approach will extend assistance to 1 000 more job seekers a year than the previous fragmented employment programs.

The government is strongly committed to working in partnership with industry and regional communities and will focus on the following major priorities with this new package. We will:

- focus training and employment programs at the regional level;
- give high priority to building education and job opportunities for young people, mature-aged people seeking to retain and re-enter work, and Aboriginal people;
- assist industry and businesses to generate more jobs and a better skilled work force, particularly innovative companies that are important to the stage's growth.
- give priority to the state's public sector to provide leadership in the creation of a highly skilled work force.

This year has seen South Australia with more people in jobs than at any other time in our history, and our unemployment rate is at a record low level. But we cannot afford to be complacent in developing a higher-performing, skilled work force and ensuring that people who are disadvantaged can achieve to their full potential. This new package is designed to ensure that our employment programs can better prepare people for jobs, especially in the areas where there are skills

shortages. We have industry demanding skills for now and for the future, and yet we have people who are out of work and out of training or education and who need sustainable jobs.

'South Australia Works' will make the connections between these two areas. The first priority is to implement a regional focus to employment and training programs, and this will be phased in over the next 18 months. I am pleased to advise the house that the first regions to participate will be Spencer Gulf, the South-East and the northern and southern metropolitan areas. South Australia Works includes a comprehensive package of measures and strategies that will be implemented across the state.

DEPARTMENT FOR BUSINESS, MANUFACTURING AND TRADE, REVIEW

The Hon. R.J. McEWEN (Minister for Industry, Trade and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: On 14 October 2003, I reported to the house on the status of the review of the Department for Business, Manufacturing and Trade. I noted that the report of the review team (comprising John Bastian, Grant Belchamber and Michael Dwyer) had been received and that the report's recommendations would be considered by cabinet as quickly as possible. On 30 October I announced the appointment of Mr Stephen Hains as interim chief executive of the department for a fixed term of six months with specific responsibilities for implementing the restructure recommendations and arrangements agreed to by the government.

I now inform the house that the government, after consultation with major stakeholders and taking into account the submissions received on the report, has accepted the report's central recommendation that a new agency be created to focus on economic and industry development policy and has approved the principal key recommendations relating to the future functions and structure of the new department to be called the Department of Trade and Economic Development (DTED). This recommendation is consistent with the thrust of the Economic Development Board's report entitled 'Framework for economic development'. The main focus of the Department of Trade and Economic Development will be: to provide an interface between industry in South Australia and government; to provide the government with economic analysis and advice; and to provide strategic business extension services.

As another step towards implementing these important objectives, the government has accepted a further key recommendation of the review team that a number of existing Department for Business, Manufacturing and Trade functions be transferred to other government agencies. This process will be undertaken at the beginning of 2004. The new department is to be formed around May 2004 following a process of recruitment of key staff. The government has accepted another key recommendation of the review report: that the existing Department for Business, Manufacturing and Trade and the Office of Economic Development be brought together to form the new agency. The Department of Trade and Economic Development will be substantially smaller than its predecessor agencies.

I am confident that the new department, which will work closely with and take advice from a number of economic advisory bodies (including the Economic Development Board), will be an important contributor to ongoing economic growth and wealth creation in South Australia. I believe the basis has now been laid for an effective and productive new department, and I look forward to getting on with the job with the leadership team and staff to provide the best outcome for South Australia. Finally, Mr Speaker, I indicate that I have offered to you and all members of the house a detailed briefing on the review and the government's response should that be required from either me as minister or the interim CEO, Stephen Hains.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 9th report of the committee.

Report received.

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

Report received.

QUESTION TIME

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. What action will the minister take to address the apparent pricing inequity outlined by his electricity regulator in a recently issued paper publicised by the regulator? In his paper 'Electricity Prices: The True Story' Mr Owens says that commercial electricity prices have decreased and domestic electricity prices have increased because of 'competition reforms embraced by all governments in the early 1990s.' The regulator goes on to say:

> The pendulum has swung from residential to business consumers and if it has swung too far it is up to the policy makers to correct it.

The Hon. P.F. CONLON (Minister for Energy): The startling thing is that the opposition spokesperson needed this to be pointed out to him by the regulator. When the opposition spokesperson was part of the government that committed us to full retail competition, one of the things it did was commit us to washing out any cross-subsidy between large and small businesses. The only thing that surprises me about this question is that it took the regulator to point that out to the honourable member. Perhaps if the member for Bright had realised this at the time when he was in government, the former government would not have made the decisions that have caused such harm to South Australians. What have we done? I do not know where the member for Bright has been, but one of the things that we announced on the weekend was a policy to make competition deliver for low income households.

What is he talking about? A tilt towards business. What did we do? Introduce a policy aimed at making competition work for low income households, something that he said we should not have done. The truth is clear: if you are prepared (as the former government was) to impose full competition on people, you will wash out cross-subsidy. That was a decision it took. It did not have to do it: Queensland did not do it. It did not have to do it: it did it. It is too late for members opposite to complain about the inevitable outcome of their policy. Yes, we have done something about it, with a scheme to make competition work for low income households. They have more front than David Jones to ask a question such as this.

HANENBERGER, Mr P.

Mr O'BRIEN (Napier): My question is to the Deputy Premier. How has the government responded to Peter Hanenberger's departure from Holden in South Australia?

Members interjecting:

The Hon. K.O. FOLEY (Deputy Premier): I can reveal to the house that I was reminding my colleagues—and it does fit into this particular question, given the cost of electricity—of the comments of the chair of the ACCC about actions taken by this government that were extremely complimentary about our policy. Thank you very much for reminding me of that. Mr Samuel was complimentary on public radio about the initiative we have taken to encourage retail competition.

I thank the member for Napier for his question, and I know I speak on behalf of all members, particularly those of the northern suburbs—the member for Playford, the Premier and the member for Elizabeth (the Minister for Health, who has been a longstanding supporter of Holden Ltd). Peter Hanenberger, the Chief Executive Officer of Holden in Australia, will complete his very distinguished career with Holden—or General Motors, I should say—at the end of the month. Mr Hanenberger has made an incredible contribution to Holden's success, not just in South Australia but also nationally. I thought it important that this house acknowledge the success and achievements of Mr Hanenberger because for our state and for our economy they have had enormous benefits. It is only appropriate we touch briefly on those.

On behalf of the government—and I believe I could confidently say on behalf of this parliament and all the people of South Australia, who are directly and indirectly associated with General Motors Holden—I formally thank Peter Hanenberger for his contribution to the economic growth and the future of not just the automotive industry but also the large manufacturing sector in South Australia. I think I can speak on behalf of the former Liberal government to say that governments of both persuasions have enjoyed a rewarding relationship with Peter and, as far as this government is concerned, we are very sorry to see Peter leave. That is not to say we have not had our moments, as in any robust relationship between the government and such a large corporate as General Motors, but that is only natural. It would be an odd relationship if the relationship was not robust in nature.

Peter became Chairman and Managing Director of Holden Ltd in 1999 in Australia. Since that time the company has clearly gone from strength to strength. Holden's share of the passenger vehicle market has increased from 21.1 per cent in 1999 to some 26.4 per cent in 2002. When one sees the competition and the make-up of the Australian domestic automotive market that is an astounding achievement. Holden's exports, which are a vital part of our nation's future, have increased spectacularly in recent years and the company expects to export up to 50 000 vehicles from Adelaide in 2004, increasing to some 85 000 vehicles in 2008. Of course, one of the vehicles spearheading that lift is the pride of Peter Hanenberger, that is, the reintroduction of the Monaro vehicle.

Mr Koutsantonis: Hear, hear!

The Hon. K.O. FOLEY: The member for West Torrens is loud in his 'Hear, hear'; so he should be as the owner of a Monaro. I know the member for Waite is also the owner of, not a Monaro from memory but—

An honourable member interjecting:

The Hon. K.O. FOLEY: No, he has a Holden.

Mr Koutsantonis: Subaru!

The Hon. K.O. FOLEY: The member for Waite is not listening. Is it a Subaru or SS Commodore? I am trying to defend you over here.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: The member for Waite has been a proud Holden owner. Of course, Mr Hanenberger, I understand, is taking a Monaro with him back to Europe. Holden has been the most profitable of all the major vehicle manufacturers in Australia, with profits increasing each year under Peter's stewardship. In fact, I am advised that General Motors Australia has been one of the most profitable GM operations around the globe. Holden has embarked on the largest capital investment program in its history in Australia, spending $2 billion over five years. Here in South Australia we have benefited significantly from the legacy of the Hanenberger era. I am advised that most of the 1 500 new jobs created in Holden over his time have been in Adelaide. Over $400 million of capital expenditure has already occurred or is earmarked for Elizabeth, with the expectation of more to come. The development of Edinburgh Parks automotive precinct has seen the creation of almost 500 new jobs, and we should see a similar number delivered again in the next three years.

Holden has been a significant supporter of community events in South Australia—as are most of our major corporations in this state—and organisations such as the Adelaide Symphony Orchestra and the Monarto Zoological Park have benefited from Holden's corporate support. I am just asking the member for Elizabeth: has it sponsored the Bulldog Football Club? Well, just occasionally General Motors has got it wrong. I am advised that they also sponsor the Central Districts Football Club, which I would have thought made enough money out of their poker machines. On behalf of all South Australians—particularly the parliamentarians, the former government, and this government—I would like to congratulate Peter Hanenberger on his achievements, and wish him and his family all the very best in retirement.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): My question is again to the Minister for Energy. When will the minister instruct his electricity regulator to undertake the formal inquiry that is needed to reduce electricity prices for household consumers? In another paper released today, the regulator, Mr Lew Owens, has confirmed that, although the wholesale price of electricity has fallen significantly over the past two years, he has not undertaken a price review. Under the Essential Services Commission Act, the minister has the power to require the regulator to undertake the formal inquiry that is needed, but to date the minister has not done so.

The Hon. P.F. CONLON (Minister for Energy): The poor, struggling member for Bright once again has read something and failed to understand it.

The Hon. D.C. Kotz: You sound like you are struggling over there, Patrick.

The Hon. P.F. CONLON: Do you really think so, Dorothy? I do not feel any pressure, I have got to tell you, not from your side. The regulator has powers that I can confer on him; he has powers himself. He has conducted—with consultants—an initial review, and he has a discussion paper from my consultants that indicates a fall in the wholesale price which, in the view of the regulator, would warrant dropping the price about $2 per megawatt hour. What he has

also said is that that gift from the grave from the opposition, the Murraylink interconnector, now regulated, will probably force prices to ETSA up by a similar amount. He said that, in his initial view, they mostly even things out. So, there was a little relief for people but, of course, the Liberals reached out from the grave and wiped that out; they reached out their cold, dead arm from the grave and wiped out what little relief we were seeing. Since that time a number of submissions have been made to Lew Owens on that discussion paper, and he has put out a further discussion paper today. If the work that Lew is currently doing identifies relief in electricity prices, they will be reduced. I do not know if I can make it any simpler for the member for Bright, but I suggest that, instead of asking me these questions, he go away, have a read, and have a think about it.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

PEOPLE WITH A DISABILITY

Mrs GERAGHTY (Torrens): My question is to the Minister for Social Justice. Given that today is International Day of People with a Disability, what has the government done to eliminate discrimination and other barriers faced by people with a disability?

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Torrens for her question and also acknowledge her advocacy in this area. Today is the International Day of People with a Disability, and I know that many members are aware of this, because they are wearing an orange ribbon, which symbolises the celebration of this day. The aim of the International Day of People with a Disability is to promote, educate and raise awareness within the community about people with a disability. This year's theme is 'A Voice of our Own'. Later this evening I will be presenting the Third Progress Report of the Public Sector Towards Eliminating Discrimination Against People with a Disability, and I know that honourable members have received copies of this report.

The report highlights the many achievements across the agencies in approving access to services, access to information, level of disability awareness and discrimination or anti-discrimination training, consultation and complaints mechanisms and overall compliance with the Disability Discrimination Act and the equal opportunity legislation. I look forward to the fourth report and expect to be able to report even further progress.

The member for Torrens' question gives me the opportunity to pay tribute to many community organisations that assist, provide services and advocate for people with a disability. For these organisations, their paid and unpaid work is certainly appreciated. I know that their advocacy really does make a difference for people in our community.

A number of these groups have used today to launch new projects and ventures. Many of us in this chamber and the other place have been involved in those celebrations. This includes Bedford Industries opening their new packaging plant in Pooraka, providing employment and training opportunities for people with a disability. I understand that the Premier and the Deputy Leader of the Opposition were in attendance at that opening.

The Hon. Dean Brown: And the Leader of the Opposition.

The Hon. S.W. KEY: And the Leader of the Opposition. It is good to see that there has been that support from this place. I was very honoured this morning in opening the Qwerty Cafe, an internet cafe operated by the Paraplegic and Quadriplegic Association. This has been built with the latest accessibility aids so that people with a disability can access the internet and learn how to use computers. This has been supported by the Department for Human Services. This is yet another fantastic service that is offered by the Paraplegic and Quadriplegic Association.

The Brain Injury Network this morning launched a new community education program and a CD-ROM to help change community attitudes towards people with acquired brain injuries. Again, the Department of Human Services has made money available to support that network. I was very pleased that the Hon. Gail Gago was in attendance to launch that service. This year, this government will spend $207 million on disability services, and this just underlines the fact that our government takes the area of disability very seriously.

RECREATIONAL BOAT LEVY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier advise the house what action he has taken to respond to the concerns of stakeholders of the Boating Facility Advisory Council who have written to the Premier advising that they have lost confidence in the Minister for Transport because of his mishandling of the recreational boat levy.

The Hon. M.J. WRIGHT (Minister for Transport): I am delighted to receive another question from the Leader of the Opposition. Once again—

The ACTING SPEAKER: Order!

The Hon. M.J. WRIGHT: Once again, the Leader of the Opposition has been given a bum steer, comes in here with misinformation, does not know his facts—it will not be long before we have a new leader of the opposition.

RIVER MURRAY PROTECTION

Mr RAU (Enfield): My question is for the Minister for Environment and Conservation. Now that a national $500 million agreement has been reached, what is the state government doing locally to protect the River Murray from inappropriate development?

Members interjecting:

The Hon. J.D. HILL (Minister for Environment and Conservation): I am interested in the interjections, calling out 'Not much'; that is really a very precious kind of commentary from the members opposite. I will bear those comments in mind. The government, as members would know, has just proclaimed most of the River Murray Act, which gives the River Murray an unprecedented level of protection in our state. The majority of that act has now been enacted. It is the first time an act of this type has been put in place in Australia, and it is being keenly watched by other governments in Australia and overseas.

The act was passed following a year of consultation and negotiation with key stakeholder groups on the river, as well as environmentalists and local government. The act gives me as Minister for the River Murray the power to curb activity that harms the river.

The state government is putting $225 million over four years into projects which aim to undo the damage which has

been done to this once mighty river. Also, for the first time, the state government has enshrined in law the objectives of the Murray-Darling Basin Commission. South Australia now has a Minister for the River Murray, a powerful River Murray Act and its own dedicated Save the Murray Fund. The fact that we had this machinery in place—the Save the Murray Fund—was very persuasive in our arguments to get the states from the eastern coast of Australia—New South Wales, Victoria and Queensland—and the commonwealth to agree to make changes at the ministerial council meeting and also at COAG.

Mr Hanna interjecting:

The Hon. J.D. HILL: I got 500. How much have you got? How much have you ever achieved, Chris; how much have you ever got? We managed to get 500 gigalitres of water as a first step achievement to fix up the River Murray, and people cavil, people complain—

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. I.F. Evans: All you've done is levy people—

The ACTING SPEAKER: Order! I remind members that continuing to interject after the house has been called to order is defying the chair.

The Hon. J.D. HILL: Thank you, Mr Acting Speaker. I was talking about the Save the Murray Fund, and the member for Davenport said that all we are doing is taxing pensioners.

The Hon. I.F. Evans: Levying people.

The Hon. J.D. HILL: Or levying pensioners. If he knew the facts he would not have said that because, of course, pensioners are excluded. The current work being done on the river includes the dredging of the Murray mouth to keep the Coorong wetlands alive; the rehabilitation of the Lower Murray swamps (which is a difficult and problematic issue, but we are proceeding with it, with reasonable cooperation from the local dairy industry); developing fish passageways between the mouth and the Hume Dam; working with irrigators and domestic water users to reduce water consumption; and, of course, as I have already said, working with other governments to get water flow to deal with some of the iconic sites—the key sites—along the River Murray.

But I would hope that the River Murray is beyond politics. In the past, this parliament has voted almost unanimously to support the package that the government took to the ministerial council meeting and I hope that, despite the interjections and the inane comments that have been made today, bipartisanship will continue.

Mr Brokenshire interjecting:

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

BIODIVERSITY

The Hon. I.F. EVANS (Davenport): My question is directed to the Minister for Environment and Conservation. Given the emphasis placed on biodiversity and endangered species in the recently released State of the Environment report, will the minister advise the house when the government's discussion paper on the proposed biodiversity act, which was due for release in early 2000, will be released? In the State of the Environment Report, the trends indicated were that the number of ecological communities at risk was increasing, and that about one quarter of all species recorded in South Australia are considered to be threatened. The minister had previously committed to release a public discussion paper on a new biodiversity and conservation act in early 2003. It is now 12 months late.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am pleased that the member for Davenport has finally asked a question about something of substance in the environmental area, rather than playing the tricky games that he likes to play in this house. I think he stated in his opening remarks that this was a piece of legislation that was planned from the year 2000. Of course, I was not in government at that time, so I am not aware of what arrangements he may have had in place. Of course, he had a couple of years when he could have distributed such a piece of legislation.

This government is committed to biodiversity conservation protection, and we are planning to develop a further legislative framework to deal with those issues. But we have also done a number of things to date which have put in place infrastructure which will help biodiversity conservation. Prime amongst those, of course, is the establishment of a new department, the Department of Water, Land and Biodiversity Conservation. Through the NRM process, which will be dealt with by this parliament next year, there will be considerable advantages to biodiversity protection, because for the first time there will be integrated natural resource management, which will include biodiversity protection.

Mr BROKENSHIRE: Sir, I rise on a point of order. My point of order is simply one of relevance. For two minutes the minister has been rambling. We want to know when the report will be released. It is a year late.

The ACTING SPEAKER: There is no point of order. I am listening to what the minister has to say.

The Hon. J.D. HILL: Thank you for your protection, Mr Acting Speaker. In relation to the NRM arrangements with the Water, Land and Biodiversity Department, the government is committed to a philosophy known as Nature Links and I have made a number of announcements about that. It is very much about biodiversity protection. It is about linking public land with corridors of protection on private and other public land. When the government chooses to put out a discussion paper I will make sure the member for Davenport gets a copy.

Mr Brokenshire interjecting:

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

COAST AND MARINE ACT

The Hon. I.F. EVANS (Davenport): Will the Minister for Environment and Conservation advise the house why he has failed to release a discussion paper on the Coast and Marine Act that he promised to release in the first half of 2003? In the State of the Environment Report released recently, the trends indicated were that seagrass was increasing, areas of mangroves were decreasing, development on the coast was increasing, that rock lobsters were overfished and that most fisheries were fully exploited. The minister previously gave a commitment that a coast and marine discussion paper, reviewing the Coast and Marine Act, would be released in early 2003. It is now Christmas and nothing has happened.

The Hon. J.D. HILL (Minister for Environment and Conservation): Of course the government has been quite active in the area of environmental protection over the past two years. In the past two years we have had nine or 10

pieces of legislation dealing with environmental protection. We have three or four before this parliament at the moment.

The Hon. R.G. KERIN: On the issue of relevance, it was about why the minister has not released the report. It was purely a question of incompetence.

The ACTING SPEAKER: I am listening to what the minister has to say.

The Hon. J.D. HILL: The question was why we have not done a certain thing. I am explaining that it is because we have been dealing with 10 or 12 other issues, all of some importance, which are before this house at the moment.

DISABLED STUDENTS

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. With today marking the annual International Day of People with a Disability, how is the government helping disabled students to reach their goals?

The Hon. P.L. WHITE (Minister for Education and Children's Services): The answer to that question is that the state government is pursuing a number of projects to increase support the education portfolio provides to students with disabilities. Discovering Post-School Pathways is something I have just launched. It is a CD-ROM that aims to inspire students with disabilities to reach their goals. Young people who certainly have not let their disability stand in the way of reaching their career goals are featured and their stories of success appear on that CD-ROM, providing inspiration to other young people. It contains information that parents and teachers can use to assist students with disabilities to prepare for life beyond school.

It also has important information for students, such as where they can go for assistance, how to develop a career plan, write a resume and become job ready. For a student with a disability, making the transition from school to training, employment or further education may need careful planning and support, so this new CD-ROM is a major step forward in helping provide them with that. It contains references to web sites and other useful information to help them move towards their career goal. Each school with secondary enrolments in the state will receive two copies of the Discovering Post-School Pathways CD-ROM, which complements a whole range of initiatives that have been put in place. Most recently I announced the special education helpline set up to assist parents as a one-stop shop for knowing where to go to get the services they require for their students.

QANTAS BUDGET OPERATION

Mr HAMILTON-SMITH (Waite): My question is to the Treasurer. How much taxpayers' money did the government offer Qantas to attract the new budget operation to Adelaide and was the offer in contravention of the Labor governments interstate investment cooperation agreement with other state Labor governments?

The Labor government has repeatedly criticised the former government for industry attraction. On 5 September the Treasurer put out a media release announcing his new written agreement with fellow ALP treasurers and said:

> Bidding among the states for investment in major events has wasted a lot of money without creating an extra Australian job.

The Treasurer went on to claim that the Labor pact would 'end interstate bidding wars for business investment in major events, saving the taxpayers tens of millions of dollars'.

The Hon. K.O. FOLEY (Treasurer): And that is exactly what occurred in this instance. I am happy to advise the house that the IDC will be briefed shortly on the government's failed bid, I might add—failed bid. So, far from not adhering to that agreement, we did, but the business case for Victoria was a stronger business case than that for South Australia. I can explain to the house briefly how it actually occurred.

Members interjecting:

The ACTING SPEAKER: Order, members on my left!

The Hon. K.O. FOLEY: If members opposite do not want this state government to attract a new start-up airline into South Australia, they should have the courage to say so. Do not come in here and talk your utter nonsense. The package put forward by this government was around the $5 million to $6 million mark—a modest package.

Mr Brokenshire interjecting:

The ACTING SPEAKER: Order! The member for Mawson I have brought up twice for interjecting.

Members interjecting:

The Hon. K.O. FOLEY: Flinders? What's Flinders?

Members interjecting:

The Hon. K.O. FOLEY: If the members do not want to listen, I am quite happy to sit down. If they want to listen—

An honourable member: Not really.

The ACTING SPEAKER: Order!

FIREWORKS

Ms BEDFORD (Florey): My question is to the Minister for Industrial Relations. What action—

Members interjecting:

The ACTING SPEAKER: Order!

Ms BEDFORD: —is the government taking to protect the community against risks associated with fireworks?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I know that the member for Florey takes illegal fireworks very seriously and is very concerned to see that the risks to her constituents and all South Australians are sensibly managed. The member for Florey has certainly drawn her constituents' concerns to my attention—not only the concerns directly held by her constituents but also the distress that illegal fireworks can cause to animals. I am sure that many other members have had constituents come to them with similar concerns. Like the member for Florey, the government takes the storage, sale and use of fireworks in our community very seriously.

We must always remember that fireworks are explosives and they can be very dangerous. At present, Workplace Services inspectors are carefully reassessing all existing licences. This includes an assessment of log book entries and other documentation. The reassessment of the licences is aimed at establishing whether current licence holders should continue to be licensed to sell or use various classes of fireworks. I recently approved the destruction of over 3.5 tonnes of illegal fireworks forfeited to the Crown. These illegal fireworks were seized by explosives inspectors of Workplace Services and forfeited as a result of three convictions in 2002 for offences against the Explosives Act.

Workplace Services inspectors are continuing their efforts to enforce legal requirements in terms of the storage, sale and use of fireworks, but it is important for members of the community to be clear: if they suspect that fireworks are

being used illegally, they should call the police. One area where there is a real opportunity to better protect our community is by having Customs notify Workplace Services and the relevant authorities in other states when fireworks are imported. I wrote to the former federal minister, and the commonwealth has been consistently lobbied at the Workplace Relations Ministers Council to change the regulations to make this notification a requirement.

If the relevant regulatory authorities do not know when fireworks are imported, our capacity to ensure that the fireworks are legal—and are stored, sold and used legally—is greatly reduced. The new federal minister is considering our request, and I hope he will rapidly come to the conclusion that this is a commonsense proposal to protect the community. This government will continue to work towards protecting the community from disturbances, distress to animals and threats to public safety arising from the illegal use of fireworks. I congratulate the member for Florey for her hard work in this important area.

SCHOOLS, STURT STREET PRIMARY

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Given that the government has committed $2 million to the reopening of Sturt Street Primary School and reportedly has 35 children enrolled—I was told this morning that the department advises that there are only 26 (nearly $77 000 per student)—what action has the government taken to ensure that this school reaches its capacity?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am not sure as at this date what the enrolment figures are for Sturt Street Primary School, but I know that the number of inquiries is very much in excess of the number referred to by the honourable member and that all those people have requested enrolment packs. The government will open Sturt Street Primary School. I am surprised that the member for Bragg wants to highlight once again the fact that it was a Liberal state government that closed the school in 1996. Liberal governments close schools; Labor governments open schools. This is a facility—

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. P.L. WHITE: This is a facility that the entire community (other than the Liberal Party) wants to see reopen. The Liberal Party is doing everything it can to ensure that the state government does not open this school. Well, the work is being done, the school is being made ready for the 2004 school year, the principal has been appointed, and staff, students and the community are coming on board. This will be a fantastic facility. The real point of this matter—and this is why I am surprised that the Liberal opposition keeps raising it—is that it was a Liberal government that closed this school. I will say it again: Liberal governments close schools; Labor governments open schools.

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. P.L. WHITE: The community of South Australia wants this; why does not the Liberal opposition?

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. The question put by the member for Bragg was specific. The minister must reply to the substance of the question, under the standing orders; she is not allowed to canvass debate. She is instigating a riot.

The ACTING SPEAKER: Order! I uphold the point of order. I draw the minister back to the substance of the question. The minister is finished. The member for Reynell.

INFORMATION COMMUNICATION TECHNOLOGY

Ms THOMPSON (Reynell): My question is to the Minister for Administrative Services. Will the minister explain how the state government is exploring the potential of open source software to reduce costs and improve services for South Australians?

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. J.W. WEATHERILL (Minister for Administrative Services): The whole question of our ICT arrangements is very important for government. We spend an extraordinary amount of money on information communication technology. Over the course of the next few months we will be engaging in a procurement exercise which will involve government expenditure of $1 billion. This extraordinarily large amount of money is just for IT infrastructure; it does not even include the application software. So, this is an important set of decisions.

Traditionally, there has been a view that ICT is a back-office operation, that it is not actually one of the core functions of government, that it just supports the core functions of government. There is growing awareness that ICT needs to be put up front and centre in the considerations of the chief executives of agencies, because it can help us to achieve our core objectives. By asking the people who supply us with our ICT needs to address government priorities, we can get a much better outcome for money.

There are a lot of expert sellers in the ICT industry, and we have to become an expert buyer. The way in which we do that is by requiring much more from our suppliers, and we are doing that at the moment. One of those things is to explore open source software and open standards. They have a significant potential to improve government services in two major areas. The first is in package software, particularly for desktop computers and major computer applications. Much of the government's current desktop software is provided under proprietary licensing, such as with companies like Microsoft.

Open source software is increasingly providing realistic alternatives to this package software. Regardless of whether it is open source or proprietary product, we will be focusing on the total cost of the product, that is, the cost over the whole of the life of the product. The other area of our focus is in major applications. Most software is adapted or developed to meet the specific needs of government, and this is where open standards provide the basis for the development of software that can be shared and reused across government agencies in a way which can make real value for money opportunities for government. Open source licensing can enable the sharing of code developed for agencies, and it supports our government's vision for having a seamless capacity to deliver services for all South Australians.

In support of this, the government is undertaking four separate approaches. The first is a trial to demonstrate opportunities for open source software in the education and corporate government environments. The second is a survey of open source software to see what is out there in terms of what is capable of being offered for the South Australian public sector. The third is to develop a consolidated govern-

ment approach to the whole issue of open source software. The final approach is collaborating with other governments to hear and find out what is going on interstate. Open source software and open standards will continue to develop and mature, and this government will be taking a considered approach to enjoying the benefits that they may give us in achieving our core government objectives.

The Hon. D.C. KOTZ (Newland): I have a supplementary question. Will the minister advise the house whether he has identified officers of his department who have a conflict of interest relating to government tenders? During questions on the Auditor-General's report on 12 November this year, I asked the minister a question relating to concerns raised by the Auditor-General in his memorandum to parliament which questioned probity issues and the potential for conflict of interest and duty associated with the renewal and re-tender of major public sector contractual arrangements. The Auditor-General pointed out that several senior public sector executives, who, in his words, would be considered essential to be involved in the evaluation process, held a limited number of shares in entities that directly or indirectly may have had an involvement with the contracts concerned.

The Hon. J.W. WEATHERILL: Of course, anyone with a conflict of interest will be identified and dealt with, as anyone would expect under a government committed to openness, honesty and accountability in government. I might say that the Auditor-General has been particularly sensitised to this issue, given his sad experience with the former member for Adelaide (Hon. Michael Armitage), who seemed to have shares in just about everything in respect of government procurement. It was a disgrace—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. I think the minister has just made a very unfair reflection on a member of this house.

The SPEAKER: Order! I confess I did not hear what the minister was saying.

The Hon. J.W. WEATHERILL: The Auditor-General has become particularly sensitised to the issue of conflict of interest in relation to procurement because of the conduct of the former member for Adelaide in relation to procurement of government services and operations.

Mr BRINDAL: I rise on a point of order, sir. It has long been a tradition of this house that no member may be impugned other than by the substantive motion.

Members interjecting:

The SPEAKER: Order! There is no point of order.

The Hon. R.G. KERIN: I rise on a point of order, sir. I ask the minister to withdraw what he said before, namely, the former member for Adelaide had shares in virtually everything he dabbled in—which is not true.

The SPEAKER: The minister.

The Hon. J.W. WEATHERILL: Apparently, there were a few procurements in which the former member for Adelaide was involved where he did not have shares, so I apologise to that extent.

The Hon. R.G. KERIN: I rise on a point of order, sir. I think for a government that has a ministerial code of conduct, for a minister to allow comments to stand that are totally untrue about a former member of this house is not acceptable.

The SPEAKER: Order! The minister has the call.

The Hon. J.W. WEATHERILL: I withdraw nothing. What I say is that we came into government—

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

The SPEAKER: There is no point of order if it relates to that—

The Hon. D.C. KOTZ: I have a point of order, Mr Speaker.

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

The Hon. D.C. KOTZ: Mr Speaker, I have a point of order, and you, sir, need to take that point of order, under standing orders of this house.

The SPEAKER: And what is it?

The Hon. D.C. KOTZ: The standing order is the substance of the reply from the minister, which is not identified—

The SPEAKER: There is no point of order. The member for Newland will resume her seat.

The Hon. D.C. KOTZ: The substance is a matter of standing orders—

The SPEAKER: The member for Newland will resume her seat. The minister has the call.

The Hon. J.W. WEATHERILL: Sir, there is no more central basis upon which this government came into office than its commitment to probity in relation to procurement processes. There is no more central basis. There were matters contained within the compact that was entered into with you, sir. They are the subject of the new state procurement act, which seeks to modernise and reinforce those commitments to probity in the procurement process. It is a deep commitment of this government. Matters of conflict of interest will be rooted out. They are not acceptable, and we will be taking every step to ensure our procurement processes—unlike those of the former government—are beyond reproach.

WOMEN'S AND CHILDREN'S HOSPITAL

Ms RANKINE (Wright): My question is to the Minister for Health. What was the cost of this year's combined annual report published by the Women's and Children's Hospital and the hospital's foundation; and how does this compare with the cost of last year's reports?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question, because the question follows public criticism by the member for Finniss who described this year's report as 'lavish'. I tabled this report—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: You do not like to hear this: you just listen. I tabled this report on 11 November 2003, and members may recall that the report was presented in the style of a children's book. The Women's and Children's Hospital has now issued a statement detailing the cost of last year's reports as $20 400 plus GST. They also explain that the cost of the combined report this year was just $11 736 plus GST—a reduction of almost 50 per cent compared with last year. This year's report not only cut the cost but also was designed to ensure it could be used as a marketing strategy for the foundation. I think the Women's and Children's Hospital and the hospital foundation should be congratulated for cutting the cost of their annual reports in such an imaginative way. The hospital has expressed disappointment at the statements made by the shadow minister (the member for Finniss), pointing out that he did not contact them to check the facts. That is something that is becoming more and more frequent. Once again, the member for Finniss got it wrong.

WATER RESOURCES

Mr GOLDSWORTHY (Kavel): Will the Minister for Environment and Conservation advise the house whether a regional assessment statement was publicly available to the community for consideration and comment prior to the prescribing of the Eastern Mount Lofty watershed region?

The Hon. J.D. HILL (Minister for Environment and Conservation): The process that was followed was the appropriate one in this case. The legislation is in place. If we went through a process of consultation before going through the preliminary process of proclamation then there is always the possibility that potential water users would start extracting water, thereby giving themselves the right. We do not want to have a rush on water in an area which is about to be prescribed. Through the notice of intention to prescribe process there will be adequate time for consultation and to address any issues to do with regional development.

POLICE RECORDS

Mrs HALL (Morialta): Will the Minister for Police assure this house that information contained in confidential police files on members of parliament has not been, and will not be, accessed by the government? In an article appearing on 28 October this year in *The Bulletin*, entitled 'Welcome to Brackistan', it is revealed that the Victorian Labor government's police minister made comments about a Liberal Party candidate based on information contained in a confidential police file. It is further revealed that checks are now being made by the Victoria Police on access to the files of 30 Liberal members of parliament.

The Hon. K.O. FOLEY (Minister for Police): That question relates to an occurrence in Victoria. I am not aware of any members of the opposition currently under investigation, or who have a file, but if the member knows something that I do not know, then good luck to her. This is about a lazy opposition who, at the end of question time and at the end of the parliamentary year, do not have quality questions to ask in this house and have to ask nonsensical, silly questions about something that occurred many months, if not years, ago—I cannot recall—in Victoria. My advice to the member for Morialta is: do a bit of homework and a bit of hard work, and come into this house with a decent question. But, as always in these instances, I am happy to refer that issue to the Police Commissioner and ensure that we get an answer, which I have no doubt will embarrass the member for Morialta.

The SPEAKER: I tell the house and the honourable minister that there is one file that I know of that the police have and should not have; and that is on me.

ANANGU PITJANTJATJARA LANDS, TRAINING

Ms BREUER (Giles): My question is to the Minister for Employment, Training and Further Education. What training initiatives are available to Aboriginal people in the AP lands? During my first four years as member for Giles I became increasingly concerned at the downsizing of TAFE programs in the Lands under the previous Liberal government.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the member for Giles who has shown a keen interest on aboriginal employment and training and has recognised that, in fact, there was considerable damage done to aboriginal training programs during the term of the last government. Early on in the time she entered parliament there were 17 full-time equivalent members of staff in the AP lands, and that has been steadily run down from the mid-1990s to only two TAFE lecturers employed by January 2002.

State funded employment initiatives have not occurred on the lands since the mid-1980s. Over the past two years, there has been a concerted effort to rebuild the TAFE programs within this area to improve and introduce traineeships. These are new apprenticeships using user-choice programs. An educational manager and eight lecturers are now employed, and these people work with community organisations and schools to establish and deliver training programs, mentor school children and establish community projects.

A traineeship program commenced in May 2002 with seven trainees employed in AP schools, under the state government traineeship program. Five trainees graduated from the program in mid-2003, with a Certificate 2 in Business Office Administration. All five are employed in AP schools now. In 2003, the traineeship program was steadily increased until now we have 45 trainees who are in traineeships with community organisations. Of these 45, 17 are in retail, 20 are in office administration, six in building trades and two in civil construction plant work.

Further traineeships are now being negotiated in the areas of tourism, and I have discussed that recently with the member for Giles. They will be leading towards Certificate 2 and Certificate 3 in Tourism, because this is one of the major opportunities for aboriginal people as more tourists go into outback areas. We have a target of 50 traineeship placements, and we have a two-year employment strategy with which we operate, using the Commonwealth Department of Employment and Workplace Relations. The program will provide 50 placements with trainee subsidies from the federal government mentoring support, and these will operate for two years.

The traineeship training is conducted through a range of providers including Regency and Adelaide Institutes of TAFE. The trainee and employment programs that are now established in most communities in the lands for the Anangu people have their beginning in their involvement in a wide range of program areas such as literacy, numeracy, building, heavy plant, tourism and IT. A mobile skills unit has also been introduced, and this has been constructed at a cost of $250 000, of which $200 000 came from ANTA sources.

This provides skills based VET programs within schools and within the TAFE on the lands, and will commence in term 1 2004. TAFE lecturers from the Community Education Training for Employment program will deliver the VET training. We have been diligent in undoing the damage and rebuilding the teaching, undoing the damage done by the last government and reinvesting in training for aboriginal people.

SNAPPER FISHING QUOTAS

Dr McFETRIDGE (Morphett): As a member of the Aboriginal Lands Standing Committee, I will be very interested to follow up on what the minister has just said.

The SPEAKER: Order! The honourable member for Morphett will not take liberties of that nature.

Dr McFETRIDGE: I apologise, sir. My question is to the Minister for Environment and Conservation. Will the minister change the timing of the ban on snapper fishing as a result of the early season catch type and size? I have been reliably informed that professional snapper fishermen caught over 10

tonnes of snapper in the first few hours of the snapper season being reopened. The snapper which would normally sell for $20 a kilo reportedly sold for $6 a kilo, because of the huge volumes caught. I am also told that many of the female fish caught had roe inside them. I am also told that some of the professional fishermen were out approximately 12 hours before the fishing ban lifted.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Morphett for his question. I realise he has a keen interest in animals, aquaculture and fishing—

Dr McFetridge interjecting:

The Hon. J.D. LOMAX-SMITH: I will take his question on notice, because I realise it is one of some significance, and pass it on to a member in another place and return to him as soon as I can with an extensive answer.

JUSTICES OF THE PEACE

Mr CAICA (Colton): My question is directed to the Attorney-General. What role will justices of the peace have in the Magistrates Court in South Australia?

The Hon. M.J. ATKINSON (Attorney-General): In 2001, a review of justices of the peace was commissioned by the then attorney-general, the Hon. K.T. Griffin.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg is out of her place, and she will be out of the house if she persists in that behaviour.

The Hon. M.J. ATKINSON: I took on many of these recommendations, and I asked my department to investigate the findings further. I was keen to see justices of the peace do more in justice, especially in the Magistrates Court. A long process, including a substantial implementation report, found that there was, indeed, a need for justices of the peace to sit on the bench again in the metropolitan area. Who took justices of the peace off the bench?

The SPEAKER: Some dimwit.

The Hon. M.J. ATKINSON: Yes, that is right, Mr Speaker. It was the Hon. K.T. Griffin, at the insistence of chief magistrate Cramond (of blessed memory) and, before him, chief justice King. At the time of the 2002 implementation report, 38 justices of the peace were located on the bench in a number of non-metropolitan regions—

Ms Chapman: Cheap labour.

The Hon. M.J. ATKINSON: The member for Bragg refers to justices of the peace, doing their duty on the bench, as 'cheap labour'. We know that the member for Heysen would remove all justices of the peace from the bench all over South Australia and would prevent them coming back on in the metropolitan area. That is the kind of insulting attitude that the Liberal Opposition, through the members for Bragg and Heysen, has towards justices of the peace serving on the bench.

The Hon. R.G. KERIN: Sir, I rise on a point of order. My point of order is one of relevance. I think the member for Colton is a good member, and he deserves an answer to his question.

The SPEAKER: Order! The Attorney-General has the call.

The Hon. M.J. ATKINSON: Justices of the peace serving on the bench in the country regions are dealing with matters under the Bail Act 1985. These justices of the peace sit with the local court's registrar to constitute a court to grant bail or remand a person. Two justices of the peace sit in the metropolitan area, but have been working only with the Youth Court on adoptions. In 1997, the cessation of duties on the bench of all justices of the peace in the metropolitan area affected the workload of the Magistrates Court.

I am pleased to inform the house that the Chief Magistrate will invite expressions of interest from justices of the peace who are interested in sitting in metropolitan and regional courts in South Australia, despite the bagging that the members for Bragg and Heysen give the proposal. They are both lawyers; they are that subset of lawyers who despise people who are willing to give voluntary service to bring their commonsense back to the bench. I am sure that the member for Stuart would be happy to see justices of the peace back on the bench—and he nods in agreement. This is the first major step in returning justices of the peace to some magistrates' duties in our courts. It will give some justices of the peace a meaningful role in the justice system. It is my understanding—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen just mocks the proposal. Well, she can go right ahead. But it will happen, whatever she says. It is my understanding that justices of the peace will have responsibility for minor matters, such as fine payment and expiation matters, where guilty pleas are being submitted. It is not my intention that justices of the peace carrying out bench duties in the future will have the authority to order imprisonment.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: No, it is not cost cutting: it is just appreciating volunteers. I think we will be overwhelmed with applications from Justices of the Peace who wish to serve in a voluntary capacity. The Chief Magistrate has told me that expressions of interest should include an undertaking to sit at a place and at a time or times as determined by the Chief Magistrate, an undertaking to attend such training as is prescribed by the Chief Magistrate, details of life experience, computer competency, tertiary and other qualifications and social skills, an undertaking to abide by any dress code established by the Chief Magistrate, an undertaking to respect the confidentiality of matters that come before the court, an undertaking to abide by any code of ethical behaviour that might be established by the Chief Magistrate, and an undertaking to advise the Chief Magistrate if reported for any breach of the law. I am sure the member for Stuart and members on this side will welcome the return of commonsense to the bench from volunteers.

ADELAIDE DOLPHIN SANCTUARY BILL

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

Leave granted.

The Hon. J.D. HILL: The government is very pleased to release the draft Adelaide Dolphin Sanctuary Bill 2003 for public consultation. This bill is the government's legislative response to the community's desire to safeguard the dolphins living in the Port Adelaide area. The bill has been produced after extensive preliminary consultation and reflects the need to balance existing activities in the area with the need to provide the dolphins with greater security. Its aim is to coordinate the range of activities currently taking place in the

area to ensure everyone can work together to achieve the goal of protecting the dolphins and improving the quality of their habitat.

Research to date has indicated that, although there are several other government-sponsored dolphin sanctuaries in the world, none attempt to genuinely address and integrate the range of activities present in the proposed Adelaide dolphin sanctuary. As the government and community work together to develop the sanctuary, the rest of the world will be watching to learn from our experience. I lay on the table the discussion paper and the draft bill.

GLENSIDE OCCUPATIONAL THERAPY

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: Yesterday in response to a question from the member for Finniss I undertook to obtain information concerning the Occupational Therapy Resource Centre at Glenside. I am advised by the Glenside Hospital that in August 2003 staff members and the Public Service Association raised occupational health and safety concerns about unsatisfactory environmental working conditions within the occupational resource centre, including heating and cooling issues and a leaking roof. An investigation confirmed the unsatisfactory working environment and a review of occupational therapy services within extended care independently highlighted the need to provide services in a different way.

As a first step the hospital decided to relocate staff from the old occupational therapy resource building to more suitable accommodation in the administration building. Occupational therapy services will be maintained and the Director of Extended Care has been given the task of developing an improved occupational therapy service with options for service delivery in a range of settings, including water areas and external facilities. The Glenside hospital has confirmed that no positions will be lost and that services will be enhanced.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. DEAN BROWN: During question time today the Minister for Health made certain claims about alleged comments about the cost of the annual report of the Women's and Children's Hospital. When I challenged her across the house she said, 'Yes, I have seen your release.' I have in front of me a copy of the release I put out on 16 November, 2003, which no doubt is the release the minister is referring to, and the only reference to the Women's and Children's Hospital in that release is—

The Hon. L. Stevens interjecting:

The Hon. DEAN BROWN: I have a copy of the release here. I stated that, 'At the Women's and Children's Hospital the number of operations declined and the number of outpatient attendances were down by 10 194 episodes, despite emergency attendances being down by 1 382.' There is no reference in that release at all to the cost of the annual report. Quite clearly the minister in making that statement in the house today has alleged comments to me which were not made in the press release at all. I point out—

The SPEAKER: Surely you mean she alleges you made comments or attributes comments to you that you did not make.

The Hon. DEAN BROWN: She attributed comments to my press release which are not in it, and I point out that when a television crew raised questions with me about the report I said it was a fascinating report, but more important was what was inside the report, which showed there had been fewer operations, fewer outpatients and fewer casualty patients at the hospital. That was the more important matter. I have been clearly maligned by the minister.

SELECT COMMITTEE ON THE STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That Standing Order 339 be and remain so far suspended as to enable the committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

The SPEAKER: There not being present an absolute majority of the whole number of members of the house, ring the bells.

An absolute majority of the whole number of members being present:

The SPEAKER: Is the motion seconded?

Mr MEIER: Yes, sir.

Motion carried.

GRIEVANCE DEBATE

ELECTRICITY PRICE RELIEF

The Hon. W.A. MATTHEW (Bright): In question time today it was quite clearly revealed for all South Australians that, despite the previous utterances of this government, there is absolutely no electricity price relief in sight for the majority of South Australians. Yet again we saw the energy minister duck, dodge, weave, seek to point the finger at others, seek to apportion the blame elsewhere, but again fail to take responsibility for the decisions his government should be making but has not taken and failing to take responsibility for any action.

Mr Goldsworthy interjecting:

The Hon. W.A. MATTHEW: As my colleague interjects, he is a disgrace for not taking this important action. A very important document was released today by the Essential Services Commissioner, Mr Lew Owens. It is an issues paper and it is effectively an examination of the 2004 likely electricity prices. The Commissioner makes a number of very important statements in his document that I believe need to be placed on the record in this house. He says, first:

There is no legal obligation on the Commission to issue a new determination; if it chooses to do nothing, the current retail prices will continue unchanged until such time as AGL SA publishes new standing contract prices. . . There has been considerable evidence presented to the Commission that wholesale contract prices for electricity in the South Australian market have fallen significantly over the past one to two years.

The Commissioner is telling us that there is no obligation upon him to issue a new retail price, even though he has considerable evidence that the wholesale price of electricity has gone down. And it gets worse. The Commissioner also points out:

> Under current arrangements, there is no legal obligation on AGL SA to reduce its standing contract prices if it has been able to reduce its wholesale energy costs.

So, we have the Essential Services Commissioner telling us that he believes the wholesale price of electricity has gone down but there is no obligation on him to review the price and no obligation on AGL to reduce its price to ensure that all South Australians benefit from that cheaper electricity that is now available. One would have thought that, with the so-called inquiries that have been touted by this government—indeed by its Premier—there would have been every opportunity to tackle the price. But it would appear that things are not quite as the Premier publicly claimed they were.

Only a few weeks ago at a press conference in the Adelaide Airport, the Premier was happy to tell the assembled media that there would be an inquiry into electricity prices and that that inquiry would involve some of the fiercest critics of the Essential Services Commissioner's pricing process, and he named Dr Robert Booth and Prof. Richard Blandy. There was no inquiry and, indeed, the Essential Services Commissioner points out in his paper:

> It should be pointed out that, at this stage, the current investigations by the Commission are not a formal 'inquiry' in the meaning of section 34 of the Essential Services Commission Act 2002.

There is no inquiry, but to this examination of electricity prices was put a submission by Prof. Blandy and Dr Booth. There was no inquiry and no investigation in which these so-called fiercest critics were involved. So, things have not occurred as the Premier said they would. This is an important document, a document that poses questions that should be answered. In question time today we saw the minister refuse to answer those questions. The opposition will continue to raise these issues in the parliament and will continue to raise these issues in the media regardless of whatever intimidatory tactics the government may try to employ upon the opposition. We have a duty to raise these issues for all South Australians and we will continue to—

Ms Breuer interjecting:

The Hon. W.A. MATTHEW: The honourable member interjects: 'Who sold ETSA'? I refer the honourable member to yet another document: *Electricity Prices: The True Story*, published by Mr Lew Owens, for that document shows that the electricity price increases have nothing to do with privatisation.

NORTHFIELD PRIMARY SCHOOL

Mrs GERAGHTY (Torrens):I would like to take the opportunity to congratulate Northfield Primary School and its students on the excellent results that they achieved in the National Mathematics Challenge. Northfield Primary School recently beat all other schools across Australia in the reception class category of the National Mathematics Challenge. The reception students used their maths skills to sort different foods being eaten for recess and lunch and then graphed their results. The work they performed was recognised as being the best result in the country for their age group, which says a lot about the level of understanding of the students and of the skills of their teacher. It also says a lot about public education in South Australia that a school that is amongst the most disadvantaged in the state can produce such an excellent outcome.

The exceptional result is due not only to the hard work of their teacher Ms Chris Ratcliffe but also to the dedication of staff, the parents and volunteers to ensure that Northfield students are learning in an environment that best assists them. Northfield Primary is a school that transcends its circumstances and is a wonderful example of the value of our public education system. It is heartening to see an environment in my own electorate where a person's individual worth and potential is the first consideration, and where unconditional assistance is provided to mitigate whatever personal, social or economic difficulties they might encounter. Northfield Primary students have been provided with an excellent basis from which to develop their full potential.

I am especially pleased to see how the school is thriving under the leadership of Ms Sharon Broadbent. In her time at Northfield, Sharon has demonstrated her care and concern for all students in her charge and has developed the strong culture of pride and community spirit that has long been implicit at the school. Indeed, the school was quick to congratulate the students on their achievement and held a special presentation last week to do so. I was delighted to attend the school on that day, along with Jane Reilly from Channel 10, and the fact that the school went to such trouble to recognise its students is really a true example of the type of support and encouragement that students receive. It is little wonder that they are thriving as a result. I congratulate the Northfield Primary School reception students on their excellent work. Everyone that I talked to is simply bursting with pride at their result, and you could see the students' pride in their own work and in each other. Given some of the difficulties with the area, it is an absolutely marvellous achievement. One feels quite emotional about it. So, I am very happy to put that on the record.

SOUTHERN CROSS REPLICA

Mr HAMILTON-SMITH (Waite): I rise on the subject of the Southern Cross aircraft tender but also on the subject of parliamentary privilege. The minister made an extraordinary attack on 27 November on the credibility and integrity of the group of people who constitute the Southern Cross Replica Aircraft Association. He put a view with the association having no opportunity to defend itself. I make the point that I have already referred matters to the Auditor-General in regard to the process of the tender, and I do not intend to dwell on that, because that is best left to the Auditor-General. But I do feel that I need to respond to the outrageous allegations made by the minister in parliament on the 27th. It was, indeed, an extraordinary attack.

The minister said that CASA had warned the Southern Cross Replica Aircraft Association that it had failed to demonstrate an appropriate level of understanding and appreciation of the nature and importance of its responsibilities as operator of the replica aircraft. He also said:

> It is obviously very important that the plane is managed by a credible organisation that can ensure ongoing safety.

Earlier in his statement he claimed that the aircraft was carrying paying passengers at the time it crashed on 25 May 2002 and that at the time the association was operating in breach of CASA licence conditions. The minister continued:

> In summary, the Southern Cross Replica Association breached its CASA licence and its business plan for the aircraft was flawed.

He said:

> The government was not going to simply gift an aircraft to an organisation with a question mark over its management record.

The Southern Cross Replica Association tells quite a different story. In a letter to the minister they raise serious concerns about his allegations. They say:

> Your comments regarding the alleged CASA breach are negative and misleading and demonstrate the need to elaborate some background on this matter. The proposition that members of the SCRAI be entitled to a flight in the Southern Cross replica was introduced when Bill Antell and John Pope were the (only) office bearers, and on the face of it was not in breach of CASA rules.

I believe Mr Pope was the president of the association at that time. The letter goes on to explain:

> It is important to understand that Bill Antell and John Pope are considered almost as one and the same with respect to the aircraft.

The current president of the association says that, throughout his involvement with the association the two mentioned have been the most difficult to deal with, being argumentative, capricious and uncooperative. In fact they claim that Bill Antell and John Pope were key decision makers in the Southern Cross Replica Association's decision to take these paying passengers and that, in fact, John Pope was the president at the time. They also claim that Mr Steven Dines, who has provided advice to the department, was present when the decisions were made about carrying the passengers.

It is important for the house to understand that I am advised that Bill Antell and John Pope, who made these decisions for the Southern Cross Replica Association and who were then kicked out of the association, are the very people who have formed a new group and successfully bid for the aircraft. The minister has made an enormous gaffe. Under parliamentary privilege, he sledged this organisation when, unbeknown to him, the very people who were in charge of that association at the time are now members of another group to whom he has gifted the aircraft. The minister actually sledged the people to whom he has given the aircraft, as I am advised.

If it is not good enough to give the aircraft to the Southern Cross Replica Association because they made this decision, how can it be good enough to give it to these very same people who have formed a new group? The minister should apologise not only for his gaffe but for attacking citizens under parliamentary privilege without hearing both sides of the argument, and he should consider recommitting the tender. If the minister claims that the Southern Cross Replica Association is not a fit body because of the decisions it made, and if those decisions were made by the people to whom he has gifted the aircraft, should he not consider recommitting the tender? In my view, this is a major gaffe and and an abuse of parliamentary privilege. The situation should be rectified by the minister.

SOUTH AUSTRALIA WORKS PROGRAM

Ms THOMPSON (Reynell): Today, for me, there has been a happy coincidence of two events. First, I received some preliminary figures from the people who are undertaking an analysis of a questionnaire that I sent to households in my electorate during the parliamentary break. Secondly, the Premier and the Minister for Employment, Training and Further Education launched the South Australia Works program to help 6 000 people a year into jobs. The fact that this program was launched today is timely given the sort of information that I have received regarding people in my electorate. Of the families that responded, 10 per cent have someone looking for work. In addition, a number of families reported that family members would like to work but they have health problems, or they are not looking because they believe there are no jobs, or because they cannot get child-care, or because of disabilities which mean that employers consider them to be unsuitable for work even though they themselves believe they are. So, 10 per cent of families have someone looking for work. That is an awful lot of need to be met.

Last Friday, I was at Christies Beach High School for a year 10 graduation ceremony. I talked with the students about the importance of their year 11 and year 12 studies and how their opportunities would be improved if they were able to complete year 12. As the young people were leaving, I heard several of them mutter, 'What's the value of it, because there aren't any jobs.' Well, there are jobs. Industry reports a considerable lack of skilled employment. The problem is that people have skills that were very important in industries that existed (particularly in my electorate) until reasonably recently, but they do not have skills for the jobs that are now available. Young people are greatly affected by seeing older relatives and their peers who cannot get jobs. They therefore believe that there are no jobs available when, really, the problem involves a mismatch of skills with jobs.

The survey also reported that 15 per cent of families have someone who is having problems accessing higher education at either university or TAFE because of the cost. This is another issue that desperately needs to be addressed. What pleases me particularly about the South Australia Works program is that it will be applied on a regional basis targeting, first, the southern and northern metropolitan areas and some country regions. It will focus on particular groups of people whom we know experience disadvantage .The Experience Works program and the Youth Works program will be very important in my electorate in meeting the needs of those families who reported to me that they have family members looking for work but that they cannot find any.

Some time ago I had a social work student on placement looking at some of the issues of older workers in my area who have been displaced during industry restructuring, etc. The stories that came through were very much of people who have skills that built our nation but that these people are now very damaged because those skills were no longer required after industry restructuring. The fact that Experience Works will manage the participation of mature age people in ongoing and formal lifelong learning opportunities through collaboration with TAFE, adult community education, local government, the Department of Human Services, and the higher education sector I find very encouraging. So, too, is the fact that it is recognised that some of these people will require considerable case management to convince them that their skills and experience are still valuable and to support them in moving to a completely different industry. People who have worked on manufacturing lines are perfectly capable of undertaking aged care work, but they do not always think of it. Some of the skills they have will be valuable, and I look forward to the introduction of this program in my electorate.

SCHOOLS, COMPUTER PROGRAMS

Dr McFETRIDGE (Morphett): Many times in this place I have raised issues associated with schools in my electorate, and I intend to do that again today. Over the last few days, I have asked the minister a number of questions about the availability of computer programs (computer wizards) for schools in my electorate, particularly the Glenelg Primary

School. Information that I have been given demonstrates that the minister is not on top of this particular matter. Whether that is because she is very busy at this time of the year or because her staff are just not giving her all the information that they should, I am very concerned that the Principal of the Glenelg Primary School has told me that the annual report wizard and the global budget wizard, which have supposedly been provided to schools, are not available on a readily accessible site, that they have been put onto the SSO web site. This particular site would not normally be accessed by members of governing councils dealing with financial matters and certainly not principals working on annual reports and formulating global budgets. There are seven days to go, and schools are expected to produce annual reports and to formulate a global budget for next year.

The annual report that came through to Glenelg Primary School was not available on Monday, when the minister said it was; in fact, the last version of it came through last night. The reason why I say 'the last version' is that the first version was faulty. It presented the year 3 to 7 information twice and some of it was hidden in areas of the program which you could not readily access and which you could not print. When the Glenelg Primary School principal pointed this out to the department, they said 'Well, forget all that information you have just spent two hours entering; we will send you the right information.' The year 1 to 2 wizard did not arrive at all. After John Mudge (the hardworking principal who is about to retire in seven days after many years of diligently serving the department and the students) left to go home last night, at some stage the correct version of the annual report wizard did appear on the program. Principal Mudge informed me of that this morning.

It is not good enough during the busiest time of the year for schools. They have only seven days to produce their annual reports, integrate their skills testing into that annual report and then formulate their global budgets for governing councils. Global budgets are now a very valuable part of self-management in schools. It is not good enough that they have only such a short time to deal with the computer programs and formulate their budgets and annual reports. The minister said that it happened under the previous government. It is two years down the track now; we have to start moving on, and we need a system that works. If this one is not working, the minister should look at it. The problem for Glenelg Primary School is that there will be a complete change in the leadership team.

John Mudge has been the principal of Glenelg Primary School for many years. He has worked very hard. Unlike Sturt Street Primary School where there are few enrolments, Glenelg Primary School is overflowing with enrolments: it is very difficult for even locals to get their children into Glenelg Primary School. It really is a fantastic school. I congratulate John on his hard work and wish him well in his retirement. Other schools in my district for which I have been trying to get some changes include Paringa Park Primary School. I attended its 50th fete a week ago. The 50-year old Bristol buildings—the old aluminium buildings—are still corroding away. We need to get those replaced. The kids from Brighton Secondary School went to China and, from what I hear, they are having a great time. However, I have still not heard anything from the Minister for Recreation, Sport and Racing about what is happening in relation to the state volleyball centre; it is just not good enough.

In my last minute, I would like to digress totally and thank Hansard staff for their wonderful effort this year in coping with my rapid-fire deliveries. I would also like to thank all the messengers, staff and the other people who make this place what is, and I wish them a safe and happy Christmas. It has been a pleasure being in this place this year and I wish all members well.

LATHAM, Mr M.

Mr KOUTSANTONIS (West Torrens): Can I just say in relation to the remarks from the member for Morphett that he has been a revelation to members on this side of the parliament. He is a very talented member of parliament, and I hope one day he is promoted. I cannot say that about all new members of course, but the member for Morphett is one of those who impress members on this side. Yesterday, the Labor Party took a plunge into the deep end of the swimming pool. We have gone for a bold new leadership. We have gone for Mark Latham to lead us into the next election. Members opposite are shaking in their boots, unaware of how to deal with our new leader. He is a man who speaks his mind. He is passionate about what he believes in. He is a working-class boy made good. The Liberals are like kangaroos in spotlights, not knowing how to react.

The Labor Party always brings the cream of the working class into parliament, and we have done it again with Mark Latham. I will say a few words about Kim Beazley. As everyone in this house knows, I supported Kim Beazley in the July challenge, and I thought he would have been a very good Leader of the Opposition because he had been a very good Leader of the Opposition but, as Mr Beazley said yesterday, we are all getting behind our new leader. The reality is that, had Mr Beazley won by such a narrow margin, things would have been very different but, because of generational change and our new leadership, the party is now completely united behind Mark Latham.

Members interjecting:

Mr KOUTSANTONIS: They laugh, sir, because they are worried. They have a Prime Minister who is 22 years older and out of touch with the electorate. He is the highest taxing Prime Minister in Australia's history. The Leader of the Opposition wants to bring in tax cuts, and they do not know where to go. Yesterday, at the AHA lunch, business leaders were saying that Howard promised to cut red tape by half. What business was telling us yesterday was that, with BAS statements, they have doubled their red tape. The Leader of the federal Labor Party, Mark Latham, will do everything he can for small business, and I can see that members opposite are not quite sure how to react to the Labor Party's bold choice for a new leader. Often in politics when you hear the words 'courageous', 'bold', and 'adventurous', you start getting worried—

Mr HANNA: They think Tom Koutsantonis!

Mr KOUTSANTONIS: I cannot repeat what someone said yesterday, but I have not been this excited about a federal election since 1993, because the day on which Paul Keating took over the leadership of the Labor Party he energised the Labor Party, and members opposite know it—they could see it coming. They will reap the whirlwind next year when Mark Latham leads us to victory, because the old has-beens of the past who run the country now have nowhere to go. John Howard's time is up; he has nowhere to hide. He nearly lost the 1998 election and he only won in 2001 because of the boat people and the aeroplanes smacking into the World Trade Centre. This time there will be no excuses at all. This

time we have a leader who supports the American alliance—and they have nowhere to go on that either.

The Liberal Party will be out-wedged, outmanoeuvred, out-tacticked, out-campaigned and beaten at the next election. Can I just say in my closing remarks that it is certainly the season for getting rid of leaders of the opposition—there is something in the air. I am not sure what it is Kero, but there is something in the air in Western Australia, there are rumours in Victoria and Queensland and, from what I understand, there are rumours in South Australia. I am reminded of that Warner Bros. cartoon in which they say, 'It's duck season, rabbit season.' Mr Speaker, it is Leader of the Opposition season, and you can see his opponents lining up one by one, because they think that they can do better.

The Leader of the Opposition is looking a bit worried and a bit stressed—the greying hairs, looking over his shoulder all the time—he has seen what has happened in the past, but can I just say, 'Please keep him.'

The SPEAKER: The honourable member is out of time.

RECREATIONAL BOAT LEVY

The Hon. R.G. KERIN (Leader of the Opposition): I think he is out of a lot of things, sir. I seek leave to make a personal explanation.

Leave granted.

The Hon. R.G. KERIN: During question time today in answer to a question which I asked the Premier, the Minister for Transport said:

> Once again, the Leader of the Opposition has been given a bum steer, comes in here with misinformation, does not know his facts—

and so on. I would like to point out that that was a totally misleading comment by the Minister for Transport and I would like to—

The SPEAKER: Order! The honourable member needs to state what the facts are relevant to the way in which the member has been misrepresented, or, alternatively, where facts clearly on the record or statements which purport to be facts are not facts.

The Hon. R.G. KERIN: In relation to the question I asked and which the minister said was misinformation, I have a document which will show that it was not misinformation. I will quote from that document to show that what he said was not correct. The letter to the Premier states—and it is not the first letter, but one of several:

> We regretfully advise—

The Hon. M.J. Wright interjecting:

The SPEAKER: Order! The leader has leave.

The Hon. R.G. KERIN: The letter states:

> . . . we regretfully advise that our Council and representative bodies now have no confidence in Minister Wright's ability to fulfil his role as Minister for Transport—expressly the marine portion of his portfolio. . . The lack of response by the Minister to our correspondence including offers to meet continues. . . Areas of other concern include the lack of direction given to SABFAC—

which is the issue I raised in the question—

> by Minister Wright. A recommended blueprint for this committee's basis for operation we are well aware, was proposed months ago but has yet to be given any form of approval by him. His reliance on advice we assess as of dubious quality and from sources with particular bias without adequate balance, Council finds lacks proper judgment. His failure to respond to correspondence, ours in particular, we have already commented upon and reiterate. Council is therefore strongly of the opinion that a change of incumbent as Minister for Transport would be in the best interests of your government.

That is one of several letters that have been written to the Premier on this issue. I would like the minister to correct the record that it was misinformation.

ROAD TRAFFIC (DRUG TESTS) AMENDMENT BILL

Mr VENNING (Schubert) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

Mr VENNING: I move:

> That this bill be now read a second time.

Today, I bring to the parliament a commonsense bill, which I believe is well overdue. I am confident the parliament will agree. In 1998 the Criminal Law (Forensic Procedures) Act was passed by parliament to enable the police to take such things as DNA samples. However, there was a major oversight with this act that has since come to light. As a result of the introduction of the forensic procedures act, the police lost the ability to take blood samples to test for drugs from persons whom they believed were incapable of exercising effective control of a vehicle. Therefore, they believed they were under the influence of something other than alcohol, because they had already undertaken an alcotest and there was no presence of alcohol. It is an offence to drive under the influence of a drug so as to be incapable of exercising effective control of the vehicle. It is seen in the same light as driving under the influence of alcohol. However, there is no ability to test for this at the present time. This bill should close that loophole. I do not think it was the intention of the government at the time to do this, but it did. If it was the intention, I would like to know why. The minister might like to pick this up and explain. I would say it was an oversight and that this will cover it.

This bill endeavours to give back to the police the power to blood test people whom they suspect of driving under the influence of drugs. The people who hop behind the wheel under the influence of drugs currently have nothing to fear—which is completely the wrong message to send. The law-abiding citizens have all to fear; that is, the motorist on the road believing that the person coming towards them has control of their vehicle—but under the influence of drugs, of course, they can go undetected. It is a real worry. I believe that driving under the influence of drugs is one of the biggest issues we currently face in relation to road safety. This has been pointed out by the police and the government's own Road Safety Advisory Council and in a federal report into road safety 2003. Recent studies have suggested that driving under the influence of drugs is on the increase across Australian roads, particularly on South Australian roads. A recent AAMI survey stated that 19 per cent of young drivers had driven after taking recreational drugs. In 2002, 30 per cent of drivers killed on Victorian roads were found to have drugs other than alcohol in their system. Swinburne University studies suggest that it is seven times more likely that you will have an accident under the influence of marijuana than if you did not have any marijuana.

Recently, I had a meeting with senior officers of South Australia Police who are involved in road safety and drugs and alcohol. We discussed various issues to do with drugs and road safety, but the overwhelming tone of the meeting was that they wanted back the powers they used to have. Just by chance I spoke to the police commissioner yesterday at the

AHA luncheon. When I spoke about the matter, he said that they would like it back and he could not understand why these powers had been lost. A lot of pressure is coming from all over to have these reinstated. Whilst random breath tests are being trialled in the states—and, of course, that is only an indicative test—they are only trials. More foolproof roadside tests may be years away, whereas this matter can proceed immediately.

I remind the house that a blood test is a definite and proven science in relation to getting an exact reading. We know that the Victorians and, now, the Western Australians are investigating roadside drug tests. That is the subject of another issue which I have raised as a private member's motion. It is a subject different from this, but it is on the *Notice Paper* that, as a state, we should look at introducing roadside tests for drugs. We should at least encourage the people who are making the machinery to test for this. We should let them know that all governments, including our own government, are looking for equipment in order to random drug test on the roads, as we do with the alcohol test.

I think the mood is very much out there. I am rather amazed that this loophole has not been addressed or even mentioned by the government as a problem. I cannot understand why that would be the case. The police need this power to protect law-abiding citizens on the road. I expect all members to support the bill, and I will be pleased if they do so. I would have liked to have amended standing orders in order to push this through today, because I do not think there is, or would be, any dissent in the house. Nor do I believe a member would seek to amend this. The only argument that you can have is that, when police suspect that a person is under the influence of drugs, they have to have a good reason—whether you want that spelt out exactly—for that suspicion. That is the only debatable point in this whole thing.

Mr Hanna: And having long hair and being under 25.

Mr VENNING: No, I do not believe that that is a criterion at all, because I know that even some of our children have got long hair. But, as I said earlier, it is a criterion when you see young people who can barely stand up, or who are not even standing up—and we have all seen them—yet they have no alcohol in their system at all. I urge the parliament to support this bill. It is sad that we could not have had this up and running before the Christmas break, because we all know that when we come back here, many South Australians will have been killed on our roads during the next few weeks' festive season. Some of these people's lives could be saved if we allowed the police to at least undertake drug tests for these people, particularly via the blood tests that they used to have. I think that is all I need to say. It is a commonsense, straightforward matter and I certainly support my colleagues on this matter.

The Hon. I.F. EVANS (Davenport): I am happy to indicate my support for the second reading of this bill.

The SPEAKER: The honourable member might know that, in the conventions of this place, unless explicitly determined otherwise, the matter must be adjourned. That is, when a bill comes into the chamber after the second reading explanation it must be adjourned, unless by suspension of standing orders, I think it is.

Mrs GERAGHTY secured the adjournment of the debate.

The SPEAKER: Before the clerk moves to the next item on the *Notice Paper*, the chair wishes to inform the chamber, that by making his remark—which is disallowed—the honourable member for Davenport has not lost his right to contribute to the second reading debate any time in the future.

LISTENING AND SURVEILLANCE DEVICES

Mr MEIER (Goyder): I move:

That issues associated with listening and surveillance devices relating to private activities by individuals be referred to the Legislative Review Committee for examination.

There is no doubt that we are in a world where IT has advanced to such an extent that we really do not know to what extent listening and surveillance devices can be operating in very close proximity to any one of us. One of those devices is the new type of mobile phone which you, sir, have also observed in this very chamber and, in fact, I think you have specifically banned them and all mobile phones as such. That is understandable, because in this place no unauthorised taking of photographs is permitted, and this is rarely transgressed. When it has been, I know that in the past speakers have actually imposed bans, certainly on some of the media organisations, to try to make the point very clear that people cannot take liberties of that kind. Recording devices would also be included in that category.

There is a bill before this house, and I will not refer to that specifically, in relation to issues of a similar nature to this. My motion is different in that it specifically seeks to refer these issues to the Legislative Review Committee for further investigation. In fact, those members who follow debates in this house closely—and I would assume that that would be all members—may be aware that when speaking to that bill I felt that it would have been appropriate to refer that to the Legislative Review Committee. However, on reflection I believe I was wrong, and that was not the most appropriate course of action to take in relation to a bill, because the Legislative Review Committee is a joint committee and yet this bill originates in this house only. So, I feel that the path that I am going down here is the most sensible and the most opportune, and I hope that members will support it.

I could go through a little bit more of the background relating to privacy law in South Australia, and, certainly, attempts have been made from time to time. Back in 1990 a select committee of the House of Assembly was established to examine a bill related to privacy that was introduced by then member Terry Groom, and the committee recommended the creation of a statutory right to privacy which could be breached via recording images or words of another without express or implied permission. No criminal offence was proposed, and the activities of police and legitimate investigators were excluded. In 1991 the then Bannon government introduced a privacy bill which created a general right of privacy, and provided that infringement of the right of privacy is actionable by the person whose right is infringed. This was a variation on the bill recommended by the select committee.

On that occasion, the Liberal Party opposed that bill, and the media campaign was strongly against it. When I think back to that time—I was certainly a member of this house then—I am very disappointed that my party did not agree to that bill. I well remember that the media made strong representations. In fact, it is my recollection that that was the one and only time that the media representatives have been allowed to appear before a joint party meeting of the Liberal

Parliamentary Party to put their case. I do not think that it has ever happened since, and I do not know that it happened prior to that, but their case was such that they convinced the majority of members.

Some of the things that have happened subsequent to that in what the media has reported have certainly made me change my mind. As I said, I am disappointed that my party did not support the Bannon government's privacy bill back in 1991. I think it was on the right track and I know that the then attorney-general (Chris Sumner, I think) was a great advocate of that particular bill. But that is in the past. There is no doubt that with modern technology having advanced significantly, we need to look at these issues. There is also no doubt that the member for Mitchell (through his bill) is seeking to take immediate action. I highlighted to this house last week that these matters are not simple and straightforward, that they need further consideration, and I believe that, by referring this matter to the Legislative Review Committee, we will be going down the right track. I urge all members of this house to support my motion.

Mr VENNING (Schubert): I rise to support the member for Goyder's motion. I am rather amazed that, in this day and age, we do not see more attempts to bring this sort of activity under regulation. We live in a world of technology where very high-tech equipment is available in any of 20 electrical outlets here in South Australia, with one quite close to the building. These devices can be purchased for a few dollars and activated by anybody, and they would be pretty hard to detect and they are very small and very powerful, so small that they can be placed in telephone hand pieces. The device says on it, just tune to an FM station, put the bug where you like in the building, and the rule of thumb is that you will hear it at up to a hundred metres. The device costs about $43.

Mr Meier: Plus GST.

Mr VENNING: Plus GST, the member reminds me. They are so easy to place, and they are very hard to find with the naked eye. They can be found with very sophisticated bug-detecting equipment, but they can also be just clamped over a telephone wire in full view of the user who would not recognise that it was a bugging device. It can be a fake plug on the telephone wire and you would not know what it was. This is a very effective bugging device; it can be clamped over a wire on the facia board in your room.

We have other very high-tech devices that can be purchased today that can intercept mobile phone calls, even digital phone calls. These are a lot more expensive, but those wishing to pick up such information would pay that sort of money. I believe there are certain unscrupulous groups in our community that specialise in snooping on people's mobile phone calls and then selling the information to the highest bidder. These people go about their grisly business undetected and are not apprehended in any way.

What scares me is the ability of telephone companies—we have several of them—to provide information about the location of a certain mobile phone. The police are able to contact mobile phone companies (if they have a reason to do so) and they only need provide the mobile phone number and when it was last used, and the phone company can tell them exactly—within a couple of kilometres I suppose in a country region—where the phone was used last. I know this, because I have a satellite telephone. You do not have to be very bright, you can almost do it yourself by going through the satellite coordinates, and you can work out where the phone was when the call was made and, in some cases, even when a call is not made. As your phone accesses each cell as it goes around the countryside, this information becomes available. So, you wonder how tight this information is, how secure are these telephone companies and their employees, and whether they have to have a security clearance to access this information.

If you piece all this together, it is very frightening. Big Brother is watching you. Even with the grey card that we carry that operates the door, a person only has to work out the frequency of that card and they could follow you around or detect where you are for several kilometres, the gear that is available is so good today. I do not want to scare anybody but, in my younger days, I did experiment with electronic devices, and I was amazed at what would work (particularly in my time in the military) and what was available. When FM radio came onto the scene, it made these devices so much smaller, and now we have got digital chucked in with it. Little digital FM receivers, sir, as you would probably know, are much smaller, and they are very good.

I am quite astounded that there are not strong guidelines available out there in the community saying that these devices are outlawed. They are a strict breach of privacy and, in fact, could aid criminal activity here in South Australia. Again, I congratulate the member for Goyder on this motion. I believe that the issues associated with listening and surveillance devices relating to private activities by individuals should be referred to the Legislative Review Committee for examination, because I think members will be amazed at what they might come up with. I support the motion.

Mrs REDMOND (Heysen): I rise to make a brief contribution to this motion, because a situation arose recently in my electorate where, because of existing commonwealth privacy legislation, legitimate community organisations have been unable to get perfectly legitimate information. The Mount Lofty Business and Tourism Group was wanting to find out the names of businesses. This information is held by the Regional Development Board and various other people but, because we have very strict privacy controls, no-one was able to tell us the names of these businesses or provide any information from their data bank. I know that on several other occasions there has been the same sort of ridiculous outcome from the privacy legislation. The member for Goyder recently had difficulty trying to place an ad in the *Trading Post* on behalf of his parents who are in their 90s, because he was not the parents, and, therefore, because of privacy legislation he was not authorised to do things on their behalf, and so on.

So, it strikes me as being a bit anomalous that we have not really looked at the situation which has come upon us with the technology that has come into our community with mobile phones (and so on) that can take photos. On the one hand, we have strict privacy legislation that tells us that we cannot even give another person information that we feel confident could happily be disclosed, because it would be a breach of the law but, on the other hand, we have not really looked at or tried in any way to come to terms with the implications of people being able to use a phone to take photographs, which can then be flashed around the world—in nanoseconds, I gather, these days—and which people have not given any permission to have taken or broadcast, and this may well interfere in a very real sense with their privacy.

It seems to me that we have got the equation totally out of balance. I think it is entirely appropriate to support the motion of the member for Goyder to refer these issues to a committee, so that the parliament can start to address some of these

issues, which I am sure are going to vex us for some time to come. Thus far, we have not made any real inroads into these very vexing questions about technology and our ability as a community to keep up with and appropriately regulate the behaviour of people as technology starts to envelop us.

Mr SCALZI (Hartley): I also support the member for Goyder in this motion. Like the members who have spoken before me, I have great concerns about the effects of changes in technology on the privacy of individuals. A reference to a parliamentary committee is certainly overdue, because these changes really impact on our privacy and the rights of individuals. There is no question that the privacy of children needs to be protected. A committee that could hear evidence and undertake a proper analysis would come up with something that I believe is absolutely necessary in this day and age. As with many issues that we face today, changes in technology are ahead of the law. If we do not deal with these matters, our rights will diminish.

The member for Goyder is to be congratulated on bringing this motion to the house so that it is properly considered. The motion is not just to change the law relating to telephones that have cameras or any particular device: it is also to let us look at these devices. There might be others that are impacting on the privacy of individuals. Let us look at it properly. Let us make sure that we hear the proper evidence and have the experts come before the committee so that we can properly assess the impact of these devices on individuals, children and families and can protect the rights of individuals.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (EXEMPTION OF SMALL BUSINESS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 439.)

Mr CAICA (Colton): I rise to oppose the bill. It is my view that this bill precludes employees of small businesses from having access to the unfair dismissal regime in the first 12 months of their employment. That is what it is about.

An honourable member interjecting:

Mr CAICA: I do not believe it is, because I do not personally support discriminating against any level of employee based on the size of the business for which they work. It is simply not fair. All Australians (and I know that the member for Heysen would agree with this) should be entitled to a fair go in all aspects of their life, and particularly with respect to employment, not just those who work for a larger business. The Industrial Commission would, of course, be conscious of the size of businesses in dealing with unfair dismissal claims. At the end of the day, the commission is about ensuring fairness, and I do not believe that that is in any way too much to ask for.

If they wish, when businesses take on employees, they can do so on the basis of a probationary period, and the regulations currently provide for that. Mr Deputy Speaker, you would be aware that, pursuant to section 105(2)(b) of the act, the following classes of employees are excluded from the ambit of part 6 of chapter 3 of the act, which I will highlight for the house. Section 105(2)(b) provides:

> (b) employees serving a period of probation or a qualifying period of employment, provided that the duration of the period or the maximum duration of the period—
>
> (i) is determined in advance; and
>
> (ii) is reasonable, having regard to the nature and circumstances of their employment;

I believe that employers are provided with appropriate protection with respect to the employment of people during that period of time, provided it is done through agreement. I see this as a piece of legislation that is, essentially, not required at all. The bill, in my view, may also cause problems because of the manner in which it has been phrased, in that it refers to businesses being a small business at the relevant time. It could well be that the proprietor of a small businesses hires someone and thinks that this provision applies, then hires further staff and finds out that that is not the case at all due to 'at the relevant time'. In discriminating as it does, it complicates the system. We all know that the federal government has attempted to introduce a similar bill and have it passed on numerous occasions. On each occasion, the federal bill has been defeated, quite rightly, due to the inequities that it would introduce into the federal system. I suggest that those same inequities would be introduced into our system if we adopted the bill as proposed.

Mr Greg Stevens (who, as we all know, is a highly respected former deputy president of the Industrial Relations Commission of South Australia) considered the small business exclusion in his deliberations leading to his report and found the following:

> The review does not support the exclusion of businesses employing fewer than 15 employees from unfair dismissal provisions. It considers that as far as practicable all employees should have the same basic rights to access any aspect of the industrial law on the same footing, and that all employers should afford those employees the same basic right to fair treatment.

I know not only that that is a position adopted by people on this side of the house but also that it is embraced by those on the other side of the house. It is about being fair, it is about not discriminating and it is about making sure that those provisions with respect to industrial law apply to every category of employee equally and fairly.

As I said, I oppose this bill. I would argue that a far better option would be to educate small businesses and encourage sound employment practices as a way of reducing unfair dismissal applications, rather than to rely on an inequitable exemption process. That is also consistent with the findings of the Stevens Review, which provides the following recommendation:

> That information materials be produced and distributed to the wider community to assist in understanding of employee and employer rights in the area of unfair dismissal.

This government is about ensuring that there is fairness and equity in all aspects of the way in which people are treated and, certainly, employment law is one of those. To that end, I oppose the bill.

Mr RAU (Enfield): I also rise to oppose the bill. In doing so, I would like the deal with the background to it. It is undoubtedly the case that there are a number of smaller employers in South Australia and elsewhere who believe that the present form of this legislation is an impediment to their business. I emphasise the word 'believe' because, to some extent, they were misled by Mr Abbott, in particular, when he was the federal industrial relations minister, into believing that a catch-all remedy to any problems they are having with their business might be achieved by this type of legislative change. But, in fact, it is not that simple. I think it is worth while for the parliament to look at what section 105A presently provides. Of course, the bill that the member for

Davenport has introduced deals only with section 105A(1) and, in so doing, it repeats in its first part what is already the current wording in subsection (1), which is a reference to an indexed figure of $66 200. The member for Davenport is simply picking up what is already there—and that is fine and fair enough. The importance of that, of course, is that unfair dismissal provisions do not apply to people who are non-award employees earning more than that indexed figure. He then goes on to provide for a particular type of exemption for individuals who are employed in a business that has fewer than 15 employees.

I have given a bit of consideration to why it is that such a move might be made by the opposition, because I assume that the member for Davenport is doing this because he genuinely believes that this is a way of helping small business. So, I will approach it on the basis that it is a genuine attempt to help small business.

I have asked myself what is the problem that small business confronts with this law that larger businesses do not? The answer I get to that question is that small businesses are probably less organised than are larger businesses, are probably more likely to have family or amateur management staff, are probably less likely to have legal advisers on board and are probably less in a position to retain legal advice or pay for it. As I understand the argument, because these people have fears about these laws being applied, they will be reluctant to employ people and therefore a removal of the zone of up to 15 employees being an exemption is of benefit to small businesses in that they will employ more people.

If we look at the present legislation, there are already a number of different mechanisms by which not just small business but any business can protect itself from unmeritorious claims made by people under the act. Section 105(2) states:

> The regulations may exclude from the operation of this part or specified provisions of this part employees serving a period of probation or a qualifying period, providing the period is determined in advance and is reasonable having regard to the nature and circumstances of the employment.

That has been interpreted as meaning in most cases that a probationary period will be up to three months. So, the case is already that a small business has up to three months within which to have a person on a probationary period and, if they are found to be unsatisfactory during that three-month period, they can be terminated without penalty or fear of litigation. Taking that provision in isolation, the only thing the member for Davenport will do for those small businesses is to run it out from three months to 12 months, so basically he is adding nine months to those people.

My rhetorical question to him is: is it really likely that a lot of people are not identified as being unsatisfactory within the first three months but are found to be unsatisfactory during the remaining nine? My answer to that rhetorical question is that it will happen but it will not happen a lot. More often than not if a person is unsatisfactory they will be identified in the first three months and therefore, to the extent that there is a problem there, a lot of it is already solvable through the mechanism of the probationary period.

Subsection (2)(b) provides for casual employment as being a basis for exemption. It says here that 'an employee engaged on a casual basis for a short period, except where the employee has been engaged by the employer on a regular and systematic basis extending for a period of at least nine months.' In that case the small or big business can employ someone as a casual, can have them turning up to work every day, working regular systematic hours, and up to nine months that person may be terminated without triggering the provisions of the act as it is. My question again rhetorically to the member for Davenport is: if your small employer decides to engage someone initially as a casual, you are already given up to nine months, during which you can terminate them without penalty. Here we have the effect of his bill simply being to extend it by three months.

I ask again the rhetorical question: if you have not worked out in the first three months that you have a problem with this employee, and you have not worked it out in the next six months, how likely is it that in the last three months of that 12 month period you will find out that you have a problem with this employee? The answer is that there will be cases, but they will be very rare indeed. At the moment these small businesses, like everybody else, have nine months under the existing law within which to take themselves out of the scope of the legislation.

Finally, we have employees who are engaged for a fixed period. At the end of that period the period expires and they are not able to bring an unfair dismissal application because the period is not renewed. You then have the option, for example, of a small business taking on somebody as a casual employee for a maximum of 12 months. Up to three months they are completely covered by the act because they run a probationary period and they are a casual. Up to nine months they are not on a probationary period but they are a casual and can be terminated and, if their initial contract is for 12 months, at the end of 12 months their contract ends anyway. Unless that contract is extended, the individual does not get any more employment and does not have a remedy under the legislation as it stands presently.

Whilst I understand and take quite seriously the bill being put forward by the member for Davenport, as I think he is genuinely trying to do something for small business, as it stands presently it already offers opportunities for all businesses to deal with the sorts of problems that lie at the root of this. There is absolutely no need for the legislation to be amended in order to provide another layer of so-called protection for small business.

To summarise, the problem this bill is seeking to remedy is already a problem for which the present legislation provides a remedy. It provides a remedy for up to three, nine and 12 months, but businesses need to be a bit forward thinking in the way they deal with these problems. Secondly, the present legislation has the great advantage of not distinguishing between employees of a big or small business—everybody has the some entitlements, opportunity and remedies, whether they work for Holden's or whether it is the mum and dad fish and chip shop down the corner. Everyone has the same rights and entitlements. A useful thing would be for the opposition to review whether or not this bill is necessary, because the law as it stands presently and if applied sensibly will solve their problems.

Mr MEIER secured the adjournment of the debate.

MOTOR VEHICLES (EMERGENCY CONTACT DETAILS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 440.)

Mrs REDMOND (Heysen): I rise in support of the proposition. It is an excellent idea to allow us to put a little

more information on our motor vehicle licences. In the community there are some conspiracy theorists who will see it as a huge invasion of privacy, but as a parent with young adults out driving, often late at night—never under the influence of alcohol or drugs—I would be much happier if I felt that, in the event of an accident, their parental home could be easily identified and I could be contacted.

I support the view expressed by the member for Davenport that it would be appropriate for us to have on our licences not just information as to who can be contacted but also our blood type. I understand that was the original intention of the motion, but it has now been decided that it will be just emergency contact details, for reasons that I do not quite understand. Given all the other information that people in our society are required to provide, to put this little bit of information on a driving licence seems to me to be eminently sensible. Of course, the contact details would be those nominated by a person at the time they acquired their licence. Presumably, if they wanted to change those contact details a process would be put in place to accommodate that. It is really just commonsense that we support a proposal to enable that information to appear on the driver's licence. I support the bill.

Dr McFETRIDGE (Morphett): I support this bill. I saw a bumper sticker on a car the other day that said 'Don't take your organs to heaven: heaven knows we need them here.' On my driver's licence I have the okay for my bits and pieces to be used for organ donation. The thing with organ donation is that the ability to use organs depends on their rapid acquisition. I would like to think that, if I were in an accident where I was killed or there was no hope of my survival, my loved ones would be contacted as soon as possible if there was any doubt about what was going to happen with my spare parts. Having the emergency information on the back of the driver's licence is a fairly commonsense way of doing that. I would be quite happy to have my blood type on the back of my driver's licence—A positive. I always try to be positive, and I think that this is a very positive move. If I can have my ugly mug shot on the front side, I cannot see why I cannot have my emergency contacts, those who do love me, on the reverse side. I support the bill.

Mr SCALZI (Hartley): I support this very sensible provision. As the member for Heysen said, it makes sense, provided that the facilities are in place to ensure the accommodation of the changes in the emergency numbers. I think it makes a lot of sense. The more we know about an individual in case of an accident, the better we can make arrangements not only, as the member for Morphett has said, for matters in regard to organ donation but also for the loved ones of that person to be contacted. At the end of the day that necessity is very important to a family, so this is a very sensible measure and I support the member for Davenport for bringing it to the attention of this house.

Mr HANNA (Mitchell): I support the bill. I note that it provides an option for people to have a contact telephone number and name put on a licence. I realise that there is some cost involved in all this but, if it means that next of kin are advised sooner and with less trauma about casualties in road crashes, then I believe it is worth every cent. My understanding is that there are two possible systems that could be enhanced by this idea. I refer to the South Australia Police Incident Management System (known as PIMS), the central database that provides the justice portfolio—that is, courts, corrections and SAPOL—with a records system for offenders, victims, missing persons, prisoners etc.

In most cases, phone numbers and links to other people at recorded addresses already exist. People could be encouraged to register on this PIMS for the purpose of providing contact details, for instance. That is one option that could tie in with the details on the driver's licence. Secondly, I understand that Transport SA has a database for licensing and registration. This system could be enhanced by providing an option for clients to include phone numbers and contact details. I believe that privacy issues can be addressed. I believe that amendments to phone numbers can be addressed, admittedly at some cost. Above all, I think it is a good idea—and it is optional, after all.

The Hon. R.B. SUCH (Fisher): I think that this is well intentioned. There is no doubt that on the surface it has some appeal. The practicalities may be another matter. I understand that the reference to blood type is no longer being pursued. One issue is that the bureaucracy does not always get things right; I had a constituent recently who was informed that he was dead! He came into the office yesterday, and my personal assistant was able to pinch him on the arm to confirm to him that he was still alive. I am not trying to be flippant, but just make the point that bureaucracies do get things wrong. I appreciate that in this proposal there could be a significant cost. I am not sure which phone number would be included. Given that people switch companies and do all sorts of things with their mobile phones, I think there could be a significant administrative cost involved as well as other elements in terms of time etc. in recording and changing those details, particularly for young people. I have had the same phone number for a long time, but many young people seem to change phone companies as often as they change their underwear. I have had some discussions with the minister and I think the minister is prepared to look at this in detail over the break, although I am not sure whether that satisfies the member for Davenport.

One variation on this would be that the contact details could be recorded centrally and the police, ambulance etc., could access those as they do by way of their normal operating practices, so that if there was an accident the police could access that contact number without its actually being on the person's licence. I believe that is one variation on this theme but, as I said at the start, I think what the member for Davenport is proposing is well intentioned. It has some difficulties in terms of practical application, and I would appreciate an assurance from the minister that his people would look at this during the break to see what the practice is in other states and jurisdictions, and whether or not the use of the central database is an alternative. As I understand it, this measure could cost in excess of $1 million a year to operate. I am sympathetic to the intent of the bill but concerned about the practicality. If the minister can assure the house that he will look at this in detail over the break, I would be happy to see this matter adjourned.

Mrs GERAGHTY: I move:

That the debate be adjourned.

The house divided on the motion:

AYES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.

AYES (cont.)

Foley, K. O.	Geraghty, R. K. (teller)
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.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kerin, R. G.	Kotz, D. C.
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.	Brown, D. C.

Majority of 2 for the ayes.

Motion thus carried; debate adjourned.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO SUPPORTED ACCOMMODATION

Adjourned debate on motion of Mr Snelling:

That the 18th report of the committee, entitled 'Inquiry into Supported Accommodation', be noted.

(Continued from 26 November. Page 920.)

Mr SCALZI (Hartley): I support the Social Development Committee's call for funding to be provided immediately for all those in urgent need. I note that today is the International Day of People with a Disability. As we know, this event is celebrated every year on 3 December, a date which has a special significance for me because it is my mother's birthday and, today, she turns 90. I look forward to celebrating her birthday with her.

This year we have heard much of the critical problems in supported accommodation, especially for people with disabilities. The supported residential facility of Ellesmere Lodge in Kensington Gardens (which is in my electorate) was due to close on 26 November this year after 20 years of operation. The failure to secure government funding has combined with the property boom and increases in rent and other overheads to force this closure. The Auldana Rest and Retirement Home in Magill is another SRF that is struggling to stay open under the pressures that have been reported in this sector. Clients include not only the elderly but also younger people with intellectual disabilities or mental health issues.

At Ellesmere Lodge, as for many SRFs, the majority of clients are referred from the courts, Glenside and the Royal Adelaide Hospital, with many residents requiring full-time care and support, including monitoring medication, cooking, washing and housekeeping. In a significant number of cases, the accommodation is of a long-term nature, as residents are often people who have attempted private rental but who do not cope and are evicted.

The residents of supported residential facilities are among the most vulnerable individuals in our society. Clearly, more support is required to ensure that people with disabilities receive appropriate levels of care. A report into the financial viability of supported residential facilities lodged in April this year shows that SRFs receive, on average, just $27 a day to provide accommodation, three meals a day and support to residents. Last month an $11 million funding increase to centres for the elderly and disabled was announced by the government but, as we have heard from the shadow minister for health, the new scheme may mean that residents in supported care currently receiving between $6.80 and $12.50 per day will have their funding cut to a new standard rate of $5.65 per day.

A second and major aspect raised in the Social Development Committee report is the burden on family carers, many of whom have continued to struggle to care for their family members due to lack of appropriate permanent placements, and in this area, too, in my electorate, there have been cases, especially with ageing parents, where the strain of 24-hour care has brought the family to breaking point, and I am sure that is the case in many other electorates. In this year's state budget, there was no additional allocation of recurrent funding for permanent accommodation placements for the Intellectual Disability Services Council (which manages the accommodation waiting list), and so no placements are available for new clients other than through death or attrition of existing clients.

The burden may be accentuated by language and cultural barriers, with great unmet need for culturally sensitive care in many multicultural communities, resulting in inappropriate placement and/or treatment of individuals—for example, drug therapy for challenging behaviours which may be better addressed with ethnocentric care. Clearly, one of our top priorities should be to provide support infrastructure for such families. The Social Development Committee report highlights the importance of equitable access for people with disabilities to community services that can help them remain at home successfully for as long as possible, including home and community care programs. Growth funds were only agreed to after much delay by the state government, endangering large amounts of commonwealth funding.

If we are to continue deinstitutionalisation—and the committee found that compared with other states we are lagging behind—it is vital that we ensure that adequate infrastructure and levels of care and support are provided, otherwise we will see an increasing crisis in ageing families, inappropriate placement of individuals—for example, younger disabled people in nursing homes and retirement settings—overstretched public housing, neighbour disputes and fear, and an increasing burden on the criminal justice system. There is no question that the problem of inappropriate accommodation has come to our attention overnight; it is a longstanding problem and we must address it. I believe that the Social Development Committee's recommendations, if adopted by the government, will go a long way to addressing or at least coping with the increasing demand in this area.

The committee's report received considerable coverage in the media, and I refer to an article by Terry Plane in *The Australian* which states:

South Australia's disability services have been rendered 'inadequate' after a decade of neglect, placing an enormous burden on the relatives of the disabled, a parliamentary committee has found. In a report tabled in parliament, the Social Development Committee says that per capita spending on community residential

services for mental health patients was 'very low' at 0.3 per cent, compared with 6.7 per cent nationally.

'The committee recommends that adequate funding be immediately provided by community-based supported accommodation,' committee chairwoman Gail Gago told parliament yesterday.

As I said, I do not believe that this problem developed overnight, but this problem has been around for more than a decade and should have been addressed, because deinstitutionalisation commenced some 20 years ago, and so it has been neglected for a very long time.

Whilst I note that the problems did not occur overnight, I believe that this government has a responsibility to address these issues now that they have reached crisis point. It requires much more funding. This government came into office after an extensive election campaign with health and education as top priorities. As I have stated previously in this house, when one looks at the percentage of funds allocated out of the total budget to health, it is still less than the previous Liberal government allocated. That is also the case with education. I believe that the government has a responsibility, given that those areas were a priority and given a budget surplus and the increase in revenue that it has received from stamp duty as a result of the boom in the housing market and other areas, to put money into this urgent area, as well as ensure that all the funds available federally are put into this area so that the needs of the most vulnerable people can be addressed. Not to do so is to go back on their promise, and it would be a pity if these areas were not addressed. I commend the committee and the staff for their work in writing this report and for the recommendations, which the government clearly now has to address.

Mr SNELLING (Playford): In wrapping up this debate, I thank the member for Hartley for his contribution. From the evidence received by the committee, it is clear that mental health must be a priority for this state. The agonising stories the committee heard from families with severely disabled adult children were heartbreaking. I want to talk about deinstitutionalisation. It is an important recommendation of the committee that the government institute a plan to complete deinstitutionalisation, from recollection, within 10 to 15 years—

Mr Scalzi: Five to 10 years.

Mr SNELLING: It is five to 10 years; the member for Hartley corrects me. The committee certainly heard evidence that South Australia is lagging behind in the process of deinstitutionalisation. I certainly agree that small, community-based facilities are preferable for the care of disabled people than large institutions.

However, it must be recognised that care in this model is far more expensive than care in large institutions. If you break up the large institutions and have lots of small community-based facilities, you lose economies of scale and you have to employ more people. Generally, these small community-based facilities require a person there around the clock. It is much more expensive. Deinstitutionalisation cannot be done on the cheap. It is not a way of saving money. You do it because it is preferable to caring for people in large institutions. Indeed, in the transition process, as you move from an institutional-based model to community-based care, you have to put in even more money. You need hump funding—I cannot think of a better expression.

Mr Scalzi: Transitional funding.

Mr SNELLING: Thank you, member for Hartley. You need transitional funding to enable the process. Where that does not occur, if you try to embark on deinstitutionalisation without that transitional funding or in an attempt to save money, you get a complete mess, because you do not have enough places to care for those people who need care; you put strain on the families of people who need care; and you have people out in the community not receiving the attention they need and causing all sorts of problems. I think it is better not to enter the process of deinstitutionalisation at all rather than try to do it on the cheap. If you do it, do it properly. I say to the government: do not undertake this recommendation of the Social Development Committee if you think it can be done on the cheap, and only do it if it can be properly funded. We are better off having those large institutions rather than people not being properly cared for because we have tried to embark on deinstitutionalisation on the cheap.

My final point in relation to mental health and caring for those people who are unable to care for themselves is that the priority must be to assist those families who at present are at breaking point caring for an adult son or daughter. Those families are at breaking point and in desperate need of respite. That must be the priority. I think, indeed, that is a bigger priority than embarking on deinstitutionalisation—finding care and helping out those families who are in crisis. In conclusion, I thank the committee and members for their contributions to this debate.

Motion carried.

The SPEAKER: I commend the committee for what it has done in that regard. It has been a matter of particular interest and important research in my own electorate office for a long time. There are instances in my own electorate of parents in their late 70s caring for children in their late 40s and early 50s, and it has now become impossible for them to physically cope and there is no place for them to go. As soon as such smaller units—if that is the way we must go—are provided then the sooner we will be seen as a compassionate society. I share the view expressed by the Duke of Edinburgh at the time he was here in South Australia, indeed over 40 years ago, to open Strathmont Centre, that South Australia tends to be a place which gets it right when it comes to providing a compassionate and caring society. We all have to remember, though, that it has to be within the context of what is affordable. I commend the committee and the member for Playford for drawing attention to that imperative.

STANDING ORDERS SUSPENSION

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I move:

That standing orders be so far suspended so as to enable Private Members Business Bills/Committees/Regulations Order of the Day No. 7 be taken into consideration on the next day of sitting.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

TOBACCO PRODUCTS REGULATION (SMOKING IN THE CASINO AND GAMING VENUES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 923.)

Mr MEIER (Goyder): This has been a vexatious issue for some time. It is one that the government has decided to grapple with, and it has announced a timetable that takes us many years down the track. However, rather than going many years down the track, we have a bill before us now introduced by the member for Mitchell that seeks to bring a smoking ban into gaming rooms and the casino—with the exception of a designated smoking area—virtually within the next few months. I think all members need to look at the member for Mitchell's bill very seriously. I guess I take a slightly different attitude toward smoking—particularly passive smoking—than do many others, because I am an ex-smoker. If there is one thing that I wish had not happened to me in my life, it is that I had not started smoking. I was fairly young when I started, and I guess it was a devilish type of thing to do. Health warnings were not around back then, and my health certainly suffered as a result of smoking.

I will never forget that, when I was in my twenties on a packet a day, I suffered from upper respiratory tract infections at least once or twice or even three times every year. Finally, in my later twenties, I was off work for, I think, four days, and I was confined to bed for most of that time. I was literally an absolute wreck. It was after that that the doctor said to me, 'John, you really ought to consider giving up smoking.' Thankfully he said that, because it took me another few years to do it; on one occasion I was off for nine months and then I went back as heavy as ever. In recent years when I have had medical problems, the question my doctor and other doctors have mainly asked me is, 'John, were you ever a smoker?' When I say yes, they say 'Aha; right. I can see the repercussions of your smoking, and it is part of the cause of the particular ailment that you now have.'

I suppose I am lucky that I also sought to be as active as I could and do as much as physical exercise as I could, and that has probably helped me to some extent. I have certainly been slowed down, and people would not know some of the medical problems that I have, but they are caused, according to the medical experts, by my smoking.

I am totally opposed to smoking. I have no time for it at all. This bill here seeks to offer an immediate smoking ban in gaming areas. I say to critics, 'What problem is there in that?' It would take, as I think the member for Mitchell has pointed out, a few weeks, perhaps, to get some plastic signs made up, so they can be put in, which would say, 'Smoking banned.'

Personally, I would love to see smoking banned throughout the entertainment industry, or perhaps hotels, but I have had a few hotels and similar places in my electorate approach me to say, 'Please, John, as the local member, we do have some problems in creating an immediate smoking ban in front bars and even in some lounge bar areas.' I will acknowledge that I am prepared to wait some time for smoking bans to go into those areas. I will highlight a letter I received, and this is from the Cornwall Hotel in Moonta, that says:

> We are writing this letter in response to the proposed smoking bans. My husband and myself have recently purchased a small hotel in the town of Moonta (estimated population 3 000). As a young couple, starting out and attempting to set ourselves up for the future we were very concerned when we received a fax from the AHA on Friday outlining the proposed smoking bans.
>
> The introduction of such a proposal will have a profound negative effect on our business and our patrons. As a small country hotel, we rely heavily on our front bar trade. Of our regular patrons, approximately 75 per cent or more are smokers in the front bar. Of this 75 per cent many are older patrons who have chosen to smoke for many years and are not in a position to quit smoking. These patrons would be forced to either not attend the hotel at all or smoke on the local council footpath. We would like to provide all our patrons, smoking and non-smoking, with a comfortable environment.

The letter continues, but time will not permit me to go into full details, but they are certainly saying that a restriction would have a significant effect on their hotel. Their front bar is approximately 1.5 metres in depth, leaving little room for any designated non-smoking area. Therefore, they ask as follows:

> Please give consideration to the possible effect these bans will have on small business and state revenue.

I am happy to give consideration to the front bar. No question at all. I also have a letter here from the Marion Bay Tavern, and they write as follows:

> Dear Mr Meier,
>
> We are a small country tavern and rely on our local bar trade through winter and tourists in the holiday seasons. If government were to impose a total ban on smoking in licensed premises, this would be detrimental to our business and to our staff, whose jobs would be in jeopardy. We would expect to have a significant downturn in trade as a majority of our bar clientele are smokers. If a total ban on smokers was imposed, they would simply stop coming.
>
> We are very concerned that if limited smoking areas are not allowed smokers would be forced outside, creating significant consequences such as security and noise issues. This in turn creates issues for us on a local level. For example, our local police station is 150 kilometres away and manned by one policeman who is in charge of the whole bottom end of Yorke Peninsula, which would include at least eight hotels.
>
> We hope you will take into account our concerns and views relating to this matter.

I am happy to take those concerns into account, and in fact that is why I am happy to support this bill which simply prohibits smoking in all gaming areas. It is a simple solution. The member for Mitchell has put down various issues there, highlighting how it would work, and I agree with most of his arguments, namely that it would tackle two things. It would break the gambling cycle when people want to smoke as they watch the poker machine tick over. It would force them out of the gaming room in that case. At the same time it would also address the massive health problems that we face in this state. I think the figure was put at in excess of $1 billion per year with regard to what it is costing us in health care costs, because of problems with people who smoke tobacco or who have been exposed to the latent effects of tobacco smoking. It is a very simple, straightforward solution. Let us not wait three or four years. Let us take action straight away and ban smoking in gaming areas. I think it will be a great step forward in this state. I am happy to allow a logical and extended time frame with respect to banning smoking in bars and taverns. I urge support for this bill.

Ms THOMPSON (Reynell): I rise to oppose this bill. I see the government's announced plan of a gradual introduction of bans on smoking in all hospitality and entertainment areas as being a preferred course of action. The member for Mitchell, in introducing his bill, referred to the adverse health consequences of smoking. While there are a few people who still deny such adverse consequences, there are not many and, certainly, the scientific literature is overwhelmingly strong on the basis of the damaging effects of tobacco smoke. As the chair of the Smoke-free Hospitality Task Force, I have learnt much more about this issue than I ever knew. I have learnt that it is not just issues relating to lung cancer and heart disease that we need to be concerned about in terms of the consequences of smoking. Smoking affects a person's ability to effectively absorb calcium. It would be interesting for us to ascertain, of all those poor people who are waiting for hip

replacements, how many of them need a hip replacement because of their earlier smoking habit—not that I am suggesting in any way, sir, that this is a reason to deny or delay their hip replacements. What I am saying is that many people who smoke are unaware of the complexity of the adverse consequences that they experience.

We are also, of course, concerned about the impact on workers and other patrons, but particularly on workers, because they have so little choice in the matter. For many, it is a job working in a smoking area or no job at all. But because smoking is a legal activity and part of our culture—unfortunately—we need to be careful about how we make new regimes for its practice. My personal opinion is that smoking should be done in private between consenting adults—preferably outdoors; that it should not be an activity that affects anyone in any way. The evidence that the smoke-free task force heard indicated that, if you can smell tobacco, it has the potential to do you harm. Even walking down the street, when someone is puffing away in front of us at a traffic light we are exposed to tobacco smoke and potential damage. Many of the pro tobacco lobby argue that we are also exposed to vehicle emissions. We are working on reducing vehicle emissions. It is one of these consequences that we accept as part of the price of having the convenience and benefit of motor vehicles in our society. Another consequence that we accept is the considerable carnage on our roads. We do our best to reduce all harm from this benefit.

However, with tobacco smoking, there ain't no benefit! It apparently makes people feel good at the time, but it is the strongest drug of addiction that we have in common use, whether legal or illegal. It does more damage than the illegal drugs and alcohol. I am told that the only possible value of smoking is that, on occasions, it can soothe irritable bowel syndrome. However, there are many other approaches—complex as they are—in dealing with irritable bowel syndrome and, if someone wants to fix their bowel in private, that is where we normally attend to those matters.

The Hon. R.B. Such: That's smoking from the mouth, is it?

Ms THOMPSON: Smoking from the mouth can be helpful to irritable bowel syndrome. But so can slippery elm bark, sir, and that does not affect other people. There is no argument amongst most of us about the harm that is done by tobacco. I think there is no argument that gambling can also be harmful. But the issue with respect to this bill is that it expects that, if proprietors stick up a few notices and send people out of the gaming rooms, everything will be okay. It continues to allow smoking in front bars and in TAB areas. It is simply the gaming areas, from my reading of the bill, that are affected.

Whatever the extent of the bill (and I am happy for the member for Mitchell to enlighten me on this), the matter is not as simple as sticking up a notice. Experience in all other states has indicated that it is essential to have the cooperation of the industry and other stakeholders if a successful measure is to be introduced. I refer here to the fact that smoking is still a feature of our community, even though it is undertaken by only about 20 per cent of adults. Figures vary in relation to the number of people who smoke in front bars and gaming areas. Many hotel proprietors believe that it is almost 100 per cent, but the research suggests that it is about 30 per cent. It is still greater than 20 per cent. Some reasonably reliable figures suggest 60 per cent. So, it is a range.

As I said, what we have seen from the Victorian experience in particular is that, without a program for the introduction of smoking bans, damage can be done to the industry. People feel put upon and resentful, and there is no need to increase the number of people in our community who feel put upon and resentful. They feel that a habit that they believe involves the use of a legal product—and, therefore, they should be able to indulge in it freely—should be available to them in front bars. We know that this is not acceptable in the long run, and the South Australian government has announced the most progressive measure of any state in terms of a plan of action to deal with the issue of smoking in the hospitality area. We anticipate that this will have an impact on gaming revenue, because the types of matters that have been raised about the opportunities for breaks and so on for people who are engaged in a session of gaming seem to be true, on the basis of the Victorian experience.

Victoria has had a very unfortunate history in relation to the introduction of its measures. I was told during a visit to Victoria that, in some areas, it has resulted in worse situations for workers. We now find that smokers are concentrated in a particular area by a bar—and sometimes this is behind a bit of a glass screen—which has resulted in an incredible level of smoke in those areas, and workers have had nose bleeds, which they had not previously experienced. This is just one indication of the need to take a planned approach to this measure—an approach that involves the unions, the employers and the support of the health industry.

One of the measures that I think are important in relation to a planned introduction of smoking bans is to ensure that quit lines and so on are sufficiently equipped to deal with any increase in business that they experience at the time of further restrictions on smoking. There is no doubt that we hope that restrictions on smoking in certain areas will result in people deciding that they have to give up. That has been the history in relation to all other restrictions on smoking. Therefore, it is important that they be supported to give up smoking in a manner that enables them to succeed, and not once again to have to say that they have failed. I think we all know the old saying, 'It's easy to give up smoking: I've done it every day for 20 years.' We want people to give up smoking and succeed, and to do so they need support. We need a planned approach to changes in our laws in relation to smoking in hospitality venues. The government has announced such an approach. This measure would intrude on that planned approach and therefore I cannot support it.

Mr KOUTSANTONIS (West Torrens): It amazes me how society goes full circle. In the 1920s people argued the merits of prohibition; they argued the merits and evils of alcohol and how we should ban it. It was banned, organised crime flourished and people realised the error of prohibition and then legalised alcohol. There is no doubt that cigarette smoke is bad for you and harmful to others, but it is still a legal habit. Instead of our saying that you cannot smoke in the front bar of a pub or in a lounge room, let us just ban cigarettes. Let us not fiddle around the edges and say, 'You can smoke if you like, but you can't smoke here or there.' I have not seen any bill to ban cigarette smoking in cars where there are children inside the cars, but yet when adults over the age of 18 years choose to go into the front bar to smoke we are banning it.

Mr Snelling: It is prohibition by stealth.

Mr KOUTSANTONIS: It is prohibition by stealth. The government has made its decision. I will support the govern-

ment's phased ban of cigarette smoking in licensed areas and gaming rooms because I believe in solidarity and I will be out there with my comrades espousing the merits of prohibition, because the Labor Party is now a prohibitionist party. We believe in banning things now and do not believe in people having a right to choose. I applaud the Labor Party on its change, in moving away from being a pro-choice party and choosing prohibition.

Australia is the second leading country in terms of obesity in the world, next to the United States. Heart disease is the biggest killer of Australians by far—more so than cancer. I propose that the government ban butter, fat, coffee, saturated fats, alcohol, chocolate and anything else that makes you gain weight because, after all, it is harmful. We cannot have people getting overweight because it is harmful to others. We are not doing that, but we have decided to target one group in the community and say that these people have no rights.

Mrs Geraghty: They can still smoke.

Mr KOUTSANTONIS: I am hearing in the background that they can still smoke. Where can they smoke? Can they go out with friends to licensed premises, buy a beer and have a cigarette? No, they cannot. Where can they smoke? They can smoke in the gutter or on the footpath. They will probably ban it in public parks, so where can someone go to smoke?

Mrs Geraghty: Outside.

Mr KOUTSANTONIS: Outside where? Where can someone go with his friends and enjoy a cigarette?

Mr Rau: On the road.

Mr KOUTSANTONIS: In the gutter. That is where we will go from now on, because we are not welcome in pubs. I also suggest that the member for Mitchell ban alcohol in pubs, because why else would you go there? We only go there for counter meals and not for a beer. Why would you want to have a beer in a pub—you are better off under a tree. The member for Adelaide should come out and get rid of the alcohol ban in Victoria Square, so we can get our alcohol, our six pack, a packet of cigarettes and go to Victoria Square, enjoy a beer and a cigarette and then everyone could go to the pub for a counter meal.

Mr Snelling: And a form guide.

Mr KOUTSANTONIS: Yes, and a form guide, because you cannot bet and have a cigarette—that is un-Australian. Australians do not like smoking, drinking or betting. We are changing the very fabric and nature of our country by becoming prohibitionists. Catherine Helen Spence would be very happy with what we have done here today, as would the Christian Women's Temperance Union. They would be very happy with our prohibitionist ways.

I walked into the front bar of Royal Hotel the other day and I was accosted by my constituents saying, 'What is wrong with us having a cigarette?' I said, 'No, let's be fair—it's bad for you. You're a child and you can't make your own decisions.'

Mrs Geraghty: Oh rubbish!

Mr KOUTSANTONIS: The member for Torrens says that it is rubbish. This gentleman has been smoking for 30 years: who am I to tell him where he can and cannot smoke?

The SPEAKER: Order! Does the honourable member have a conflict of interest? Has he declared his interest in the matter?

Mr KOUTSANTONIS: Yes, sir, I have a conflict of interest. I admit, sir, I do. I believe that the great danger facing Australia is butter. Butter is much worse for you. Saturated fats are killers. They are eating away at our children. Then there is Coca-Cola and all sorts of confectionary drinks eating away at our children's teeth. What choice are children being given? None! Who is looking after the children, I ask the member for Torrens? Who looks after the children?

The member for Reynell talked about the danger to her bone structure from our nicotine and cigarette smoke. That is absolutely correct, but a greater danger is caffeine. Caffeine is one of the leading factors in the cause of osteoporosis and bone degradation in this country. I say to the member for Norwood, 'Let's close down every cafe on The Parade, because all these people are getting osteoporosis and having their legs amputated. Coffee leads to that as well.

The Hon. J.D. Lomax-Smith: No, it doesn't.

Mr KOUTSANTONIS: The member for Adelaide says that it does not—caffeine is good for you and for bone structure. The AMA must be wrong! I am being informed all the time by all these different experts. I am not sure who to believe! Who do I believe? The good people from Philip Morris tell me cigarette smoke is fine. Do I listen to the member for Torrens when she says that cigarette smoke is harmful? It is hard to tell. I do know one thing: prohibition does not work—it never has and it never will. I hear arguments about legalising prostitution because prohibition does not work and legalising cannabis and other illicit drugs because it does not work, yet these same people come into this chamber and tell us to prohibit the smoking of cigarettes. That is called hypocrisy! It is called hypocrisy because I can choose to go to a gaming room because I am an adult and choose to gamble because it is legal and I am not harming anyone else, but I cannot have a cigarette. The high and mighty want to lecture us about what we can and cannot do.

The Hon. W.A. Matthew interjecting:

Mr KOUTSANTONIS: Probably. I am passionate about a few things. I am passionate about the right to choose. I am passionate about a person's right to choose and I am disappointed that my colleagues do not support me in giving people the right to choose. It is their bodies: who are we to intervene in what they can and cannot do with their own body. I am glad the Labor Party has moved to a prohibition stance—I think it is encouraging.

Mrs GERAGHTY secured the adjournment of the debate.

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

NATIONAL PARKS AND WILDLIFE (INNAMINCKA REGIONAL RESERVE) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

VICTIMS OF CRIME (CRIMINAL INJURIES COMPENSATION REGULATIONS) AMENDMENT BILL

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

No. 1. Page 7, lines 2 and 3 (clause 3)—Delete 'the Crown Solicitor has given prior agreement' and substitute:

(i) the Crown Solicitor has given prior agreement; or

(ii) the court is satisfied that the report of more than one expert in the specialty is necessary to provide the court

with the evidence required for the determination of the matter;

No. 2. Page 7, lines 4 to 13 (clause 3)—Delete paragraph (c).

No. 3. Page 7, after line 39 (clause 3)—Insert:

(iii) the court is satisfied that the additional report is necessary to provide the court with the evidence required for the determination of the matter.

NATURAL RESOURCES COMMITTEE

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That Mr Caica, Ms Ciccarello, Ms Maywald and Mr Williams be appointed to the committee and that a message be sent to the Legislative Council transmitting the foregoing resolution.

Motion carried.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE AMENDMENT BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to amend the Consent to Medical Treatment and Palliative Care Act 1995. Read a first time.

The Hon. L. STEVENS: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Consent to Medical Treatment and Palliative Care Act 1995 to remove the forms prescribed by schedules 1 and 2 from the act and prescribe them by regulation. Schedule 1 of the act prescribes the form of a medical power of attorney and of the certificate witnessing the signing of the medical power of attorney. Schedule 2 of the act prescribes the form of a direction about the medical treatment a person wants or does not want if, in the future, he or she is in the terminal phase of a terminal illness or in a persistent vegetative state and is incapable of making decisions about medical treatment. It also prescribes the form of the certificate witnessing the signing of the direction.

Some families have expressed concern that they face difficulties bringing together all medical agents in one place at one time in the presence of an appropriate witness to sign a form appointing medical agents. The forms are not being widely used, due in part to the restrictions they place on individuals trying to complete them. Currently, the forms cannot be altered without an act of parliament. This has caused delay in amending the forms and consumers have had to cope with a difficult and inefficient resource for some years. This bill will allow for easier alteration of the forms, whilst not altering the intent, to make it easier for individuals to appoint medical agents and give directions about medical treatment. It will also enable the forms to be more comprehensively and efficiently packaged by being attached to explanatory notes, thus maximising their consumer useability. The bill promotes self determination regarding health care and contributes to meeting individual and family needs. I commend the bill to the house, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

Clauses 1 to 3 are formal.

Part 2—Amendment of Consent to Medical Treatment and Palliative Care Act 1995

4—Amendment of section 4—Interpretation

This clause updates the definition of ***dentist*** and is consequential on the commencement of the *Dental Practice Act 2001* in June this year.

5—Amendment of section 7—Anticipatory grant or refusal of consent to medical treatment

Section 7 enables a person 18 years or older and of sound mind to give a direction about the medical treatment the person wants or does not want if, in the future, he or she is in the terminal phase of a terminal illness, or in a persistent vegetative state, and is incapable of making decisions about medical treatment.

The form of the direction, and of the certificate witnessing the signing of the direction, are set out in Schedule 2 of the Act.

This clause provides for the forms to be prescribed by regulation.

6—Amendment of section 8—Appointment of agent to consent to medical treatment

Section 8 enables a person 18 years or older and of sound mind to appoint, under a medical power of attorney, an agent empowered to make decisions about medical treatment on behalf of the person.

The form of the medical power of attorney, and of the certificate witnessing the signing of the medical power of attorney, are set out in Schedule 1 of the Act.

This clause provides for the forms to be prescribed by regulation.

7—Repeal of Schedules 1 and 2

The repeal of Schedules 1 and 2 is consequential on clauses 5 and 6.

The Hon. I.F. EVANS secured the adjournment of the debate.

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

Amendments Nos 1 to 9:

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

That the Legislative Council's amendments nos. 1 to 9 be disagreed to.

Motion carried.

Amendments Nos 10 to 12:

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

That the Legislative Council's amendments nos. 10 to 12 be disagreed to and that the following alternative amendments be made in lieu thereof:

Clause 5, page 5 (new section 39B(1)), lines 22 to 25—Delete these lines and substitute:

(1) The Governor may make a regulation declaring a particular project to be an authorised project.

Clause 5, page 5 (new section 39B(2)), line 26—Delete 'proclamation' and substitute ' regulation'.

Clause 5, page 5 (new section 39B(3)), lines 34 and 35—Delete these lines and substitute:

(3) A regulation must be made containing a project outline for the Port River Expressway Project.

Clause 5, page 5 (new section 39B(4), line 37—Delete 'proclamation' and substitute 'regulation'.

Clause 5 (new section 39B), page 6, after line 8—Insert:

(7) The Governor is not required to have the recommendation of the Commissioner for the making of a regulation under this section.

Mrs REDMOND: I notify the house that I am asked to fill in for the shadow minister for transport on this occasion. We support the minister's proposal. I think it will achieve what we were hoping to achieve, that is, to make sure that the particular projects, most especially at the moment the Port River Expressway project, will become an authorised project by regulation. That will mean that the regulation brings it back to the house for consideration, and we will be satisfied with that.

The Hon. M.J. WRIGHT: I would like to thank the opposition for their support and acknowledge the contributions made in the Legislative Council, particularly by the Hon. Sandra Kanck and the Hon. Nick Xenophon, but it is also important that we acknowledge the discussions that were taking place today with the Hon. Andrew Evans. I would like to acknowledge his support of what the government proposed to him and ultimately to other players, and put on record my appreciation to the Hon. Malcolm Buckby, who is unable to be here today, and to the opposition.

As has been said previously, what we are proposing with this bill is the Port River Expressway, but also the importance of being able to do rail projects and create the opportunity for powers to be provided for rail projects similar to the powers that operate under the Highways Act for road projects. This would seem an eminently sensible thing for the parliament to do. I think both parties acknowledge the importance of rail, and we should acknowledge the Hon. Diana Laidlaw for setting up the Rail Transport Facilitation Fund, which was a very good piece of work by the previous parliament. We really need to be proactive with regard to rail. We need to be able to go out there and explore projects.

It is important for a whole range of reasons (not the least of which is freight) to look at the possibility, where appropriate, of getting heavy vehicles off the road, and a whole range of different areas and issues (including environmental issues, etc.), and the list goes on and on.

Obviously everyone is in agreement regarding the importance of the Port River Expressway, and I wish that project all the best. What we have come up with is a good, sensible compromise, and dealing with the rail component by regulation seems to me to be a sensible compromise. I very much appreciate the support provided during the course of the day by the Hon. Andrew Evans, and the strong contribution made in the Legislative Council yesterday by the Hon. Sandra Kanck and also the Hon. Nick Xenophon. As I said earlier, it is also important to signify the support provided later in the afternoon by the Hon. Malcolm Buckby on behalf of the opposition. The government appreciates that and would like that to be acknowledged.

Motion carried.

Amendments Nos 13 to 20:

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

That the Legislative Council amendments nos 13 to 20 be disagreed to.

Motion carried.

NATURAL RESOURCES MANAGEMENT BILL

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

Leave granted.

The Hon. J.D. HILL: It is with a great deal of satisfaction that I am releasing today the Natural Resources Management Bill 2003. The integration of natural resources management in South Australia has been discussed for several years and was a key election commitment for the government. This draft bill has been developed with extensive consultation over the past 18 months. Natural resources do not occur in isolation from each other—water and land form the basis of every ecosystem and the health of ecosystems is inextricably linked to the management of those resources. Complementary management of natural resources is the only way to ensure ecological sustainability. Ecological sustainability is the key to safeguarding the productive capacity of our land and water resources.

As such, ecological sustainability is also the key to safeguarding the communities that rely on productive capacity—that means all South Australians, our society and our economy. An integrated approach to natural resources management is therefore vital to achieving sustainable development. The Natural Resources Management Bill 2003 sets out the institutional arrangements we need to deliver a strategic and integrated approach to natural resources management. This new legislation will create a transparent, consultative, robust and effective structure to manage and protect the environmental, economic and social values of the state's natural resources. These acts have generally worked well and the regulatory tools from these acts are incorporated into the bill with only a few amendments to update them, but without changing these well-debated and tested regulatory frameworks. However, the separate institutional arrangements in these acts have required considerable resources from both government and the community and have not always achieved integrated outcomes on the ground.

The bill sets out new integrating arrangements, including an overarching Natural Resources Management Council and eight regional NRM boards with the capacity to form sub-regional NRM groups. These arrangements will replace existing boards and committees operating under the three source acts, as well as the integrated natural resources management groups currently contributing to administered processes that deliver the commonwealth-state program such as the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality. The bill establishes a hierarchy of natural resources management plans—the state NRM plan and regional NRM plans incorporating water allocation plans. These plans allow for the appropriate level of input and management at a regional and local level, while ensuring consistency of regional policy and plans with statewide policy. Regional plans will incorporate existing appropriate plans and policies and will maintain links with the development planning system. Work on stormwater management is continuing and, once a policy position has been finalised, adjustments may be made to this legislation in consultation with the Local Government Association.

The bill provides for regional NRM boards to identify funding needs and sources in their regional plans, including state and commonwealth funds provided through the programs such as the Natural Heritage Trust. It also provides for a single natural resources management levy to replace the contributions currently made by most landowners, either directly or through their local government rates, under existing funding arrangements in the Water Resources Act and the Animal and Plant Control Act. The levy may include components based on both land ownership and ownership of water licences. Preparation of the bill commenced in mid 2002. By November that year, the government had released a comprehensive discussion paper outlining the needs for the reforms and seeking feedback from stakeholders. A full community engagement process followed the release of the paper, and a draft NRM bill was released for consultation in July 2003.

Consultation on the draft bill resulted in more than 150 written submissions. These were in addition to the valuable input received during stakeholder workshops and public meetings, which more than 600 people attended throughout the eight proposed regions. The consultation draft bill has been amended and improved as a result of comments received

and accepted. Most did not change the basic institutional model presented but contributed to the overall sense and accessibility of the legislation and filled in some gaps and details. Overall there has been strong community support, particularly in regional areas, for this reform. In fact, the goodwill and manifest commitment of all involved, as well as their willingness to compromise, has resulted in the bill now tabled. With this extensive community input, these reforms represent a significant step in the continuing process for better management of our natural resources.

I have decided to table this bill, rather than introduce it into parliament at this time, to provide the Local Government Association of South Australia with additional time to consult with its membership on the proposed levying arrangements. I intend to introduce the bill when parliament returns in February 2004, following the Local Government Association's consultation process. There are many people in the community who are keen to move towards implementing the bill, and working groups are forming in the regional communities to implement this process. Consequently, I have encouraged all members of parliament to use the summer break to consider the bill seriously before parliament resumes so that it may be debated in a timely way. The consultation on this bill has been so extensive that I hope members find the bill easy to support and put South Australia once more at the forefront of NRM policy in Australia.

ZERO WASTE SA BILL

In Committee.

Clause 2.

The Hon. I.F. EVANS: The bill was adjourned last week so that the minister could consult with the LGA about a range of matters. It may assist the committee if the minister updates the house on what those matters were and the resolution of those matters.

The Hon. J.D. HILL: I thank the honourable member for the opportunity to put it on the record. We have consulted further with the Local Government Association and we have agreed on one further amendment, which makes it plain that on an annual basis I (as minister) or subsequent ministers will review the percentage of the landfill levy going into Zero Waste. I think it has been made plain that local government would prefer a larger quantum of the levy money going into Zero Waste. We have settled upon 50 per cent as the minimum, but we have undertaken with local government to review that on an annual basis. I made that point in my second reading speech, and, in order to make it absolutely plain, we are putting an element into the legislation that provides for that to happen automatically. We are reasonably settled and I have correspondence from John Legoe, President of the LGA, advising me that they support the legislation as it stands, with the addition of that amendment.

Clause passed.

Clause 3.

The Hon. I.F. EVANS: As I understand this clause, which is the interpretation clause, it defines waste as having the same definition or meaning as in the Environment Protection Act. In the Environment Protection Act 'waste' includes any solid, liquid or gas. One assumes that definition applies to this bill, so it includes all forms of liquid including water and all forms of solid including radioactive waste. I wonder whether it is the intention of the minister to include all matters in relation to water, all matters in relation to radioactive waste and all matters in relation to gas as part of this bill—which is clearly what is intended by the definition.

The Hon. J.D. HILL: The member is correct in that it does cover the field. The process through which Zero Waste will travel once the legislation is passed is to develop a framework and strategic approach to management of waste, with the goal of having zero waste in each of those categories. As we all understand, that is aspirational, but that is the direction in which they wish to head. In relation to radioactive waste, the EPA probably has stronger responsibilities for the management of that because of the nature of the waste. Of course, the EPA will maintain its regulatory responsibilities. Zero Waste will not take that away from them. The basic answer is yes, it will cover the field.

The Hon. I.F. EVANS: The way I understand this, through the interpretation section of the bill, is that there will be nothing stopping Zero Waste developing a waste strategy, as outlined later in the bill, in relation to any waste product covered by that definition. For instance, they could develop a waste strategy for sewage and then, I assume through the bill, compel SA Water and other entities that handle sewage to agree to comply with that management plan, as it is a waste product.

The Hon. J.D. HILL: The issue of compulsion is not really part of the responsibilities of this legislation. What Zero Waste will attempt to do over time, I would think, is develop a management plan or a strategic approach to manage all waste. They will work out priorities. What are the top things we need to be working on? But you are right: it could be that at some stage there will be a plan which relates to sewage. There are processes in place through Waterproofing Adelaide and SA Water, generally, that are looking at limiting or minimising the amount of waste created by sewage. There would be nothing to stop Zero Waste developing a plan in relation to that, as well.

The Hon. I.F. EVANS: I am not sure how broad this goes. I do not intend to hold the minister long tonight, because the bill is so broad in nature one can interpret it in a thousand different ways, and we will flesh it out between here and the other place over Christmas. It seems to me that the only people who are paying the levy that funds this organisation will be those who put waste into solid fill—into the waste depots. SA Water over the past has contributed enormous amounts of waste through sewage treatment works—and I accept that the last government and this government have done some work in reducing that—and will actually contribute nothing to the waste entity, even though the waste entity has the capacity to deal with waste water. The mining industry, for instance, will produce a waste product, but will contribute nothing to the waste strategy. We are really finding that this particular entity, which has the power to deal with any waste produced in the state from any industry, business or manufacturing process at all, will be funded only by those industries that use the waste depots. I am not sure whether the minister thinks that is fair and reasonable, but it seems to me that is the power, at least, and the scope of this bill. It may be the intention of the minister and the government is not to spread its wings that wide, but the reality is that is the power (as I read it) that is given to it in this bill. Given that, what consultation has occurred with the manufacturing and mining industries, SA Water and other industries that possibly will be affected by this bill? Has the consultation been restricted only to those industries that use landfill and those entities that run waste depots, such as local government and other private operators?

The Hon. J.D. HILL: The honourable member has raised an interesting point. In large part it is a theoretical point but it is not unreasonable to raise it. It is true that the definition is very broad, but the focus of Zero Waste SA, as I understand it, is very much on waste that currently goes to landfill. It would be foolish and unwise to exclude other forms of waste from the definition, because in time and over time Zero Waste may wish to get into those fields, and it may be sensible and appropriate for it to do that. We want to develop a society which is based on sustainability principles. We do not want to have a society which is producing waste, whether in manufacturing, mining, water treatment or whatever. That will not be the primary focus of the agency once it is established by this legislation. The nature of the agency will be that it will have state authorities on it and state and local government officers on it. It will be focusing on the issues with which they have to deal. It is reasonable to have a broader definition. In relation to mining, I am not sure it will cover mining because section 7 of the Environment Protection Act excludes mining activity.

The Mining Act covers all those matters. There is an issue now, of course, with radioactive waste because of the legislation that the government put in early on in relation to the EPA. We now view the EPA as having powers over all the processes in uranium mining, including the waste that is held there, because when the EPA Act was revised recently the exclusion in relation to the Radiation Protection Act was removed. So, we think the EPA now has de facto powers over uranium mining, but it does not have powers over other mines. In any event, this is a body that will create policy, frameworks and strategies: it is not a body that has powers to force certain things to happen. It is a strategic process. It will use the resources that it gets through the waste levy to create change, and it will be done on a cooperative basis, primarily with local government. That is really the focus of the legislation.

The Hon. I.F. EVANS: I just want to flesh that out a little, minister, because I am not quite sure whether you and I are on the same wavelength in relation to a couple of those issues. You mention that you do not think that this applies to the Mining Act, but I cannot see anywhere in this act where it says that the Mining Act is exempt, or that mining—

The Hon. J.D. HILL: Section 7 in the EPA Act.

The Hon. I.F. EVANS: But this is not the EPA Act.

The Hon. J.D. HILL: No, but it refers to the waste as defined by the EPA Act and I would have thought, therefore, that since the EPA Act excludes mining it would—

The Hon. I.F. EVANS: Is that the advice from parliamentary counsel?

The Hon. J.D. HILL: Yes.

The Hon. I.F. EVANS: So, even though the EPA Act defines waste as solids, gases and liquids, because the EPA Act has an exemption of mining—not mining waste, but mining—the advice that parliamentary counsel are giving us is that this bill does not apply to any waste produced by the mining industry?

The Hon. J.D. HILL: The 'off the top of the head' advice is as I have just described, but we will have a closer look at it and if we have got that wrong in some way we will clarify it. However, the EPA Act does have an exclusion under section 7 for mining activities, and that has always been the case. In relation to uranium mines, we think that has now been covered because of amendments to the EPA Act which mean it now covers the Radiation Protection Act as well, but I am happy to get a clarification for the member in relation to that.

The Hon. I.F. EVANS: I would appreciate that, minister. The reason I have raised radiation waste, of course, is because you and I both know that there are low levels of radioactive waste that are currently tipped at council-owned waste depots, so one would assume that this particular body will look at that issue and form a policy on it. If it is not the intention for the act to cover mining waste or radioactive waste, then it may pay the government to clarify that with amendments in another place.

The minister made a comment in one of his answers that this will not be a body that can mandate a policy, if you like. I am just trying to flesh out this concept of how much power this body has. I am wondering whether it is possible under the bill for the waste strategy to stipulate that certain things must happen by certain times and in effect, therefore, achieve mandate outcomes that way. For instance, they may say that as from 2006 no more tyres can be dumped in landfill, or they may say that by 2010 no paper can be tipped into landfill. Therefore, by adopting those policies or that waste strategy, does that then actually mandate it on the community?

The Hon. J.D. HILL: Fundamentally, this is a policy-making body. This is about strategies and encouragement, resourcing and education, and all those sorts of things. The regulatory stuff—the time lines, what you can and cannot do—will really still be with the EPA. The EPA is the regulatory body and, through its EPP waste management process, it has the capacity to do those things. There will be a person from the EPA serving on Zero Waste, and there will be somebody—at the moment it is Ian Holmes—from Zero Waste who is on the EPA. So, there is cross-over between those two bodies—and I have done that deliberately—and they will work together. If Zero Waste said, 'Look, we've got a real problem with tyres going to landfill. We've done some research and we know that there are some alternatives for disposal of tyres. We recommend to the EPA that they develop an EPP that tyres will cease going to landfill by this stage and that other things happen,' that is the kind of process that would happen. They will do the policy work and set the general strategies, but it would have to be the EPA which set the regulatory framework.

Clause passed.

Clause 4.

The Hon. I.F. EVANS: I note with some interest that the minister requires the power to direct this body. Why would the minister want that power?

The Hon. J.D. HILL: This is set up differently, I guess, from the EPA. The EPA is a regulatory body; it has to make decisions about whether companies are doing things correctly or incorrectly and it has to make almost judicial findings about certain activities, and the government took the view that it should have a high level of independence. Zero Waste is really a policy-making body and for that reason I think it is appropriate that the government has power to direct. For example, I may choose to direct Zero Waste to develop a policy in relation to organic waste or toxic waste, or something that is of current importance to the government that needs to have something done about it, and I would have—

The Hon. I.F. EVANS: Government waste?

The Hon. J.D. HILL: Government waste, indeed. So on that basis, we want it set up that way. It is more independent than a unit within government, but it is not as independent as the EPA or the DPP or one of those kinds of organisations.

The Hon. I.F. EVANS: So, when the statutory body Zero Waste makes a policy and asks the EPA to develop an EPP on that policy, does the EPA have to follow the request of Zero Waste SA or does the EPA have a discretion?

The Hon. J.D. HILL: I understand that under section 28 of the EPA Act it would have a discretion, but I cannot envisage it. You are raising theoretical questions—which it is reasonable to do—but I would hope that these processes would work on a cooperative basis and that there would be joint understandings about the issues and needs, in the same way, I guess, as the EPA operates quite closely with other government and non-government agencies to develop mechanisms to achieve things. The EPA is an independent body, and I guess ultimately if it chose to go down that track that is what it would choose to do.

The Hon. I.F. EVANS: I just wanted to make sure, minister, that the capacity of you to direct Zero Waste did not then flow on to an automatic direction to the EPA, and therefore Zero Waste becomes a mechanism for you to be able to direct the EPA. I think your answer confirms my view that that does not provide that mechanism, that the EPA would then provide that independence.

I have seen some press releases out that say that the development of an independent statutory authority is a good thing. I will just make the observation to those who have made those comments that, of course, this body is not independent. This body is actually subjected to the direction of the minister, and therefore is not independent at all. It might be a stand alone statutory authority, not a sub-committee of the EPA, but this body will actually have less independence from government than the other model where it was a section 17 committee, from memory, under the EPA Act.

For those who think that this body is somehow independent, I think that they are really confusing independence with stand alone outside the EPA. If it was a structure under the EPA, then the government of the day could not direct it in relation to any issue, as the minister has confirmed by his previous answer. I read this particular bill in clause 4(4) as follows:

> Zero Waste SA is subject to the direction of the minister except in relation to the making of a recommendation or report to the minister.

So, the way I read that is that the minister can direct Zero Waste in any matter at all, except on a recommendation or report that might be coming back to the minister. I accept that local government was not that happy with the previous structure, where it was a committee under the EPA. There was, I think, to be fair, a difference in view from the then EPA board about how and where the money should be spent, compared to the local government representative. I think the local government representative might have resigned from that committee at one stage, as a show of concern, if you like, on behalf of the local government sector.

I accept that issue, but what we and the parliament need to understand is that we are taking away waste management from the EPA—or this section of waste management; they still have the chance to do an EPP of course—which was totally independent from government, and always has been. They are now bringing it under the direction of the minister, so a lot of people would interpret that as being far less independent than the structure under the previous model. I do not have a question for the minister on that. I do get the opportunity to speak for 15 minutes on various clauses and I just wanted to, for the sake of the house's records, make that point.

The Hon. J.D. HILL: It may not have been a question, but I still choose to respond. The intention of this legislation is to put organisation and strength and teeth and activity into waste management in this state. I do not believe that the former models that have been in place worked terribly well, and I think that is the view of many people involved in the waste industry. Local government and others in the waste industry applaud this model, because they think it does things that have been needed to be done for a long time. It sets up an organisation which has the right kind of people on it. It will be a partnership between state government and local government. The board as constructed at the moment has more people from local government on it than state government, or at least equal numbers, and there are a couple of others as well. It will be able to develop appropriate policy, not just for the state government, but for the general community, including local government and others.

The EPA is a regulatory body. The model this government has in mind for the EPA and for waste management is different from the model that was in place under the former government. What I wanted to do and what the government wanted to do was to make sure that the EPA was a regulatory body. I wanted to take out of the EPA the policy making functions and let it concentrate on regulation, on licensing, on pursuing those who have committed offences, or who may have been in breach of their licence conditions, really focus it on those kinds of activities and, appropriately, put the policy making functions elsewhere.

One option was for me to put that policy making function with the Department of Environment and Heritage. I chose not to do that, because I did not think it would give enough focus to it. I thought it would be better to set up a separate authority with a separate act, with separate responsibilities, with its own fund, a fund which is mandated which cannot be interfered with once this legislation gets through, and develop some strategic processes through cooperation and consultation with local government.

I think that is a better model. I can accept that others will think it is a lesser model. I do not believe it is going to be less independent than the current arrangements. I think it will be a stronger body and much more focused, which will be able to achieve good things for our state.

Clause 4 passed.

Clause 5.

The Hon. I.F. EVANS: Is it the intention that the primary objective of Zero Waste is to promote waste management practices that, as far as possible, eliminate waste or a consignment to landfill, and advance the development of resource recovery and recycling, and are based on the integrated strategy of the state—or is that meant to be 'or, or, or'? Is that meant to be 'and' or 'or'?

The Hon. J.D. HILL: Deliberately 'and'.

The Hon. I.F. EVANS: So it has to meet all three criteria, jointly? So, if someone comes to the board who has a concept about advancing the development of resource recovery and recycling, but does not deal with its consignment to landfill, for instance, does it somehow miss out?

The Hon. J.D. HILL: No. The board can have series of things which it is attempting to achieve. Not every project has to do all three things. But in its overall strategy, its overall expenditure, it will be trying to achieve those three things. There will be certain groups, I guess, that will do bits of it.

Clause 5 passed.

Clause 6.

The Hon. I.F. EVANS: Under 'The functions of Zero Waste SA are—' paragraph (iv) refers to:

market development for recovered resources and recycled material;

There is nothing stopping this particular body from giving private sector money to invest in private infrastructure?

The Hon. J.D. HILL: I understand this is very similar to what happens under the existing arrangements through the EPA body. From time to time it does grant money to various private organisations to do certain things. Certainly, that is part of the powers that it has.

The Hon. I.F. EVANS: What reporting mechanism is there to the parliament or the IDC committee, for instance, that deals with industry development matters? For instance, if the Treasurer is involved in the granting of moneys to private enterprise, he has to report over a certain threshold to the IDC committee. To whom does this body report if it wants to give $1 million, $2 million or $3 million over a period of years to a particular group?

The Hon. J.D. HILL: There is a series of processes in place. I think it is most improbable that there would be sums of the order that the member for Davenport suggests. I imagine that these would be relatively small grants if they were to be given. There is an annual report to the parliament, the board reports to me and, of course, we also have a representative from the Office of Economic Development on the committee.

Clause passed.

Clause 7 passed.

Clause 8.

The Hon. I.F. EVANS: The way I read clause 8, the minister appoints the chief executive, not the board. Is that correct?

The Hon. J.D. HILL: They are certainly appointed by the Governor. Part 3 states that the chief executive will be appointed by the Governor. What we did in the case of the Acting Chief Executive, I think, was to form a committee of the boards, although I am not entirely sure now. There is a steering committee in place. That committee went through a process and appointed the Acting Chief Executive, that appointment was recommended to me and, ultimately, I think it went to cabinet and to the Governor. I am not entirely sure of the process now, but I think that is the process we went through, and I imagine that a similar process would take place. The board would set up an interview panel and nominate a chief executive, which would then flow through to the Governor.

Clause passed.

Clause 9.

The Hon. I.F. EVANS: This clause relates to the board of this body. This clause in the bill is, I think, very vague with respect to the exact make-up of the board. Having debated the legislation tonight, if I went out and someone asked me what was the make-up of the board, all I could really tell them was that it would be somewhere between six and 10 members made up of whomever the minister thinks will be appointed—but who would know under what terms and conditions? I think it is unfortunate that the bill is not more prescriptive regarding the nature of the board. I believe that some groups are taking the minister on faith that they will be represented on the board. For all we know, the cabinet, which will ultimately make the recommendation to Her Excellency, may take a different view to the minister's. Who knows what combination of skills, from which backgrounds, representing which bodies, the board may end up with?

The minister is asking the parliament to take on face value the make-up of the board. We are told that the board will be appointed by the Governor on recommendation from the cabinet, as recommended by the minister; that there will be somewhere between six and 10 members; that the Local Government Association, at least, will be consulted (but that does not guarantee anything other than a chat); and that one board member must be a board member of the EPA. Then there are some skills that are required—for instance, skills in environmental sustainability, conservation protection, local government, waste management, regional affairs, economics and finance, advocacy, and so on—and, of course, one must be a man and one must be a woman.

The structure we are setting up here is that the statutory authority will be totally at the minister's whim, because, in effect, the minister will nominate the board and the minister will appoint the CEO, not the board. The CEO will then have to decide whether to be loyal to the minister or the board. If there is an issue where the board has a difference of opinion with the minister, the poor old CEO has to work out whether he or she is working for the board or the minister. My best guess is that he or she will back the minister. Then, of course, even if the board does take a different view to that of the minister, the minister can simply write to the board and make a direction.

What we are really doing here is setting up a minister's committee to run waste within the state. It is totally under the control of the minister and the government, in effect. Basically, as far as the board is concerned, we are told that the LGA will be consulted. With due respect to the LGA, of course it should be consulted, but there are other bodies out there that should also be consulted. For instance, I think that Business SA would have a view about waste management, but it does not even rate a mention in the bill. The poor old manufacturing sector—the engineers association of South Australia—would have a view about waste, but it does not rate a mention in the bill. I know that both KESAB and the EPA have issues with the building industry about site management.

Having been a builder before I entered politics, I know about litter and waste issues, but the building industry is not being consulted. The minister is restricting the consultation process essentially to the LGA. I have no problem with the LGA's being consulted—I think that is logical, because it obviously has a critical role in the handling of waste in the community—but it seems to me that a whole range of other associations and industry groups would have a view and might want to have a say about who should be on the board. Those people are simply left out of it. To me, that seems to be a nonsense.

We have definitions about who will be on the board with respect to a whole range of other bills that come before the house. The Farmers Federation, the Local Government Association, Business SA and the unions will all nominate one person, and one comes up with a broad mix. However, in this bill we find that the minister will appoint the CEO and the board, and the minister can give the authority any direction it wants, including directions about where it wants to spend the money. All the board has to do is put that direction in the annual report. You can give the direction before the election (and the annual report, of course, is not done until after the election), and the minister can, basically, influence the expenditure, for all sorts of reasons, and this

board can do absolutely nothing about the influence of the minister in that regard.

I do not say that that is the motive of this minister but, of course, this legislation will be in place until another government comes to power or another minister comes in down the track and they decide that they want to change it. What we are doing is giving the next minister those powers. Everyone has apparently signed off on this—or those who have been consulted have signed off on it. I hope we are clear about this: I think that members need to be aware (when they support this bill) that that is what we are doing. I guess the opposition just wants to place on the record its concerns about the lack of definition of the board in relation to who will be on it. We recognise that certain skills will be represented on it, but we are a little concerned about the total lack of definition about which groups, if any, will ever be represented on the board. We just hope that it does not become a mates club, as some of these boards sometimes do over time.

The Hon. J.D. HILL: That was interesting—especially the last comment. The intention of this measure is to set up a body which is able to deliver the policy outcomes which are required. Local government and state government are the major players when it comes to dealing with waste in South Australia, and it is important that they work closely together. This is the mechanism to achieve that outcome. Other mechanisms in the past have not worked, and we have had a shambles in place as a result. This is really trying to put some definition and strategy into waste management. This is not a representative body—with the exception of the EPA, which has been specified in this section. We thought it was important to have the EPA on there because it is a regulatory body, and there should be some connection between what Zero Waste is doing and what the EPA is doing.

We will consult with a range of people, as has already occurred in relation to this legislation. The Local Government Association has its name in this clause because it has prime responsibility for waste management, and it is important and appropriate that it be specified as one body that will be consulted with. But others will also be consulted with.

It is true that this is a policy-making body within government, and we are including other groups within that policy responsibility. It is a policy-making body and not a regulatory or judicial body. Any government that chooses to stack it with their mates and do all the kinds of things the member for Davenport is suggesting would be very foolish and ultimately would come unstuck. Local government would walk away from it and be critical of it, the waste industry would be critical of it and it would bring the whole system into disrepute. You cannot help the bad behaviour of future governments, but you can work on the basis of putting sensible provisions in place and enacting them in a cooperative and logical way, which is exactly what this government will do.

Clause passed.

Clause 10.

The Hon. I.F. EVANS: What remuneration is proposed to be paid to the six to 10 board members who will be on the board and what will the chair be paid?

The Hon. J.D. HILL: That amount will be determined by the Office of the Commissioner of Public Employment, as is normal in these circumstances. The OCPE does it in relation to the EPA board and all other boards of government, and it will be the same in this regard.

The Hon. I.F. EVANS: Is the minister telling the house that, when the cabinet submission went in and asked for the section on costings, no indication was given as to the range of board fees? In my time in cabinet—and I am sure in your time, Mr Chairman—every time you put in a cabinet submission you had to indicate cost to government, and I would have thought that the minister would at least know a range of what the board fees will be. I cannot believe the minister has gone to a cabinet submission not knowing what would be the cost to government.

The Hon. J.D. HILL: We anticipate that it will be lower than the EPA board fees. It will determined by the OCPE, but the budgetary impact was already established through the budget process when the landfill levy was increased. Resources will go into the committed fund, which will be more than sufficient to pay the fees of six to 10 people. Remember that several of those people will be government employees and will not receive a fee. I guess the local government members on the committee and one or two outside government will receive a fee, but we are not talking about a huge sum of money here.

Clause passed.

Clauses 11 and 12 passed.

New clause 12A.

The Hon. J.D. HILL: I move:

After clause 12 insert:

12A—Conflict of interest

(1) A member of the Board or a committee or subcommittee established by the Board who has a direct or indirect pecuniary or personal interest in a matter decided or under consideration by the Board or committee or subcommittee—

(a) must disclose the nature of the interest to the Board or committee or subcommittee; and

(b) must not take part in any deliberations or decisions of the Board or committee or subcommittee on the matter.

Maximum penalty: $5 000 or imprisonment for 1 year.

(2) It is a defence to a charge of an offence against subsection (1) to prove that the defendant was not, at the time of the alleged offence, aware of his or her interest in the matter.

(3) A disclosure under this section must be recorded in the minutes of the Board.

This clause relates to conflict of interest and was left out of the original bill because we were anticipating that more general legislation would be introduced that covered the field. That has not occurred at this stage, so it is appropriate that this conflict of interest provision be included. I know the Local Government Association was particularly keen that it be included in the legislation and the government is equally keen. I do not believe it is at all controversial.

The Hon. I.F. EVANS: Is it the same conflict of interest provision which is in the Local Government Act and which applies to counsellors and, if not, why not?

The Hon. J.D. HILL: I understand that this is a standard provision for government boards. The conflict of interest provision in the Local Government Act is a more elaborate provision. This is what happens normally for government boards.

The Hon. I.F. EVANS: So, this is the same conflict of interest provision in the EPA Act for the EPA Board?

The Hon. J.D. HILL: I understand so.

New clause inserted.

Clause 13 passed.

Clause 14.

The Hon. I.F. EVANS: Why is there no provision in this clause that deals with what is required to be reported in the annual report? Why is there no provision that makes the authority report on the increase or decrease in waste going to landfill?

The Hon. J.D. HILL: It will, as matter of course. This section specifies what it has to have in the bill as a matter of good policy, namely, the auditor's statement, any directions the minister might give and details of relationships between Zero Waste and the EPA. Subclause (d) is an assessment of the adequacy of the waste strategy and its implementation, which covers the question the member asked.

The Hon. I.F. EVANS: So, the statutory authority that develops the waste plan will independently judge the success of its own waste plan. The minister does not think it would be wiser to have someone else observing and reporting on the success of this body in relation to waste reduction, increasing recycling and the success of its waste strategies? It would be an interesting position for a statutory authority under the direction of a minister to report that its strategies are not working. Does the minister think it is appropriate that this body be the one that assesses the adequacy of its waste strategy? Against what benchmarks are we assessing? What will we report against with the level of recycling and waste reduction? Is there a set of benchmarks and, if there are, will they be placed in the regulations so that we can measure the success of this statutory authority?

The Hon. J.D. HILL: There are no benchmarks in place because we have not established the authority. That will be one of the things it will do: it will go through its business plan, strategies and so on. In relation to an independent assessment, clearly, the annual report cannot also contain an independent assessment—it is the annual report of the body itself and it will be responsible to report on what it has done over the preceding 12 months, but there are other processes in government that provide independent assessment of these processes, including the State of the Environment Report. The government is also committed to having an annual green print publication, which will describe the targets the government has set for itself over the coming year in relation to a whole range of environmental issues and report on how successful it has been in relation to them.

The Hon. I.F. EVANS: So, the minister's understanding of the matter is that the business plan will have the benchmarks in it and that it will be assessed every five years when the State of the Environment Report comes out, so we will not know for five years whether a different body thinks this is working. The State of the Environment Report I understand is produced by the EPA, so it will look at it once every five years and Green Print will be a departmental production. I do not know how neutral that will be in its assessment of the issue.

I raise the whole concept of how we will judge the success of this. My understanding is that the Victorian body was set up, and there has been an increase in waste going to landfill. Its justification for its success is that the amount going to landfill is increasing at a deceasing rate. So, it is not quite going to landfill at the same rate that it was before it started the statutory authority. One of our concerns as an opposition is the whole measurement process and assessment of the success of these programs. There seems to be very little in here, other than in its annual report where there has to be an assessment of the adequacy of waste strategy. There will be nothing at all stopping this body reporting: 'We have been successful, because the amount of waste going to landfill is now only increasing at 30 per cent a year, whereas before we were formed it was 35 per cent a year.' Our question is: who actually assesses whether that is a reasonable achievement and whether the strategies are working? Is there not a more proactive role for either the parliament's ERD Committee to have a look at that matter or, indeed, the EPA to keep a watching brief on that matter with regards to this assessment of waste strategy or the success of the waste strategy?

The Hon. J.D. HILL: This legislation is about establishing Zero Waste SA; it is not about establishing an environmental auditing process. I tried to explain to the member that we have put in place some mechanisms to achieve that. The EPA, through the State of the Environment report, does that every five years. We put in place something which will happen on an annual basis. The member refers to the ERD Committee of the parliament which is capable at any stage of looking at any of these issues if it chooses to do so, and I would hope that it would.

The Hon. I.P. LEWIS: I refer to subclause (3). What is the magic of 12 sitting days? That seems to be inordinately longer than most other statutory authorities or qangos in this state. Why has Zero Waste SA been given 12 sitting days of the parliament after 30 September within which the minister would table the report in the parliament? Is it believed that for some reason or other the report will gain strength and character such as an ageing wine, or is there some other need felt by those people who have proposed Zero Waste SA as a new quango to have 12 sitting days to get their act together?

The Hon. J.D. HILL: The reason for 12 days is based on the provision of the EPA Act. A lot of the modelling for this piece of legislation was based on what was in the EPA Act, and that had 12 days. There is no magic in it, other than to make it consistent with another piece of legislation.

The Hon. I.P. LEWIS: Did the minister believe, in reviewing it, that it was necessary for the EPA to be given that length of time within which to have the report held in the minister's keeping before being laid on the table of the house for examination by all members of parliament? In the minister's opinion, has there been a necessity to retain the 12 days, since other government agencies do not have that length of time, and it may then well be something well in excess of the month of October before the parliament gets the benefit of being able to scrutinise the report.

The Hon. J.D. HILL: As I said to the member, there is no magic to this. I would happily change it to a lesser number, if the member believes that should be done. I would happily change it to six days. At some stage in the next year so I would hope to review again the EPA Act, and we can have a look at the 12 days that are in that. I am not too sure, but I think the EPA has had 12 days for ten or 11 years or so since it was introduced. A tighter standard may well have been established since that time. If the member is happy, we will have a look at that between this and the other house, and I will happily change it to six days and bring it back here.

Clause passed.

Clause 15 passed.

Clause 16.

The Hon. J.D. HILL: I move:

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After subclause (3) insert:

(3a) The Minister must, at least annually, review the adequacy of the amount paid into the Fund under subsection (3)(a).

Subsection 3(a) sets the amount at 50 per cent of the levy as a minimum, but there is nothing to stop the government at some future stage increasing that. Of course, there is a budgetary implication if it were to do that. However, we have undertaken in good faith with the LGA to have a look at that on at least an annual basis.

The Hon. I.F. EVANS: This is an interesting little clause. We need to be clear what we are voting on with this amendment. What this amendment is all about is something I referred to earlier in regard to the Victorian statutory authority—which is Vic Recycle, or whatever it is called. The experience there is that the amount of waste going to landfill since the establishment of that statutory authority has increased, not decreased. In our model that the minister is proposing, this statutory authority, to look at waste that goes to landfill, will be funded by a levy on the waste that goes to the waste depots. So, that means that, if the South Australian experience follows the Victorian experience, more money will be coming in to the system, because more waste will be dumped, charged at the levy that the minister sets. That means that the amount of money that the statutory authority gets will be reviewed with a view to increasing the amount of money, because they have actually had more waste go to landfill. So, the whole aim of the bill is to try to reduce waste going to landfill. The very body that is meant to be reducing waste going landfill could be—might not be; there is a discretion there for the minister—rewarded for having an increase in waste going to landfill, and not being penalised for not producing a reduction in waste going to landfill.

This amendment provides that the minister must at least annually review the adequacy of the amount paid into the fund under the subsection. This will be a fight between the Treasurer and the statutory authority. The reason for that is that, if there is an increase in waste going to landfill, that means that there will be an increase of money to be dispersed, and the money will be dispersed under the bill 50 per cent to the statutory authority and 50 per cent to the government. If there is an increase in money raised, because there is more waste going to landfill—not less but more—then there is going to be a brawl between the Treasurer and the statutory authority has to who gets that extra money.

This clause provides that the minister must at least review it annually. That really means that the LGA, on behalf of its constituent members, has the right to put a case to the minister that the statutory authority should get any increase or their fair share of any increase in the levy revenues that occur, because the statutory authority has failed to decrease waste going to landfill but in fact has increased the amount of waste going to landfill.

All this amendment does is say that the minister must review. That is all it does: it gives the opportunity for the minister to review. But the minister, of course, already has the ability to appoint the board, to appoint the CEO and to give any direction to this statutory authority at all, including any direction on how it spends its money. From memory, about $6 million is proposed to go to this board to manage waste in South Australia. If the amount of tonnage that goes to landfill increases, then the $6 million would go up, and that is where the fight will occur, because the statutory authority will seek the extra amount. We all know that the LGA—and I do not criticise it in any way, shape or form—was lobbying for a higher amount than the 50 per cent, and the LGA has chosen to agree with the minister to accept 50 per cent.

I make the observation that the government does not control the numbers in this house and that if that agreement had not been reached there might have been an opportunity to test the will of the house in relation to the matter. It may well be that the members for Hammond, Mitchell, Chaffey and other Independent members may have chosen to distribute the money differently. But the LGA, as is its right, has negotiated with the government to confine itself to 50 per cent plus an annual review and chosen not to seek the testing of the house on that matter. So, the house is left with this: that the Waste Resources Fund will be split 50 per cent basically each way.

The minister will have a review every year. Personally, I think that if there is to be a review it should be done by the statutory authority itself by report to the Environment, Resources and Development Committee of the parliament or the Natural Resources Committee of the parliament. There should be some parliamentary oversight as to why they seek an extra cut of the cake, if you like. The parliamentary committee could then make a recommendation. That is the model that we have set up on the Emergency Services Levy and in relation to the water catchment boards, which handle a lot less than $6 million a year, but there is parliamentary oversight through a committee structure on the amount of that money, the business plan, how it is going to be spent and, indeed, any increase in the levy.

That is denied in this bill, and that is something that the minister might want to think about between here and the other place, because certainly the opposition will be thinking about it between here and the other place. The other matter that is not addressed in respect of this bill is that this government doubled the waste levies as from 1 July this year right across the state. That is the mechanism for funding this body to the tune of $6 million. The other $6 million that is raised goes to the government's EPA to run its programs that are supposedly to do with waste. I cannot see any clause in this bill that says what the EPA has to do with that money. The EPA is collecting money from land depot levies, but there is nothing in this bill that says that it cannot spend it on anything to do with anything else but waste. The EPA can spend it on anything it wants.

It does not have to spend it on waste-related issues at all, even though it is a waste collected levy. But the poor old statutory authority is stuck with whatever direction the minister gives it. There is a whole range of issues there. The other issue I wanted to raise was that, with the Emergency Services Levy and the Water Catchment Levy, if the government wants to increase those charges it goes to a parliamentary committee. If the water catchment boards want to increase the levy, it goes to the Economic and Finance Committee. There is public oversight of that matter. If the Emergency Services Levy is increased, it goes to the Economic and Finance Committee. There is parliamentary oversight of that committee.

But not this bill. With this bill they can increase the levies whenever they want. They have increased it by 100 per cent overnight by the administrative action of the minister and there is no parliamentary oversight of that matter. That should go. If we follow the principles of all the other levies there is no reason, to my way of thinking, at least, why that should not go to a parliamentary committee. They are some of the issues that the opposition will be looking at between the houses, and I bring them to the minister's attention.

The Hon. J.D. HILL: I think the honourable member misunderstands or perhaps is not clear about what the amendment is attempting to do. The legislation provides that the amount of the money going to the Waste Resources Fund will be 50 per cent of the levy that is collected. This is not about how much levy will be charged at the landfill site. It does not talk about the quantum that an individual will have to pay or what a company or council will have to pay: it is about what percentage of what is collected will go into this fund. What the bill does is set that at a minimum of 50 per

cent. What I and any future minister will be obliged to do, at least annually, is to review the percentage of the fund.

The honourable member hypothesised that this zero waste strategy may not work as well as one would like and that the amount of waste going to landfill will go up, and he was suggesting that that is a kind of boon to the government in some regard and that there should be other processes. If the amount of landfill goes up, then the amount of the levy collected will go up and half of that will come into this fund. But the opposite might happen. Over time, if it is successful—and I sincerely hope it is—the amount of landfill that is produced may reduce, and it may well be that the 50 per cent of a reduced amount of landfill is insufficient to do the work that is required under the strategies established under Zero Waste SA, and a government at that stage may choose to increase the quantum of the levy going into the Waste Resources Fund from 50 per cent to 55 or 60 per cent.

That will not affect the amount of levy that is being charged or collected: it just affects the way that it is being distributed. That is what this amendment is about: how the money that is collected is distributed. The member for Davenport compared this process with processes under the water catchment authorities and the Emergency Services Levy. I am not particularly familiar with the Emergency Services Levy structures, but I am very familiar with the Water Resource Levy structure, and the NRM Levy that was proposed in the legislation I tabled today is based on the Water Resources Act. That act really allows local authorities to determine year to year what the levy will be, and there is a whole series of processes that the catchment boards have to go through in order to justify that levy. We are not comparing apples with apples here: that is a different process altogether.

We are not talking here about setting the levy for the Waste Resources Fund or for material going to landfill each year at a different level. It has been set by government through the budget process, and I guess governments reserve the right to look at that from time to time. All this section deals with is what percentage of it goes to the Waste Resources Fund. If this legislation were to fail, the levy would still be in place and we would still have Zero Waste SA. It just would not have the checks and balances that this legislation provides and the open processes that it provides.

The Hon. I.P. LEWIS: I think what the minister did not understand from the contribution made by the member for Davenport was that the member for Davenport did not take each course in the meal one at a time but, rather, set out what he saw as being in the soup, then described his concerns about the main course and ended up pointing out that the sweets for the government ought not to be there; that it was already too fat. It had too much to eat in any case.

The minister saw it rather as a conglomeration, which resulted in the minister's failing to grasp the significance of the concerns expressed by the member for Davenport. This is the part of the bill which ought to be the subject of scrutiny and inquiry by all members, in that what it seeks to do is to raise revenue which can be squirreled away into hollow logs—off balance sheet, if you like—and brought out again at the end of every parliamentary term to speed up activity related to areas in which the government of the day—and I am not saying it is this government but any government of the day—believes it ought to be seen to be doing something more active during the last 12 months or so just prior to an election. It is the kind of thing which Neville Wran made an art form of during the term that he was premier in New South Wales. Because it is here in this form, my overall criticism of the legislation is that it does not have a sunset clause in it and every quango that exists, indeed especially new ones that we set out to create, in my judgment, ought to have a sunset clause in it that forces the parliament to again consider the legislation for the quango to continue after it has been in existence for a period.

In this case, I would suggest the appropriate time to review this legislation would be 2007, just about a year after the next election, and that if parliament does not restore the quango by bringing in a bill that further extends the life of the quango by another four years, then it ought simply to sink into the sunset and disappear off the statute books and be abolished. There is no other way in which parliament's scrutiny can be better assured than that. In this legislation, as the member for Davenport has properly pointed out, neither the funds collected—that is, the soup; how much they will be—nor the purposes for which the funds are applied on a year to year basis—which is the main course—is specified in this legislation. They can be squirreled away in a hollow log, and, if they are, then the purpose to which they are applied is not specified in this legislation.

It is a bit like tax on fuel. It becomes to the federal government general revenue. It was originally intended to ensure that we had a very good road system and other ancillary equipment to enable us to better manage traffic. Sure, the minister in this instance is quite sincere this evening in telling us all that the purposes to which the money will be applied year by year will be advancing the objects of this legislation, Zero Waste SA, but I would bet you that within 12 months the amount of money that is spent is managed a little differently. Some of it, of course, will go—at the direction of the Treasurer, where it has been deliberately decided not to spend it all—into an investment fund that the government controls, for whatever purpose that investment fund may be there. I will not go down the State Bank scenario, but that is not outside the realms of contemplation, if you get an irresponsible government some time in the future, that they could put the ruddy money into any scheme they liked.

It is not specified in this legislation other than when you get to the coffee and the profiteroles—and that is what it is for the government, the stimulus and the sweetness. Subclause (5) provides that 'Zero Waste SA may, with the approval of the Treasurer. . . '—the Treasurer has the power of veto here. If the Treasurer does not like the proposal, the Treasurer will suggest where it will go, and it will go into an investment 'in a manner approved by the Treasurer any of the money belonging to the fund that is not immediately required for the purposes of the fund', and of course the minister will determine the purposes for which the fund will apply had the money in it applied.

The Hon. I.F. Evans: The Treasurer will, too.

The Hon. I.P. LEWIS: Ultimately. Treasurers have a way of being able to twist ministers' arms, and in the past I have noticed, even before I came here and since I have been here, treasurers manipulate this institution in the same way. They tell the parliament what it can and cannot have, and they manipulate what the parliament will do quite inappropriately. In this case, we in all sincerity and in all good faith are trying to establish a specialist function which will minimise the amount of waste that is generated by our very existence as a population of about 1.5 million people. We are trying to do that by the establishment of this authority, this quango, yet we are severally and singularly stupid if we imagine that

generalist statements of what the effect of the legislation and the way in which the money collected under it is to be managed can be left to the discretion of executive government in this manner. I would not have tolerated it at any other time and I would have said exactly what I say this evening, and the record shows that any previous time I have spoken on similar quangos, indeed I tried to move to include in every quangos act a sunset clause.

I am saying that this clause is the clause where the rubber hits the road, where the 'fit hits the shan' and where the Treasurer gets his way, regardless of the parliament's intention, and unless we address it, then everything that the Labor Party said it stood for at the last election, as it applies to this legislation, goes out the window, because it is not open; it is not accountable. There will not be the opportunity for scrutiny, and the government itself will be able to do the very things which I have said it will do and to which the member for Davenport has drawn attention—and no question about the fact that the Liberal Party developed the skills of doing this kind of thing during the eight years in which it was in office every bit as well and as cleverly as the Labor Party had done before, whenever and wherever it suited the treasurer of the day and the agenda of the premier to do it.

I do not need to go there; I just need the minister to now understand that this clause and the absence of the provisions to which I have drawn attention needs radical redesign. The kitchen will not work this way round: there will be too many people spoiling the broth and the parliament and the public interest will get left out.

The Hon. J.D. HILL: I feel I must respond to those comments. I just do not accept the premise that the honourable member used as the basis for his argument. The fundamental point of this fund is to demonstrate clearly to the public, and particularly to the local government authority and local councils that will be collecting this and paying this extra levy, that the money will not be used by the government generally for its broad purposes; rather the money will be used exclusively to achieve the goals of Zero Waste, and this is one of the fundamental promises that the government made to local government, that is, we will not be raising the levy by 50 per cent to $10-odd a tonne in the city and $5 something in the country.

We will not be raising it and then using that money for consolidated revenue purposes. We made the commitment to them that we would put it into a specific fund which would be used only for the purposes for which it was being collected. That was a point of honour and a demonstration to them of our commitment to ensuring this money was not frittered away and used on some other basis. It was a big argument to get a waste resources fund out of Treasury. Treasury did not want a waste resources fund; they would be much more comfortable having the money going into consolidated revenue and then applying it year by year to the purposes of Zero Waste.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: Member for Mawson, if you want to say something sensible get up and say it in turn, but I am saying to you now that it was difficult to get a commitment out of Treasury to have this fund. They would much rather have had the money going into consolidated revenue and then applying it year by year to the purposes of the fund. If we had done that, and if one year we had not expended the full amount that had been collected, then the money would have disappeared from the fund and been applied to other purposes. By getting this fund, we managed to hold onto that money so we can ensure it is expended on waste to resource management issues. In the first year of this being established we probably will not spend all the money that is collected, but in the second, third and fourth years we will; and we will be able to spend that which we have collected in the first year. If we were to do it the way the honourable member suggests—or I understand him to suggest—this money would go into consolidated revenue and that would be unfair to local government and contrary to the promise I made to them.

In relation to subclause (5), which is about the investment of the money, the member emphasises the approval of the Treasurer. What that is really saying is that the fund cannot go out and put it on the share market or in some sort of money fund which has got a good interest rate. It has to operate correctly within the general provisions of Treasury guidelines. This is to make sure that it is done in a prudent, sensible way. There is no way the Treasurer can get his hands on this money.

The Hon. I.F. EVANS: I want to check something to ensure I understand this clause. A levy is paid at waste depots—about $10.10 per tonne in the metropolitan area and $5 in country regional areas—and it goes into a pool, and 50 per cent of that pool will go to the statutory authority. It is estimated that will give them about $6 million a year. That leaves another $6 million which will go to the EPA. Will the minister guarantee that the government will not reduce the general revenue provision to the EPA as a result of its receiving $6 million, or any amount more than $6 million, out of this levy? The way I read the bill is that there is no restriction on what the EPA does with its $6 million that is raised out of the levy, and there is nothing stopping the government saying to the EPA, 'Hey, you guys just got $7 million out of the levy, not $5 million or $6 million, so we will cut your allocation from general revenue by whatever the increase in the levy or, indeed, the total amount of the levy.' Will the minister guarantee that the EPA will not receive a cut because it is receiving amounts out of this levy? That is one of the points the member for Hammond was making; that is, there can be a general revenue impact out of this levy. The minister in his answer gave a clear indication that that was not possible.

The Hon. J.D. HILL: The fund to which I was referring is the fund established under this act. There is no equivalent fund in the EPA. In fact, half the levy goes into the fund and that is guaranteed: it cannot be interfered with once the legislation goes through. The other half, if you like, goes into consolidated revenue and gets delivered back to the EPA. That is the kind of arrangement that is made. It is not subject to the same sorts of limitations to which this fund is subject—and I have never made out that it was. The point about the amendment that I have made is that, if I were to increase the percentage of the collected money going into this fund, I would have to get it from somewhere. That could mean reducing the amount of money available to the EPA. Say $12 million in total is collected. Ten per cent is about 1.2 so that would mean I would have to transfer $1.2 million to Zero Waste; or Treasury would have to say, 'We will have to find that from another source.'

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: No, you fundamentally misunderstand. The arrangement in this amendment is for me to review the percentage of that which is collected.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Well, increasing the levy will not help the percentage. If I am going to increase it from 50 per

cent to 60 per cent, increasing the levy means more money will go to Zero Waste and I will have to find even more money from some other source. That will not help.

The Hon. I.F. EVANS: As I understand it, the reason you are moving this amendment is that you may want to vary the amount that goes to Zero Waste at some point. Now Zero Waste and the constituent members involved in the waste industry will come to you and say, 'Zero Waste needs more money.' The way I read it is that you have a number of choices: you can increase the percentage of the levy that goes to Zero Waste; you can make a direct general revenue allocation to Zero Waste out of the budget; or you can simply say, 'We will leave the percentage the same and, instead of having it at $10 a tonne, we will make it $15 a tonne.' That will achieve the same outcome of giving more money to the statutory authority rather than changing the levy percentage. That is the point I was making. You can increase the levy to achieve the same outcome as changing the percentage of the division of the levy.

The Hon. J.D. HILL: That is certainly true. The quantum of the levy could be increased, but that is not what the amendment is addressing. It is not addressing the quantum of the levy: it is addressing the proportions of the levy that go to Zero Waste. There is nothing to stop future governments reducing it. A future government might say, 'We will reduce it by half,' and that would have a similar impact. But that is not what this amendment is about.

The Hon. I.P. LEWIS: I draw attention again to my concerns. I am sure the minister understands that my remarks do not reflect on him or the Treasurer. My remarks refer to whomever it may be who, from time to time, holds the portfolio of treasurer and the portfolio of the minister. I have been through a period in this place in which I knew a former premier by the name of Olsen who said to me personally and in the party room of which I was a member on more than one occasion, 'If it doesn't say you can't, it must mean you can.' This clause does not say you can't, so it must bloody well mean you can. What it says is: 'the fund is to consist of the following money'. Paragraph (a) provides '50 per cent or such greater percentage', and so on, down to 'depots'. The word that is missing is 'and'. It means that even that which is covered by subclause (3)(a) is not exclusively set aside in the way in which the minister believes it to be. The word 'and' is not missing by accident: it is deliberately omitted. Subclause (3)(c) provides that the fund will consist of any money paid into the fund. Members should read it with the point I just made in mind: if it doesn't say you can't, it must mean you can. Subclause (3)(c) provides:

> any money paid into the fund at the direction or with the approval of the Treasurer.

Just leave the minister out, because it does not say 'both': it says 'or' with the approval of the minister or the Treasurer, and the Treasurer has more coercive power than any other minister in the cabinet, other than perhaps the Premier, who appoints the Treasurer. But if the Treasurer, responding to what the Treasury is telling him (and I have seen plenty of Treasury officers do this), is convinced that the Treasurer should do certain things, or if by their own determination the Treasurer and the Premier want to build up a war chest, they can do it. And whilst I am sure that the minister and the Treasurer of the moment are people who would not dream of doing that, future ministers and treasurers cannot be relied upon not to do so. For the benefit of the house, I have already been through an instance of where I have seen that happen.

So, I am disturbed by that, especially when I then read the way in which the funds can be disposed; that is, held or used as defined in (4) in accordance with the business plan or any other manner. It does not have to be in the business plan authorised by the minister for the purposes of this act. And we all know what the coercive power of the Treasurer is. The minister is not only minister for Zero Waste SA: the minister will be minister for many things, and will require from the Treasurer lots and lots of money for all those things that the minister has responsibility to undertake. So, if the minister is met by a Treasurer—whether briefed to do so or not by Treasury officers is beside the point—or whether either or both of them are motivated to create a hollow log for the benefit of ensuring that a war chest is available to be expended closer to an election, then they will devise any other manner and determine it to suit whatever the political agenda is that results in the establishment, again, of the unstable equilibrium between the minister and the Treasurer. And that is the moment in which the decision is made.

The hollow log, of course, is what I said it was on the last occasion on which I spoke on this clause: it is (5), that is, the way in which it is invested—where the funds go. Now, I am sure that they will not be stolen—that would be too much, because a criminal offence would be committed in that process—nor would they be fraudulently converted for any other purpose. No; they would be properly stashed away, but they could easily be stashed away in a fashion which is not readily identifiable by someone reading the books. They will be trotted out as and when needed later in the term of any such government any time in the future.

I say again that I believe that all quangos ought to have a sunset clause in them that provides that the outfit goes into the sunset and disappears off the statute books unless parliament consciously and deliberately passes a simple bill reinstating it. In the process of having to do so, parliament must consciously contemplate the fact that the damn thing exists, and examine whether or not it has been doing what it was intended to do at the time that it was set up, rather than just go on and on and on—as many such quangos did—chewing up as much or as little money as is necessary every year to report their affairs in an acceptable fashion to the parliament on an annual basis, if doing nothing else and, of course, employing so many or so few public servants—or quango servants—as are necessary to do those things which it continues to do. No; it is better that parliament must act through the provisions of a sunset clause to examine the existence of quangos, and require them to be given the breath of life again by the passage of a small bill enabling them.

I do not seek to castigate the minister, or take the time of the house, other than to ensure that the seriousness of the situation, as illustrated in this instance, and as arises in the general case requires me to do so. This is a new quango.

The Hon. J.D. HILL: I heard what the honourable member has had to say. The advice I have is that the provisions in here are relatively standard. They do not create the dangers about which he is concerned. But I do say to the member that I undertake between now and the other place to have a closer look at what he had to say and see if there are ways that we can tighten up the wording of this to better reflect the intention of the legislation. I will certainly look at building in some sort of review process in time.

Amendment carried; clause as amended passed.

Clause 17.

The Hon. I.F. EVANS: Can the minister please explain what the EPA's role is in development and approval of the waste strategy?

The Hon. J.D. HILL: If the member turns over the page, to part 2, the amendments of the Environment Protection Act says that the EPA will have to have regard to the strategies in the exercise of some of its powers. The EPA, of course, is automatically on the board of Zero Waste, so we are anticipating a high level of coordination, but this is really a policy process, rather than a regulatory process. It is not something that the EPA in a sense would approve or not approve, but they will be very much part of the development process, and we obviously want to make sure that the EPA and Zero Waste are not going in different directions. It is really trying to get good coordination between the two bodies.

The Hon. I.F. EVANS: But the EPA does not have to approve the waste strategy, does it?

The Hon. J.D. HILL: No.

The Hon. I.F. EVANS: The waste strategy has no power to regulate businesses to undertake certain actions?

The Hon. J.D. HILL: This is not a body that will have that kind of force, but if you look at part 2 again, on page 12, the EPA has to have regard to the waste strategy for the state adopted under the Zero Waste SA Act, in the exercise of certain of its powers. So, there will be an indirect kind of relationship between Zero Waste and the activities of the EPA.

The Hon. I.F. EVANS: So, the way this is going to work is that the statutory authority will develop a policy—the policy cannot stipulate any regulatory measure—and then the EPA, to implement that policy, will have a discretion as to whether to implement the policy. The EPA will then have to implement that policy by going through an EPP process which, to my knowledge, takes a couple of years.
Is that the process—have I got that right?

The Hon. J.D. HILL: Not quite. The EPP process, as the member says, is quite elaborate and time-consuming. I guess that, over time, the EPPs would reflect some of the approaches of Zero Waste. What part 2 does is indicate that the EPA has to have regard to the waste strategy under certain circumstances. It does not mean that it has to follow it, I guess, but I would assume that, in general terms, it would, because—

The Hon. I.F. EVANS: I can give you a good example of a body that hasn't.

The Hon. J.D. HILL: Independent authorities from time to time determine what they are going to do. What we are trying to do is achieve good cooperation between an independent regulatory authority that has to stand separate from government policy making processes on a day-to-day basis, but you want it to be mindful of what the government is trying to do through its general processes—through the Development Act, the Water Resources Act and also this act. I think that is just a logical way of trying to get coordination between those bodies.

The Hon. I.F. EVANS: So, it is possible for the minister to direct the statutory authority to adopt a certain policy to which the EPA has to have regard and, therefore, bring about a significant amount of influence on the operation of the EPA, which has been independent since the day it was created? The way in which this is now structured is that the minister can direct the statutory authority to adopt a policy to which the EPA must have regard.

The Hon. J.D. HILL: Let me give the member an example, perhaps, to clarify how it might work. Recently, the government, in concert with all other governments in Australia, agreed on a strategy to get rid of single use plastic bags from supermarket chains. That is now a policy of the government, and I guess it would be a policy in relation to which I could direct Zero Waste—and, indeed, Zero Waste has started to undertake some work in relation to plastic bags with local government, KESAB and Planet Ark. I suppose that at some stage we could turn that into a formal policy, and it would be sensible if the EPA took that into account when it went about its business. Whether or not it would have any huge impact on what the EPA did I cannot tell. It might say, in response to licensing a particular activity, that the government has a particular policy regarding plastic bags and that, when you are doing whatever you do, you ought to bear that in mind, or minimise the use of plastic bags, or something of that nature. That is the kind of relationship that I imagine would be developed between the two bodies.

The Hon. I.F. EVANS: I am not legally trained, and I just want confirmation from the minister, through his advisers, our friends in the Parliamentary Counsel's Office. Do the words 'have regard to' simply mean consider, and they still have a discretion? Is there a legal interpretation in the courts about the words 'have regard' which imply a higher level of duty to adopt the matter to which you are having regard? I just want to make it absolutely clear that the words 'have regard to' do not have a higher level of meaning other than 'must consider', and that they still have a discretion to reject.

The Hon. J.D. HILL: I think I have answered that before but, I having talked to counsel, the advice is that they have a discretion. They must have regard to it, but they do not have to accept it. They can do what they think is in the best interest, based on their own legislative power.

Clause passed.

Remaining clauses (18 to 20), schedule and title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I would like to thank members for their contributions to the debate. I think this is a significant piece of legislation, which I sincerely hope will lead to a reduction in waste that is produced and also waste that goes to landfill and, indeed, creates industries out of that waste. As we all know, waste is really just unused energy and, in fact, I think I have said before in this house that about a tonne of waste is produced each year by the average South Australian household. If you were to convert that waste into energy, you would have sufficient energy to power your house for three months. So, we basically chuck away about three months of energy. When you consider the price of power these days, that is a huge waste.

This is about trying to get best practice into the way in which we manage waste in our state. It will be done on a collaborative, cooperative basis, with very good relationships with the local government authority and individual councils and with industry and consumers. At this stage I sincerely thank the local government authority, with whom my officers and I have been in steady consultation and discussion now for some months. I think we have come up with a good set of relationships and a good set of arrangements that will do the state of South Australia a lot of good. I am certainly happy to look at some of the issues that were raised between here and the other place. Finally, I would like to thank the officer

who is helping me here today, Mr Vaughan Levitzke, and the two parliamentary counsel, John Eyre and Annette Lever.

Bill read a third time and passed.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 2 December. Page 1064.)

Amendments Nos 1 to 29:

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments Nos 1 to 29 be agreed to.

Motion carried.

Amendment No. 30:

The Hon. J.W. WEATHERILL: I move:

That amendment No. 30 be disagreed to.

Mr BROKENSHIRE: I give notice to the minister and the house that as shadow minister for gambling I support this amendment and ask that the minister reconsider.

The Hon. J.W. Weatherill: Who will come up with the $1.5 million—is that going to come out of your pocket?

Mr BROKENSHIRE: This is to do with FOI.

The Hon. J.W. Weatherill: Yes, I know, but you are holding up a budget measure.

The CHAIRMAN: Order! The member for Mawson has the call.

Mr BROKENSHIRE: There is no intention by the opposition to hold up a budget measure at all. This does not in any way hold up a budget measure—that is not correct. This is a simple amendment.

The Hon. J.W. Weatherill interjecting:

Mr BROKENSHIRE: As the minister will learn—and I learnt the hard way in this house when I was a minister—as a government when you come in with a bill it gives the parliament the right in a democratic way to put forward amendments that may involve other acts. I think a mistake was made when the Independent Gambling Authority was excluded from the general rights around freedom of information, that is, they had protection that there would be no FOI opportunities with respect to the Independent Gambling Authority. I respect the fact that where the Independent Gambling Authority minister is dealing with the specific case of a problem gambler, under the Privacy Act and under other conditions of clauses and requirements of the Freedom of Information Act, that person would be protected, and rightly so.

I say to this committee and to my colleagues opposite: why should not the parliament have the opportunity of FOI on the Independent Gambling Authority on matters of general interest affecting the lives and well-being of the South Australian community? The parliament should have a right to FOI certain documents submitted to the IGA when considering significant recommendations for the minister, the government and therefore the parliament on matters like the gaming freeze, on submissions put forward for that and on this nonsense of getting small businesses to be de facto FAYS workers when it comes to patrolling streets and car parks around their newsagency.

I would like the opportunity as a member of parliament, and if I am going to support the minister in a bipartisan way as much as I can (and I have a good record in supporting this minister in this parliament in respect of the gambling portfolio), to be able to see the background to this, so that we are better informed to debate the processes. This is not blocking a budget of $1.5 million for Treasury, but it is a simple amendment that brings this agency into line with all the other agencies on FOI. Are we to be open, honest and accountable as a government—rhetoric that we hear time and again—they talk the talk, but they don't walk the walk.

Here is an opportunity for the government to do that in the best interests of open, honest and accountable government and in the interests of allowing true democracy of the Westminster system to apply. Why should one agency have the right to be exempt from FOI when every other government agency of which I am aware is subject to FOI conditions?

The Hon. J.W. WEATHERILL: One needs to remind oneself of the purpose of the bill. It is a budget initiative that requires the TAB and casino to pay the administration and investigation costs of both the Liquor and Gambling Commissioner and the Independent Gambling Authority. It does not amend the FOI Act but a different act entirely. The honourable member seeks to have us believe that somehow in the past few weeks, when this amendment has been promoted, that was when the opposition decided that there was some important need to subject the Independent Gambling Authority to the FOI regime. Not only is this out of place in an act that has nothing to do with FOI, we have had an act before this very parliament and, if the opposition genuinely had the view that the Independent Gambling Authority should have its affairs supervised by the FOI Act, it had the opportunity to move the amendment then and did not.

This is an end of session attempt to delay and obstruct a government revenue measure to embarrass the government. It will have the opposite effect because, if the opposition insists on this proposition, by the time we are able to pass it in the next session we will have lost a further $300 000 in revenue and that will be visited on the opposition. To rebut some of the absurd arguments put about the Independent Gambling Authority and the fact that it somehow sits out there being treated differently from other agencies, a range of similar agencies are exempt from FOI in South Australia, including the Parole Board, the Ombudsman, the Auditor-General, the Police Complaints Authority and particular functions of the Motor Accident Commission, the Public Trustee, the Essential Services Commission, the SA Police and the courts. The authority is a quasi judicial body and performs a range of sensitive and commercially confidential functions. It also conducts private and personally sensitive processes with individuals who are problem gamblers.

In the Legislative Council the Hon. Nick Xenophon asked for some assurance that sensitive personal information, for example, on problem gamblers, held by the authority would not be disclosed under FOI. Mr Redford proceeded to read from an extract of the relevant schedule, being clause 6(1) in relation to exempt documents that deal with unreasonable disclosure of personal information. Leaving aside the fact that there may be many requests for that information and they will all have to be dealt with on a case by case basis and an analysis of what is reasonable or not made, there is an additional problem: Mr Redford failed to read out that clause 6(4) allows the release of any personal documents, sensitive or not, so an unreasonable disclosure of personal affairs is authorised after a period of 30 years from the date the document came into existence. We are seeking to broaden

that under the FOI legislation to extend it to 80 years, but that is resisted by members opposite in the upper house. That is the very thing that they say protects people from having information come out about their very sensitive personal affairs.

We should remember that we have another bill before the house that is seeking to clothe the Independent Gambling Authority with another jurisdiction to deal with early intervention or family protection orders. The whole gist of that process will be to require family members who have engaged in problem gambling conduct to come before the body. It will need to be handled in an extraordinarily sensitive way. People will need to make frank admissions about their life, and they will need to be encouraged in a supportive environment to go elsewhere and seek treatment. Indeed, the personal privacy of those people is on the line in this process. It is simply ridiculous to expect a body of this sort to be subject to that regime. The amendment will prevent people from seeking barring orders for fear of subsequent public identification, and this completely undermines the approach we are seeking to take.

I also note that the Legislative Council has shown its willingness to interfere with what is essentially a budget bill by inserting a completely unrelated amendment. This is not a conventional approach that ought to occur in this parliament. I want the opposition to explain to the people of South Australia why it is delaying what is essentially an almost $1.5 million revenue measure—revenue that could be applied to nurses, teachers or other worthy causes. Those are the things upon which our budget is being predicated. It does not have an entitlement to tack on what is a completely unrelated measure, a measure it could have agitated within the FOI debate but chose not to. It has chosen to raise it at the 11th hour in an attempt to obstruct and block the government's agenda. The opposition can insist on this approach, but it will rebound upon it.

Mr BROKENSHIRE: These will be my last remarks in favour of the amendment. I need to put a couple of things on the public record regarding what the minister has said. First, the minister challenges the right of the Legislative Council to deal with this amendment based on this being a budgetary bill. I have already said that we are not stopping there at $1.5 million at all. How come this amendment could be passed in the Legislative Council? It has been passed by an absolute majority of members in another house. That in itself shows that what the minister has just said is a nonsense. I get on well with the minister, but he has a job to do on behalf of the government, and I have one to do on behalf of the opposition.

Those people who will be barred will be publicly known by all the hotels in South Australia as an order will be placed on them when the IGA is notified. That is already happening under the voluntary barring code that I set up when I was minister. Photographs and names of those people are supplied, and it is the responsibility of the manager of a gaming venue to ensure that those people are not gambling in that venue. So, plenty of people will know, anyway. However, under the Privacy Act and provisions of the FOI Act, I was advised that those sensitive matters would be excluded in any case.

Here we have the minister saying that he needs the $1.5 million for nurses and hospitals. Those families we are out there trying to protect—that small percentage of families that have enormous strains put on them because they have a problem gambler—are not getting a buck—not $1—out of this $1.5 million. The public needs to understand that this $1.5 million that is being raised is going into general revenue to fuel further the war chest of the Labor government for the next election. If this government was serious about social inclusion and what the minister just said about the importance of this $1.5 million, it would not be a cop-out for the industry to now be required to subsidise and pay for matters around the Independent Gambling Authority, because the government is already paying that with taxpayers' money. This money would be going to the churches who are providing the hampers and assistance to these needy people, because of the government's addiction to gambling. The biggest gambling addict I am aware of in this state is the Rann Labor government. It is hooked on gambling. You only have to pick up its own budget papers to see that.

It disappoints me that I am being told in here by the minister on behalf of the Labor government that that $1.5 million would be held back from hospitals and schools, because that money is going into general revenue. That money should be dedicated to those people who have a gambling problem. On behalf of the members who have debated this amendment I firmly believe that there is nothing untoward in ensuring that the Independent Gambling Authority comes under FOI requirements.

Mr HANNA: I was surprised at the minister's attack on the Legislative Council. I remember his being such a champion of the Legislative Council. Indeed, he was largely responsible for the killing off the long held Labor policy to abolish that chamber. If the minister is saying that there will be invasions of privacy, and so on, as a result of this amendment of the Legislative Council being upheld, is the answer not in part 2 of schedule 1 of the Freedom of Information Act, under the heading 'Documents affecting personal affairs?' Of course, there is there a general exemption for documents which concern the personal affairs of any person. Does it not mean that if the disclosure of personal details such as in a conference about a problem gambler were requested, they would be refused without that person's consent?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I move:

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

Motion carried.

The Hon. J.W. WEATHERILL: There are two answers to the questions raised by the member for Mitchell. This was the point that was raised by the Hon. Angus Redford in the other place. There are three difficulties with that proposition. One is that this is an extraordinarily sensitive area of human endeavour. It is not inconceivable that a range of FOI applications could be sought by aggrieved people for a range of motivations. There is also the whole question of a very small agency having to grapple with that question, so there would be a resource issue. The second is that it still requires an assessment of reasonableness. So, it is not a complete protection against the personal privacy of a person.

We have an FOI Act that has a presumption in favour of disclosure. One could imagine arguments that could be advanced about what things are reasonably capable of falling within the exemption of personal affairs. The third and I think probably the most cogent of the arguments is that the current FOI Act only protects personal information from even unreasonable disclosure for 30 years. After that, it is open slather, so there is no blanket protection for people who hand

over their personal information. It is, first, subject to a process and the vagaries as to what reasonableness means and, secondly, it is limited to only 30 years. Personal information is one thing: there is also a whole range of other information that people may hand over that may not fit within that category but may be regarded as confidential.

The way in which the Independent Gambling Authority has been trying to go about its work is to engage in a serious dialogue between the concern sector and the gambling providers. That has been an extraordinarily time-consuming and difficult process. In the course of that, both sides have made some fairly serious concessions from what may otherwise be their best position or the position that their constituencies, for instance, may require or expect them to take. It has been a process of the concern sector engaging in a dialogue with gambling providers and gambling providers who have commercial interests to protect going as far as they can in making representations and admissions about what they know about their own premises and their own financial affairs. That has been an extraordinarily frank exchange in this process, and we are about to see the fruits of that, because very soon we will be promulgating the codes.

We will be presented with the codes by the Independent Gambling Authority. It is the most significant set of harm minimisation measures that have ever been placed in relation to gambling in this state; an incredibly important set of measures. We will see the first fruits of that process. It has been a collaborative process between the gambling providers and, as I say, the concern or welfare sector. We all know who some particular users of this FOI legislation are. We also know certain grievances that have been agitated between those people and the Independent Gambling Authority. There is every reason to think that the Independent Gambling Authority fits within the same category of agencies that are exempt as the ones that I referred to earlier, that is, the Parole Board, the Ombudsman, the Auditor-General and the Police Complaints Authority.

They are very similar bodies and we believe, for the reasons that were advanced by those opposite when they set up the legislation, that it ought to be exempt. The other point that is crucial to remember in this is that, if they are genuine about this and this is not an eleventh hour attempt to jerk us around, it can be agitated in another way. The FOI legislation is one opportunity and, indeed, it can be dealt with on motion in another way. But the FOI legislation is not even in question in this bill and, indeed, the lion's share of the regulatory costs that are sought to be recovered are being recovered from the Liquor and Gambling Commission, not the Independent Gambling Authority.

The committee divided on the motion:

AYES (21)

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

NOES (19)

Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	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.	Matthew, W. A.
Maywald, K.A.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Rann, M. D.	Kotz, D. C.
White, P. L.	Buckby, M. R.
Conlon, P. F.	Scalzi, G.

Majority of 2 for the ayes.

Motion thus carried.

The CHAIRMAN: As a consequence of that disagreement, we need to revisit amendment No. 1 because that amendment incorporates the name of an act which is now no longer relevant to the schedule of amendments before the committee.

Amendment No. 1:

The Hon. J.W. WEATHERILL: I move:

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

Motion carried.

SURVEY (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's message.

(Continued from 13 November. Page 830.)

The Hon. J.W. WEATHERILL: I move:

That the House of Assembly do not insist on its amendment.

To explain to the member opposite, this means that we are now in accord. I will perhaps add some remarks about why we are doing that. On advice from Peter Kentish, Surveyor General, he submits that past experience suggests that the risk of an appeal to the Land and Valuation Court is low. In his view, he does not recommend that the government press its opposition to the proposition contended for by the opposition. Therefore, we find ourselves now in agreement with the opposition.

The CHAIRMAN: For clarification, as I understand it, by default this means that compensation could be payable under the circumstances debated.

The Hon. J.W. WEATHERILL: Yes, perhaps I should clarify that that now means that an order for compensation could be made in the circumstances that were debated.

The CHAIRMAN: Just for clarification, in effect, this is what the member for Newland moved originally—it may have been the member for Heysen—to create the situation that was originally proposed by the opposition in this house. In other words, we now have agreement.

The Hon. J.W. WEATHERILL: That is right; we now have agreement.

Motion carried.

At 10.20 p.m. the house adjourned until Thursday 4 December at 10.30 a.m.